

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 6, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 6th day of April 2007.

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

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

Commissioner Lopez offered a motion to approve real property tax for Lester and Evelyn R. Hanshew, Paul and Margueritte Boyd, Rex Allen Crouse, Kenneth R. and Patsy A. Horrocks. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tax for Derrick Ramsey, Matt Claypool, Jonathan Wilson, and Jessica Sowder and Jetta A. Mahood. Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender offered a motion to approve and sign TRIDENT Grant Application to the West Virginia Division of Criminal Justice Services. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Just For Kids Grant Application to the West Virginia Division of Criminal Justice Services. Commissioner Wender seconded. Unanimous.

Ms. Holly told the Commissioners she feels the Commission should pay Election Systems and Software (ES&S) invoices.

Commissioner Lopez offered a motion to pay the invoices of the Election Systems and Software (ES&S). Commissioner Wender seconded. Unanimous.

Discussion was held regarding the Regional jail Expenses.

Commissioner Wender offered a motion that the Commission will keep the billing rates effective June 1, 2006 through the current rate at \$45.00 a day understanding that the Commission has not paid the Regional Jail bill since June 2006, the credit that the Commission is entitled to through some date in September 2006. From September 2006 the Commission will pay bills based on the \$45.00 per diem.

Commission Lopez seconded. Unanimous.

The Commissioners approved to write checks for part of September 2006 through the current rate at \$45.00.

Commissioner Wender asked if the Commission should write a letter to the Regional jail to give an explanation? Carl Harris, Prosecuting Attorney told the Commissioners they did not need to write a letter.

Commissioner Wender offered a motion to continue to pay the Regional Jail bills based on the \$45.00 per diem. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commission they need to join with NaCo and take another look at discounts based on pharmacy's giving a discount Prescription Card for citizens of the County. Commissioner Wender informed the Commissioners that nothing happened in 2006-2007 legislative sessions.

Commissioner Wender suggested setting a meeting to discuss and invite Wood Pharmacy, Main Street Pharmacy, Zimm's Pharmacy, NaCo representative and Tim McCormick from Ohio County to attend.

Commissioner Wender informed that this is not a benefit to anyone with insurance, only if you don't have insurance.

Commissioner Wender asked Ms. Holly to set up for April 17th if possible. Commissioner Wender asked Ms. Holly to contact the three pharmacies, NaCo Representative and Tim McCormick.

Earl Pauley, Park Superintendent appeared before the Commission to inform them that a couple of years ago the Town of Fayetteville had given them an excavator. The machine has never been used.

Mr. Pauley told the Commissioners the Town is asking that this equipment be moved.

Ms. Holly asked Mr. Pauley if he had an estimate on what the cost of the maintenance would be on the equipment. Mr. Pauley replied no.

Commissioner Wender offered a motion to authorize Earl Pauley to move the County excavator to the Fayette County Park. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked to put Earl Pauley on the agenda for April 27th to discuss shooting range and Equitable Gas.

Ms. Holly informed the Commissioners they had advertised to receive bids for Mobile Radio.

Ms. Holly told the Commissioners she received only one (1) bid and it was from Motorola, amount \$43,466.40.

Commissioner Wender offered a motion to approve the bid from Motorola contingent the Sheriff, David Neal, E911 Coordinator, Steve

Cruikshank, OES Director approves. Commissioner Lopez seconded.

Unanimous.

David Neal, E911 Coordinator and Kevin White, Telecommunications Specialist appeared before the Commission to give an update on the mapping/addressing project.

Mr. Neal told the Commissioners he received the first initial 10% disbursement of funds for the work plan that the County has submitted for the completion of the E911 addressing work, amount \$6,464.24.

Mr. Neal asked that this be deposited back into the 911 Fund account.

Kevin White told the Commissioners they are working on Phase 2- started on the postal conversion for Alloy, boomer, Charlton Heights. Mr. White told the Commissioners this would be completed within a month or a month in a half.

Sheriff Laird presented a Resolution to the Commissioners informing they have been notified of the possible receipt of a grant award from the West Virginia Department of Transportation, Division of Motor Vehicles, that will provide for the allocation of up to \$23,750 for the purchase of five (5) digital in-car cameras for use by the Fayette County Sheriff Department.

Sheriff Laird told the Commissioners that no local match is required.

Commissioner Lopez offered a motion to authorize Commissioner Kenneth Eskew, President to act on behalf of the Fayette County Commission in the making of the application for funding support made available through the West Virginia Department of Transportation,

Division of Motor Vehicles and to execute any and all documents that may be required for the proper submission of this application and agreement. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion for the Sheriff to purchase cruisers from the Fiscal Year 2007-2008 budget. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Commission goes into an Executive Session with Steve Cruikshank, OES Director to discuss personnel matter. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew reconvened the Commission meeting at 11:23 a.m.

Commissioner Eskew informed the purpose of the Executive Session was to discuss Mr. Cruikshank's request to hire Theresa White as a full-time Hazard litigation Officer effective April 1, 2007.

Commissioner Wender offered a motion to hire Theresa White as a full-time Hazard Mitigation Officer effective April 1, 2007, she will be continued as an employee for the next fiscal year, salary \$8.50 an hour, \$17,680 a year with benefits. Commissioner Lopez seconded. Unanimous.

Attorney Phil Tissue appeared before the Commission with Petition to re-open the Estate of Francis White and Symantha Taylor.

Attorney Tissue told the Commissioners that the Estate of Francis White final settlement was filed on July 21, 2004.

Attorney Tissue told the Commissioners that after the closing of the Estate, the Executrix received information that the decedent was entitled to reimbursement in an undetermined amount from the Bureau of

Workers' Compensation and in order to collect she would need a letter of administration indicating that she was the Executrix of said Estate.

Attorney Tissue told the Commissioners the policy of the County Clerk is to require a new estate administratrix. Attorney Tissue informed the Commissioners that the Petitioner would have to provide a letter of administration indicating that she is the Executrix of the Estate to the Bureau of Workers' Compensation.

Attorney Tissue is asking the Commission for an order requiring the County Clerk to re-open the estate of Francis White for the sole and only purpose of issuing a letter of administration, indicating that Nicole Granlund is the Executrix of said Estate.

Commissioner Wender offered a motion to request that the County Clerk draft a letter of administration on behalf of Nicole Granlund indicating that she is the Executive. Commissioner Lopez seconded. Unanimous.

Attorney Tissue told the Commissioners that the Estate of Symantha Taylor final settlement was filed on August 8, 2001.

Attorney Tissue told the Commissioners that after the closing of the Estate, the Executor received information that his wife was the sole owner of a retirement fund with the Kroger Company, and his name was not listed on said account, and that he would not withdraw the funds without a letter of administration, indicating that he was the Executor of the estate.

Attorney Tissue told the Commissioners the policy of the County Clerk is to require a new estate administration. Attorney Tissue

informed the Commissioners that the Petitioner would have to provide a letter of administration indicating that he is the Executor of the Estate to the Kroger Company.

Attorney Tissue is asking the Commission for an order requiring the County Clerk to re-open the estate of Symantha Taylor for the sole and only purpose of issuing a letter of administration, indicating that Glen R. Taylor is the Executor of said Estate.

Commissioner Wender offered a motion to request that the County Clerk draft a letter of administration on behalf of Glen R. Taylor indicating that he is the Executor. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented a drawdown request for the Fayette County Commission-Page-Kincaid Public Service District Ingram Branch Wastewater Project #04SCBG0057, amount \$10,409.61.

Commissioner Lopez offered a motion to approve drawdown request contingent upon Page-Kincaid Public Service District approving invoices. Commissioner Wender seconded. Unanimous.

Leon Spencer appeared before the Commission to inform the Commission that he and his wife Effie Spencer received Recognition for their donation of the historical map of West Virginia.

Commissioner Lopez offered a motion that Velma Newman be appointed a member of the Armstrong Public Service District. Commissioner Wender seconded. Unanimous. Order and appointment to serve letter signed.

Commissioner Wender offered a motion that the Fayette County Commission would agree before hand to be the grantees for those monies

designated for the Armstrong Public Service District. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Sales Tax Report for the first quarter (Jan. Feb. Mar.) for the Fayette County Park, amount \$155.35.

Ms. Holly informed the Commissioners that there is an overdraft in the Dog Tax Fund and asked the Commission if they would sign an order transferring \$4,200.00 from the Fayette County General Fund to the Dog Tax Fund.

Commissioner Wender offered a motion that \$4,200.00 be transferred from the Fayette County General Fund to the Dog Tax Fund to correct the overdraft. Commissioner Lopez seconded. Unanimous.

The Commissioners signed an Order to transfer funds to the Fayette County Dog Tax Fund (\$4,200.00) from the Fayette County General Fund.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$7,045.45.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT Grant, amount \$1,239.50.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing that HUD has declared April as "Fair Housing" month and enclosing a "Proclamation" to be adopted by the Fayette County Commission at their next meeting.

Commissioner Lopez offered a motion that the Fayette County Commission proclaims April 2007 as "Fair Housing Month." Commissioner

Wender seconded. Unanimous.

The Commissioners received and reviewed a letter and enclosures from the West Virginia Development Office encouraging the Commission to plan and implement appropriate activities in commemoration of fair housing during the month of April.

The Commissioners signed a letter of support of the plan by the Southern Appalachian Labor School plans to develop a low-income housing project as part of a YouthBuild project.

The Commissioners signed a letter of support regarding Southern Appalachian Labor School Home Rehabilitation Program.

The Commissioners signed a letter of support of the proposal for Housing Counseling Assistance submitted by Southern Appalachian Labor School.

The Commissioners signed a letter to David Jarroll, Executive Director Nicholas County Community Action Partnership, Inc. regarding the closure of the weatherization warehouse in Fayette County.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that the Homeland Security Subgrant to the Fayette County Commission is delinquent for submitting January and February 2007 monthly reports.

The commissioners signed a letter to Senator Shirley Love regarding the walkway underneath the New River Gorge Bridge.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney requesting to transfer from his budget \$5,000.00 out of training and education to investigation.

The Commissioners received and reviewed a letter from Danny

Wright, Circuit Clerk asking that approximately \$1,400.00 of his travel budget be transferred to a line item for the purchase of seven (7) new office chairs.

The Commissioners received and reviewed a thank-you card from the family of Delphord Harris.

The Commissioners received and reviewed a letter from Senator Randy White informing he is in full support of the Fayette County Commission's Governor's Community Partnership Grant application on leveraging in excess of \$120,000 additionally for a storage facility building on behalf of Southern Appalachian Labor School.

The Commissioners received and reviewed a letter from Rapid Communications informing of the rate changes and services in the West Virginia areas.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, a list of vehicles to be taken off the County's insurance.

The Commissioners received and reviewed a letter from the West Virginia Counties Risk Pool (WVCRP) informing they have created an opportunity for the County to save money and/or obtain better insurance coverages. They have the endorsement of both the West Virginia Association of Counties and the County Commissioners' Association of West Virginia.

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

The Commissioners reconvened the Commission meeting at 2:15 p.m.

The Commissioners approved to change the April 17, 2007 County Commission meeting from 9:00 a.m. to 9:30 a.m.

The Commissioners approved to pay Theresa White full-time pay from the Fire Levy Fund effective April 1, 2007, salary \$17,680.00 plus benefits, one half to be reimbursed from the grant, balance to be reimbursed from General County Fund after receiving grant payment.

Commissioner Wender informed he would prepare a letter to Ed Harper regarding the Weatherization Program.

Commissioner Wender asked to copy Mr. Harper's letter to David Jarroll and hold copy of the letter to David Jarroll to enclose with second letter to Mr. Harper.

The Commissioners asked to put on the agenda for May 11th Public Hearing to propose County Ordinance to increase hotel tax from 3% to 6% and put on the agenda for a May 25 final vote on a proposed ordinance to increase hotel tax from 3% to 6% effective July 1, 2007.

Commissioner Wender offered a motion to allow the Earth Day Committee to place porta-pots on the parking lot beside Blankenship's building for Earth Day. They are to be placed after the close of business Friday, and removed by the start of business on Monday. Commissioner Eskew seconded. Unanimous.

Ms. Holly asked the Commissioners if they wanted her to write a letter to Arbuckle Public Service District to inform them that they are still waiting for the proposal from Mike Griffith. The Commissioners replied yes.

Ms. Holly informed the Commissioners she received a check from Delegate John Pino for Armstrong Public Service District, amount \$50,000.00.

Ms. Holly informed the Commissioners that Brad Carelli had called

to ask if the Commission would be the pass-thru grantee for a grant application he is applying for with the Greater Kanawha Valley Foundation to replace the roof on the Gauneka-Ruritan Community Building. The Commissioners approved to be the pass-thru grantee.

Ms. Holly told the Commissioners she received a phone call from Okey Skidmore informing that the Fayette County Board of Education is planning to have the pay phone removed from the Memorial Building.

The Commissioners approved for Okey Skidmore to inquire about putting in a single phone line but with restrictions for long distance calls.

Ms. Holly informed the Commissioners that Roger Slayton quit as janitor was told that this wasn't what he was looking for.

The Commissioners received and reviewed several correspondences from the Workers' Compensation Division and BrickStreect Insurance regarding workers' compensation claims.

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 a letter from the National Council on Compensation Insurance, Inc. enclosing information about workers' Compensation Insurance.

The Commissioners received and reviewed first Quarterly Report (Jan. Feb. Mar.) from the Boomer Volunteer Fire Department.

The Commissioners received and reviewed the 50% allocation to the New River Convention and Visitors Bureau for Hotel Occupancy Tax for first quarter (Jan. Feb. Mar.) 2006, amount \$12,059.44.

The Commissioners received and reviewed a thank-you letter from Timothy Erwin, Chief Probation Officer thanking the Commission for giving approval to purchase the file cabinets for his department.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing that an Administration Order has been issued to the Kanawha Falls Community Water (the Water System) due to failure to comply with the public health laws of the State of West Virginia.

The Commissioners received and reviewed a request from James Perdue, Maintenance Supervisor to purchase a push mower for the Maintenance Department. The Commissioners approved.

The Commissioners received and reviewed from the Fayette County Animal Control Center, Activity Report and Monthly Revenue Report for the month of March, C-PAC allotment for the month of April, amount \$14,769.20 and Weekly Fees Collected for the week of March 23 to March 29, 2007, amount \$125.00, the week of March 30 to March 31, 2007, amount \$35.00, and the week of April 1 to April 5, 2007, amount \$135.00.

The Commissioners received and reviewed a letter from Travelers Insurance informing they received the Summons and Complaint regarding Claim #ABF3104-Melanie Hess and they have referred the defense of this lawsuit to Chip Williams with Pullin, Fowler and Flanagan.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff Laird informing that Gayle Koone will be returning to work as a Transport Officer effective April 1, 2007.

The Commissioners received and reviewed a letter from Trinsic explaining some recent news related to the bankruptcy proceedings.

The Commissioners received and reviewed a letter from the State Tax Department enclosing a summary of the County's Appraisal Ratio Study comparing the accuracy of CAMA values to market values for real property.

The Commissioners received and reviewed a letter from the Division of Homeland Security enclosing an application for Fiscal Year 2008 Hazardous Materials Emergency Planning Grants funding for review and submission.

The Commissioners received and reviewed a letter from the West Virginia Economic Development Authority regarding a Quarterly Status Report as of April 2007 on the Wolf Creek Park Project #57.

The Commissioners received and reviewed from the 911 Center a Status Report on calls made for the months of January and February 2007.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of March 22, 2007.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of March 2007.

The Commissioners received and reviewed a letter from Senator Shirley Love expressing his appreciation for the Commissions outstanding work as a Public Servant.

The Commissioners received and reviewed a notice from the Mount Hope Community Center informing they are having a Benefit Concert to raise money to renovate the Mount Hope Community Center kitchen.

The Commissioners received and reviewed a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that effective April 2, 2007, Jennifer Parsons Yost will be working in his office on a part-time basis. She will be paid from the PVC Fund at a rate of \$7.00 per hour.

The Commissioners received and reviewed a letter from the Kanawha County Commission regarding the action Kanawha County is taking to force a business to pay the taxes it owes for 911 services here in West Virginia.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding Draft 2007 Action Plan and Consolidation Plan Update can be located on the West Virginia Division Office website.

The Commissioners signed a letter to Congressman Nick Rahall regarding his request to CSX in regard to the possible acquisition of the Prince Train Station.

The Commissioners received and reviewed a letter from the Division of Homeland Security regarding their Thirteenth Annual LEP/SERC Conference.

The Commissioners received and reviewed a letter from Governor Joe Manchin thanking the Commission for their letter regarding the Small Cities Block Grant application.

The Commissioners received and reviewed checks for 911 Fees from the Public Service Commission, amount \$139,167.71, Trinsic Communications, Inc., amount \$4.00, and One Communications Corp., amount \$1,982.68; Soldiers and Sailors Memorial Fund, amount \$225.00;

Franchise Fee-Bradley Communications, Inc., amount \$860.29; Secretary of State reimbursement, amount \$1,603.98; Criminal Justice Services-Community Corrections, amount \$6,900.51; Criminal Justice Services-Just For Kids, amount \$2,755.62, and 4-C Economic Development Authority reimbursement, amount \$10,000.00.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Senate Votes to fully fund PILT and Reauthorize Forest County Safety Net.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Vivian Parsons with the County Commissioners Association of West Virginia informing of the Fayette County Commission term of office.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer regarding River Ridge Subdivision refund of real estate taxes.

The meeting was adjourned at 3:50 p.m. The next scheduled meeting is April 17, 2007.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 17, 2007

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 17th day of April 2007.

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

Doug Arbogast with the EPA Grant Funding Environmental Improvement appeared before the Commission to give an update on the Fayette County Courthouse Lighting Audit Overview Summary.

Mr. Arbogast told the Commissioners that the total project cost could go up to \$40,000.00 with a match of \$20,000.00.

Mr. Arbogast told the Commissioners he would schedule the rest of the energy audit as soon as possible, could be the first week in May.

Commissioner Wender asked Mr. Arbogast to schedule an appointment on the agenda to meet with the Commissioners to discuss the grant after all facilities are audited.

Commissioner Wender asked Mr. Arbogast to find out all of the details of the grant.

Mr. Arbogast to get in touch with James Perdue, Maintenance Supervisor, to schedule a walk through of the courthouse buildings.

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, 2007 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 2007-2008 (rates the same as last year). Commissioner Wender seconded. Unanimous. The Commissioners signed the Order laying the levy to be used in Fayette County for Fiscal Year 2007-2008. Kelvin Holliday, County Clerk signed the Levy Rate Sheet.

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

Ron Booker, Commander, TRIDENT Task Force appeared before the Commission to inform them that they are invited to a check presentation from Purdue Pharmacy settlement funds, which will be presented by the Attorney's General's Office on Wednesday, April 18, 2007 at 10:00 a.m. in the lobby of the Raleigh County Memorial Airport.

Mr. Booker told the Commissioners they will be receiving \$50,000 from the Oxycotin Award for TRIDENT.

Mr. Booker told the Commissioners he received a call from the Attorney General's Chief Financial Officer (CFO) informing that the check could not be written to TRIDENT because they don't have a Tax ID Number. Mr. Booker told the Commissioner he told the CFO to write the check to the Fayette County Commission since they are the grantees for TRIDENT.

Mr. Booker asked the Commissioners if they would approve recommendation that the check be issued to the Fayette County Commission as a pass-thru and the Fayette County Commission to issue the check to TRIDENT. Mr. Booker told the Commissioners these funds

would be used for operational purposes, purchase of vehicles, substance abuse education and prevention, financing criminal investigations, overtime and purchasing surveillance equipment.

Commissioner Wender offered a motion that the Fayette County Commission approves to be a pass-thru agency, the Commission would accept the grant and write the check for \$50,000.00 to TRIDENT upon a copy of the proposal as written from Ron Booker. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to go into Executive Session to discuss the River Ridge housing project. Commissioner Wender seconded. Unanimous.

The Commissioners reconvened the County Commission meeting at 11:30 a.m.

Commissioner Eskew informed the Commissioners he received a call from the Town of Fayetteville requesting to use the remains of the cut stones behind the Courthouse Annex for the Huse Memorial Park.

Commissioner Wender offered a motion that the request of the Town of Fayetteville to use the remains of the cut stones behind the Courthouse Annex for the Huse Memorial Park. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew asked that an updated letter be sent to the Town of Fayetteville regarding the enforcement of Town Ordinances on County property located within the Town.

Ms. Holly informed the Commissioners that Delegate John Pino brought over the check for \$50,000.00 from the Governor's Contingency fund for Armstrong Public Service District.

Commissioner Wender offered a motion to approve and sign Lease with the Fayetteville Historic landmark Commission and Convention and Visitors Bureau for the Fayette County Jail. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion for James Perdue Maintenance Supervisor to proceed with the work agreed to in the April 10, 2007 letter for the Fayette County Jail. Commissioner Lopez seconded.

Commissioner Wender asked Jackie Hickman to send a note to the Convention and Visitors Bureau to inform that the Fayette County Commission has authorized James Perdue and Charlie Bryant to proceed with the work at the Fayette county Jail.

The Commissioners signed a letter to Arbuckle Public Service District asking for a status report on Michael Griffith, CPA on the proposed scope of work an evaluation of Arbuckle Public Service District.

The Commissioners signed a letter to the Fayette County Board of Education approving to transfer the account for the coin-operated telephone at the Memorial Building to the Fayette County Commission.

The Commissioners signed a letter to Edwin Harper, Director of the Office of Economic Opportunity regarding the Fayette County Weatherization Program.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. enclosing three (3) copies of the Certificate of Substantial Completion, AIA Document G704, received from Tri-State Roofing for the Fayette County Jail-Gutter Repair.

The Commissioners signed a Request for Reimbursement to the West

Virginia Division of Criminal Justice Services for Just For Kids Grant, amount \$3,517.39.

The Commissioners signed a letter to the WV American Water Company inviting them to visit and meet with key county personnel during the second week of May to showcase development in Fayette County brought about by the unique partnership with their company.

The Commissioners received and reviewed a letter from Sheriff William Laird asking that a purchase order be issued to purchase twelve (12) Mobile Radios from Two-Way radio, amount \$43,466.40.

Sheriff Laird told the Commissioners that the majority of the purchase will be paid out of the Homeland Security sub-grant. Fayette County Commission would be responsible for the balance.

The Commissioners approved paying Election System and Software and approved using the credit (\$2,061.17) they received, amount paid \$3,863.83.

The Commissioners received and reviewed a quote from Fayette Awning and Glass, Inc. For the purchase of ticket windows for the Fayette County Memorial Building, amount \$1,200.00.

Commissioner Lopez offered a motion to approve the two tick windows for the Fayette County Memorial Building, amount \$1,200.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Town of Gauley Bridge regarding repair on the road leading to Taylor Hill.

The Commissioners asked Ms. Holly to send a letter to James Lagos, District Engineer, Division of Highways and inform him of the complaint received regarding the deteriorated condition of the road

leading to Taylor Hill. The Commissioners asked to copy to our Legislators.

Commissioner Lopez informed the Commissioners the Town of Smithers applied for a Governor's Safety Highway Grant and was approved for \$9,500.00 but the Town of Smithers would have to pay up-front.

Commissioner Lopez asked the Commission if they would consider paying the \$7,500 appropriated for Fiscal year 2007-2008 out of this year Coal Severance budget to the Town of Smithers but hold off writing check contingent on whether State waves up-front requirements per Senator Shirley Love.

Commissioner Wender offered a motion to approve the additional \$7,500.00 from the current Fiscal year 2007 budget for the Town of Smithers if requested by the Mayor of Smithers (if so take away from the Fiscal Year 2008 allocation). Commissioners seconded. Unanimous.

Commissioner Wender asked about the City of Oak Hill request for a temporary construction easement.

Ms. Holly informed the Commissioners she had forwarded a copy of the letter to Carl Harris, Prosecuting Attorney to review.

Mr. Harris told the Commissioners he will review the deed and grant restrictions.

Commissioner Wender asked Ms. Holly to send a letter to the Fayette County Planning Commission to request the status of their review and revision of the Fayette County Unified Development Code.

Commissioner Wender informed the Commissioners that the Fayette County Animal Control Center is sending two (2) people to the

Euthanization class.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing \$17,500.00 has been approved for the Strategic Prevention Framework State Incentive Grant (SPF - SIG).

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of April 6 to April 12, 2007, amount \$786.00.

The Commissioners received and reviewed a copy of a letter to Carl Harris, Prosecuting Attorney from Sheriff Bill Laird regarding the Civil Summon and Complaint filed by Keith Edward Ross-Case #07-C-241.

The Commissioners received and reviewed a letter from the Public Service Commission enclosing a copy of the recommended order in Case No. 07-0019-PSWD-PC Fayette County Commission order enlarging the boundaries of the Kanawha Falls Public Service District.

The Commissioners received and reviewed a letter from the Public Service Commission informing they received a complaint from Tonya G. White regarding the Kanawha Falls Public Service District.

The Commissioners received and reviewed a Sub-Grant Adjustment Notice from the Homeland Security State Administrative Agency informing the LETPP Sub-grant has been extended through May 31, 2007.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of an

application for Fiscal Year 2007 Justice Assistance Grant Program-Just For Kids, Inc.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of an application for Fiscal Year 2007 Justice Assistance Grant Program-TRIDENT.

The Commissioners received and reviewed a copy of a letter to Bill Lanham, Town of Fayetteville from the Fayette County Public Libraries regarding their request to the Fayette County Board of Education the old band building for a new library.

The Commissioners received and reviewed a copy of a letter to Thomas Y. Kittredge, President, Terradon Corp. regarding River Ridge.

The Commissioners received and reviewed a Notice to withhold income for child support for Erick Wayne Workman.

The Commissioners received and reviewed a notice from the United States Bankruptcy Court regarding Trinsic, Inc.

The Commissioners received and reviewed a notice from the United States Bankruptcy Court Southern District of West Virginia regarding Multi-County Community Action Against Poverty, Inc.

The Commissioners received and reviewed a letter from Reverse 911 informing of their Patented Interactive Community Notification System.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing they have scheduled the Fayette County Community Corrections Program to present its grant application to the Community Corrections Subcommittee (CCS) of the Governor's Committee on Crime, Delinquency and Corrections (GCCDC) on

Tuesday, May 15, 2007 at 10:00 a.m.

The Commissioners received and reviewed a letter from Accurate Surveying, Inc. informing on behalf of Deep Water Resources, LLC of the imminent submittal of an application for Phase II bond release of the Deep Water Resources, LLC-Big Eagle No. 1 Deep Mine permit.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that Local Economic Development Assistance program-Fayette County Commission-Accessibility Survey and Improvements Grant Contract will expire on June 30, 2007. A copy of the letter forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that Local Economic Development Assistance Program-Fayette County Commission-Upper Kanawha Valley League Ball Fields Lights Grant contract will expire on June 30, 2007. A copy of the letter forwarded to Todd Belmont.

The Commissioners received and reviewed a letter from Helen M. Nuckols regarding F & N Construction, LLC permit to acquire coal and haul coal by trucks through the Town of Ansted.

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

The Commissioners received/reviewed and signed Application for a Permit to Operate a Food Establishment for the Fayette County Park.

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 \$273.00.

The Commissioners received and reviewed checks for 911 Fees from

Citizen Communications Co., amount \$51.41, CityNet, amount \$436.02, Verizon, amount \$31,976.50, and Mountain Communications, LLC, amount \$47.78; Franchise Fees from Suddenlink Communications, amount \$4,876.97; Jail Fees from the Town of Fayetteville, amount \$97.00; Governor's Office-Armstrong PSD, amount \$50,000.00; WV Courthouse Facilities-Phase 3 Window Project, amount \$22,289.76; WV Development Office-Corridor L Regional Tourism Birding Festival, amount \$5,000.00, Sailor and Soldiers-Wall of Honor, amount \$25.00.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) informing that as of March 31, 2007 the securities that were held by BB&T as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the Bank of New York Cash Statements and Asset List for March 31, 2007.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank of securities pledged as of March 31, 2007.

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 a copy of a Letter of Map Amendment Determination Document (Removal) from the Federal Emergency Management Agency. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed an e-mail from Scott Thompson informing he received the signed grant papers for the \$17,500 seven-month SPF-SIG Grant.

The Commissioners received and reviewed an e-mail from the Fayette County Animal Control Center informing two employees will be attending the euthanization training.

The Commissioners received and reviewed an e-mail regarding the Danese Public Service District Grant.

The Commissioners received and reviewed an e-mail from Aletha Stolar regarding Project Lifesaver.

The Commissioners received and reviewed an e-mail from Lucinda potter Coordinator, Local Government Leadership Academy informing of the plans for the Fall 2007 LGL Academy.

The Commissioners received and reviewed an e-mail from Scott Thompson reminding of the upcoming RLO in Region 4 to be held Wednesday, April 18, 2007.

The Commissioners received and reviewed an e-mail from Jodie Ward regarding the shooting range.

The meeting was adjourned at 12:40 p.m. The next scheduled meeting is April 27, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 27, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 27th day of April 2007.

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

Dave Pollard, County Resource Coordinator appeared before the Commission to give an update on Mark Ehrnschwender.

Mr. Pollard told the Commissioners that Mr. Ehrnschwender is still doing work for his office.

Mr. Pollard told the Commissioners that Mr. Ehrnschwender is planning on giving an update to the Commission in May on the Wastewater Project.

Mr. Pollard is requesting that the Commission keep Mark Ehrnschwender on until the end of the fiscal year.

Mr. Pollard told the Commissioners that after the fiscal year Allen Ballard plans to hire a secretary and she would be reimbursed out of the building fund grant and 4-C Economic Development Authority.

Mr. Pollard told the Commissioners that 4-C Economic Development Authority has committed to paying \$10,000.00 per year.

Commissioner Wender informed that since Mark Ehrnschwender is still getting his work done he sees no problem with paying until the end of June.

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

Commissioner Wender offered a motion to approve personal property tax for Gary W. and Caren E. Treadway. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve real property tax for James P. and Pamela Givens, Teresa Beavers etal, and Richard D. and Michelle Ferrell. Commissioner Wender seconded. Unanimous.

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

Commissioner Wender offered a motion to approve minutes of March 16 and March 23, 2007. Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender offered a motion to approve Petitions to Combine or Divide and Segregate Land for George and Lois Amos and Joseph P. and Beverly June Aliff. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting third drawdown for the Fayette County Sportsman's Recreation Center and the City of Ansted Museum, amount \$4,878.22.

The Commissioners signed invoices to the Fayette County Board of Education for rental of the Fayette County Soldiers and Sailors Memorial Building for the months of May and June, amount \$5,833.34.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School asking that the Commissioners send a letter

of support for their proposal for the Coalfield Healthy People grant.

Commissioner Wender offered a motion that the Commission sign a letter of support for their proposal for the Coalfield Healthy People Grant submitted by the Southern Appalachian labor School.

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 May 2007.

Earl Pauley, Jodie Ward, Bob Meadows, Peggy Bennett, Kevin Burgess and Don Davis appeared before the Commission to give an update on the shooting range.

Mr. Pauley told the Commissioners the Komatsu is broke down right now. Mr. Pauley said he called Walker Machinery to rent a bull dozier, can't get one until next week.

Mr. Pauley told the Commissioners they will tell them Monday about the engine.

Commissioner Eskew asked how much dirt need to be moved.

Carl Harris, Prosecuting Attorney asked if they are going to get the towers up

Mr. Harris asked if they had a projection day when the range will be ready

Mr. Pauley informed he would rent the bull dozier for five (5) weeks for approximately \$2,500.

Commissioner Wender asked Mr. Pauley if he would pressure Rish Equipment for a loaner at no charge to repair or have Carl Harris, Prosecuting Attorney write a letter.

Commissioner Wender asked Mr. Harris if would write a letter to Rish Equipment.

Bob Meadows asked Mr. Pauley if he gets the bull dozier for five (5) week how long would it be.

The Commissioners asked Mr. Pauley to work employees' overtime to get the paving and bull dozing done.

Jodie Ward told the Commissioners he appreciated their efforts.

Ms. Holly informed they did not get the grant contract until 200, did not receive second part of the grant until May 2006.

Commissioner Wender offered a proposal to put an additional \$2,500 in Earl Pauley's budget to work on Shooting Range.

Commissioner Wender offered a motion to make a line adjustment in Fayette County Park budget of \$2,500 for overtime. This would be specific for overtime hours spent on the shooting range. Commissioner Lopez seconded. Unanimous.

Bob Meadows asked the Commissioners to go down and see what's going on.

The Commissioners received and reviewed a request from the Fayette Convention and visitors Bureau requesting disbursement of funds allocated for the Fayette Historic Jail Museum for current year budget 2007, amount \$1,500.00.

Commissioner Wender offered a motion that the Fayette County Commissions having received request from the Fayetteville Convention and Visitors Bureau for the funds allocated for the Fayette Historic Jail Museum for the current year 2007 \$1,500.00 approve to issue check in the amount of \$1,500.00. Commissioner Lope seconded. Unanimous.

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

The Commissioners received and reviewed a request from James Perdue, Maintenance Supervisor requesting permission to hire Donald Austin as a part-time janitor on temporary bases depending on Larry Adkins return.

Commissioner Wender offered a motion to hire Donald Austin as a part-time janitor to assist James Perdue in the Maintenance Department at \$6.35 an hour with no benefits. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Prevention Partnership recommending that the position of Coordinator of the Partnership be given to Amber Marstiller. This position is to be paid by the Strategic Prevention Framework State Incentive Grant (SPF-SIG grant). This is a short term (approximately 5 months) part-time position of approximately 20 hours a week at \$15.00 an hour with no benefits.

Commissioner Wender offered a motion to employ Amber Marstiller as a part-time temporary based upon receipt of funds from the SPF-SIG grant as recommended. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed he tried to contact Andrew God, Susan Woods, Zimm's Pharmacy and Main Street Pharmacy to see if they would consider participating in a prescription card.

Ms. Holly reminded the Commissioners that "Know Your Government Day" is Friday, May 4, 2007.

The Commissioners received and reviewed a letter from the New River Earth Day Celebration requesting the \$250.000 donation in support of the Earth Day celebration. The Commissioners approved to issue check.

Ms. Holly informed the Commissioners she has prepared a notice for increasing the hotel/motel occupancy tax but she's not sure about the effective.

The Commissioners asked Ms. Holly to check with Patti Hamilton to see what is the correct effective date.

Ms. Holly informed the Commissioners she received a letter from the Office of the Attorney General asking if they would like to participate in the pending litigation regarding the Notice of Pending Litigation from the Attorney General Governmental Entities that purchased computers and computer equipment. The Commissioners informed they do not wish to participate.

Ms. Holly informed the Commissioners she forwarded a copy of the letter from Virgil Kincaid regarding the Estate of Bobby Kincaid to Carl Harris, Prosecuting Attorney to review.

Mr. Harris informed no estate has been filed. Mr. Harris referred the letter to the Sheriff's Office for investigation.

The Commissioners received and reviewed a letter from Walter Caldwell regarding marketing the Fayette County Memorial Building.

The Commissioners received and reviewed a letter from Carl Osborne, President, Fayette County Historical Society requesting the assignment of Community Corrections Program people for two projects at the Contentment Historical Complex on Route 60 in the town of Ansted.

Ms. Holly informed the Commissioners she forwarded a copy of the letter to Sheriff Bill Laird.

Ms. Holly informed the Commissioners that she, Dan Snead, James Perdue, and Brenda Goodfellow went over the findings of the Ms. Goodfellow ADA Survey Report of Fayette County. Ms. Holly told the Commissioners that the balance left in the ADA grant is \$7,700.00.

The Commissioners signed a letter to the Town of Fayetteville approving removal of the six (6) pine trees located on the rear of the County-owned parking lot on Wiseman Avenue between Blue Ridge Outdoors building and James Blankenship law office.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Service informing the Auditor's Office has established a cutoff for the processing of payments at the end of the fiscal year. Any reimbursements request under the current grant to be processed in June must be received by the Division of Criminal Justice Service no later than Thursday, June 7, 2007. A copy of the letter forwarded to Sheriff Bill Laird and Renee Harper.

The Commissioners received and reviewed a letter to Three Rivers Company, LLC from Carl Harris, Prosecuting Attorney informing that Chapter 11 of the WV Code provides specific times and specific methods for which tax relief may be granted. Furthermore tax relief can be granted only to the tax payer making the request and not Three Rivers Company on behalf of those parties to whom you sold the property.

The Commissioners received and reviewed Accident from Deputy James Sizemore.

The Commissioners received and reviewed Automobile Loss Notice

from Wells Fargo Insurance Service.

The Commissioners received and reviewed a letter from Anthony M. Salvatore requesting all minutes of the Fayette County Planning Commission relating to the subdivision approved for developer Pervis Major.

Commissioner Lopez offered a motion to approve purchase of a Color Laser Printer for the Circuit Clerk's Office. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Kevin Burgess requesting all information regarding the Fayette Gun club and the planned construction of a shooting range at the Fayette County Park.

The Commissioners approved to issue a purchase order to Jones Business Machines, Inc., amount \$5,886.00 payable from the Records Management Grant.

The Commissioners signed memo to the employers informing they have received information for consideration on Two 457(B) Deferred Compensation Plans (1) (Nationwide National Association of Counties) and (2) ING-(John Perdue, WV State Treasurer).

The Commissioners received and reviewed a letter from the Town of Smithers requesting their allotment of \$7,500 for the Smithers Community Center project.

The Commissioners approved to issue check for \$7,500.00 now for allotment for fiscal year 2008.

The Commissioners received and reviewed a letter from the bureau for Public Health regarding the Administrative Order EE-07-14 Kanawha

Falls Community Water PWSID#WV3301040.

The Commissioners received and reviewed a notice informing that Patricia Spangler, Recycling Coordinator under REAP Program, the Fayette County Solid Waste Authority and the Fayette County Board of Education inviting the Commission to a Media Day for the Grant on Friday, May 4, 2007 at 1:00 p.m. at the Oak Hill High School.

The Commissioners received and reviewed from the Bank of New York Cash statement and Asset List for April 20 and April 23, 2007.

The Commissioners received and reviewed Audit Report for the Fayette County Board of Health for the fiscal year ended June 30, 2005 and 2006.

The Commissioners received and reviewed a notice from Comtel Telecom Assets informing that Thomson RIA/Tax Partner is now preparing and filing its Sales, Use, Rental, Telecom and/or Gross Receipts tax returns on behalf of the taxpayer. A copy forwarded to David Neal, E911 Coordinator.

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

The Commissioners received and reviewed a memo from Chief Deputy Steve Kessler requesting that a payment of \$641.50 be made from the Tactical Unit Fund to Enforcement Technology Group, Inc. for equipment.

The Commissioners received and reviewed from the West Virginia Division of Labor a Certificate of Operation for the elevator at the Courthouse.

The Commissioners received and reviewed a letter from Congressman Nick Rahall enclosing a copy of the response he received from the Federal Highway Administrative (FHA) regarding his letter of support on behalf of the proposal that Fayette County Commission submitted seeking funding through the Transportation Community and System Preservation Program (TCSP) to establish public trails in Wolf Creek Park.

The Commissioners received and reviewed a copy of a letter to the Public Service Commission from Carl Harris, Prosecuting Attorney informing that the complaint from Tonya G. White is against the Kanawha Falls Public Service District and not the Fayette County Commission. The appropriate entity to receive and respond to the complaint would be the Kanawha Falls Public Service District.

The Commissioners received and reviewed a letter from the Office of State Treasurer informing the March Limited Video Lottery proceeds will be directly deposited on April 26, 2007, amount \$7,206.51.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the 75% of the coal severance tax will be directly deposited on April 20, 2007, amount \$80,464.17.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the 25% of the coal severance tax will be directly deposited on April 24, 2007, amount \$24,621.15.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed checks for the 911 Fees from Spectrotel, Inc., amount \$42.00, Cleartel Telecommunications,

Inc., amount \$12.00, Granite Telecommunications, LLC, amount \$132.00, IDT Corporation, amount \$54.00, Metropolitan Telecommunications of WV, amount \$4.00, AT&T Communications of WV, amount \$1,168.00, Level 3 Communications, LLC, amount \$88.00, One Communications, amount \$2,071.92; Franchise Fees from Rapid Communications, LLC, amount \$1,220.87, Suddenlink Communications, amount \$6,089.33; Criminal Justice Service TRIDENT, amount \$2,534.93, Treasurer-Unclaimed Property Miscellaneous Revenue, amount \$600.70; Division of Human Services-State Grant FRN, amount \$12,833.00; Soldiers & Sailors-Wall of Honor, amount \$25.00; Alarm Fees, amount \$180.00; Fayette County Board of Education rent Memorial Building, amount \$2,916.67; Supreme Court-Family Law Master rent, amount \$4,050.00.

The Commissioners received and reviewed from the Fayette County Animal Contr5ol Center/NRHS the Weekly Fees Collected for the week of April 14 to April 19, 2007, amount \$245.00, and the week of April 20 to April 26, 2007, amount \$100.00.

The Commissioners received and reviewed an e-mail from Election Systems and software advising that the Pick Belt on the ES&S Model 650 Ballot Scanner is replaced prior to each election.

The Commissioners received and reviewed an e-mail from Sue Plumley regarding placing port-a-potties on the parking lot between Waterstone Outdoors and James Blankenship law office for Earth Day Celebration.

The Commissioners received and reviewed an e-mail from Ms. Holly informing that Cindy Jones with Danes Public Service District has invited the Commission to attend the presentation of a check for the

USDA Rural Development Grant at 1:00 p.m. on Tuesday at the Denese Fire Department.

The Commissioners received and reviewed an e-mail from Ms. Holly to Commissioner Wender informing that Fox 59 News would like for him to return his call concerning rails to trails paving.

The Commissioners received and reviewed an e-mail from Lucinda Potter, Senior Lecturer Department of Public Scenic informing she has been getting request for individual lists of workshops for the Local Government Leadership Academy.

The Commissioners received and reviewed an e-mail from the West Virginia County Commissioners' Bulletin Board regarding plans to participate in the Memorial Bell toll for the Virginia Tech students.

The meeting was adjourned at 12:15 p.m. The next scheduled meeting is May 11, 2007.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 3, 2007

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 3rd day of August 2007.

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

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

Commissioner Lopez offered a motion to approve and sign personal property tax tickets (See attached). Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tax tickets (See attached). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refund for George Seacrist, \$299.02. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, payrolls to be released August 10, 2007. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve May 25 and June 22, 2007 minutes. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve overtime for Debbie Aliff, Payroll Clerk and James Perdue, Maintenance Supervisor. Commissioner Wender seconded. Unanimous.

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF August 3, 2007

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6060665	5480	JONES, DOUGLAS EUGENE & BELVA	7/23/2007	S/B CLASS 2		X		\$262.34	1
6013887	29064	ANDERSON, THELMA LEE ETVIR	7/23/2007	S/B HOMESTEAD		X		\$306.20	4
6258827	19609	SLOAN, ROBERT R & GLENDA G	7/23/2007	S/B CLASS 2		X		\$61.72	2
6258818	19610	SLOAN, ROBERT R & GLENDA G	7/23/2007	S/B CLASS 2		X		\$61.34	2
6015787	2196	COGAR, ANNIE BACKUS	7/23/2007	S/B CLASS 2		X		\$194.68	1
8034888	27348	RINER, CECIL CARL SR	7/23/2007	S/B HOMESTEAD		X		\$306.20	9
6137566	37505	SHAFFER, GRACE ANN &	7/23/2007	S/B CLASS 2		X		\$86.36	9
9000884	23084	CALES, WILMA & ROY	7/23/2007	S/B HOMESTEAD		X		\$223.66	3
*6016900	*29183	DAVIS, TOMMY & DOROTHY	7/23/2007	S/B HOMESTEAD		X		\$112.10	4
6016900	29276	DAVIS, TOMMY & DOROTHY	7/23/2007	S/B HOMESTEAD		X		\$115.74	4
8141520	16112	HOLLEY, WILMA G	7/23/2007	S/B HOMESTEAD		X		\$120.68	2
6017222	6457	MARTIN, FAYE	7/23/2007	ERRONEOUS MINERAL VALUE PER STD		X		\$1,108.00	1
6017213	6456	MARTIN, FAYE	7/23/2007	ERRONEOUS MINERAL VALUE PER STD		X		\$111.38	1
6105902	38712	WILLIAMS, JAMES A & TINA R	7/23/2007	S/B CLASS 2		X		\$341.72	10
6112654	33659	OWENS, BETTY J & ETAL	7/23/2007	S/B HOMESTEAD		X		\$319.94	8
*06016919	*8355	RAY, B E ETUX	7/24/2007	ERRONEOUS MINERAL VALUE PER STD		X		\$256.74	1
*06016937	*8357	RAY, B E ETUX	7/24/2007	ERRONEOUS MINERAL VALUE PER STD		X		\$70.14	1

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
 MONTH OF August 3, 2007

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6313198	23293	COLE, M F HRS	7/25/2007	S/B NO 2006 TICKET(S TO S)	X			\$125.78	3
6352573	37355	ROAT, FREDDIE & PATRICIA	7/25/2007	ERRONEOUS VALUE		X		\$144.24	9
6252440	12182	BARKER, RONNIE L	7/25/2007	ERRONEOUS VALUE		X		\$64.56	2
*6158588	*33946	ALDERSON, PATSY LOUISE ETAL	7/25/2007	DOES NOT EXIST	X			\$74.12	9
6293628	26614	PASCHAL, RUTH ANN	7/25/2007	S/B HOMESTEAD		X		\$256.20	3
6169344	39320	WILLIAMS, GAIL W	7/25/2007	S/B CLASS 2		X		\$136.94	11
6111511	33518	LEONARD, CHESTER RAY & MARIA	7/25/2007	S/B HOMESTEAD		X		\$305.40	8
6322605	25621	LYNCH, ALFRED FITZGERALD	7/25/2007	ERRONEOUS VALUE		X		\$149.12	3
6288386	24623	HARVILLE, GREGORY LEWIS	7/25/2007	ERRONEOUS VALUE		X		\$315.90	3
6327307	22535	BENEFICIAL W V INC	7/26/2007	S/B CLASS 2		X		\$478.06	3
9002636	6226	LIGHTHOUSE WORSHIP CENTER	7/26/2007	S/B EXEMPT		X		\$1,071.44	1
1148779	310408	JARVIS PRO HARDWARE INC	7/26/2007	ERRONEOUS INVENTORY VALUE		X		\$753.28	13
6272883	25129	JOHNSTON, WILBERT L	7/30/2007	S/B HOMESTEAD		X		\$123.74	3
6248072	20047	STINNETT, BARNEY	7/30/2007	S/B HOMESTEAD		X		\$256.20	2
9001219	3502	FARLEY, LEONARD L SR	7/30/2007	S/B CLASS 2		X		\$46.88	1
9002388	8947	SANFORD, CHARLES H & ROSE A	7/30/2007	ERRONEOUS VALUE		X		\$229.04	1
6325194	22881	BRAGG, CARNESS & KATHY	7/30/2007	ERRONEOUS VALUE		X		\$118.38	3

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
 MONTH OF August 3, 2007

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6014305	2496	CRIST, BARRY W & KEMBRA A	7/31/2007	S/B CLASS 2		X		\$106.96	1
8042753	339	ANDERSON, JIMMY L	7/31/2007	ERRONEOUS VALUE		X		\$276.70	1
8030533	36965	PACK, KATHY	7/31/2007	S/B CLASS 2		X		\$524.52	9
6168719	38923	FANNIN, WILLIAM A & ROAT, GARY	8/1/2007	S/B HOMESTEAD		X		\$164.92	11
6285968	28394	TRUMAN, LORI ANN & JAMES A	8/1/2007	S/B CLASS 2		X		\$604.88	3
6302315	27501	ROOP, PAUL W II	8/1/2007	S/B CLASS 2		X		\$2.30	3
6302306	27502	ROOP, PAUL W II	8/1/2007	S/B CLASS 2		X		\$363.54	3
8080989	87	ADKINS, GERALDINE ALICE &	8/1/2007	ERRONEOUS VALUE		X		\$31.52	1
6296661	27397	RICCARDI REAL ESTATE	8/1/2007	CANCEL DOES NOT EXIST	X			\$12.30	3
6284317	27398	RICCARDI REAL ESTATE	8/1/2007	CANCEL DOES NOT EXIST	X			\$9.22	3
*6275176	*27820	SMITH, HOWARD L JR	8/1/2007	S/B NO BT CANCEL	X			\$3,678.34	3
*6275176	*27821	SMITH, HOWARD L JR	8/1/2007	S/B NO BT CANCEL	X			\$11.60	3
*6275176	*27822	SMITH, HOWARD L JR	8/1/2007	S/B NO BT CANCEL	X			\$11.60	3
*6275176	*27823	SMITH, HOWARD L JR	8/1/2007	S/B NO BT CANCEL	X			\$11.60	3
8113560	5698	KESSLER, JUDY & WILLIAM JR	8/3/2007	S/B CLASS 2 & HOMESTEAD		X		\$178.32	1
*09113560	5623	KESSLER, JUDY & WILLIAM JR	8/3/2007	S/B CLASS 2 & HOMESTEAD		X		\$177.02	1
6198802	18379	OSBORNE, HUBERT I	8/3/2007	S/B CLASS 2 & HOMESTEAD		X		\$639.54	2

PERSONAL PROPERTY TICKETS CANCELLED OR EXONERATED
MONTH OF 08-03-2007

PAGE 1 of 2

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TKT CREATED	RE-ISSUED SUPPLEMENTAL	CANCELLED LEVY	TAX DISTRICT
1	1874586	308915	HACKNEY ARLIN C	7/23/2007	VEHICLES LISTED INCORRECTLY ON ASSESSMENT FORM		XXXXXXXX	86.8	9
2	1884039	300769	EPPERLY NANCY	7/23/2007	VEHICLES LISTED INCORRECTLY ON ASSESSMENT FORM		XXXXXXXX	14.6	1
3	1872100	309317	MED SURG GROUP INC	7/23/2007	VEHICLES REPORTED INCORRECTLY-TAXES PD IN RALEIGH CO		XXXXXXXX	810.66	9
4	1892780	309837	THE BOC GROUP INC	7/24/2007	DOUBLE ASSESSMENT	XXXXXX		54.78	9
5	1877863	308736	DRENNEN BILL L & PATSY	7/24/2007	VEHICLES LISTED INCORRECTLY ON ASSESSMENT FORM	XXXXXX	900000005S	438.08	9
6	1888520	305238	CORKER PAULA	7/24/2007	REPORTED VEHICLES IN ERROR-LIVES IN KANAWHA CO	XXXXXX		300.32	3
7	1065386	303069	DAVIS MARJORIE LOU	7/24/2007	VEHICLE LISTED INCORRECTLY ON ASSESSMENT FORM	XXXXXX	200000003S	126.06	2
8	1888995	306301	PEREZ MERRELL	7/25/2007	DUPLICATE ASSESSMENT	XXXXXX		73.72	3
9	1881470	303539	JONES DREMA KEY, JONES BILLY L JR	7/25/2007	CHARGED FOR 2000 CHEV ASTRO VAN TWICE		XXXXXXXX	76.86	2
10	1881419	306378	REDMAN ROSEMUND M & LESLIE	7/26/2007	94 CHEV BERETTA LISTED INCORRECTLY ON ASSESSMENT FM		XXXXXXXX	15.76	3
11	1882935	300418	CASELL JAMES C & KAREN M	7/26/2007	DOUBLE ASSESSMENT-MH PICKED UP ON REAL ESTATE	XXXXXX		53.8	1
12	1871396	309517	PINSON SHARON	7/26/2007	SHOULD BE HS EXEMPT	XXXXXX		37.02	9
13	1881540	306780	WYATT JOE K & HELEN V	7/26/2007	SHOULD BE HS EXEMPT	XXXXXX		84.7	3
14	1064154	308266	VARGO JANET	7/27/2007	TAXED IN WRONG DISTRICT-SUPP TICKET ISSUED	XXXXXX	900000008S	198.22	8
15	1885077	301901	RATLIFF SANDY SCOTT OR TINA M	7/27/2007	SHOULD BE HS EXEMPT	XXXXXX		63.42	1
16	1887590	308718	DODD JACQUELINE S & GREGORY	7/27/2007	VEHICLE REPORTED INCORRECTLY-SUPP TICKET ISSUED	XXXXXX	900000017S	79.46	9
17	1880916	308876	GILL HERBERT L JR OR TERESA	7/27/2007	MH SOLD BEFORE 7/1/2006		XXXXXXXX	65.68	9
18	1889099	302641	ALLEN J CHLOE	7/27/2007	DOUBLE ASSESSMENT	XXXXXX		134.36	2

Commissioner Wender informed the Commissioners that the Urban Renewal authority is going to make application to the Americorp Vista to hire a person for a one-year contract to work directly for Dave Pollard, County Resource Coordinator to make calls to recruit companies for Wolf creek Park. The Commissioners match would be \$2,500.00, Americorp's match is \$7,500.00.

Commissioner Wender offered a motion that the Fayette County Commission hire Americorp Vista worker the Commission will subsidize on a one-year contract, the employer will be the Urban Renewal Authority, the Commission will transfer the \$2,500 match to the Urban Renewal Authority. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed an e-mail from Barbara painter, Coordinator, Fayette County Weatherization Program asking if the Commission approved the \$2,500.00 to offset rent for this Fiscal Year 2008.

Commissioner Wender offered a motion not to honor paying the \$2,500 for fiscal year 2008 because they did not honor agreement to keep warehouse open in Oak Hill. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to reappoint Frank Ferrell to the Kanawha Falls Public Service District. Commissioner Wender seconded. Unanimous. Appointment to serve letter and order was signed.

The Commissioners asked if they are allowed to expand the number of members on the Public Service District Board.

Ms. Holly told the Commissioners according to the West Virginia

Code the Commission can only expand the number of members if the Public Service District merged with another Public Service District.

Commissioner Wender told the Commission he received a call from Ken Toney from Ponderosa Bed and Breakfast regarding the hotel tax. He already has reservation reserved made for 2008.

Commissioner Wender offered a motion to extend exemption of increased bed tax to December 31, 2007. There were no second. Motion died.

Carl Harris, Prosecuting Attorney introduced Vickie Helton, his new assistant prosecutor to the Fayette County Commission.

Ms. Holly told the Commissioners they approved \$3,000 to allow Earl Pauley, Park Superintendent to pave the Danese Community Center. Ms. Holly told the Commissioners she received an invoice from the Southern West Virginia Asphalt, amount \$2,754.21.

Commissioner Wender offered a motion to honor to approve invoice for Danese Community Center for asphalt. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners the County received a notice that the Courthouse Facilities Improvement Grant is due by October.

Ms. Holly told the Commissioners she sent Dan Snead a notice of this and asked him what they needed to apply for in the next grant.

Commissioner Wender asked Ms. Holly to contact Dan Snead and inform him they need to bid as soon as possible.

Commissioner Wender feels this would penalize application if they have not completed.

Commissioner Wender requested that Ms. Holly ask Mr. Snead to

attend the County Commission meeting on August 17 for architectural review.

John Campbell and John Hosch appeared before the Commission to discuss the Petition for a Community Enhancement Act.

Mr. Campbell told the Commissioners that nothing they do here to day is binding. Fayette County Commission is not obligated to approve.

Mr. Hosch gave an explanation of the Community Enhancement Act.

Mr. Hosch told the Commissioners this allow them to borrow tax-free bonds to finance infrastructure, filed a preliminary Petition-Community Enhancement Act-River Ridge subdivision.

Mr. Hosch told the Commissioners they have sold 55 of 82 platted lots have been sold for single family detached housing.

Mr. Hosch told the Commissioners he never intended to put a sewer into the project, tried to get septic tank permits but have not received any permits. Mr. Hosch told the Commissioners he would have to pursue either a sewer or quit working on the project.

Eddie Young, Assessor asked Mr. Hosch how is bond paid back?

Commissioner Wender replied the County would put the assessment on each land owner, each individual lot owner would have to pay.

Commissioner Eskew suggested tabling and take under advisement August 17, 2007.

Commissioner Lopez asked Mr. Hosch if he is going to try to clean up the zoning issues.

Mr. Hosch replied he has tried all he is going to do.

Carl Harris, Prosecuting Attorney presented a copy of the memo

written to John Hosch regarding the River Ridge Petition for Community Enhancement District (See attached copy).

Commissioner Eskew told Eddie Young, Assessor that the Commission have received several request from River Ridge property owners requesting exonerations of their 2007 tax ticket.

Mr. Young told the Commissioners that he did not want to put property on the books. He called Wade Thompson, State Tax Department. Mr. Thompson asked how many lots were sold. Mr. Young replied 55. Mr. Thompson told Mr. Young that he has to put on the books.

Mr. Young told the Commissioners by January 15 he sent letters to the property owners stating their values of the lots and if they had any questions they could pursue a hearing with the Board of Equalization and Review hearings.

Mr. Young told the Commissioners they received approximately five (5) calls, but no one called to appear at the Board of Equalization and Review hearings.

Mr. Young told the Commissioners that the values are valid for 2007 they will not be changed. No Board of Equalization values as assumed on July 1, 2006, however he will adjust for 2008.

Carl Harris, Prosecuting Attorney told the Commissioners the Assessor can reassess property owners' value, the Fayette County Commission cannot sit here today and direct Mr. Young to reduce.

Mr. Harris told the Commissioners he does not feel requests fall within provision of the West Virginia code as conditions for hearing for current tax tickets.

Mr. Harris told the Commissioners he can respond to John Hosch



Office of the
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CARL L. HARRIS

Assistants:

Thomas J. Steele, Jr.
Brian Parsons
Matthew England
Jennifer Hewitt
Vickie Hylton

MEMO

**RE: RIVER RIDGE
PETITION FOR COMMUNITY ENHANCEMENT DISTRICT**

TO: FAYETTE COUNTY COMMISSION

FROM: CARL L. HARRIS

The Community Enhancement District creation is governed by West Virginia Code § 16-13E-4, a copy of which is appended to the Petition filed by Three Rivers Companies, LLC.

After reviewing the Petition and comparing its contents to the requirements of the aforesaid statute I find the following matters which I believe are not covered or not adequately covered:

- 1) A consultant's study as required by § 16-13E-4 (b) (6). I believe the code envisions an independent consultant and not what is contained in this Petition.
- 2) I do not find a development schedule included within the Petition.
- 3) I do not find in the Petition I reviewed a certification as required by § 16-13E-4(b)(12), however, based upon the ownership analysis in the Petition, it would appear that this is easily correctible. With the caveat that I do not believe the Commission can address this issue, I believe litigation will ensue to determine if the current owners of property within the area described as the "Community Enhancement District" can be subjected to the cost by majority land owner of the "District".

The Commission must review the Petition for matters that are not legal considerations upon which I should express an opinion. However, I find the following language to be very troubling "As everyone now knows, Fayette County adopted a Unified Development Code governing conditions for development within the county. These requirements are not economically feasible for the development of River Ridge. In order for this project to go forward, a multitude of

variances and hardships would need to be granted in a blanket format and an ever continuing situation through out the development process." To begin with, anyone considering a development project, whether in Fayette County or elsewhere, should know the local zoning laws before taking the first step, i.e. purchase of the property. Fayette County's UDC has not been hidden under a barrel in some dark damp corner of the Courthouse. To say that "As everyone now knows..." begs the question.

This language is further trouble some from the standpoint that upon acceptance of this Petition by the Commission, are you then going to be told by the developer that you acknowledged that there must be a multitude of variances, etc., and therefore they are to be granted?

I do not believe any Petition should be granted with this type of language. It undermines the very substance of the UDC. I am not saying that variances should not be considered and granted, only that they must be done in conformity to the law, which does not contemplate blanket coverage of exceptions.

regarding the informational package he provided regarding a Community Enhancement District near Kanawha Falls in the Valley District of Fayette County without further correspondence from the Fayette County Commission.

Mr. Harris told the Commissioner he would tell Mr. Hosch that Fayette County is receptive to new ideas based on what was discussed today.

Mr. Harris told the Commissioners that Kanawha Falls Public Service District can only have three (3) board members not unless they merge with another Public Service District. Gauley Bridge don't have any way to increase members.

Marvin Zimmerman and Earl Woodson members of the Arbuckle Public Service District appeared before the Commission to discuss request of the City of Oak Hill for Arbuckle's Public Service District Belt Press.

Mr. Zimmerman told the Commissioners they have no money manpower to operate properly.

The GEO bag is sitting where the press belt is.

The Commissioners informed Mr. Zimmerman according to August 20, 2004 minutes Arbuckle Public Service District is the owner of the belt press. The Fayette County Commission really has no voice in the matter.

Carl Harris, Prosecuting Attorney told the Commissioners that Arbuckle Public Service District and the City of Oak Hill needs to work out transfer and notify him with the details.

Commissioner Lopez offered a motion to appoint and sign Petitions

to Combine or Divide and Segregate Land for Janice Dickerson, Woodrum E. Butcher, Jackie L. and Mary Horrocks, Donald W. or Denise Redman, Jr., Larry W. Tincher, Linda J. Jones, Lynne Autry Arrington, Ronald Lee, II, and Letishia Carte, Matthew and Jennifer Bowyer, Gail W. Williams, Dreama Adkins and Sam and Christine Smith. Commissioner Wender seconded. Unanimous.

Ms. Holly told the Commissioners that James Perdue sister passed away.

The Commissioners received/reviewed and signed the SPF-SIG Grant.

The Commissioners received and reviewed a letter from Wachovia Bank, N. A. advising the Commission of the need to substitute certain securities pledged on behalf of Branch Banking and Trust Company (BB&T).

The Commissioners signed an Order, ordering the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney regarding county depositories.

The Commissioners signed Fire Levy Agreements for Boomer Volunteer Fire Department, amount \$35,522.00, Pax Volunteer Fire Department, Inc., amount \$36,572.00, and Danese Volunteer Fire Department, amount \$36,674.00 for year July 1, 2007 to June 30, 2008.

The Commissioners signed invoices for the Fayette County Board of Education for the months of July and August, amount \$5,833.34.

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 August.

Ms. Holly informed the Commissioners she received a letter from the West Virginia Development Office regarding the Community Participation Program Grants.

Ms. Holly presented to the Commissioners Resolutions for Glen Jean Street Lights (\$2,000), Fayette County Starting Point (\$1,000), and Gauneka Ruritan Club (\$5,000).

Commissioner Lopez offered a motion to approve, authorize and sign adopted Resolutions for Glen Jean Street Lights, Fayette County Starting Point, and Gauneka Ruritan. Commissioner Wender seconded. Unanimous. Resolutions signed.

The Commissioners received and reviewed a letter from Anita L. and Carla Kathleen Given regarding their taxes.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that Carla Kathleen and Anita Given was improperly assessed in Class 4 for 2002 through 2007 taxes. Mr. Young told the Commissioners he can exonerate 2006 and 2007 taxes, but the overpayment for 2003, 2004 and 2005 should be corrected as a credit on future taxes.

The Commissioners signed an Order subject to the approval of the Assessor that Carla Kathleen and Anita Given be afforded tax relief for tax years 2003, 2004 and 2005 in the total amount of \$586.18 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid.

James Perdue, Maintenance Supervisor and Larry Adkins, janitor appeared before the Commission to discuss Mr. Adkins returning to work.

Mr. Adkins told the Commissioners that the Doctor's have not talked about releasing him yet. Mr. Adkins told the Commissioners he didn't know if he would be back in a month or two months.

The Commissioners told Mr. Perdue to continue working Donnie Austin as a part time janitor.

The Commissioners received and reviewed a letter from the Pax Regional Community Center requesting funding for the replacement of the roof of the Pax Regional Community Center (project cost \$15,000.00).

The Commissioners informed they are unable to approve the request at this time.

Commissioner Lopez suggested to the Pax Regional Community Center to contact their legislators for state grant funding, and suggested they contact the Fayette County Community Corrections Center and request for workers for their project.

Commissioner Wender offered a motion that the Fayette County Commission accept the agreement to participate in the NACo Prescription Drug Card program. Commissioner Lopez seconded. Unanimous.

Aletha Stolar, Family Resource Network Coordinator appeared before the Commission to inform them that she has received a Community Technology Minigrant for the County Clerk Office to purchase software and hardware for the Redemption Project, amount \$5,000.00.

Ms. Stolar told the Commissioners the total sum requested is \$10,429.00. Ms. Stolar told the Commissioners that Kelvin Holliday, County Clerk has partnered with the Family Resource Network to commit \$2,000 to come out of his 2007-2008 office budget line items, travel and record books, the Fayette County National Bank has committed \$1,929.00 and the Community Connect Foundation Grant, \$5,000.00.

Ms. Stolar is asking the Commissioners if they would fund the remaining amount of \$1,500.00.

Commissioner Lopez offered a motion that the Fayette County Commission approve request of \$1,500.00 to partner with the Community Connect Foundation, Fayette County National Bank and the County Clerk to purchase software and hardware for the Redemption Project. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to Marcel Fortin with the Alliance of West Virginia Champion Communities informing that the Fayette County Commission has approved the request for the \$1,500.00 by the Fayette County Family Resource Network to partner with Fayette County National Bank, Fayette County Clerk and the Community Connect Foundation.

Commissioner Wender asked Ms. Holly to follow-up on the status of the New River Convention and Visitors Bureau and the Southern West Virginia Convention and Visitors Bureau Agreement.

Commissioner Wender offered a motion to approve a proposal to adopt the Ordinance for Removal of Board of Directors and to appoint someone else. Commissioner Lopez seconded. Unanimous. Discussion was held regarding appointing a committee. The Commission appoints

one person, the Planning Commission appoints one person and the Fayette County Bar Association appoints one person.

The Commissioners informed they would sign the Order on August 17, 2007.

Commissioner Wender informed the Commission that the City of Oak Hill would pay the \$14,000 for the first grant for the Oak Hill Rail Trail and the County would pay for the second grant.

The Commissioners received and reviewed a letter from Judge John Hatcher informing he would like to be consulted before any purchases or installation plans are made regarding the lights on the Main Courtroom.

The Commissioners received and reviewed a copy of a letter from the Division of Criminal Justice Services to Ron Booker enclosing a copy of the Justice Assistance Grant agreement (06-JAG-38) that was approved for the July 1, 2007 to June 30, 2008 fiscal year.

The Commissioners signed Request for Reimbursement to the Division of Criminal Justice Services for TRIDENT, amount \$4,212.75 for the month of July.

The Commissioners received and reviewed a letter from the New Haven Veterans' Memorial Committee thanking the Commission for their \$1,000.00 grant.

The Commissioners received and reviewed Registration Form for the 2007 Educational Conference on Litter Control and Solid Waste Management to be held October 28, 29, and 30, 2007 at Ogleby Resort.

The Commissioners received and reviewed a Recall Reminder from Ford.

The Commissioners received and reviewed a letter from the West Virginia Institute of Technology enclosing a copy of the 2006-2007 Tech EDA University Center recommendations and findings of this year's projects and studies.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding the New Haven Public Service District-Stringtown Road Crysty Linkenhoker complaint.

The Commissioners received and reviewed copies of letters to Debbie Aliff, Payroll Clerk from Harvey E. Young, Assessor informing that effective August 1, 2007 the position of Tommy Jackson will be considered a temporary full-time position, rate of pay \$19.00 per hour to be paid out of the PVC Fund, effective with the July 16, 2007 pay period the pay scale of Curtis Dotson will increase to \$9.35 per hour will be paid out of the PVC Fund, effective August 1, 2007 Cynthia D. Hysell will be promoted to Personal/Business Supervisor, salary will be \$24,000.00 to be paid out of the Regular county budget, effective August 16, 2007 Lindsey Epperly will go to part-time status at a rate of \$11.00 to be paid from the PVC Fund, effective August 16, 2007 Jennifer M. Yost will be a full-time employer annual salary \$16,000.00 to be paid out of the PVC Fund.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney giving a list of his personal furniture in his office.

The Commissioners received and reviewed a letter from Congressman Nick Rahall thanking the Commission for their interest in a proposed Mountain Music Center and Heritage Trail.

The Commissioners signed an order and an appointment letter to serve appointing Frank Ferrell a member of the Kanawha Falls Public Service District.

The Commissioners approved purchase of a chair for the County Clerk.

The Commissioners received and reviewed from Region 4 Planning and Development Council the Regional Dimensions Newsletter.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing an update of the agency's by-laws to reflect the changes.

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

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 thank-you note from the Fayetteville Fairs and Festivals thanking the commission for their support of the 2007 New River Gorge Heritage Festival.

The Commissioners received and reviewed the 50% allocation hotel occupancy tax for the New River Convention Visitors Bureau, amount \$6,788.13.

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

The Commissioners received and reviewed a letter from Delegate Margaret Stagers informing the Community Participation Project Funding Request has been approved.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of July 20, and July 23, 2007.

The Commissioners received and reviewed from the Branch Banking and Trust enclosing report of investments and transaction for the period February 1, 2007 to July 31, 2007.

The Commissioners received and reviewed a letter from the Ansted Historic Preservation Council, Inc. enclosing letters from various persons of interest regarding 11/WVNPDES Permit #WV1022202 and Permit #SMA-S-3002-07.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the June Limited Video Lottery will be deposited on July 26, 2007, amount \$6,292.30.

The Commissioners received and reviewed Status Report from the 911 Center for the period January through June 2007.

The Commissioners received and reviewed from the Fayette Animal Control Center the Activity Report, Monthly Revenue Report for the month of July, New River Humane Society Allotment, amount \$12,176.25 month of August and Weekly Fees Collected for the week of July 13 to July 19, 2007, amount \$358.00, the week of July 20 to July 27, 2007, amount \$140.00, the week of July 27 to July 31, 2007, amount \$160.00 and the week of August 1 to August 2, 2007, amount \$55.00.

The Commissioners received and reviewed several checks for 911 Fees from Metropolitan Telecommunication of WV, amount \$2.00, Level 3

Communications, LLC, amount \$398.00, Cebridge Telecom, WV, amount \$18.00, Cleartel Telecommunications, Inc., amount \$12.00, AT&T Communications of WV, amount \$600.00, IDT Corporation, amount \$56.00, Spectrotel, Inc., amount \$42.00, Granite Telecommunication, LLC, amount \$142.00, Mountain Communication, amount \$45.82, Trinsic Communications, Inc., amount \$24.00, One Communications, \$2,056.40; Alarm Fees-New River Health Association, amount \$600.00, Genesis Healthcare Corp., amount \$600.00; Franchise Fee-Suddenlink Communications, amount \$26,317.97, Rapid Communications, Inc., amount \$1,203.13, Bradley Communications, amount \$857.99; Jail Fees-Town of Fayetteville, amount \$242.50; Criminal Justice Services, amount \$6,756.80; Other Grants-BB&T, amount \$10,500.00; City of Beckley, amount \$477.32; reimbursement 4C-EDA, amount \$10,000.00, Secretary of State, amount \$712.18.

The Commissioners received and reviewed an e-mail from Lucinder Potter informing that the hotel deadline has been extended for the Fall Local Government Leadership Academy.

The meeting was adjourned. The next scheduled meeting is August 17, 2007.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 17, 2007

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 17th day of August 2007.

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

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

Commissioner Lopez offered a motion to approve and sign personal property tax tickets (See attached list). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign a refund for Bill Smith. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tax tickets (See attached list). Commissioner Lopez seconded. Unanimous.

Mr. Young informed the Commissioners that Don Hebb head of the State Tax Department Oil and Gas Division informed him that basically all oil and gas accounts over the years have a number of errors made. Mr. Hebb informed the CLT Program Natural Resources did not catch error. The report that was on the system, the County should not have been able to access.

Mr. Hebb told Eddie Young, Assessor the 3-year weighted values were previously based on last year's income. Mr. Hebb gave Mr. Young a copy of the spreadsheet that identifies in alphabetical order the

PERSONAL PROPERTY TICKETS CANCELLED OR EXONERATED
 MONTH OF 08-17-2007

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE	REASON FOR CANCELLATION	STRAIGHT	CORRECTED	RE-ISSUED	CANCELLED	TAX
					CANCEL	TKT CREATED	SUPPLEMENTAL	LEVY	DISTRICT
1	9001094	23623 CRUM JEAN	8/13/2007	DUPLICATE ASSESSMENT	XXXXXX			3.84	3
2	9001096	23624 CRUM JEAN	8/13/2007	DUPLICATE ASSESSMENT	XXXXXX			3.84	3
3	9001098	23625 CRUM JEAN	8/13/2007	DUPLICATE ASSESSMENT	XXXXXX			3.84	3
4	1888824	303504 JAMES SUSAN & KENNETH J	8/13/2007	VEHICLES CHGD INCORRECTLY ON TICKET-SUPP TICKET ISSUED	XXXXXX		#200000046S	152.18	2
5	1887425	301375 KINCAID TIMOTHY	8/13/2007	DUPLICATE ASSESSMENT	XXXXXX			317.32	1
6	1888651	304292 SMITH BONNIE J & BILLY L	8/13/2007	DID NOT OWN 99 FORD TK ON 7/1/ 2006		XXXXXXXXXX		112.22	2
7	1888454	301316 KIDD PHYLLIS J	8/13/2007	VEHICLE ENTERED INCORRECTLY	XXXXXX		#100000047S	43.82	1
8	1878175	308674 DANIELS DAVID G & ANNA J	8/13/2007	DID NOT OWN 87 CHEV S10 ON 7/1/2006		XXXXXXXXXX		13.78	9
9	1187888	309176 LATTANZI DALE LYNN & SUSAN C	8/13/2007	DID NOT OWN 86 NISSAN TK ON 7/1/2006		XXXXXXXXXX		4.60	9
10	1114314	308983 HILL JACK L & JACQUELINE R	8/13/2007	DID NOT OWN 99 FORD TK ON 7/1/ 2006		XXXXXXXXXX		174.08	9
11	1154583	305557 FOSTER JAMES JERRY & JOYCE E	8/13/2007	DID NOT OWN 95 TOYOTA CAMRY ON 7/1/2006		XXXXXXXXXX		39.58	3
12	1514178	301722 OGLE RICHARD WILLIAM & GLADYS	8/13/2007	DID NOT OWN 02 CHEV VENT ON 7/1/2006		XXXXXXXXXX		104.14	1
13	1150211	304870 ARBAUGH ERNEST CLINTON & ROGE	8/13/2007	DID NOT OWN 2000 OLDS INTR ON 7/1/2006		XXXXXXXXXX		72.24	3
14	1881419	306378 REDMAN ROSEMUND M & LESLIE	8/13/2007	DID NOT OWN 94 CHEV BER ON 7/1/2006		XXXXXXXXXX		15.76	3
15	1886646	300934 GILKERSON MICHAEL W & THERESA	8/13/2007	DID NOT OWN HARLEY DAVIDSON ON 7/1/2006		XXXXXXXXXX		229.66	1
16	1886230	301447 MACIEJEWSKI RICHARD	08/13/2007	DID NOT OWN DODGE RAM ON 7/1/2006		XXXXXXXXXX		53.42	1
17	1871529	308720 DODSON JOHNNY P	8/13/2007	DID NOT OWN 02 DODGE RAM ON 7/1/2006		XXXXXXXXXX		203.94	9
18	1884547	306964 KILLEN JAMES LANSING JR	8/13/2007	DID NOT OWN 02 CHEV BLAZ ON 7/1/2006		XXXXXXXXXX		150.66	4

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF August 17, 2007

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6169059	38861	CRINITI, JAMES R	8/7/2007	S/B CLASS 2		X		\$453.08	11
6026686	2468	CRAWFORD, IDA & HAGGINS LORENE	8/7/2007	ERRONEOUS VALUE		X		\$41.50	1
8146026	7763	PARKS, RALPH	8/7/2007	S/B CLASS 2		X		\$146.82	1
8018478	9578	SMITH, GEORGE MICHAEL	8/7/2007	S/B CLASS 2 & HOMESTEAD		X		\$247.24	1
6014145	2495	CRIST, BARRY W & KEMBRA A	8/7/2007	ERRONEOUS VALUE		X		\$177.56	1
8104062	13083	BRAGG, DELLA	8/7/2007	S/B HOMESTEAD		X		\$51.50	2
6022270	11362	WORKMAN, ALMA LEE	8/7/2007	S/B HOMESTEAD		X		\$256.20	1
6332550	39898	WINEBRENNER, BYRON M & SHIRLEY	8/7/2007	S/B CLASS 2		X		\$315.08	13
6198571	19743	SMITH, CHREDA & BILL P	8/9/2007	S/B CLASS 2 & HOMESTEAD		X		\$104.54	2
6216962	31790	SMITH, RICHARD A & CAROL F	8/9/2007	ERRONEOUS VALUE		X		\$72.68	5
6016410	9382	SIMMS, DAVID C & DAVID W	8/9/2007	S/B CLASS 2		X		\$296.69	1
*06124856	*35310	GIVEN, ANITA L & CARLA & KATHLEEN	8/9/2007	BY CC ORDER(CREDIT APPLIED \$244.58)		X		\$489.14	9
6124856	35427	GIVEN, ANITA L & CARLA & KATHLEEN	8/9/2007	BY CC ORDER(CREDIT APPLIED \$313.25)		X		\$626.50	9
6309906	22395	BALL, REBA	8/16/2007	S/B HOMESTEAD		X		\$256.20	3
6304153	26606	PARSONS, ELIZABETH	8/16/2007	S/B CLASS 2		X		\$198.30	3
6357239	36659	MOODY, JOHN ROBERT & JANE	8/16/2007	S/B CLASS 2		X		\$350.00	9
9002842	11125	WILLIAMS, LILLIAN L	8/16/2007	S/B CLASS 2 & HOMESTEAD		X		\$428.88	3

names account numbers, and amount of assessment error that the program created. Mr. Hebb told Mr. Young that this report does not include any accounts in which the assessed value changed by less than \$10.00.

Attached is a spreadsheet that identifies, by name, the amount of assessment error that occurred in all of the individual's or company's name.

The total value is \$4.9 million reduction error in Fayette County roughly \$130,000 taxes, Fayette County Commission shares are approximately \$35,0000.

Mr. Young proposed to the Fayette County Commission to make necessary corrections to tax tickets.

Commissioner Lopez offered a motion to approve recommendation of the State Tax Department and the Assessor, the exoneration of the oil and gas tickets and to make corrections and reissue tickets.

Commissioner Wender seconded. Unanimous.

Mr. Young commented to the Commissioners that Don Hebb is always on top of things.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, payrolls to be released August 24, 2007. Commissioner Wender seconded. Unanimous.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the River Ridge Preliminary Petition for a Community Enhancement District.

Mr. Harris told the Commissioners that based on the informational package that John Hosch provided regarding the Community Enhancement District the Commission cannot pre-approve a Petition.

The Commissioner asked Mr. Harris to send a letter to Mr. Hosch and inform him of the Commissioners' decision.

Mr. Harris told the Commissioners the Petition is not appropriate.

Mr. Harris told the Commissioners that the ball is in Mr. Hosch court on whether or not he wants to file another Petition.

Commissioner Wender offered a motion that Carl Harris, Prosecuting Attorney will notify Mr. Hosch that the Fayette County Commission has not received an appropriate petition, if the Commission receive an appropriate petition the Fayette County Commission will consider. Commissioner Lopez seconded. Unanimous. (See attached letter)

Commissioner Wender questioned if the Fayette County Planning Commission had responded to their request dated April 17, 2007 regarding the status of their review and revision of the Fayette County Unified Development Code. Commissioner Wender informed the Commission that he was disappointed that nothing had been done.

Commissioner Wender told Commissioner Wender they the Commission did not put a time limit on the request.

Commissioner Lopez suggested addressing on August 31, 2007.

Dave Saville with the West Virginia Wilderness Coalition appeared before the Commission to present a presentation to secure permanent protection for the wildest parts of WV's Monongahela National Forest as wilderness forest areas.

Also, present were Randy Boyd and Sally Hurst.

Mr. Saville is asking the Commission if they would write a letter

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Office of the
**FAYETTE COUNTY
PROSECUTING ATTORNEY**

108 East Maple Avenue
Fayetteville, West Virginia 25840
(304) 574-4230
Fax (304) 574-0228

Prosecuting Attorney:
CARL L. HARRIS

Assistants:
Thomas J. Steele, Jr.
Brian D. Parsons
Matthew D. England
Jennifer Day Hewitt
Vickie L. Hylton

August 20, 2007

E. John Hosch
4463 Cherokee Street
Suite 200
Actworth, GA 30101

Re: CED near Kanawha Falls

Dear Mr. Hosch:

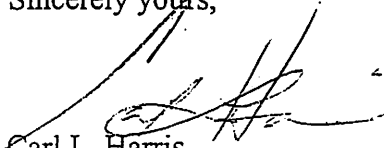
I have met with the Fayette County Commission regarding the informational package you provided regarding a Community Enhancement District you contemplated near Kanawha Falls in the Valley District of Fayette County.

The Commission cannot pre-approve a petition. I have reviewed the information and would be happy to discuss areas that I believe to be less than required by the applicable enabling statute. The Commission will, as required by statute, review and act upon any petition for a CED as required by statute.

I believe you have some idea of the concerns of the Commission since you attended the meeting to discuss your ideas.

Thank you for your cooperation in this matter. If I can be of further assistance in this matter, please feel free to contact me.

Sincerely yours,


Carl L. Harris
Prosecuting Attorney

CLH/hw

of support and sign a Resolution for the protection of additional wilderness forest areas in the Monongahela National Forest.

Commissioner Wender offered a motion that the Fayette County Commission will approve and authorize the adaption of the Resolution of efforts to designate more wilderness areas in Monongahela National Forest. Commissioner Lopez seconded. Unanimous. The Commissioners asked Dave Saville to draft the Resolution.

Ms. Holly informed the Commissioners that last year they approved to reduce the per diem of the Regional Jail cost from \$48.00 to \$45.00. Ms. Holly asked the Commissioners if they wanted to continue to leave at \$45.00 per diem and escrow the \$3.50 difference the same this year. The Commissioners agreed to leave as is.

Commissioner Wender offered a motion that the Commission continues to pay \$45.00 per diem and escrow the difference of \$3.50 pending the out come of the Supreme Court Judge Pancobe ruling.

Mannix Potterfield with the Beckley Register asked the Commissioners how much do they pay the Regional Jail and Courthouse jail fees.

Ms. Holly told Mr. Potterfield for Fiscal Year 2007-\$926,495.50, Fiscal Year 2006-\$846,325.00 and Fiscal Year 2005-\$861,020.00.

Rita Lynch with BrickStreet appeared before the Commission to discuss workers' Compensation Safety and Loss Control.

Commissioner Wender suggested to Ms. Lynch to talk with our representative Michael Lively with Jim Lively Insurance.

Commissioner Wender informed the Commissioner, he received an e-mail from Carl Thompson informing he would like to attend the Green

Design Conference.

Mr. Thompson is requesting that the Commission fund the entire amount for him to attend the Exhibits and Networking, estimated cost \$600.00.

Commissioner Wender offered a motion that the Fayette County Commission support Carl Thompson request to attend the Green Design Conference, estimated cost \$600.00. Commissioner Lopez seconded. Unanimous.

Doug Arbogast with the West Virginia Sustainable Communities appeared before the Commissioners to present "Going Green: A Community Pledge for a Sustainable WV" for Commissioner Eskew to sign.

Mr. Arbogast informed the Commissioners that it has been confirmed that the program is staying in Fayette County. The Commissioners asked Ms. Holly to notify Earl Pauley, Park Superintendent to get the two (2) vehicles.

Commissioner Wender offered a motion that the Fayette County Commission will support the WV Sustainable Communities Program given that they have the committee another year, Fayette County Commission will purchase two (2) vehicles for their use with the understanding the cars would be used only for official use they must provide a list of the drivers, their date of birth, and license. The County will pay the maintenance and insurance. The Program would pay for the gasoline. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners that they had been having lighting problems at the Fayette County Health Department.

Ms. Holly told the Commissioners she received a quote from H. G.

Carte Electric, Inc., amount \$8,300.00.

Ms. Holly told the Commissioners that she is recommending that this be included in the current lighting audit grant.

Commissioner Wender offered a motion to amend the current grant to include the necessary lighting repairs to the Fayette County Health Department. Commissioner Lopez seconded. Unanimous.

Doug Arbogast told the Commissioners he would need a letter of support from the Commissioners.

The Commissioners asked Mr. Arbogast to prepare the letter they would sign.

Attorney Grady Ooten, Bill Lanham, City Manager and Jim Akers, Mayor of the Town of Fayetteville appeared before the Commissioners to present a petition regarding annexation of certain additional territory into the municipality of Fayetteville, Fayette County, WV.

Commissioner Eskew asked Carl Harris, Prosecuting Attorney if he reviewed the Petition.

Mr. Harris told the Commissioners that he reviewed the Petition and everything is okay.

Commissioner Lopez offered a motion to approve the Town of Fayetteville Annexation. Commissioner Wender seconded. Unanimous. Order signed.

Bill Lanham asked the Commissioners for assistance in getting a trailer moved.

Phyllis Farley informed the Fayette County Solid Waste Authority could apply for a grant to help assistant in this.

Ms. Holly informed the Commissioners that it would be best to

talk with Debbie Berry about putting this on the Fayette County Solid Waste Authority agenda.

Bill Hannabass, Mayor and Tom Oxley City Manager of the Town of Oak Hill appeared before the Commission to present a Petition for Annexation of Woodland Avenue 16.249 acres of Country Club Road.

Discussion was held regarding the Oak Hill Rail Trail joint publication for paving.

Carl Harris, Prosecuting Attorney reviewed.

Commissioner Wender asked Mr. Harris to draft an intergovernment agreement with the City of Oak Hill and send a copy to Ronda Brisendine with the Department of Transportation.

Commissioner Wender offered a motion to authorize Carl Harris, Prosecuting Attorney to draft an intergovernment agreement with the City of Oak Hill for paving of the Oak Hill Rail Trail and authorize Commissioner Eskew to sign on behalf of the Fayette County Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve the Annexation of Woodland Avenue 16.49 acres of Country Club Road. Commissioner Wender seconded. Unanimous.

The Commissioners signed the Annual Motor Fuel Excise Tax Refund Application.

The Commissioner signed a letter to the West Virginia Development Office requesting the first and final drawdown for FOOTMAD, amount \$3,000.00.

Ms. Holly presented several Community Participation Program Grants to the Commissioners.

Commissioner Lopez offered a motion to approve and authorize the adoption of Resolutions for the New River Birding Program (\$5,000), the City of Smithers (\$7,000), the Oak Hill Lions Club (\$5,000), the New River Health Association, Inc. (\$6,000), the New River Health Association (\$5,000), the Lewis Community Building, Armstrong Creek VFD, and Just For Kids. Commissioner Wender seconded. Unanimous.

Dan Snead with J. D. Snead Associates appeared before the Commissioners to discuss the Courthouse Facilities Improvement Grant for the courthouse.

Mr. Snead told the Commissioners he plans to have plans and specs for porticos and the Memorial Building completed next week.

Ms. Holly told the Commissioners that the Courthouse Facilities Improvement Authority has announced the acceptance of applications for the 5th cycle of courthouse improvements.

Ms. Holly told the Commissioners that the Commission should consider the water issues, Dan Snead will call the Courthouse Facilities Improvement Authority and he will revise the 5th round.

Ms. Holly presented an invoice for the materials and labor cost for the two handicap accessible bathrooms at the new Local 8843 Union Hall for Precinct 26 Cannelton, amount \$5,824.93 to the Commissioners.

Commissioner Lopez offered a motion to approve for the HAVA Grant to reimburse Precinct 26 Cannelton Local 8843 Union Hall, amount \$5,665.40 and the Commission to reimburse the \$159.53 total amount \$5,824.93. Commissioner Wender seconded. Unanimous.

The Commissioners signed Request for Reimbursements to the West Virginia Division of Criminal Justice Services for Just For Kids, Inc.

amount (\$2,615.00) and the SPI-SIG Grant, amount \$(2,109.60).

Ms. Holly presented Petitions from the Assessors's Office to Combine or Divide and Segregate land to be approved and signed.

Commissioner Lopez offered a motion to approve and signed Petition to Combine or Divide and Segregate Land for Peggy Ann Tassin, Fred A. and Kenneth D. Minter, Twilla Sue Cassell, Dennis L. and Betsy A. Leshar, James D. and Peggy L. Bays and Dimmie Ann Warden. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to the Pax Regional Community Center regarding their request for funding for the replacement of the roof.

The Commissioners informed they are not able to approve their request at this time but suggested that they contact the legislators for state grant funding and suggested they contact the Fayette County Community Center and request workers for their project.

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 2007.

The Commissioners signed Fire Levy Protection Agreements for the Mount Hope Volunteer Fire Department (\$38,842.00), Gauley Bridge Volunteer Fire Department (\$36,318.00), Gauley River Volunteer Fire Department (\$33,808.00), Montgomery Volunteer Fire Department (\$46,512.00) and the Armstrong Creek Volunteer Fire Department (\$35,734.00).

The Commissioners signed Fayette County Fire Levy Pumper Replacement Agreements for Oak Hill Volunteer Fire Department

(\$45,531.00), Nuttall Volunteer Fire Department (\$45,531.00), Danese Volunteer Fire Department (\$45,531.00), Gauley River Volunteer Department (\$45,531.00), and Fayetteville Volunteer Fire Department (\$45,531.00).

The Commissioners received and reviewed new authorization cards from the West Virginia State Agency for Surplus Property.

The Commissioners received and reviewed a letter from the Fayetteville Midget Football League, Inc. requesting use of the Memorial Building to host a Longaberger Bingo fund-raiser for September 6, 2007.

Commissioner Lopez offered a motion to approve the request for the Fayetteville Midget Football League to host a Longaberger Bingo fund-raiser, rental fee and the custodial and trash service fees will be waived. Commissioner Wender seconded. Unanimous.

The Commissioners signed Caremarkpcs Health, L. P. National Association of Counties Managed Pharmacy Benefit Services Agreement (Prescription Contract).

Ms. Holly told the Commissioners at their last meeting they approved the policy regarding the removal of a member of the Fayette County Planning Commission.

Ms. Holly told the Commissioners they still need to appoint the committee members.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent called her regarding a water meter or the shooting range and Peggy Bennet called about the electric.

The Commissioners received and reviewed a letter from the New

haven Public Service District requesting that Eula Ewing or Edith Jarrett be appointed to serve as a board member due to the death of Ann Berry.

Commissioner Lopez offered a motion to appoint Eula Ewing a member of the New Haven Public Service District due to the death of Ann Berry. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Election Systems and Software informing that the Secretary of State has agreed to provide a one-time credit against the cost of additional equipment and/or support for upcoming elections.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney requesting to purchase a Hewlett Packard Laserjet 4250n printer from Plateau Printing, cost \$1,572.00.

Ms. Holly told the Commissioners she checked and Staples has the same printer their cost \$1,249.00.

Commissioner Lopez offered a motion to purchase the printer from Staples, cost \$1,249.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent informing that as of August 31, 2007 Wilbert "Dee" Lively will be retiring from the Fayette County Park.

The Commissioners received and reviewed a letter of resignation from Terra A. Basham, Secretary WVU Extension Office effective September 7, 2007.

Ms. Holly informed the Commissioners that Debbie Tate has placed an advertisement in the paper regarding the position.

Ms. Holly told the Commissioners that last evening the air-

conditioning unit for the Courtroom went out.

Ms. Holly told the Commissioners she received a bid from Camco to repair the unit the cost would be \$5,450.00, to install a new unit the cost would be \$9,300.00.

Commissioner Eskew and Commissioner Lopez approved to purchase a new unit for the Courtroom, cost \$9,300.00.

The Commissioners received and reviewed a thank-you letter from Judge W. Hatcher, Jr. thanking the Commissioners for approving the purchase and installation of a new air-conditioning unit for the Courtroom.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding the completion of the security upgrades to the 911 Center and the primary tower sites: 1) Install cameras for two remaining exit doors, cost \$1,209.66, 2) Upgrade the existing camera on the employee parking lot. This would require an upgrade to the existing recorder, cost \$4,423.50, DVR upgrade, cost \$2,795.00, and 3) Install wireless RF controlled cameras and 5.26B antennae to each tower site, total cost per site \$7,500.00 (3 sites Gauley, Valley and Mann).

Mr. Neal told the Commissioners that all cost associated with these purchases are payable from the 911 Fund and may be at least partially reimbursable from the Homeland Security Funds. The Commissioners approved to be paid out of the 911 Fund.

Carl Harris, Prosecuting Attorney sent over an Agreement with the New River Humane Society.

Commissioner Wender offered a motion to accept the Agreement

Marvin Masters regarding River Ridge Development proposal for a Community Enhancement District.

The Commissioners received and reviewed a fax from the Office of Economic Opportunity regarding the recommendations of H & D Associates regarding the future of the five-county area formerly served by Multi-Capt, Inc.

The Commissioners received and reviewed a letter from Michael Dougherty, Extension Specialist, CHUD with the WV University regarding Community Enhancement Districts and Tax Increment Financing.

The Commissioners received and reviewed a letter from the Monongalia County Commission regarding a Polled Health Insurance Program for all counties.

The Commissioners received and reviewed a copy of a Grant Adjustment Notice to the Division of Criminal Justice Services for Just For Kids, Inc., project #06-JAG-34.

The Commissioners received and reviewed a copy of a letter from the Division of Homeland Security informing the 2007 SERC Grant request has been approved, amount \$500.00. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed an invitation from the New River Youth Symphony and Chorus inviting the Commission to attend their Summer 2007 Concert on Saturday, August 25, 2007 at 7:00 p.m. at the Carnegie Hall in Lewisburg.

The Commissioners received and reviewed a brochure from the West Virginia Supreme Court of Appeals informing they is offering a Court Security Seminar October 16-18 in Huntington.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$484.50 for the month of July 2007.

The Commissioners received and reviewed a fax from Spilman, Thomas and Battle regarding Losch v. Land Resources, etc.

The Commissioners received and reviewed a letter from the WV America Water regarding New River Gorge Preserve, LLC-Bridgeview Estates request for an easement over the property it leases from the County Commission for its water storage tank.

The Commissioners received and reviewed from 4-C Economic Development Authority a copy of the Strategy and Branding Workshop presentation held August 2, 2007.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing the executed grant award regarding FCC-FOOTMAD-Local Economic Development Assistance Grant Program, project #06LEDA0134.

The Commissioners received and reviewed a letter from the Economic Development Administration approving the change order necessary for the completion of EDA Grant 01-79-08060 Infrastructure.

The Commissioners received and reviewed a letter from Travelers informing that Daniel Hoover is the representative for Claim #CDH9691-Fayette County Commission-Gauley Tower.

The Commissioners received and reviewed a copy of a letter from Ford Motor Company reminding that the 1995 Econoline has not had the no charge recall completed. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed several correspondences from BrickStreet and the Workers' Compensation Board of Revenue regarding workers' compensation claims.

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

The Commissioners received and reviewed Weekly Fees Collected by the Fayette County Animal Control Center/NRHS for the week of August 3 to August 9, 2007, amount \$175.00 and the week of August 10 to August 16, 2007, amount \$245.00.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$52.53, and Verizon, amount \$31,897.62; Alarm Fees from DBT America, Inc., amount \$300.00; Jail Fees from the City of Mount Hope, amount \$97.00; supreme Court FLM rent, amount \$2,025.00; Magistrate Court, amount \$1.00; and the City of Beckley reimbursements, amount \$700.24.

The Commissioners received and reviewed an e-mail from the West Virginia Development office asking if the Fayette County Commission wants to split the Community Participation Grant Application Project 07LEDA0072 into separate grants or keep it all together amount \$62,000 for various projects. The Commissioners approved separating the grants.

The Commissioners received and reviewed an e-mail from David Neal, E911 coordinator giving a status report on Reverse 9-1-1.

The Commissioners received and reviewed an e-mail from David Neal

giving an update on the Gauley Tower lighting damage.

The Commissioners received and reviewed an e-mail from Tom Oxley, City Manager informing he received an e-mail from Jim Hudson, Community Development Specialist informing he received authorization for the Recreational Trail Program White Oak Trail Project to proceed.

The Commissioners received and reviewed an e-mail from Bill Willis, Program Coordinator West Virginia Division of Energy informing that he is processing the lighting contract and he has read Judge John Hatcher's letter enclosed with the contract.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding the most current drought monitor.

The meeting was adjourned at 2:15 p.m. The next scheduled meeting is August 31, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 31, 2007
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 31st day of August 2007.

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

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

Mr. Young presented an Application for Correction of Assessment to the Commissioners (See attached).

Mr. Young told the Commissioners that Wayne Andrew Rhodes et al informed him that his house was not assessed for 2007 and is requesting a correct 2007 assessment.

Commissioner Lopez offered a motion that Wayne Andrew Rhodes Application for Correction of Assessment be approved. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve exonerations of personal property tickets for the Oak Hill Pediatrics. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve exonerations of real property tickets for the Tech Foundation, Nellie M. Humphrey, Donna Jean Bilyeu, Clint Treadway, Mary C. Smith, Donna K. Sims, Leslie Houchins, Edith Mardis, Larry Dale Ewing, Ronald C. and Melba R. Foote, Christopher C. and Jeffrey Pinnick, George D. Marlin, Fran L. Band, Margaret Lee and Blum J. Moss, and Imogene L. Givens. Commissioner

APPLICATION FOR CORRECTION OF ASSESSMENT

STATE OF WEST VIRGINIA, COUNTY OF FAYETTE

TO THE HONORABLE FAYETTE COUNTY COMMISSION:

I, the undersigned property owner/taxpayer, on behalf of the Sate, County, and Districts, an aggrieved by an entry in the Property Tax Books and, hereby, make application for the correction of the same as herewith described.

Rhodes, Wayne Andrew Etal
Property Owner/Taxpayer

REAL ESTATE 06216089 PERSONAL PROPERTY _____

PROPERTY OWNER Rhodes, Wayne Andrew & Etal

ADDRESS 3338 E. Cotton Rd., Eclectic, A1 36024

DISTRICT 01 ACCOUNT NUMBER 06216089 TICKET NUMBER 8603

	<u>Entry</u>	<u>Correction</u>
ASSESSMENT	<u>\$14,810</u>	<u>\$45,866</u>
TAX AMOUNT	<u>\$189.72</u>	<u>\$587,54</u>

REASON House was not assessed for 2007. Taxpayer requests a corrected 2007 assessment.

Application for correction approved by Assessor this 30 day of August, 2007

[Signature]
Fayette County Assessor

The undersigned attests that it is understood that this petition for correction of assessment will be the first order of business by the Fayette County Commission at the Courthouse of said County on the 31 day of August, 2007 at 9:00 a.m.

I further understand that I have a right to be present at such hearing. I have had the correction of the assessment and tax amount explained to me and I consent to such correction.

[Signature]
Property Owner/Taxpayer

At regular term of the County Commission of Fayette County, West Virginia held at the Courthouse of said County, Commissioners, on the 31 day of August, 2007 issued the following order, which was made and entered to-wit.

The Commission, therefore, orders the said entry to be corrected, as aforementioned, and that said property owner be officially notified of the corrected amount of taxes due for the 2007 Tax Year.

It is furthered ordered that the Clerk of this Court certify a copy of this order to the Auditor, the Sheriff, and the Assessor.

[Signature]
APPROVED: President of Fayette County Commission

Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for Virginia Kennan (\$72.76), Robert H. Hess (\$22.84), First Baptist Church of Boomer (\$11.56), Tom and Josephine Cole (\$99.16), Roland A. Cookro (\$50.16), Jarrell or Nadine Brown (\$16.92), Mark G. Music (\$37.42), Bull and Eva J. Watkins (\$35.16), H. A. Robson Trust (\$30.92), Peabody Development Co. (\$457.88), Christine M. Rhodes (\$49.74), Deward H. Cameron etux (\$13.06), Carolyn and John H. Blackwell (\$11.88), Wayne Andrew Rhodes (\$170.54), Mary C. Steele (\$36.38), F. N. Smith Heirs Trust (\$29.62), Irene L. Steele (\$24.26), Shirley Jarrell (\$34.20), Charles L. and Terry L. Treadway (\$67.32), Charles Treadway (\$13.60), Greenbrier Development (\$350.84), and Enervest Appalachia LP (\$188.83). Commissioner Wender seconded. Unanimous.

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

Earl Pauley, Peggy Bennett, Jody Ward and Bobby Meadows appeared before the Commission to discuss the Grant application.

Commissioner Wender still questioned about the County being reimbursed for labor and equipment.

Commissioner Wender suggested 1) holding the \$35,000 grant application, rework grant money to reduce cost where applicable, 2) get approval to reroute the money for the sawmill to be rededicated for addition equipment, 3) Peggy Bennett work to get the cost of the county's fuel, labor, 4) talk with Senator Shirley Love regarding expectations.

Commissioner Lopez suggested that they come back on September 10,

2007 at 11:15 a.m. to discuss further.

Carl Harris, Prosecuting Attorney suggested having figures in advance for the Commissioners to review.

Commissioner Wender offered a motion to authorize Ms. Holly to get utility services in County's name and transfer to the Gun Club when completed. The County to pay the deposits and meter fees. The Gun Club will reimburse the Commission for the hook up and upon signing the lease the Commission would transfer the utilities back to the Sportsmen's Gun Club. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she has the applications for the WVU Extension secretary.

The Commissioners asked Ms. Holly to forward the applications to Debbie Tate, Brian Sparks and Diane Meadows to review and make recommendations.

Brian Logan with Mediocre Mat products appeared before the Commission to request to hold seven events consisting of pro wrestling and/or DooWop Concerts at the Memorial Building from November 1, 2007 to November 1, 2008.

Mr. Logan is asking that the Commission reduce the rental fee.

Commissioner Wender offered a motion that the Fayette County Commission approves the request of Brian Logan to hold seven events consisting of pro wrestling and/or DooWop Concerts at the Memorial Building from November 1, 2007 to November 1, 2008 was approved as follows: the standard \$1,000 rental fee for fund-raiser events is reduced to \$750.00 plus 5% of gross income from the gate admissions and concessions sales for each 1-day event. The custodial and trash

service fees and insurance requirements will not be waived; all other rules are applicable. All alcoholic beverages are prohibited and adequate security is required for each event and for parking. The security plan and services and traffic control and parking plans are to be submitted for review and approved by Okey Skidmore at least fourteen (14) days prior to the exercise of any rights under the rental. All matters related to the scheduling of these events are to be through Okey Skidmore, Memorial Building Manager. All activities scheduled by the Fayette County Board of Education shall be given priority. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew called the zoning hearing to order.

Commissioner Eskew turned the hearing over to Tim Richardson, Zoning Officer.

Mr. Richardson presented for disposition Case #Z-524-07-1 Request of Optima Properties WV, LLC, contract owner for a change in land classification from LC-1 (Public Land Conservation) and R-R (Rural Residence District) to R-R (Rural Residence District) with a PRD (Planned Residential Development) on property legally described as, 62.26 acre tract, Alabama Properties, 527 acres Chestnutburg Road Harvey Knob, 155 acres waters of Mill Creek New Haven District.

Mr. Richardson presented a list of everyone present for the hearing and the names of everyone who wishes to speak to the Commissioners.

Commissioner Eskew asked that all requesting to speak please stand and be sworn in.

Tim Richardson told the Commissioners that the Fayette County

Planning Commission recommendation was to approve the request by a vote of 11 for the motion and 1 abstention.

Mr. Richardson told the Commissioners that he had received a petition with at least 200 signatures against the land classification change.

The Commissioners asked Mr. Richardson to read the petition.

Commissioner Eskew informed everyone who wished to speak to make their comments brief.

Present for the hearing was Attorney James Blankenship, Carl Freshcorn, Jeff Proctor, Bill Keeney with Westlake Engineering, Wayne Byrd, with Design concepts, Jay Taylor, Rick Persinger and Keith Bryant with Thrasher Engineering.

Attorney James Blankenship representing applicant and Carl Freshcorn, partner presented his presentation to the Commissioners.

Mr. Blankenship presented for the record letters of support and comments from the National Park Conservation Association and National Park Services to the Commissioners.

Attached is a list of the individuals who gave their comments on the request of Optima Properties WV, LLC.

David Bennett presented, for the record an additional petition against this application to the Commissioners.

James Gill informed the Commissioners he did not want to speak.

Stacy Gill presented to the Commissioners for the record documents from the West Virginia Department of Highways, traffic survey information and presented from Cindy Craver (DOH) a two (2) year study statistics of accidents in the area.

Commissioner Eskew informed he appreciate everyone for taking time out of their busy day to attend this hearing.

The Commissioners recessed the hearing at 12:55 p.m.

The Commissioners reconvened the hearing at 1:05 p.m.

Commissioner Eskew offered a motion to accept the recommendation made by the Fayette County Planning Commission to approve the request to rezone from LC-1 (Public land Conservation) and R-R (Rural Residence District) to R-R (Rural Residence District) with a PRD (Planned Residential development) overlay. Commissioner Lopez seconded.

Commissioner Wender commented that he came her today to vote against the project.

The Developers of this project has paid attention to the Unified Development code (UDC) and they have set forth a good project. Commissioner Wender approved the request to rezone. The vote was unanimous. Vote passed 3-0.

The Commissioners signed a letter to Brian Logan with Mediocre Mat Products approving the use of the Memorial Building for seven events from November 1, 2007 to November 1, 2008.

The Commissioners signed a letter to the West Virginia Department of motor Vehicles requesting the information that was supplied on compact disk (CD) to the various counties for jury selection standards IBM and labels, and we request the "record layout" for this information.

The Commissioners signed letters to the Fayette County Planning Commission and the Fayette County Bar Association informing that the Fayette County Commission has crated a Fayette County Planning

Commission Hearing Board to hear all written requests or complaints for the removal of a member of the Fayette County Planning Commission.

In accordance with the order, one member of the Hearing Board shall be appointed by the Fayette County Bar Association and shall be a duly licensed, practicing attorney the other should be appointed by the Fayette County Planning Commission.

Ms. Holly presented two Legislative Digest Grants to the Commissioners (Danese Public Service District Water Development (\$32,000) and Fayetteville Skate Park-\$8,000).

Commissioner Lopez offered a motion to authorize Commissioner Eskew to execute agreements. Commissioner Wender seconded. Unanimous. Resolutions signed.

The Commissioners received and reviewed the updated revised Lighting Audit, total \$30,461. Commissioner Eskew signed the Lighting Audit.

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate Land for Christopher S. and Kara L. Shuff, Robert L. Jr. and Michael R. Spencer, Charles A. and Mildred Bowyer and Linda Louise Ramsey. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the GFWC Fayetteville Woman's Club asking that the green metal sign that details some of the local history of our community be removed and a request that approval be given for the GFWC Fayetteville Woman's Club to retain the funds previously contributed in the amount of \$1,375.00 to use to bring another historical marker to Fayetteville.

The Commissioners asked to have James Perdue, Maintenance Supervisor to remove the green marker as soon as possible and to write a letter to the GFWC Fayetteville Woman's Club that they can use funds previously donated for another worthwhile county marker project.

The Commissioners signed Petition two Annexation Petitions, one for the City of Oak Hill the annexation of Woodland Amenities Property (formerly Wayne T. and Bina L. Phillip property, 16.49 acres) and Petition to annex Lots 1, 5, 6, 7, 8, 9, and 10-Petitioner/Owner S & D Contractors, LLC.

Commissioner Wender offered a motion to sign an Order subject to the approval of the Assessor, that John A. and Cindy Sears be afforded tax relief for tax years 2002, 2003, 2004, and 2005 the total amount of \$232.64 in the form of a credit of against real estate 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 signed the Right-of-Way Easement for the City of Oak Hill for the oak Hill Rail Trail area.

The Commissioners signed an Order and Appointment to Serve letter appointing Eula Ewing a member of the New Haven Public Service District.

Commissioner Wender informed the Commissioners that he received an e-mail from Beth Gardner asking the Commission for funds to purchase a park bench and bike rack for the White Oak Rail Trail. Ms. Gardner told the Commissioners that the West Virginia Development Office will reimburse funds once they receive invoices.

Commissioner Wender offered a motion to approve advancing the money to the White Oak Rail Trail for purchase of a park bench and bike rack upon knowing that the West Virginia Development Office will reimburse funds once they receive invoices. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to cancel September 28 County Commission meeting, change the October 12 County Commission meeting to October 5, 2005.

Ms. Holly informed the Commissioners that they would have to replace the damaged Fire Alarm Panel, the estimated cost \$1,447.96. The Commissioners approved.

Commissioner Lopez suggested charging a flat fee of \$1,000.000 for any Fayette County Board of Education request to use the Memorial Building.

The Commissioners received and reviewed a letter from the Good News Outreach Mission requesting financial assistance. The Commissioners asked Ms. Hickman to call Rebecca Cyrus and have her come to the September 10, 2006 meeting.

The Commissioners received and reviewed a letter from the Kanawha County Commission informing that due to the increasing number of out of county mental hygiene patients being serviced in Kanawha County they have opt to begin billing the County of residency for services provided to out-of-county mental hygiene patients effective June 1, 2007, cost \$475.00.

The Commissioners received and reviewed a letter from Jackie Powers asking that the Commission discuss getting a fire hydrant for

the residents of Prudence-Mountain View Estates Road.

The Commissioners asked that this be forwarded to Dave Pollard, County Resource Coordinator and ask him to contact West Virginia America Water and advise the Fayette County Commission regarding their response.

The Commissioners received and reviewed an e-mail from Kelly Workman with the West Virginia Development Office asking the Commission if they wanted the \$62,000 Community Participation Grants split into separate grants or keep it all together.

The Commissioners approved to split into separate grants instead of one \$62,000 for multiple projects.

Commissioner Wender offered a motion that the Fayette County Commission requests that the City of Smithers, the City of Oak Hill and the Town of Fayetteville share of the grants be administered by each municipality. Commissioner Lopez seconded. Unanimous.

Sheriff William Laird told the Commissioners that James Pack resigns his position as the case manager at the Community Corrections Day Report Center, going to the Oak Hill Police Department.

Sheriff Laird told the Commissioners he needs to move quickly to fill the position.

Commissioner Lopez suggested to the Sheriff to talk with Rick Harris.

Sheriff Laird told the Commissioners that it's possible they will be trading in a Durango for a new TRIDENT truck.

Commissioner Lopez informed the Commissioners he had talked with Russell Parker about getting traps for the municipalities he asked Mr.

Parker to check with the towns.

The Commissioners signed the Zoning minutes and Order from this morning Zoning Hearing.

The Commissioners signed Resolution to secure permanent protection for the wildest parts of West Virginia's Monongahela National Forest as Wilderness Forest areas.

The Commissioners signed letters to Senators Robert C. Byrd and John D. Rockefeller, IV, Congressmen Nick J. Rahall, Alan Mollohan, and Shelly Moore Capito, Governor Joe Manchin, III, and Dave Saville with the West Virginia Wilderness Coalition expressing their support for designating additional Wilderness on the Monongahela National Forest.

The Commissioners received and reviewed minutes of the August 27, 2007 Fayette County Planning Commission.

Commissioner Eskew signed excerpts of minutes for November 14, 2005 and August 3, 2007.

The Commissioners received and reviewed a letter from the Fayette County Board of Education advising they voted unanimously not to renew its lease of the Memorial Building, effective June 30, 2008.

The Commissioners received and reviewed Certificate of Titles for a 1987 Jeep and 2006 Jeep purchased from the West Virginia Agency for Surplus Property, amount \$6,950.00.

The Commissioners received and reviewed a copy of a letter to the West Virginia Development Office regarding Fayette County Commission Project #03SCBG0102 Elevator/SALS Project Request for Payment.

The Commissioners signed invoices to the Fayette County Board of Education for rental of the Fayette County Soldiers and Sailors

Memorial Building, amount \$2,916.67 for the month of September.

The Commissioners signed a letter to the Woodland Oaks Garden Club granting them permission for their improvement project for planting, light landscaping and possibly some minor pruning on the White Oak Rail Trail.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Project #08-CC-81, amount \$9,610.43 for the month of July.

The Commissioners received and reviewed a letter from Region I Work Force West Virginia informing that a special meeting with all members of each Local Elected Officials Board is scheduled for September 7, 2007 at 1:00 p. m.

The Commissioners received and reviewed a letter from Pullin, Fowler and Flanagan regarding Civil Action #06-C-220 lawsuit.

The Commissioners received and reviewed a letter from Dave Pollard, County Resource Coordinator informing on Friday, September 21 they will be hosting a two-hour summit with the goal of providing information on their plan details and seeking strategies for moving forward with a pilot project in the community of Winona.

The Commissioners received and reviewed a copy of a letter from Tim Frantz, AVP with Branch Banking and trust Company to Tom Woodrum and Sheriff Bill Laird enclosing two sample RFP's material to use as a guideline to develop their own request for proposal.

The Commissioners received and reviewed letters from the State Tax Department informing they have reviewed the natural resource's account of William A. and Robert A. Kessler, and Edith Mardis for possible

appraisal error(s) for Tax Year 2007. Their review indicates that a clerical error occurred and they have provided the recommended non-producing mineral change.

The Commissioners received and reviewed from the West Virginia University local Government Leadership Academy information regarding Ethics and Open Meeting Laws Power Point Presentation.

The Commissioners received and reviewed a copy of a letter from the West Virginia Division of criminal Justice Services to Just For Kids enclosing a copy of the Justice Assistance Grant agreement #04-DC-47 project period July 1, 2007 to June 30, 2008.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for August 22, 2007 and August 23, 2007.

The Commissioners received and reviewed a copy of memorandums from Chief Deputy Steve Kessler informing that James Pack has elected to take a position as an Oak Hill Police Officer and has resigned his position at the Community Corrections Center effective August 31, 2007 and Gayle Koone will finish his tenure as transport officer for the Sheriff's Department on August 31, 2007.

The Commissioners received and reviewed a letter from the Internal Revenue Service regarding Federal Tax Deposits for tax period ending June 30, 2007.

The Commissioners received and reviewed a copy of the Record of Decision regarding the Dunloup Creek Watershed.

The Commissioners received and reviewed a copy of a letter from the Public Service to Delegate Margaret Staggars regarding Citizens for Equal Water Access Rights, Hico, WV request for new water service to

the "Stringtown Road" area.

The Commissioners received and reviewed a letter from region 4 Planning and Development Council informing Comprehensive Economic Development Strategy 2007 Annual Report will be ran in the Thursday, August 23, 2007 issue of the Fayette Tribune.

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

The Commissioners received and reviewed a letter from the Division of Homeland Security and Emergency Management enclosing Fiscal Year 2008 Hazard Mitigation Funding Notice of Intent. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed a letter from the Economic Development Administration informing they approved the change order regarding the EDA Grant 01-79-08060 Infrastructure.

The Commissioners received and reviewed a copy of a letter to John Hosch regarding the Community Enhancement District near Kanawha Falls.

The Commissioners received and reviewed an Accident Report on Deputy Jess McMullen.

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 a claim from the Unemployment Compensation for Angela G. Lane.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of August 17

to August 23, 2007, amount \$50.00 and the week of August 24 to August 30, 2007, amount \$75.00.

The Commissioners received and reviewed several checks for 911 Fees from CityNet, amount \$723.70, Cleartel Telecommunications, Inc., amount \$12.00, Cebridge Telecom, WV, amount \$204.00, Level 3 Communications, LLC, amount \$114.00, One Communications, amount \$2,058.34, Mountain Communications, LLC, amount \$45.82, Matrix Telecom, Inc., amount \$24.00, Metropolitan Telecommunications of WV, amount \$2.00, AT&T Communications of WV, amount \$800.00, Granite Telecommunications, LLC, amount \$140.00 and IDT Corporation, amount \$50.00; Alarm Fees-General Healthcare Corp., amount \$300.00 and Juvenile Services, amount \$75.00; Franchise Fees-Suddenlink Communications, amount \$15,167.67; WV Development Office-Synfuel Tax, amount \$40,816.33, FOOTMAD, amount \$3,000.00; Fayette County Board of Education-WVU Extension Office contribution \$19,237.00; City of Beckley reimbursement, amount \$234.24; Homeland Security and Emergency Management, amount \$46,150.00; WV Circuit Clerks Association, amount \$600.00; Jail Fees-Town of Ansted, amount \$48.50.

The Commissioners received and reviewed an e-mail from Dave Saville West Virginia Wilderness Coalition regarding the wilderness expansion.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing their next FCPP meeting will be Thursday, September 20, 2007 from 12-2 P. M. at the Department of Health and Human Resources.

The Commissioners received and reviewed an e-mail from Homer

Sweeney with Wide Area Rapid Notification (W. A. R. N.) Regarding the advantages of their notification system.

The Commissioners received and reviewed an e-mail from Chad Mertz informing the First Regional Transportation Education Session will be held Wednesday, September 5 at the Beckley City Council Chamber from 9:30 a.m. to 11:00 a.m.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that funds for the July Limited Video Lottery will be deposited on August 27, 2007.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing they have been asked to present an oral presentation for the SPF-SIG Grant tomorrow at 10:30 a.m.

The Commissioners received and reviewed an e-mail from Ms. Holly to Tom Oxley, City Manager oak Hill asking that he send a copy of the petition and proposed order for the minor boundary adjustment Wolf Creek so that it can be reviewed by the Prosecutor's Office prior to the meeting.

The Commissioners received and reviewed an e-mail from Susan Cutting, Assistant Director Conservation Corps. Program regarding the two (2) vehicle donation to the West Virginia Sustainable Community Project.

The Commissioners received and reviewed an e-mail from Ms. Holly to Earl Pauley, Park Superintendent informing him that the Commission has approved to proceed with the purchase of the two (2) Jeeps from Surplus Property (\$3,000 & 43,950) for use for official business by Dough Arbogast for the West Virginia Sustainable Community Program.

The Commissioners received and reviewed an e-mail regarding flagging CSX058161.

The meeting was adjourned at 3:20 P. M. The next scheduled meeting is September 10, 2007.

Kevin H. Shea

FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 14, 2007
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 14th day of December 2007.

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

Mary and Bannan Kees appeared before the Commission to present a Petition requesting assistance in getting water service in the Collinsdale/Mossy area.

The Commissioners asked that this be scheduled on the agenda for January 4, 2008 and ask Dave Pollard, County Resource Coordinator to attend.

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

Commissioner Lopez offered a motion to approve and sign exonerations for real property tax for Richard E. and Robert McClelland and Barry Wayne and Barry A. Whitt. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property for William Lee and Debra L. McGraw, Thomas B. and Jennifer K. Sprouse, Paul and Brenda McClung, David W. Miller, Rebecca Ann Johnston, Rebecca Ann Stowers, Crystal Kincaid or Dennis H. Davis, James A. and Nancy S. Fraley, and Belinda Morton. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and release

vouchers, invoices and second half payrolls today. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez reported no minutes were presented for approval today.

Commissioner Lopez offered a motion to approve overtime for James Perdue, Maintenance Supervisor, Debbie Berry, Bookkeeper and Debbie Aliff, Payroll Clerk. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve the request of the United Methodist Church the use of the Memorial Building on December 20th from 9:00 a.m. to 11:00 a.m. to give away bicycles. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Thomas R. and Tammy Koontz, Kelly A. Trent, M. L. Cobb, George Moreau, and Arnetha Kay Goddard. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that she received a call from Sheriff William Laird this morning informing that he would like to postpone his recommendation on the mobile radios bid.

Ms. Holly told the Commissioners that the West Virginia Conservation Agency is working on the Agreement for the Armstrong Creek Project will be ready sometime next week.

Jenny Becksted, Grant Writer presented a letter per advice of Debbie Haught to the Commissioners submitting a Letter of Intent to apply for the 2008 Community Connections grant in the amount of \$5,000.00. The Commissioners signed.

The Commissioners approved invoice from Jenny Becksted, Grant

Writer for \$537.50.

The Commissioners approved to pay an invoice from the National Association of Counties (NACo) for County Membership dues for January to December 31, 2008, amount \$1,042.00.

Ms. Holly presented from Amber Marstiller, a Grant Adjustment Notice to the West Virginia Prevention Resource Center for a budget adjustment and expense approval for the SPF-SIG Planning Grant to the Commissioners.

Ms. Holly told the Commissioners that Ms. Marstiller is requesting an expense adjustment to purchase 4 Pre-Paid Visa Cards for the four (4) sites, \$50.00 each for supplies and \$250.00 each for food, and field trip resources, the cost to purchase cards is \$9.95 each, card processing is \$25.00 each, the total cost is \$1,339.80.

Commissioner Lopez offered a motion to approve purchase of the 4 Pre-Paid Visa Cards from Kroger, total cost \$1,339.80. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented to the Commissioners an invoice from Software Systems, Inc. for renewal of hardware maintenance on the AS400 main frame, amount \$4,133.79.

Commissioner Lopez offered a motion to approve renewal of hardware maintenance on the AS400 main from Software Systems, Inc., amount \$4,133.79. Commissioner Eskew seconded. Unanimous.

The Commissioners approved to schedule the County Commission meetings for the Month of January on January 4 and January 25, 2008. The Board of Equalization and Review hearing will be scheduled for January 25 at 1:00 p.m.

The Commissioners asked Ms. Holly to work out the schedule for February.

The Commissioners signed a letter of support to the West Virginia Coal and Heritage Trail Project to develop interpretive signage, brochures, and website maintenance for an eight-county area of West Virginia, which includes Fayette County.

Commissioner Eskew informed the Commissioners that each County is asked for financial support up to \$2,300.00.

Commissioner Lopez offered a motion to sign the letter of support and approve financial support up to \$2,300.00. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to order the balance of the Fayette County General School Fund in the amount of \$107,851.56 for the calendar year 2007 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 Wender seconded. Unanimous. Order signed.

The Commissioners received and reviewed a letter from the West Virginia Development Office, congratulating them on Governor's Manchin's recent Fiscal Year 2007 Community Participation Grant award, in the amount of \$5,000.00 to pave parking areas to improve access to the New River Health Center in Scarbro. Commissioner Eskew signed the Agreement.

Bill Hannabass, Mayor of the City of Oak Hill and Attorney Tom Michaels appeared before the Commission to present an application for annexation by minor boundary adjustment of 654.18 acres within Wolf

Creek Park. The Commissioners informed they appreciate the Mayor and Tom for coming in. The Commission informed they will take under review.

Carl Harris, Prosecuting Attorney informed the Commission will pick a date for the public hearing on January 4 and will get back with the City of Oak Hill.

John Raney, Allen Ballard members of the Fayette County Beautification Committee appeared before the Commission to discuss dilapidated properties.

Mr. Raney informed the Commissioners that the Committee needs money to clean-up some of these properties.

Mr. Raney suggested to the Commissioners that any property purchased at tax sale and held for 18 months if qualifies as dilapidated property the County should put a lien on the property so buyer or owner has to clean up the property after they purchase it.

Carl Harris, Prosecuting Attorney informed Mr. Raney that the Commission cannot do it, tax liens has priority over everything.

Mr. Harris told Mr. Raney that Legislation would have to take action.

Mr. Raney is requesting \$20,000 for the Beautification Committee.

The Commissioners told Mr. Raney they will set a meeting in January to discuss further.

Attorney James Blankenship appeared before the Commission to discuss the Frank Thomas Estate.

Attorney Blankenship told the Commissioners he is requesting that Kathy Stanley be discharged as Executrix of the Estate of Frank

Thomas.

Present for the hearing were Kathy Stanley, Pat Fragale, David Wallen, and Michael Swartz.

Discussion was held. Commissioner Eskew swore in Kathy Stanley and David G. Wallen.

After a brief Discussion, Commissioner Wender offered a motion that the Commission allows Ms. Stanley to continue being Executrix provided they come back before the Commission within six months to give an update. Commissioner Lopez seconded. Unanimous.

Henry Meredith and Jim Reid appeared before the Commission to give an update on the Paint Creek Scenic Trail.

Mr. Meredith told the Commissioners that as of today the Trail is 75% complete.

Commissioner Wender asked Mr. Meredith what is the vision for the trail.

Mr. Meredith replied recreation, miner's memorial, mine wars and fishing access.

Mr. Meredith told the Commissioners they plan to set up a meeting with Congressman Nick Rahall to discuss the five (5)mile section of road and they would like a letter of support from the Commissioners.

Commissioner Wender asked Mr. Meredith to draft the letter for the Commission to sign to the Legislators.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$3,172.80.

The Commissioners signed Order for the Town of Fayetteville

regarding the Annexation of Certain Additional Territory into the Municipality of Fayetteville.

Ms. Holly informed the Commissioners that the final stages of completing the roof are almost complete but not to the point where Dan Snead can sign. Don't have the final documents. The Commissioners signed the drawdown.

Ms. Holly informed the Commissioners she received a fax from the West Virginia Association of Counties informing that the Governor has declared the entire day for Christmas Eve and New Year's Eve as state holidays, rather than the original half-day holiday.

The Commissioners signed a letter designating said remaining half-days on December 24 and December 31 as additional time off for County employees, without charge against accrued annual leave.

Ms. Holly told the Commissioners she would have a few Budget Revisions.

Commissioner Lopez offered a motion to approve and sign Budget Revision #2 for the General County and Coal Severance Funds for Fiscal Year 2007-2008. Commissioner Wender seconded. Unanimous. Order signed.

The Commissioners signed a tax refund order for Ireland B. and Linda Sutton subject to the approval of the Assessor, the Petitioner be afforded tax relief for tax year 2003, 2004, 2005, 2006, and 2007 in the total amount of \$381.36 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 Planning Commission informing that John Hoffman and Gary Davis terms will expire January 1, 2008. The Planning Commission is requesting that they be reappointed for a three-year term.

Commissioner Wender offered a motion to reappoint John Hoffman and Gary Davis members of the Fayette County Planning Commission. Commissioner Lopez seconded. Unanimous.

The Commissioners signed drawdown request from Page-Kincaid Public Service District Wastewater System Extension Ingram Branch Grant, amount \$9,150.00.

The Commissioners reviewed the Memorandum of Understanding between West Virginia State University Gus R. Douglass Institute, The Fayette County Commission and the 4-C Economic Development Authority.

The Commissioners asked Ms. Holly if she had talked with James Perdue, Maintenance Supervisor regarding the heaters for the Jail Museum.

Commissioner Wender asked Ms. Holly to have Mr. Perdue come in and discuss.

Mr. Perdue told the Commissioners where the heaters would be placed.

Commissioner Wender asked Mr. Perdue to take a look at again to see if heaters can be put on the walls and when he come back they would discuss further.

Ms. Holly told the Commissioners that the Cable Agreements expire 2008 since the Cable Advisory Board no longer exists she would not feel comfortable negotiating and preparing the Cable Franchise agreements.

The Commissioners asked Ms. Holly to ask Carl Harris, Prosecuting Attorney to negotiate and prepare cable franchise agreements.

The Commissioners signed a letter to the West Virginia Development Office requesting third drawdown for the Fayette County Watch Me Grow, amount \$486.61.

The Commissioners signed a letter to the West Virginia Development Office requesting the first and final drawdown for the Danese Public Service District, amount \$32,000.00.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids, amount \$2,077.89.

The Commissioners received and reviewed By-Laws from the Fayette County Board of Health. (See attached copy)

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

The Commissioners received and reviewed a copy of a Grant Adjustment Notice to the West Virginia Division of Criminal Justice Services regarding the SPF-SIG Grant.

The Commissioners signed Notice of Award to the Southern West Virginia Paving, Inc. for the Oak Hill Rail Trail.

The Commissioners received and reviewed a letter from the West Virginia Offices of the Insurance Commissioner informing that low-cost federally subsidized flood insurance may be available through the National Flood Insurance Program (NFIP).

The Commissioners received and reviewed a letter from Branch Banking and Trust Company giving a list of securities that were held

Rec'd
12/12/07
2:46

BYLAWS
Fayette County Board of Health

Article I - Name and Authority

The name of the organization shall be the Fayette County Board of Health, here-in after referred to as the "Board". The board is a single county board of health of Fayette County, West Virginia, organized under *Chapter 16, Article 2, Section 10 of the West Virginia Code*.

Article II - Membership

Section I. Number of Members and Appointments

For a single county, the membership of the Board shall consist of, at least, five members. (A combined board shall have a minimum of one, but no more than three members from each appointing authority) *Chapter 16.2.8* The board shall be comprised of five members appointed by the County Commission of Fayette County.

Section II. Qualifications (Terms of Appointment and Reappointment)

All members of the board of health shall be citizens and residents of Fayette County. (Single County) - No more than two members who reside in the same magisterial district may be appointed and no more than two members may be appointed who are personally licensed or certified in, engaged in, or actively participating in the same business, profession or occupation. No more than three members may belong to the same political party. (Article 2, 16-2-7) (Combined) - The number of members of the Board belonging to one (1) political party shall not exceed by more than one (1) the number of members of the Board belonging to any other political party. No more than two members shall be personally and individually licensed in, engaged in, or actively participating in or carrying on, the same business, profession, or occupation. No more than two members can live in the same magisterial and /or municipal ward or district (See *Article 2. 16-2-8 for full explanation*)

Section III. Tenure - Each member shall serve a five year term and shall be eligible for reappointment. Members shall serve until their duly qualified successor has been appointed. Members may be reappointed for additional terms of five years. (16-2-9)

Section IV. Compensation - Each member shall receive \$50.00 compensation to attend board of health meetings. (Regulations state that compensation may not exceed one hundred dollars per day.) 16-2-9 (d)

Section V. Oath of Office - Each member of the Board shall be administered an oath of office when duly appointed. The Oath may be administered by the County Clerk of Fayette County or a judge. Oath of office shall be duly recorded. 16-2-9 (a)

Section VI. Vacancies – Any vacancy on the Fayette County Board of Health shall be filled by the Fayette County Commission and the appointment shall be made for the unexpired term. Any vacancy on the board shall be filled by the original appointing authority and shall be for the unexpired term. *(16-2-9 (c))*

VII. Removal from Office - No member of the board may be removed from office during the term for which they are appointed, except for official misconduct, incompetence, neglect of duty or gross immorality. *16-2-9 (c)*

Section IX. Expenses - members may receive reimbursement for travel and other reasonable and necessary expenses incurred in the performance of their duties. *16-2-9 (d)*

Section X. Conflict of Interest – Each board member is required to sign a Conflict of Interest Statement.

Article III - Meetings

The Board of Health shall comply with the requirements of WV Code 6-9A-1 through 6-9A-8 regarding open governmental proceedings. <http://www.legis.state.wv.us>

Section I. Attendance - No Fayette County Board of Health member shall miss more than two meetings during a fiscal year. If the third meeting is missed, the board member may be in jeopardy of being removed from the board. As an alternative to missing a meeting, Fayette County Board of Health members may participate in a meeting by conference call if arranged ahead of time.

Section II. Quorum A quorum of the Fayette County Board of Health for transacting business is a simple majority of the constituent membership established by the board and recorded in the minutes. A quorum of the board for transacting business is a simple majority of the constituent membership of the board. *16-2-10 (b)*

Section III. Meeting Types and Frequency

A. Regular meetings shall be held at least four times a year for counties with a population less than 30,000 residents and six times a year for those counties with a population over 30,000 residents. *16-2-10 (a)* Regular meetings shall be held at least six times a year and shall be scheduled in advance for the entire year at the meeting immediately following the beginning of the fiscal year. Board members shall receive written notice of the meeting at least fourteen days prior to the meeting. The board shall comply with the requirements of WV Code regarding open governmental proceedings. *(Chapter 6-9A-3)*

Page 2

B. Special - Special meetings of the Board shall be called by the Chairperson, the Secretary, or by two members of the Board, upon written request to

the Secretary. Board members shall be provided in writing or in person, notice and the agenda for the meeting, at least five (5) days prior to the meeting date.

C. Emergency - Notice will be given to the public and to the news media as much in advance as possible of the meeting date.

D. Written Consents or Meetings by Telephone: Any action required or permitted to be taken at any meeting of the Board may be taken without a meeting if all members of the Board consent thereto and the writing or writings are filed with the minutes of proceedings of the Board. Members of the Board may participate in a meeting by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this method shall constitute presence in person at such meeting.

E. Public Hearing Thirty days notice will be given by public notice posted at the Fayette County Courthouse and published in the Fayette Tribune. Interested speakers are requested to contact the Physician/Director, who will determine who may speak and for how long. (Notice of a public hearing will be published as a Class I legal advertisement in the Fayette Tribune at least thirty days prior to the date of the public hearing)

Section IV. Meeting Methods and Procedures

A. Public Notification - Notices of all meetings shall be given to the public in writing by posting notices at the Fayette County Courthouse and publishing in the Fayette Tribune. All members of the Board shall be notified of the date, time, and place of each meeting at least fourteen days in advance of each scheduled meeting.

B. Minutes and Records : The Board shall provide for the preparation of written minutes of all its meetings. Minutes shall be available to the public within a reasonable time after the meeting and shall include the following information:

The date, time, and place of the meeting

The name of each board member present or absent

All motions, proposals, resolutions, orders, ordinances, and measures proposed, the name of the person proposing the same and their disposition, and the result of all votes.

Minutes of the Executive Session may be limited to material which is not inconsistent with the provisions of Chapter 6 Article 9A Section 5 of the West Virginia Code.

C. Executive Session - Notwithstanding any other provision or law or regulation, all meetings of the Board shall be open to the public, excepting the provisions of Chapter 6, Article 9A, Section 4 of the West Virginia Code. An executive session may be held upon a majority affirmative vote of the members present to discuss such subjects as are covered under current law: Chapter 6-9A-4

D. Agenda An agenda shall be prepared and be available to board members and the public at least one day prior to the meeting. An agenda shall include time and date of the meeting, approval of the minutes of the previous meeting, items to be discussed, and any actions to be considered by the board.

E. Voting Each member shall have one vote including the Chairperson

Article IV. Powers and Authority

The board shall have the power and authority to adopt and promulgate, and amend such rules and regulations, consistent with the laws of the state of WV, as may be necessary and proper for the protection of the general health of the county or municipality, and the prevention of the introduction, propagation, and spread of disease. All rules and regulations shall be filed with the clerk of the county commission, and with clerk, recorder of the municipality as defined by Chapter 16, Article 2, Section 10 of the West Virginia Code.

Section I. The board of health shall have the authority to appoint a full or part-time physician/director to serve at the will and pleasure of the appointing authority for the term of one year and approval by the commissioner of the state Bureau of Health. Such physician/director shall be a physician, licensed or eligible for licensure as a physician in the state of West Virginia. Compensation for services provided by said health officer shall be established by the Board of Health. The health officer is to serve as the Secretary of the Board

Section II. Powers and Duties: (Refer to Article 2. Local Boards of Health, Section 16-2-11 for duties and Leg Rule 64-73-5) List, or refer to these sections and attach a copy to bylaws)

- A. Health Services and Programs
- B. General Administration
- D. Physical Facilities
- E. Program Plan

Section III. Election of Chairperson will be done annually at the first meeting of the fiscal year.

Section IV. The Board of Health shall employ an administrator or designate a staff member or shall contract for an administrator to manage day-to-day operations.

Section V. The Board of Health shall employ or contract with any administrative, clerical, or other persons, to serve as needed and at the will and pleasure of the local board of health. Staff and other contractors providing services to the board shall comply with applicable WV certification and licensure requirements. Eligible staff employed by the board shall be covered by the rules of the Division of Personnel under Section Six, Article Ten, Chapter 29 of this code. The Board of Health may develop and adopt a merit system for all employees of the county health department that shall be similar to the State Merit System. (Chapter 16-2-11, (10), (2) - Merit system)

Article V. Officers

Section I. Types of Officers

Chair
Vice-Chair
Secretary

Section II. Election and Term Officers shall be elected by the Board at the first meeting of the fiscal year. The term of office is one year and begins at the end of the meeting in which they are elected. An officer shall be eligible for reelection to the same office.

Section III. Duties of Officers

Chairman: The Chairman shall preside at all meetings of the Board and shall perform duties as custom and parliamentary procedure may require; call special meetings as needed; appoint all members to standing or special committees; make and execute contracts in the ordinary course of business; execute other legal instruments when authorized by the Board; sign all official documents as required by the Code of West Virginia; and serve as the official spokesman for the board.

Vice-Chairman: The Vice Chairman shall assist the Chairman in the performance of the duties of the office and shall preside at meetings in the absence of the Chairman. The Vice Chairman shall have other duties as may be assigned by the Board.

Secretary: The Health Officer, or designee, shall serve as Secretary and shall record written minutes of all meetings and shall provide copies to each board member and to the office of Local Health and the Commissioner of the Bureau for Public Health.

Section IV. Vacancies of Officers

If a vacancy occurs in the office of Chairman, the Vice-Chairman shall become Chairman. If a vacancy occurs in the office of Vice Chairman, the Board shall, by majority vote, fill the vacancy until the next election.

Article VI. Financial Management (Reference to Legislative Rule 64-CSR 73 - 8. Financial Management) List these requirements as stated in Legislative Rule 8-1 through 8.7.

Article VII. Parliamentary Authority

The rules contained in the current edition of "Robert's Rules of Order, Newly Revised", shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these by laws and any special rule of order the Board may adopt.

Article VIII. Amendment to the By-laws

These bylaws may be amended at any regular or special meeting of the Board, provided a quorum is present. Changes must be approved by a two-thirds vote of the Board members present, provided that each member has received written notice of the proposed amendments no less than 30 days prior to the vote.

Title 64 Legislative Rule Division of Health Series 73 Standards for Local Board of Health

Article 2 - Local Boards of Health 16-2-1 through 16-2-15 see <http://www.legis.state.wv.us>

Open Governmental Proceedings Chapter 6-9A-1 through 6-9A-9 see <http://www.legis.state.wv.us>

Approved by the Fayette County Board of Health at a regular meeting of the Board on November 4, 2004.


John M. Frazier, Chairman

**TITLE 64
LEGISLATIVE RULE
DIVISION OF HEALTH**

**SERIES 73
STANDARDS FOR LOCAL BOARDS OF HEALTH**

§64-73-1. General.

1.1. Scope. -- This legislative rule establishes standards for the plans of operation, administration, fiscal reporting, quality assurance, and provision of public health services and programs by local boards of health.

1.2. Authority. -- W. Va. Code §16-1-7.

1.3. Filing Date. -- April 22, 1996.

1.4. Effective Date. -- April 22, 1996.

§64-73-2. Application and Enforcement.

2.1. Application - This rule applies to local boards of health.

2.2. Enforcement - This rule is enforced by the director of the division of health.

§64-67-3. Definitions.

3.1. Department - The state department of health and human resources.

3.2. Director - The director¹ of the division of health and his or her designee.

3.3. Division of Health or Division - The

¹ The Department of Health and Human Resources (DHHR) was created by the Legislature's reorganization of the executive branch of State government in 1989, and the Department of Health was renamed the Division of Health and made a part of the DHHR (W. Va. Code §5F-1-1 *et seq.*). Administratively within the DHHR the Bureau of Public Health through its Commissioner carries out the public health function of the Division of Health.

division of health of the department of health and human resources.

3.4. Fiscal Year - The twelve (12) month period beginning the first day of July and ending the thirtieth day of the following June.

3.5. Local Board of Health or Board - A board of health serving one (1) or more counties, one (1) or more municipalities, or a combination thereof.

3.6. Local Health Department - The staff of the local board of health.

3.7. Local Health Officer - An individual physician with a current license to practice in West Virginia, who is knowledgeable of sanitary laws, and who shall supervise and direct the activities of county or municipal health services, employees and facilities.

3.8. State Aid Funds - Funds appropriated annually by the legislature to provide financial aid to local boards of health.

§64-73-4. Organization.

4.1. A local board of health shall be organized in accordance with Chapter 16 of the W. Va. Code.

4.2. A local board of health in a county having a population greater than thirty thousand (30,000) shall meet no less than six (6) times a year. A local board of health in a county having a population less than thirty thousand (30,000) shall meet no less than four (4) times a year.

4.3. The board shall comply with the requirements of W. Va. Code §§6-9A-1 through 6-9A-6 regarding open governmental proceedings.

4.4. The by-laws of the board shall at a minimum include attendance requirements for board members, the number, duties, tenure and qualifications of members, a description of the process for filling vacancies on the board, requirements for written minutes and records of board actions, and a description of the duties and election process for officers. A quorum of the board for transacting business is a simple majority of the constituent membership of the board.

§64-73-5. Health Services and Programs.

5.1. The board shall provide the following public health services and programs:

5.1.1. Evaluation of the health needs of the community it serves using generally accepted professional health needs assessment techniques;

5.1.2. Efforts to prevent and control epidemics, and investigation and containment of diseases and injuries through compliance with the requirements of W. Va. Division of Health Administrative Rules, 64 CSR 7, Reportable Diseases, regarding disease surveillance and epidemiological reporting;

5.1.3. Promotion of a safe and healthy environment, and maintenance of clean and safe air, water, food and facilities through a program of routine public health environmental education and control;

5.1.4. Promotion of healthy lifestyles, including the provision of health education to individuals and communities;

5.1.5. Targeted outreach and the formation of partnerships with other community organizations; and

5.1.6. Initiation and participation in mobilization of the community for actions to improve the health and well-being of the population served.

5.2. The board shall administer public health sanitation rules as specified by the

director with regard to:

5.2.1. Public drinking water sanitation;

5.2.2. Sewage and wastewater sanitation;

5.2.3. Food and milk sanitation;

5.2.4. Housing and institutional sanitation;

5.2.5. Recreational sanitation; and

5.2.6. General sanitation.

5.3. The board of health shall implement a program of immunizations according to the Standards for Pediatric Immunization Practices, as published by the U. S. Centers for Disease Control and Prevention.

5.4. The board shall conduct preventive health programs designed to promote healthy behaviors.

5.5. The board may provide individual health care services.

5.6. The board shall maintain and conform to its written policies and procedures governing patient or client referral, release of information, confidentiality, and the consent for staff to provide services to patients or clients which shall be consistent with applicable federal and State laws, rules and regulations.

5.7. Patient or client care protocols, including standing orders and medical directives shall be approved annually by the local health officer.

5.8. The board may charge fees for permits and services as authorized by the director, the State legislature and applicable State law and rules.

§64-73-6. Reports and Records.

The board shall in a timely manner submit reports and records in compliance with applicable State and federal rules and

regulations and departmental policies.

§64-73-7. General Administration of the Local Health Department.

7.1.1. The board may employ or contract for staff to carry out its duties and responsibilities within funding available.

7.1.2. The board shall have a written organizational chart for the local health department which indicates lines of authority and responsibility.

7.1.3. The board shall review the organizational chart annually and shall document the review in minutes of an official board meeting.

7.1.4. The board shall employ an administrator or designate a staff member or shall contract for an administrator to manage day-to-day operations.

7.1.5. Staff and consultants of the board and of any contractors providing services for the board shall be in compliance with applicable West Virginia licensure requirements.

7.1.6. The board shall have liability insurance at least equivalent to that available to local boards through the State board of risk management which includes all staff, board members, and contracted services.

7.2. Policies and Procedures

All administrative policies, procedures, rules, and instructions specifying the operations and activities of the staff, including patient- or client-related activities shall be written and readily available to relevant staff.

7.3. Personnel Management

7.3.1. The board shall keep a confidential personnel record for each staff member.

7.3.2. The board shall review and reapprove or revise functional job descriptions, including those performed

7.1. Staff

through contract, at least every two (2) years.

7.4. Staff Development

7.4.1. The board shall provide an orientation program for all new staff which shall include, at a minimum, introduction and discussion of all policies relating to the job, behavior expected, patient confidentiality, and individualized on-the-job training in specific functions.

7.4.2. The board shall provide training for staff who assume new functions or increased responsibilities or who experience other changes in their job responsibilities.

7.4.3. The board shall provide in-service and continuing education related to current responsibilities to staff on an ongoing basis.

§64-73-8. Financial Management.

8.1. The board shall participate in audits of and shall be in compliance with procedures required by the State tax commissioner. The board shall include a copy of the most recent audit report with the annual submission of the program plan required by Section 10.1.2 of this rule.

8.2. The board shall identify in writing staff or contract staff who have the authority to:

8.2.1. Handle cash;

8.2.2. Sign checks in accordance with W. Va. Code §16-2A-6; and

8.2.3. Approve or disapprove of expenditures.

8.3. The board should maintain a cash reserve equal to at least the past three (3) months' operating expenditures of the local health department.

8.4. The board shall establish a written schedule and procedures for reimbursement of employee travel and other expenditures.

8.5. Contracts, memoranda, or other forms of agreement between the board and other

8.7. No later than thirty (30) days prior to the first day of July, the board shall develop a budget for the coming fiscal year. The budget shall identify and provide details of the operating expenses needed for each individual program and other activities.

§64-73-9. Physical Facilities.

9.1. The board shall provide facilities and equipment for the local health department.

9.2. The board should be able to provide evidence that the buildings and grounds of the local health department are in compliance with federal and State laws and regulations.

9.3. The buildings and grounds of the local health department shall have one (1) or more outside signs which clearly identify the department.

9.4. The board shall promote the protection of patient or client privacy.

9.5. The board shall establish a policy prohibiting smoking or the use of smokeless tobacco in the local health department.

§64-73-10. Program Plan.

10.1. Program Plan

10.1.1. The plan shall be submitted on forms supplied or approved by the director which shall include:

10.1.1.a. A comparison of current year activities (year-to-date) and projections for the coming year;

10.1.1.b. A brief general mission statement;

10.1.1.c. An overall general five

parties shall be in writing.

8.6. The board shall establish a procedure to monitor program costs, revenues, and expenditures.

(5) year plan;

10.1.1.d. Short-term goals for each program; and

10.1.1.e. The budget document.

10.1.2. The plan shall be submitted annually to the division no later than thirty (30) days prior to the first day of July.

10.2. Planning Process

10.2.1. The board shall conduct an ongoing planning process.

10.2.2. The board shall provide opportunities for and document citizen and staff participation in planning, developing, and implementing programs.

10.3. Evaluation

The director shall approve or disapprove the board's program plan based on compliance with this rule.

§64-73-11. Penalties.

In the event that the director determines that a local board of health is not in compliance with this rule, the director may withhold State aid funds until such time as the board submits an acceptable plan to correct deficiencies in the program plan.

§64-73-12. Administrative Due Process.

Those local boards of health adversely affected by the enforcement of this rule who desire a contested case hearing to determine any rights, duties, interests, or privileges, shall do so in a manner prescribed in W. Va. Division of Health Administrative Rules, Rules of Procedure for Contested Case Hearings

and Declaratory Rulings, 64 CSR 1.

§64-73-13. Severability.

The provisions of this rule are severable. If any provisions of this rule are held invalid, the remaining provisions remain in effect.

Fayette County Board of Health Meeting

November 4, 2004

On Wednesday, November 4, 2004, the Fayette County Board of Health met in the conference room of the Fayette County Health Center. The meeting was called to order at 3:00 P.M.

Those in attendance:

**Mr. John Frazier, Chairman
Mr. Jack Tamplin, Member
Dr. Thomas Morgan, Member**

Donald C. Newell, Jr., D.O., Physician/Director

Mr. Frazier, Chairman, affirms a quorum with three members present and welcomes all in attendance.

Mr. Frazier asked members to review the minutes of the previous meeting held on August 26, 2004. On a motion by Jack Tamplin, seconded by Dr. Morgan, the motion was unanimous to accept the minutes as presented.

Environmental Health - Clean Indoor Air Regulations:

Amanda Skaggs, Sanitarian II, presented information regarding the possible revision of Fayette County's Indoor Air Regulations.

Dr. Newell, Jr., presented a letter from Robert L. Goldstein, who was unable to attend this meeting. Mr. Goldstein, a Fayette County resident, is concerned about second-hand smoke exposure in restaurants and other public places in Fayette County.

Jean Tenney, Mountain Valley Regional Tobacco Prevention Coalition Coordinator, presented information concerning Clean Indoor Air Regulations.

Linda Srednicki, representing the White Oak Bowling Lanes in Oak Hill, addressed the Board and all visitors in reference to the Indoor Air Regulations.

Environmental Health - Clean Indoor Air Regulations (Continued):

After discussion, Chairman Frazier tabled the issue until the next scheduled meeting of December 30, 2004. The Board reviewed the Wheeling-Ohio County template and will use this to form our policy and present at the next meeting.

Environmental Health - Home Loan/Septic System Fees:

Philip Perone, Sanitarian II, presented a letter concerning the termination of home loan inspections for septic systems. After review, on a motion by Jack Tamplin, seconded by Dr. Morgan, the vote was unanimous to approve the letter as presented.

After further discussion on septic system inspections and fees for permits, the Board, on a motion by Jack Tamplin, seconded by Dr. Morgan, voted to increase the septic system permit fee from \$100.00 to \$150.00, if possible.

Monthly Reports:

September and October, 2004 Monthly Reports for Environmental Health, Public Health Nursing, Income/Expenditures, and Threat Preparedness, were presented for review and approval.

After review, on a motion by Dr. Morgan, seconded by Jack Tamplin, the vote was unanimous to approve all reports as presented.

Influenza Vaccine:

Due to the influenza vaccine shortage, notices were sent to all area newspapers, radio stations, television stations, and Senior Centers instructing eligible persons to call the health department and be placed on a waiting list. The Fayette County Health Department has had good response to this request from all areas of the county.

At this time, the Fayette County Health Department has received 270 doses of influenza vaccine and 150 doses of pneumonia vaccine. A clinic was held on Saturday, October 30, 2004, and all of the influenza vaccine has been used.

**Fayette County Board of Health Meeting
November 4, 2004
Page 3**

Investment with State Treasurer's Investment Fund, Cash Liquidity Pool:

August, 2004	\$330.90	1.4%
September, 2004	\$359.52	1.5%

On a motion by Dr. Morgan, seconded by Jack Tamplin, the vote was unanimous to accept the investment information as presented.

Fayette County Board of Health Bylaws:

The West Virginia Association of Local Health Departments developed a template for board of health bylaws and forwarded to each county board of health for review and approval. After review, on a motion by Jack Tamplin, seconded by Dr. Morgan, the vote was unanimous to adopt the bylaws and forward to the Fayette County Commission for their review.

There being no further business, on a motion by Dr. Morgan, seconded by Jack Tamplin, the meeting was adjourned.



John M. Frazier, Chairman



Donald C. Newell, Jr., D.O.

FAYETTE COUNTY BOARD OF HEALTH

6-9A-3 Proceedings to be open; public notice of meetings.

Except as expressly and specifically otherwise provided by law, whether heretofore or hereinafter enacted, and except as provided in section four [6-9A-4] of this article, all meetings of the Fayette County Board of Health shall be open to the public. The Fayette County Board of Health may make and enforce reasonable rules and regulations for attendance at any meeting where there is not room enough for all members of the public who wish to attend, and this article shall not be construed to prohibit the removal from a meeting of any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised.

The Fayette County Board of Health shall promulgate rules by which the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official action.

6-9A-4 Exceptions.

No provisions of this article shall be construed to prevent the Fayette County Board of Health from holding an executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization, under this article for the holding of such executive session and has presented it to the Fayette County Board of Health and to the general public, but no decision shall be made in such executive session.

An executive session may be held only upon a majority affirmative vote of the members present of the Fayette County Board of Health as defined in this article for the following:

(1) The appointment, employment, retirement, promotion, demotion, disciplining, resignation, discharge, dismissal or compensation of any public officer or employee, or other personnel matters, or for the purpose of conducting a hearing on a complaint against a public officer or employee, unless such public officer or employee requests an open meeting; or

(2) The issuance, effecting, denial, suspension or revocation of a license, certificate or registration under the laws of this State or any political subdivision, unless the person seeking such license, certificate or registration or whose license, certificate or registration was denied, suspended or revoked, requests an open meeting; or

(3) The physical or mental health of any person, unless such person requests an open meeting; or

(4) Matters which, if discussed in public, would be likely to affect adversely the reputation of any person; or

(5) Matters of war, threatened attack from a foreign power, civil insurrection or riot.

6-9A-5 Minutes.

The Fayette County Board of Health shall provide for the preparation of written minutes of all of its' meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include, at least, the following information:

- (1) The date, time and place of the meeting;
- (2) The name of each member of the Fayette County Board of Health present and absent from the meeting;
- (3) All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition; and
- (4) The results of all votes and, upon the request of a member, the vote of each member, by name.

Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions of section four [6-9A-4] of this article.

6-9A-6. Enforcement by injunction; actions in violation of article voidable.

The circuit court in the county where the Fayette County Board of Health regularly meets or the judge thereof in vacation shall have jurisdiction to issue an injunction to enforce the purposes of this section upon petition by any citizen of this State who can show a good faith and valid reason for making such application. No bond shall be required unless such petition appears to be without merit or made with the sole intent of harassing or delaying or avoiding return by the Fayette County Board of Health.

Any actions taken or decisions made in violation of this article may be voidable upon petition filed within thirty days after such actions or decisions to be aforesaid circuit court or the judge thereof in vacation and such court may order that such actions taken or decisions made be performed in compliance with the provisions of this article.

6-9A-7 Violation of article; penalties.

Any person who is a member of the Fayette County Board of Health required to conduct open meetings in compliance with the provisions of this article and who willfully and knowingly violates the provisions of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail not more than ten days, or both fined and imprisoned.

Adopted and approved by the Fayette County Board of Health:



Charles D. Bowling, Chairman
Fayette County Board of Health

4/8/87
Date

as collateral to secure the deposits of Fayette County Commission as of November 30, 2007.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of November 30, 2007.

The Commissioners received and reviewed from the SunTrust Bank a list of securities pledged as of November 30, 2007.

The Commissioners received and reviewed from CountyRCard a guide to successfully distribute discount prescription cards.

The Commissioners received and reviewed a letter to the West Virginia Division of Highways confirming their willingness to reimburse the West Virginia Division of Highways the incurred charges (estimate cost \$1,700.00) for two single axle dump trucks with operators to haul material removed from Armstrong Creek for three eleven-hour days.

The Commissioners received and reviewed an invitation from the County Commissioners' Association of West Virginia inviting the Commission to their Christmas Open House on Friday, December 14, 2007.

The Commissioners received and reviewed Request for Leave from Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Carl Harris, Prosecuting Attorney informing that Iris Akers last day in his office will be December 31, 2007.

The Commissioners received and reviewed a letter from Rapid Communications informing of the addition of their new phone system in the Weston, West Virginia call center.

The Commissioners received and reviewed a letter from Stafford Consultants, Incorporated regarding New Haven Public Service District Beauty Mountain/Power Plant/Shawver Road Preliminary Design Submission.

The Commissioners received and reviewed a letter from Stafford Consultants, Incorporated regarding New Haven Public Service District Stringtown Road water.

The Commissioners received and reviewed a letter from Ford Motor Company giving a reminder of the vehicles that need to have the no charge recalls completed.

The Commissioners received and reviewed Statement of Expenditures for the Fayette County Park and Central Garage as of November 2007.

The Commissioners received and reviewed Official Oath of Office from Sue Gray, member of the Gauley River Public Service District.

The Commissioners received and reviewed a letter from Hamilton, Burgess, Young and Pollard regarding Fisher v. Town of Fayetteville lawsuit.

The Commissioners received and reviewed a letter from the Fayette County Zoning Office regarding the Viewshed Ordinance.

The Commissioners received and reviewed Certificate of Liability Insurance from Universal Cable Holdings, Inc.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of November, the New River Humane Society Allotment, amount \$13,054.64 for the month of December, and Weekly Fees Collected for the week of December 1 to December 6, 2007, amount \$560.00 and the

week of December 7 to December 13, 2007, amount \$295.00.

The Commissioners received and reviewed several Workers' Compensation correspondences.

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 checks for Franchise Fees from Bradley Communications, Inc., amount \$866.79; WV Development Office for Sportsman's Recreation Center, amount \$1,078.20; and the Criminal Justice Services Community Corrections Center, amount \$17,830.86.

The Commissioners received and reviewed an e-mail from John David giving an update of several developments in the Page-Kincaid area.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator informing Denise Ferguson with the West Virginia Division of Culture and History that he would be responsible for answering questions on behalf of the Fayette County Commission regarding the Fayette County's Records Preservation grant application.

The meeting was adjourned at 2:15 p.m. The next scheduled meeting is January 4, 2008.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
DECEMBER 4, 2007
COURTHOUSE

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

The Fayette County Commission met in a special session on the 4th day of December 2007.

Commissioner Eskew called the meeting to order at 1:10 p.m.

Commissioner Eskew informed the purpose of this meeting is to discuss the extension of the wastewater lines for the 8-9 homes in Hilltop with White Oak Public Service District and Southern Appalachian Labor School (SALS).

Dave Pollard, County Resource Coordinator informing there is no outside funds, doesn't have any answers.

John David informed he is here to seek some kind of assistance for the eight to nine houses.

Steve Sparks, Manager, White Oak Public Service District informed their plans to put in an 8" main line to upgrade the entire system in the subdivision.

Alice King informed that an Infrastructure loan has a time line of 60-90 days. It has to be in by the 20th of the month, log in by the 20th for next month and will act on at the next meeting.

White Oak Public Service District is going to upgrade 4" to 8" line regardless.

The Commissioners told Mr. David that Division of Environmental Protection has a 1% loan for a construction infrastructure and suggested to Mr. David that SALS check with the Division of

Environmental protection for the 1% loan.

Commissioner Wender offered a motion that the Fayette County Commission approves to participate up to a \$5,000.00 match provided the balance of the project is funded in full by commitments from other sources. Commissioner Lopez seconded. Unanimous.

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

The Commissioners asked Ms. Holly to send a fax to the Division of Highways to send confirmation that they agree to the price of \$1,700 for the use of their dump trucks with operators to haul material removed from Armstrong Creek.

The Commissioners signed a letter to the New Haven Public Service District informing they received their request for funding in the amount of \$6,000.00 for the preparation of a Preliminary Engineering Report for the construction of the Derry Hale/Sun Mine road waterline.

The Commissioners approved \$3,000.00 matching fund and urged New Haven Public Service District to explore other funding sources to move the project forward.

Commissioner Eskew signed letter to the Days Inn Hotel authorizing James Fitzwater to have his sleeping room, meals, room guarantees, business telephone charges, guarantee for late arrival, and parking fees charged to the Fayette County Commission to accompany Judge John Hatcher as his bailiff on December 6 and 7, 2007.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator informing that in a joint meeting of the Fayette

Transition Team and the Fayette County Planning Commission there was a consensus to endorse a proposed timeline and methodology for the development of a viewshed ordinance.

After speaking with Pat Ford and David Hafley the cost for the facilitation and the drafting of a report is \$1,000.00. The County will need to provide lunch and breakfast total cost would be approximately \$1,500.00 to \$1,750.00.

The Commissioners received and reviewed a letter from Governor Joe Manchin informing that the fiscal year 2007 application to the Governor's Community Participation Grant Program has been approved, amount \$5,000.00 for the New River Health Center to pave parking areas.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of November 30, 2007, amount \$15.00.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties regarding PEIA Premium Increase.

The Commissioners received and reviewed a letter from the State Tax Department informing that a clerical error was made and they have provided the recommended mineral appraisal changes for Ireland B. and Linda Sutton.

The Commissioners received and reviewed a letter from the State Tax Department informing that a clerical error was made and they have provided the recommended mineral appraisal changes for Richard E. and Robert McClelland.

The Commissioners received and reviewed Status Report from the

911 Center for the month of January through November 2007.

The Commissioners received and reviewed a letter from Pullin, Fowler, Flannagan regarding the Kamensky and Fayette County Commission, etal lawsuit.

The Commissioners received and reviewed a check from the City of Beckley reimbursement for DUI Patrol, amount \$187.80.

The Commissioners received and reviewed a thank-you letter from the Fayette Toy Fund, Inc. thanking the Commission for the \$500.00 donation.

The Commissioners signed request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT, amount \$2,399.37 for the month of November.

The Commissioners received and reviewed an e-mail from Tom Oxley, City Manager, City of Oak Hill regarding the paving of the rail trail.

The meeting was adjourned at 3:01 p.m. The next scheduled meeting is December 14, 2007.

A handwritten signature in blue ink, reading "Timothy D. Edwards", is written over a horizontal line.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION AND BOARD OF
EQUALIZATION AND REVIEW
FEBRUARY 1, 2007
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez

The Fayette County Commission met in a special session on this 1st day of February 2007 as Board of Equalization and Review.

Commissioner Eskew called the meeting to order at 9:00 a.m. Since there were no hearings scheduled, Commissioner Eskew asked that the Board of Equalization and Review hearing be adjourned.

The Commissioners signed Order giving the Assessor 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 22nd day of February 2007.

The Commissioners adjourned the Board of Equalization and Review hearings at 9:50 a.m.

The Commissioners reconvened at 9:50 a.m. for the County Commission meeting.

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

Ms. Holly told the Commissioners that at their last meeting they signed an order approving mileage increase. Ms. Holly told the Commissioners that the GSA has not approved the increase, Ms. Holly told the Commissioners she checked this morning, if the increase is approved it would be effective February 1, 2007.

Commissioner Lopez offered a motion to rescind motion to raise mileage effective January 1, 2007. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew signed the drawdown to the Division of Criminal Justice Services for the Community Corrections Day Report Center, amount \$7,011.63.

The Commissioners signed Order and appointment to serve letter appointing Tom Harris a member of the Fayette County Beautification Committee.

Discussion was held regarding the balance of Software Systems, Inc. invoice.

Ms. Holly told the Commissioners they only paid the amount that Software Systems said it cost, we never got an explanation of what caused the increase in the amount.

Carl Harris, Prosecuting Attorney informed he reviewed and told the Commissioners it's a catch 22 situation if you don't pay or if you do pay.

Commissioner Lopez offered a motion to pay invoices from Software Systems, Inc., amount \$3,823.21. Commissioner Eskew seconded. Unanimous.

The Commissioners approved waving the rental fee for the Fayette County Middle School Girls/boys Basketball "AA" Tournament. All other rules are applicable, including insurance, trash and custodial fees.

Commissioner Lopez asked ms. Holly to check and see what the utility cost for the Memorial Building was last year.

Ms. Holly informed the Commissioners that cost for the utilities

for the Memorial Building last year was \$38,634.59 and as of this posting the balance is \$15,757.00.

Ms. Holly told the Commissioners she have three (3) request for the use of the Memorial Building (Mountain state Djin-Li Karate Club, Fayetteville Little League, and the Fayetteville Football Boosters). The Commissioners asked Ms. Holly to hold until February 7, 2007.

Ms. Holly told the Commissioners she have not heard anything back from Carl Harris, Prosecuting Attorney regarding the Freedom of Information request.

The Commissioners received and reviewed quotes for a copier for the Fayette County Park.

Peggy Bennett told Ms. Holly that the Lanier Company has the State bid. (Lanier, \$4,321, Savin, \$5,179, and Compton Office Machine, \$2,200).

Commissioner Lopez offered a motion to go with the State bid Lanier Company, amount \$4,321.00. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received an Agreement from the Courthouse Improvement Grant Fund. Ms. Holly told the Commissioners that Dan Snead to prepare the specifications. The Commissioners approved.

Ms. Holly told the Commissioners that Dan Snead is to get specifications for the Circuit Clerk counter.

Discussion was held regarding the ADA Survey and discussion of a ramp for the courthouse.

Ms. Holly informed the Commissioners she received a letter from

the Records Management and Preservation Board informing that partial payment has been approved for the County Clerk's Office map cabinet, amount \$3,180.00. Ms. Holly told the Commissioners the original amount requested was \$7,170.00 for the map cabinet plus plastic shelves. The \$3,180 is only for the map cabinet.

The Board informed that since the Circuit Clerk and the Prosecuting Attorney Offices just recently received its shelving system these office holders reapply in the next grant round.

The Commissioners approved for Jesse Bibb to transfer the Minden Rocklick Action Committee funds into the Arbuckle Watershed Association, amount \$4,875.00.

The Commissioners received and reviewed a memorandum from Chief Deputy Steve Kessler informing that Gayle Koone, transportation officer worked from May 1, 2006 to June 15, 2006, six (6) days during each pay period but was only paid three for each pay period.

Chief Deputy Kessler is requesting that Mr. Koone be paid for the nine (9) days he worked.

Ms. Holly informed the Commissioners that Tammy Conley has been denied Unemployment Compensation.

Ms. Holly presented to the Commissioners quotes for books for the County Clerk's Office.

The Commissioners told Ms. Holly that Kelvin Holliday, County Clerk to make decision, the money is in his budget.

Ms. Holly told the Commissioners that the skeet and trap machine cost is \$15,400.00.

Ms. Holly told the Commissioners she received an e-mail from

Aletha Stolar informing her that the Family Resource Network Board had approved a raise in her salary from \$23,000 to \$25,000 annually.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council asking the Commission to appoint Sharon Cruikshank and Dr. Beverly Jo Harris private sector members of the Region 4 Planning and Development Council.

Commissioner Lopez offered a motion to appoint Sharon Cruikshank and Dr. Beverly Jo Harris private sector members of Region 4 Planning and Development Council. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that George Bragg had called her about the award money for the Unsolved Murders. Ms. Holly told the Commissioners they paid out the \$5,000. The money is not there.

Ms. Holly informed the Commissioners she received an e-mail from Commissioner Wender regarding the incident in Dave Pollard's office.

Discussion was held regarding Eric Audrinth in Dave Pollard's office going through files looking for maps. Mr. Pollard was not present nor had he given Mr. Audrinth permission to go through his files.

The Commissioners asked Ms. Holly to ask Dave Pollard to send a letter to Carl Harris, Prosecuting Attorney regarding this incident.

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

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney regarding the termination of Neil Boden.

The Commissioners received and reviewed a letter from the New

River Convention and Visitors Bureau regarding the West Virginia Hotel-Motel Tax Parity for Cities and Counties.

The Commissioners received and reviewed a letter from the Public Service Commission regarding the Initial and Final Joint Staff Memo regarding Case # 07-0019-PSWD-PCC the enlargement of the Kanawha Falls Public Service District.

The Commissioners received and reviewed a letter from the WV Public Employees Insurance Agency informing they will be switching to a new computer system effective January 1, 2008.

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

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

The Commissioners received and reviewed a check for Franchise Fees from Bradley Communication, Inc., amount \$866.13.

The Commissioners received and reviewed a notice from the West Virginia Association of Counties informing its not to late to register for the 2007 WVACo Annual Meeting being held February 11-13, 2007 at the Embassy Suite.

The Commissioners received and reviewed Statement of Expenditures as of January 2007 for the Fayette County Park and Central Garage.

The Commissioners received and reviewed from the Office of the State Treasurer informing the funds for the January Limited Video Lottery proceeds will be deposited on January 26, 2007, amount \$6,370.58.

The Commissioners received and reviewed a letter from the Office

of State Treasurer informing that funds due for the 25% of the coal severance tax will be deposited on January 31, 2007, amount \$30,042.23.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney requesting that Neil Boden be paid 65 hours for his unused vacation days.

The meeting was adjourned at 11:35 a.m. The next scheduled meeting is February 7, 2007.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
BOARD OF EQUALIZATION AND REVIEW
FEBRUARY 7, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 7th day of February 2007 as Board of Equalization and Review.

Commissioner Eskew informed he received a fax from Pat White, Tax Unit Supervisor II informing that due to the weather/road conditions they will be late for the Board of Equalization and Review hearings. The roads are preventing personnel from traveling until mid-morning. They are hoping to be in Fayette County no later than 12:00 p.m. today.

Commissioner Eskew called the County Commission meeting to order at 9:50 a.m.

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

Ms. Holly told the Commissioners they had previously approved minutes for December 18, 2006, Commissioner Eskew signed. Ms. Holly told the Commissioners these minutes should be signed by Commissioner Wender. Commissioner Wender signed the minutes of December 18, 2006.

The Commissioners received and reviewed a notice informing that Larry Adkins has a serious heart condition and is out of sick leave.

Ms. Holly told the Commissioners that some of the employees would like to donate some of their sick leave to Mr. Adkins.

Commissioner Wender offered a motion to send out a letter regarding clarification of Sick Leave Policy on whether all County employees can donate accumulated sick leave to another employee or can it only be donated to an employee within the same department or office. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that James Perdue, Maintenance Supervisor is back to work.

Ms. Holly informed the Commissioners that Earl Pauley informed her that the insurance adjuster totaled the vehicle assigned to Deputy Jackie Brown.

Ms. Holly informed the Commissioners that Bryan parson, Principal, Fayetteville High School asked the Commission if they would write a letter welcoming the teams and fans to the 2007 Fayette County middle School Girls/Boys "AA" Basketball Tournament.

Commissioner Eskew read the letter. The letter was signed.

Ms. Holly informed the Commissioners that the Records Management and Preservation Board did approve the grant application but only for the map cabinet base price of \$3,180.00.

Ms. Holly told the Commissioners she talked with Fred Armstrong, Director regarding the request and informed him that the funding request was in the amount of \$7,177.00 by the County Clerk was for one (1) map cabinet with hanging module, hangers, archival perma envelopes, freight and delivery. The base price of \$3,180 as approved is for the cabinet only.

Commissioner Wender offered a motion to approve the purchase of the cabinet at \$3,180 as approved by the Record management and

Preservation Board. Commissioner Lopez seconded. Unanimous.

The Commissioners signed follow-up letter confirming the funding request in the amount of \$7,177.00 and informing of their intent to proceed with the purchase of a map cabinet at the reduced funding.

Ms. Holly informed the Commissioners at their last meeting they rescinded the motion to increase the mileage because the U. S. General Service Administration had not increased their mileage.

Ms. Holly informed the Commissioners that since that time the U. S. General Services Administration has approved to increase mileage to forty-eight and a half cent (.485¢) effective February 1, 2007.

Commissioner Lopez offered a motion to approve increasing the mileage to forty-eight and a half cent (.485¢) effective February 1, 2007. Commissioner Wender seconded. Unanimous. Order signed.

Ms. Holly told the Commissioners that Tom Oxley, City Manager for the City of Oak Hill called, wants to pick-up guidelines for the Oak Hill Rail trail project.

Discussion was held, the Commissioners informed the original intent was that the City of Oak Hill complete application for the Fayette County Commission.

The Commissioners asked Ms. Holly to contact Tom Oxley and give application to the City of Oak Hill to complete.

The Commissioners signed a letter to Region 4 Planning and Development Council appointing Sharon Cruikshank and Dr. Beverly Jo Harris private sector members on the Region 4 Planning and Development Council.

Ms. Holly told the Commissioners she has several request for the

use of the Memorial Building.

The Commissioners received and reviewed a letter from John Kincaid requesting the use of the Fayette County memorial Building for the Fayetteville Football Boosters to host an indoor yard sale/flea market, April 7, 2007.

Commissioner Wender offered a motion to approve request of the Fayetteville Football Boosters to use the Memorial Building for the purpose of hosting an indoor yard sale/flea market. The \$1,000 rental fee, and the custodial and trash services fees will be waived. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville Little league asking permission to use the Memorial Building for the 2007 registration (On February 14, February 24, and March 3, 2007), one parent's orientation and coaches meeting, and one day for inclement weather tryouts.

The Commissioners approved the use of the Memorial Building for the Fayetteville Little League for the 2007 registration (on February, February 24 and March 3, 2007), one parent's orientation and coaches meeting, and one day for inclement weather tryouts. The rental fee, custodial fee and trash service fee will be waived. All other rules are applicable including the insurance requirement, the Fayetteville Little League must submit a current certificate of insurance to Okey Skidmore prior to any permitted use of the building.

The Commissioners received and reviewed a letter from the Earth Day Committee and the New River Convention and Visitors Bureau requesting the use of the Memorial Building on April 22, 2007 for

Earth Day if it is raining.

Commissioner Lopez offered a motion to approve the request of the Earth Day Committee and the New River Convention and Visitors Bureau to use the Memorial Building for the purpose of hosting Earth Day if it is raining. Commissioner Wender seconded. Unanimous. The rental fee, the custodial and trash service fees will be waived. All other rules are applicable, including the insurance requirement.

The Commissioners received and reviewed a letter from Mountain State Djin-Li Karate Club requesting use of the Memorial Building for karate classes.

Commissioner Wender offered a motion to deny request as made and provide him a copy of the fee schedule available if interested in leasing the building. Commissioner Lopez seconded. Unanimous.

Sheriff William Laird told the Commissioners he had four (4) deputies at the academy. Sheriff Laird told the Commissioners he had looked at an SUV at Brown's Chevrolet, cost \$37,203.

Commissioner Lopez informed two (2) Jeeps are at the Fayette County Park. Commissioner Lopez asked Sheriff Laird to check with Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a request from Okey Skidmore, Manager, Fayette County Memorial Building requesting permission to replace the ticket booth window in the front of the Memorial Building.

The Commissioners asked Ms. Holly to get Mr. Skidmore to get cost estimates from AAA Glass.

The Commissioners received and reviewed invoices from Software

System, Inc. Ms. Holly told the Commissioners that the invoice needs to be paid.

The Commissioners approved to pay the balance to Software Systems, Inc. invoice, amount \$3,823.21.

Ms. Holly informed the Commissioners she received she received an e-mail from Aletha Stolar informing that the Family Resource Network has approved to increase her pay from \$23,000 to \$25,000 a year.

Commissioner Eskew informed he feels the Commission should have something in writing from the Family Resource Network Board regarding this increase.

The Commissioners received and reviewed from Daniel Wright, Circuit Clerk a notice informing that Microsoft dropped support of their free eta Spam Protector. The Software Computer Group, Inc. Is offering an option that the Circuit Clerk have their staff purchase a product named Spy Sweeper, install on server, check for any existing infections with spy Sweeper, clean any detected problems, and schedule Spy Sweeper to do a full sweep each night. This would cost \$100. Mr. Wright signed and approved for Software Computer Group, Inc. to apply Spy Sweeper to his system.

The Commissioners received and reviewed a letter from the Kanawha County Commission informing of a proposal from Verizon that will cost counties millions of dollars over the next four years for 911 services everywhere in the State.

Commissioner Wender asked Ms. Holly to have David Neal, E911 Coordinator to review and advise on this matter.

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 J. P. Morgan Account Statement for the period of January 1 to January 31, 2007.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for January 23, 2007.

The Commissioners received and reviewed from Branch Banking and Trust Report of Investments and Transaction for the period from August 1, 2006 to January 31, 2007.

The Commissioners received and reviewed several correspondences from the BrickStreet Insurance (Workers' Compensation claims) and the Unemployment Compensation Division.

The Commissioners received and reviewed a letter from the Division of Highways informing the Federal Highway Administration issued a memorandum "Transportation, Community and System Preservation (TCSP) Program Request for Fiscal Year 2007 Grant Applications. Applications must be submitted by electronic mail by close of business Wednesday, March 7, 2007. Copy forwarded to Dave Pollard, County Resource Coordinator and Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from the Division of Highways informing Intent-to-Apply form for the White Oak Rail Trail County Paving Project FY 2007 in Fayette County has been reviewed and found to generally meet the requirements for the Recreation Trails (RTP) Program. The Commissioners approved for Tom Oxley, City Manager City of Oak Hill to complete application for the Commission.

The Commissioners received and reviewed a letter from David Gay regarding the dates of the meeting at the prince Depot.

The Commissioners received and reviewed a copy of the response from Kelvin Holliday, County Clerk to Gary Lilly regarding a poll worker.

The Commissioners received and reviewed a fax from Senator Shirley Love regarding Senate Bill 436.

The Commissioners received and reviewed a letter from Forward Southern WV regarding funding for the study on the Grand Lodge.

The Commissioners received and reviewed a copy of a letter from Carl Harris, Prosecuting Attorney to attorney David Higgins regarding his freedom of information request of the River Ridge Housing project.

The Commissioners received and reviewed a copy of an Accident Report (Personal Injury) from the Fayette County Park.

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

The Commissioners received and reviewed a brochure from Advanced Alarm Technologies, Inc. providing an overview of what they do.

The Commissioners received and reviewed a notice from J. Dan Snead and Associates, Inc. informing of their new address.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS, Activity Report, Monthly Revenue Report for th month of January and Weekly Fees Collected for the week of January 26 to January 31, 2007, amount \$1,598.00, and the week of February 1, 2007, amount \$10.00.

The Commissioners received and reviewed Requests for

Reimbursements to the West Virginia Division of Criminal Justice Services for the Court Security Fund Grant, amount \$7,918.78 and overtime for TRIDENT, amount \$1,087.22.

The Commissioners received and reviewed checks from the West Virginia Development Office for FOOTMAD Grant, amount \$2,500.00 and 911 Fees check from Trinsic Communications, amount \$22.00.

The Commissioners recessed the County Commission meeting at 11:40 a.m.

The Commissioners reconvened at 11:40 a.m. for the Board of Equalization and Review hearings.

Commissioner Eskew swore in everyone that will be speaking at these hearings. Present from the State Tax Department was Terry Hollingsworth, Antonio (Tony) Simental and Nick Johnson, Eddie Young, Assessor, and Carl Harris, Prosecuting Attorney.

Danny Abston appeared before the Commission to present his application for review of property assessment.

Mr. Abston is requesting that his 37.19 acres surf. Be changed to managed timberland.

Eddie Young, Assessor told the Commissioners that he had Steve Fox go out and check property.

Mr. Young told the Commissioners based on the fact that other property in the County has the same value, he recommends no change.

Commissioner Eskew informed the Commission will take under advisement and will address on February 16, 2007.

The Commissioners recessed the Board of Equalization and Review hearing for lunch at 12:15 p.m.

The Commissioners reconvened the Commissioners meeting at 1:18 p.m.

Commissioner Eskew called the Board of Equalization and Review hearing to order at 1:20 p.m.

Larry H. Deitz for H. R. Deitz, etal appeared before the Commissioners to present his applications for review of property assessments.

Mr. Deitz presented to the Commissioners the Parcel ID numbers of those properties that need to be scheduled for consideration: 01-9999-0600-4860-50 acres mineral Opposum Creek, 01-9999-0600-4888-25 acres mineral Opposum Creek, 01-9999-0623-1801-30 acres mineral Pine Springs, 01-9999-0621-2289-000 ½ Fee 15.40 Big Creek, 01-4400-4000.0000000 ½ Fee 15.40 Big Creek.

Mr. Deitz wants to know why the unreasonable high rate. The increase from last year would be acceptable.

Eddie Young told the Commissioners he recommends changing to T-40. The State recommends no change.

The State recommends that Map/Parcel 10-01-9999-0621-2289.0000 and 10-01-44-0040.0000 appraised mineral value be changed.

Commissioner Eskew informed the Commission will take under advisement and will address on February 16, 2007.

Mr. Gango for New Land Leasing appeared before the Commissioners to present his application for review of property assessment.

Mr. Gango presented a list of the owners and their Parcel ID Numbers to the Commissioners to review. The Commissioners marked as "Exhibit 1". (See attached)

Rates for Beckley seam valuation are high for
all tracts and Powellton seam of Arkland does not exist.

FAYETTE COUNTY

OWNER

PARCEL ID. NO.

Ward Carol Lively	02-9999-0616-0619-0000
Ward Carol Lively	02-9999-0619-0855-0000
Ward Carol Lively	02-9999-0619-0873-0000
Ward Carol Lively	02-9999-0800-0183-0000
Ward Carol Lively	02-9999-0619-0800-0000
Ward Carol Lively	02-9999-0619-0793-0000
Ward Carol Lively	02-9999-0619-7073-0000
Ward Carol Lively	02-9999-0619-7064-0000
Ward Carol Lively	02-9999-0619-7055-0000
Ward Carol Lively	02-9999-0800-0717-0000
Ward Carol Lively	02-9999-0619-0846-0000
Ward Carol Lively	02-9999-0619-0828-0000
Ward Carol Lively	02-9999-0619-0837-0000
Ward Carol Lively	02-9999-0801-0216-0000
Lively J O	02-9999-0619-0864-0000
Lively J O	02-35-0067-0000-0000
Lively Gretel Marie	02-35-0003-0000-0000
Ark Land Co.	02-27-0101-0000-0000 - <i>Revised \$ 2489⁰⁰</i>
Lively Bud M.	02-35-0003-0001-0000
Lively Bud M.	02-35-0003-0003-0000

Newland Leasing

Mr. Gango agreed with the State Tax Department that no changes are made on 19 of the appraised mineral values.

Commissioner Eskew informed the Commission will take under advisement and will make a decision by February 16, 2007.

Attorney James Blankenship, Richard Persinger, and Bill Keeney appeared before the Commission to present their applications for review of property assessment for Alabama Property.

Mr. Blankenship told the Commissioners he would like to with Map/Parcel 10-01-33-0066.000.

Mr. Blankenship presented a map of the parcels in question to the Commissioners. The Commissioners marked "Exhibit 1".

The State informed the Commissioners they recommend no change for Map/Parcel 10-01-33-0036.0000.0000 and 10-01-9999-0600-0301.0000 and to change Map/Parcel 10-01-9999-0600-0294.0000 appraised value to \$140.00.

Commissioner Eskew informed the Commission will take under advisement and will make a decision by February 16, 2007.

Eddie Workman appeared before the Commission to present his applications for review of property assessment for Westmoreland Coal Company.

Mr. Workman told the Commissioners that Map/Parcel 10-02-9999-0800-5277.0000 and 10-02-9999-0617-5701.0000 are assessed to high. Mr. Workman informed the Commission that the market value of the sewell system is ridiculous.

The State recommends the value stand as is.

Eddie Young recommends T-40 on these tracts of property.

Commissioner Eskew informed the Commission will take under advisement and will make a decision by February 16, 2007.

Bill Keeney appeared before the Commission to present his applications for review of property assessment for W. R. Johnson Coal Company, Imperial Colliery Company and Midvale Colliery Company and T. A. Deitz Estate.

Mr. Keeney informed the Commissioner he is withdrawing the applications for W. R. Johnson Coal Company and Imperial Colliery Company.

Mr. Keeney told the Commissioners that Midvale Colliery Company and T. A. Deitz Map/Parcel 10-04-9999-0065.0000 is mined out.

The State recommends changing in accordance with the evidence presented.

Commissioner Eskew informed the Commission will take under advisement and will make a decision by February 16, 2007.

Commissioner Eskew informed the Commissioners they received a letter from the State Tax Department informing of an incorrect value due to a computer error.

Mine 03-0350301601 Open Fork Mining Surface Mine, PRL coalbed: Parcel ID 490000100000000, Pocahontas Land has a 0.85 active acre with no stated value, which should be \$9,750. The total mine value for this parcel should be \$24,170, an increase of \$9,750.

Jerry Knight informed the Commissioners they should notify Pocahontas Land Company of the increase and that the Board of Equalization and Review intends to make the recommended increase in the appraised value of the above referenced coalbed at a hearing

scheduled for February 16, 2007 at 10:00 a.m. Ms. Holly to prepare letter and mail today.

Commissioner Wender offered a motion to allow Ms. Holly to stamp their names on the letter so they can be within the time frame. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew adjourned the Board of Equalization and Review hearings at 2:30 p.m. They will reconvene for the Board of Equalization and Review on February 13, 2007.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION AND BOARD OF
EQUALIZATION AND REVIEW
FEBRUARY 13, 2007
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez

The Fayette County Commission met in a special session on this 13th day of February 2007.

Commissioner Eskew called the County Commission meeting to order.

Carl Harris, Prosecuting Attorney presented, to be signed, the Intergovernmental Agreement for the Oak Hill Rails to Trails Project to the Commissioners. Tom Oxley, City Manager of the Town of Oak Hill will be bringing grant application for signatures.

Commissioner Eskew called the Board of Equalization and Review hearing to order at 11:00 a.m. Since there were no hearings scheduled. Commissioner Eskew asked that the Board of Equalization and Review be adjourned at 11:15 a.m.

Commissioner Eskew reconvened the County Commission meeting at 11:15 a.m.

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

Aletha Stolar and Drema Perdue appeared before the Commission to give an update on the Project Lifesaver Project.

Ms. Stolar told the Commissioners that Raese and Greer Industries has committed \$6,000 to the project. Ms. Stolar told the Commissioners she is requesting that the Commission fund the

additional amount needed for the project, amount \$3,200.00.

Ms. Stolar told the Commissioners this would be used to purchase 10 transmitters, a year's supply of batteries and bands would be \$285.00 each, 2 transmitters with a battery and band for each in the equipment that Greer is purchasing cost for each \$70.00.

Ms. Stolar presented a Memorandum of Understanding to the Commissioners to be signed.

The Commissioners asked to hold signing the Memorandum of Understanding until February 16, 2007 for Carl Harris, Prosecuting Attorney review.

Commissioner Lopez offered a motion to approve the \$3,200 contingent upon the final review of the Memorandum of Understanding by Carl Harris. Commissioner Eskew seconded. Unanimous. After the Prosecuting Attorney gives the okay the Memorandum of Understanding will be signed February 16, 2007.

Earl Pauley, Park Superintendent and Peggy Bennett appeared before the Commission to give an update on the shooting range.

Mr. Pauley informed the Commissioners they are pulling logs and hauling wood.

Mr. Pauley informed the Commissioners that the skeet and trap machine cost is \$15,400. The grant money is running short. Mr. Pauley told the Commissioners they need to decide on what would be cut.

Carl Harris, Prosecuting Attorney asked the Commissioners to take time and review the lease with the Fayette County Board of Education for the memorial Building.

The Commissioners signed a letter to Dave Pollard, Director, Corridor L Regional Tourism Commission enclosing a copy of the Agreement for the Legislative Digest grant in the amount of \$5,000 for the Corridor L Regional Tourism Commission from the Governor's Local Economic Development Assistance Grant Program.

The Commissioners signed a letter of support for the Recreation Trails Program Fiscal year 2007 (Oak Hill Rails-Trails Grant).

Ms. Holly presented sick leave donations from employees donating their sick leave to Larry Adkins to the Commissioners.

Commissioner Lopez offered a motion to approve the request of the employees to donate their sick leave to Larry Adkins. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Fayetteville Fairs and Festival Committee requesting use of the Memorial Building for their fair from June 28 through July 1, 2007.

The Commissioners asked to hold and address on February 16, 2007.

The Commissioners approved to have a County Commission meeting on February 22, 2007 at 9:00 a.m.

The Commissioners signed the Oak Hill Rails to Trails Recreational Agreement.

The Commissioners received and reviewed from the West Virginia State Auditor's Office a copy of the Report on Applying Agreed-Upon Procedure of the Fayette County Magistrate Court for the period ending December 31, 2005.

The Commissioners received and reviewed a copy of invoices from the Fayette County Soldiers and Sailors Memorial Building to the

Fayette County Board of Education for extended use of the building at the hourly rate of one hundred dollars (\$100).

The Commissioners received and reviewed a copy of a letter to Jim Lively Insurance from Carl Harris, Prosecuting Attorney regarding the request from Diane Merillat that she is making a claim of neglect by the County Commission in regard to her father's estate.

The Commissioners received and reviewed a copy of a letter to All 911 directors from the West Virginia Enhanced 9-1-1 Council regarding a letter from Kanawha County Commission Kent Carper concerning the wireless 9-1-1 Fees.

The Commissioners received and reviewed a copy of a letter from Southern Public Service Company asking that Steve Cruikshank, OES Director, and Commissioner Kenneth Eskew confirm that they received a copy of Southern Public Service Company's emergency information. The letter signed.

The Commissioners received and reviewed Remittance by the Assessor to the State Treasurer's Office for December 2006 no money collected during this period and for January 2007, amount \$168.00.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 2 to February 8, 2007, amount \$241.00.

The Commissioners received and reviewed a letter from the Fayette County National Bank to New Haven Public Service District thanking them for their inquiry as to the possibility of financing the design portion of two of their upcoming projects.

The Commissioners received and reviewed a letter from Branch

Banking and Trust informing that as of January 31, 2007 the securities were held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank informing as of January 31, 2007 a list of securities pledged.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset list for January 31, 2007.

The Commissioners received and reviewed from the West Virginia Fiscal year 2008 Community Corrections Fund Grant Application Information.

The Commissioners received and reviewed from the West Virginia's Enforcing the Underage Drinking Laws Grant Program Application.

The Commissioners received and reviewed from the West Virginia Justice Assistance Grant Application information.

The Commissioners received and reviewed from the Office of the Governor a list of all the Boards.

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 (Workers' Compensation claims) and the Unemployment Compensation Division.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program informing their regular meeting of the Fayette County Weatherization Policy Advisory Council is on Thursday,

February 22, 2007 at 1:30 p.m.

The Commissioners received and reviewed checks from the West Virginia Development Office for FOOTMAD Grant, amount \$1,000.00; Criminal Justice Service-TRIDENT, amount \$2,320.20; Fayette County Board of Education, amount \$2,916.67; Travelers-reimbursement, amount \$2,090.00.

The Commissioners received and reviewed a copy of an e-mail from David Neal, E911 Coordinator to Ms. Holly informing he has attached a copy of documents relating to the Verizon tariff change and the issues raised by Mr. Kent Carper.

The Commissioners received and reviewed a copy of an e-mail from Pete Hobbs, Mayor Town of Ansted to Edward Wojtowicz, Department of Environmental Protection requesting a public meeting to discuss the merits and liabilities of the pending request for a Surface Mine Application Permit #S3002-06 pending for F & N Construction, LLC.

The Commissioners received and reviewed Official Oath of Office from Tommy R. Harris, member of the Fayette County Beautification Committee.

The meeting was adjourned at 2:10 p.m. The next scheduled meeting is February 16, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
FEBRUARY 16, 2007
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 16th day of February 2007.

Commissioner Eskew called the meeting to order at 9:10 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 Adam Minter, Sandra L. Varsil, Fred A. and Carol J. Bibbs, and Wade Duncan. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tax for William F. Sizemore, Jr., Patricia Nutter, Aiesha Shawnta Richardson, William and Linda Jeffries, Jr., and Pocahontas land Corporation. Commissioner Lopez seconded. Unanimous.

Mr. Young told the Commissioners that Pocahontas Land on February 7, 2007 agreed they would accept the State's value.

Commissioner Lopez offered a motion to approve refunds for Zacheus Properties, amount \$1,160.56. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, payrolls to be released on February 23, 2007.

Sheriff William Laird appeared before the Commission to discuss the Homeland Security Grant for mobile radios he received late spring/early summer.

Sheriff Laird told the Commissioners the State contract is with Johnson Radios inconsistent with Fayette County System. Harrison County with Motorola has open-ended contract.

Sheriff Laird told the Commissioners he advertised for the bids on January 5, 2007.

Sheriff Laird told the Commissioners he only received bid from one (1) vendor and that was Motorola through Two-Way Radio.

Sheriff Laird told the Commissioners he is aware of Tom Hughes concerns over encryption specs in the bid request.

Sheriff Laird told the Commissioners that AES approved by the Executive Commission and ADP-Motorola lower level encryption with a \$30.00 add on.

Sheriff Laird told the Commissioners he's concerned if don't spend the money there's a chance he will not get additional money.

Sheriff Laird told the Commissioners he has talked to Steve Cruishank, OES Director and David Neal, E911 Coordinator and the Oak Hill Police Department use ADP and has had no problems. This is consistent with State standards.

Commissioner Wender suggested not accepting the current bids.

Commissioner Wender offered a motion to readvertise for the radios for the Homeland Security Grant. Commissioner Lopez seconded. Unanimous.

Doug Maddy member Fayette County Planning Commission, Pete Hobbs, Mayor of Ansted, Eric Autenreith member Plateau Action Network, Aaron Haddock, Denise Scalph member Fayetteville Town Council, Calantha Quesenbery member Fayetteville Convention Visitors Bureau, Laurie

Spragg, National Park Services, Tom Wagner, General Manager LRC appeared before the Commissioners to give them an update on the Gateway Communities Seminar.

Also, present were Gene Kistler, Eric Pories, Carl Thompson, Aletha Stolar, Bill Lanham and Tim Richardson.

Everyone commented and thanked the Commissioners for allowing them to attend the seminar.

Carl Harris, Prosecuting Attorney, Ed and Vicki Scott appeared before the Commission to present their Petition to abandon a 20-foot right-of-way which adjoins the Fayette County Commission property at Kanawha Falls, West Virginia.

Also present were Delbert and Jacqueline Barker appearing in person and announcing that they had no objection to the abandonment of the right-of-way as described.

Commissioner Wender offered a motion to approve abandonment as Petitioned by Ed and Vicki Scott. Commissioner Lopez seconded. Unanimous. The Commissioners asked Carl Harris to prepare order.

Commissioner Wender asked Jackie Hickman to notify Steve Cruikshank, OES Director and inform him that FEMA has not stabilized the back of Ed and Vicki Scott property. Commissioner Wender asked that Mr. Cruikshank make a written status report regarding this matter.

The Commissioners recessed the County Commission meeting at 10:05 a.m.

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

Carl Harris, Prosecuting Attorney informed the Commissioners no one was present for the Pocahontas Land Company hearing, nothing has been filed.

Commissioner Eskew informed the Commission is here today to make the final decision 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 properties for H. R. Deitz, et al to T-40 Map/Parcel 10-01-9999-0600-4860.0000 ($\frac{1}{2}$ int.), Appraised mineral Value \$3,560, Map Parcel 10-01-9999-0623-1909.0000 ($\frac{1}{2}$ int.), Appraised Mineral Value \$3,560, Map Parcel 10-01-9999-0600-4888.0000 ($\frac{1}{2}$ int.), Appraised Mineral Value \$1,830, Map Parcel 10-01-9999-0623-2365.0000 ($\frac{1}{2}$ int.), Appraised Mineral Value \$1,830, Map Parcel 10-01-9999-0623-1801.000 ($\frac{1}{2}$ int.), Appraised Mineral Value \$2,312, Map Parcel 10-01-0600-4879.0000 ($\frac{1}{2}$ int.), Appraised Mineral Value \$2,312. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change valuation for the following properties for H. R. Deitz, etal Map Parcel 10-01-9999-0621-2289.0000 Appraised Mineral Value \$93, Map Parcel 10-01-44-040.0000 Appraised Mineral Value \$93. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change valuation for New Land Leasing Map Parcel 01-02-27-0101-0000.0000 Appraised Mineral Value \$2,489 no change for Carol Lively Ward (14

tracts), no change for J. O. Lively, no change for Gretel Marie Lively, no change for Ash Land Company and no change for Bud M. Lively. Commissioner Wender seconded. Unanimous. (See attached)

Commissioner Lopez offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change valuation for Alabama Properties, Inc. Map Parcel 10-01-9999-0600-0294-0000, Appraised Mineral Value \$140, Map Parcel 10-01-33-0036-0000.0000, Appraised Mineral Value no change, Map Parcel 10-01-9999-0600-0301.0000, Appraised Mineral Value no change. Commissioner Wender seconded. Unanimous.

Eddie Young told the Commissioners for Westmoreland Coal Company he had recommended on the date of their hearing to change from T-20 to T-40, State recommended not to change.

Commissioner Wender offered a motion to accept the recommendation of the Assessor to change the value of the following property for Westmoreland Coal Company to T-40 Map Parcel 10-02-9999-0800-5277.0000, Appraised Mineral Value \$14,534 and Map Parcel 10-02-9999-0617-5701.0000, Appraised Mineral Value \$14,804. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change valuation for the following property for Midvale Colliery Company and T. A. Deitz Estate Map Parcel 10-04-9999-0065.000, Appraised Mineral Value \$9,405. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to change Danny A. Abston to managed timberland Map Parcel 10-01-86-0006.0000 Appraised Value

\$6,250. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew informed at 10:35 a.m. this concludes the Board of Equalization and Review hearings.

Commissioner Eskew reconvened the County Commission meeting at 10:35 a.m.

Ralph Davis and Greg Driggs appeared before the Commission to request that a Right-of-Way Easement be granted to the New River Ledges Associates, LLC for the purpose of accessing its property located adjacent to property owned by the Fayette County Commission along WV Route 16 at Oakridge.

Carl Harris, Prosecuting Attorney asked Mr. Davis has anyone contacted the West Virginia American Water.

Mr. Harris told the Commissioners he does not see a problem except obligation to convey to West Virginia American Water, feels West Virginia American Water should consent in writing to New River Gorge Preserve to contact West Virginia American Water for written release.

Commissioner Wender voices his concerns over view of houses under construction.

Commissioner Wender offered a motion to grant easement across County owned property provided that the New River Ledges Association gets consent of release in writing in the easement from West Virginia American Water. Commissioner Lopez seconded. Unanimous.

Fred Hypes, representative for Arbuckle Public Service District and Michael Griffith, CPA appeared before the Commission to discuss issues of the Arbuckle Public Service District.

Mr. Hypes told the Commissioners he has two (2) issues regarding the Arbuckle Public Service District.

1. Lender issues, USDA needs a resolution with the Public Service Commission, USDA etc.
2. Get a major development going through for Arbuckle PSD but fear of the current conditions this could be damaging for the project.

Mr. Hypes told the Commissioners that he would like for Michael Griffith, CPA to look into rate increases and current conditions and in 45-60 days can have something to report back to the Commission.

Commissioner Wender asked about the scope of work and what needed to be done. 1. The condition of the facilities both water and sewer, 2. What does it cost to remedy and 3. A long term strategy-(a) what to do with rates both water/sewer (b) possible sale of water and sewer (c) should consider consolidation (d) extensive discussion with LRC to extend water service to them and would he additional customer help.

Mr. Hypes told the Commissioners that LC would be the stand-alone facility, would not physically improve current customer base.

Commissioner Wender asked what would be the?

Michael Griffith replied \$5,000 for first phase excluding consolidation.

Mr. Griffith told the Commissioners that the current problem is with the USDA. They would not consider anything until Arbuckle Public Service District show them some kind of plan.

Commissioner Wender asked Tom Wagner if the 50/50 workable with LRC. Mr. Wagner replied yes.

Commissioner Wender offered a motion that Fayette County Commission will pay up to \$2,500 to Arbuckle Public Service District with the expressed understanding that these funds be with a match of 50/50 funding from LRC to pay for services of an independent qualified individual to undertake the scope of work and evaluation of Arbuckle Public Service District. Fayette County Commission will hold funding until the scope of work is determined and all parties agree. Commissioner Lopez seconded. Unanimous.

Arbuckle Public Service District will send request for funding for services for scope of work.

Michael Griffith, CPA to send scope of work prior to the March 9, 2007 County Commission meeting.

The Commissioners recessed the Commission meeting for lunch at 11:58 a.m.

Commissioner Eskew reconvened the Commission meeting at 1:15 p.m.

The Commissioners met with Tom Oxley, City Manager for the City of Oak Hill, Harold Simmons, WV Division of Highways, Rhonda Brisendine, WV Division of Highways, Earl Pauley, Park Superintendent, Peggy Bennett, and Pete Hobbs, Mayor Town of Ansted.

Commissioner Wender informed the purpose of this meeting is to review where we are on the trail application issues and what can be done regarding the in-kind match.

Commissioner Wender informed the Fayette County Commission and the City of Oak Hill received paving grants. Commissioner Wender informed Beth Garner laid out a method where County had no money, no outlay. Fayette County Commission par would be paid in-kind.

Commissioner Wender informed the Commission cannot afford a total of \$34,000.00.

Commissioner Wender asked how the Commission can meet obligation and prior obligation without a cash outlay.

Commissioner Eskew informed the Commission submitted current application with the understanding that they can withdraw by May if cannot get out of the current \$14,000 cash outlay.

Harold Simmons informed if an intergovernmental agreement with the County and city on what work can be done.

Mr. Simmons told the Commission a force account the sponsor does the work if City/County have cooperate agreement then they can submit invoices for reimbursement of 80%.

Mr. Simmons told the Commissioners they can charge a fee for their equipment and employee cost if a county owned, this will be reimbursed at 80% also, you can lease equipment.

Mr. Simmons told the Commissioners they would have to submit invoices monthly, pay as you go with force account. Money can't be spent until you get the Notice to Proceed.

The employees can do all the prep work.

Mr. Simmons told the Commissioners they would have to submit for reimbursement the type of equipment, hours operated, the operator and number of days used.

Mr. Simmons told the Commissioners he estimated that it would be about four (4) months before they receive the Notice to Proceed.

Mr. Simmons told the Commissioners they can't hire someone part-time to do the work. It has to be a county employee to be reimbursed.

The Commission can only use current employees.

Mr. Simmons suggested having Rhonda Brisendine to draw up a pay as you go agreement.

Commissioner Wender informed future maintenance needs to be included in the intergovernmental agreement with the City.

Commissioner Wender offered a motion to request modification of the Division of Highways agreement to pay as you go force account agreement with the County and State. Commissioner Lopez seconded. Unanimous.

Ms. Brisendine asked who would be the contact person that would replace Beth Gardner.

Commissioner Wender informed he would be the contact person.

The Commissioners signed a letter to the West Virginia Division of Highways requesting permission to use regularly employed County and City of Oak Hill employees and equipment on the Oak Hill Rail Trail Phase 2 (Transportation Enhancement) grant.

The Commissioners approved having County Commission meeting on February 22, 2007 at 10:00 a.m.

Commissioner Lopez informed based on the recommendation of James Perdue, Maintenance Supervisor he offered a motion to hire Kim Neff to replace Tammy Conley as a full time custodian at \$1,100 a month plus benefits, and Roger Slayton as par-time temporary until Larry Adkins returns, no benefits, no paid holidays at \$6.35 an hour. They are to start Tuesday. Commissioner Wender seconded. Unanimous.

The commissioners signed letters to Alabama Properties, Inc., H. R. Deitz, etal, Larry Deitz, Midvale Colliery Company and T. A. Deitz

Estate, and New Land Leasing informing of their final decisions on the Board of Equalization and Review hearings.

Ms. Holly informed the Commissioners that Camco called to replace heaters at the Memorial Building. The cost is \$4,000.00.

Commissioner Lopez offered a motion to approve purchase of heaters for the Memorial Building, cost \$4,000.00. Commissioner Eskew seconded. Unanimous.

The Commissioners approved to accept bids for soft body armor. The Commissioners asked to send bids to the Sheriff to review and make recommendation.

Commissioner Wender offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Timothy and Eveleyn Auxier and James P. Akers. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Lita Eskew, Spokesperson requesting permission to use the courthouse lawn on May 3, 2007 from 12:00 noon to 1:00 p.m. for the purpose of acknowledging national Day of Prayer.

The Commissioners signed a letter approving request with the condition that no vehicles are permitted on the Courthouse lawn for any purpose including unloading, that no amplification is allowed, all county property shall be cleaned up immediately after the event concludes.

Ms. Holly presented a letter from J. Dan Snead and Associates enclosing a proposal to modify the ceilings in the County Clerk's offices to accommodate the new windows to the Commissioners. This matter was discussed with Danny Wright, Circuit Clerk and he have no

objection to the proposed modification.

Commissioner Lopez offered a motion to approve the modification to the ceiling in the County Clerk's Office, cot \$1,210.00.

Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed the proposed lease for the Fayette County Jail and Law Enforcement Museum from Calantha Quesenberry, Director of the Fayetteville Landmark Commission and Convention Visitors Bureau.

Ms. Holly told the Commissioners she received an e-mail from Scott Thomas wanting to know if the Commission had any office space that the County Prevention Partnership Program Director could use.

The Commissioners suggested checking with Sheriff William Laird to see if he has any available office space.

Discussion was held regarding a request they received from the Fayetteville Fairs and Festival Committee requesting to move the vendors/crafters to the Memorial Building for the fair.

The Commissioners asked to invite Janette Woodrum or Barbara Jennings to the next Commission meeting to discuss.

The Commissioners received and reviewed a copy of a letter from Kelvin Holliday, County Clerk regarding a poll worker sleeping at the school training and the polls.

The Commissioners received and reviewed from Election System and Software a copy of their Support Call Tree.

The Commissioners received and reviewed a letter from Forward Southern West Virginia informing of the progress on the Feasibility Study for a Grand Lodge.

The Commissioners signed invoice to the Fayette County Board of Education for the rental of the Fayette County Memorial Building, amount \$2,916.67.

The Commissioners received and reviewed a Grant Adjustment Notice to the Division of Criminal Justice Services informing that the Authorized Official of Grant 06-JAG-34 has been changed from Matthew D. Wender to Kenneth L. Eskew.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing that the Derryhale and Sun Mine Road project, and Beauty Mountain Substation Road Projects is both eligible for Abandoned Mine lands funding.

The Commissioners received and reviewed a copy of a letter from Region 4 Planning and Development Council to the West Virginia Division of labor regarding the compliance with the prevailing wage act.

The Commissioners received and reviewed a copy of a letter to Jim Lively Insurance from the Prosecuting Attorney's Office regarding the request from Diane Merillat that she is making a claim of neglect by the County Commission in regard to her father's estate.

The Commissioners received and reviewed a letter from the Department of the Treasury regarding the Georgia Pacific Corporation Project Solid Waste Disposal Facility Revenue Bonds, Series 1995. A copy forwarded to Carl Harris, Prosecuting Attorney to review and advise.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice

Services for the Just For Kids Grant, amount \$2,755.62.

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/NHRS Week Fees Collected for the week of February 9 to February 15, 2007, amount \$99.00.

The Commissioners received and reviewed a letter from P & A Engineers and Consultants, Inc. regarding the permit for F& N Construction, LLC.

The Commissioners received and reviewed from the U. S. Bankruptcy Court a Notice of Chapter 11 Bankruptcy Case Meeting of Creditors for Z-Tel Network Services, Inc.

The Commissioners received and reviewed checks for Franchise Fees from SuddenLink Communications, amount \$18,676.23, and a check from the Supreme Court for Family Law Master rent, amount \$2,025.00.

The Commissioners received and reviewed a letter from Peggy Day requesting \$1,000 to help the Meadow Bridge Elementary School pay for a greenhouse.

The Commissioners received and reviewed a letter from Tom Woodrum, Chief Tax Deputy informing that Cindy Renick (5 Days 40 Hrs.), Becky Jones (3 Days 24 hrs.) and Tom Woodrum (5 Days 40 hrs) would like to donate sick days to Larry Adkins who works in the Maintenance Department. Mr. Adkins has used all his sick leave due to

a serious heart condition.

The Commissioners received and reviewed a copy of a letter from the Fayetteville Junior Woman's Club, Inc. informing that the Memorial Building won for "Most Patriotic" in the GFWC Fayetteville Junior Woman's Club Christmas Lightning Contest.

The Commissioners received and reviewed a letter from Ann Skaggs protesting the establishment of a coal haulage route through te Town of Ansted.

The Commissioners received and reviewed Status Report from the 911 Center for the month of January 2007.

The Commissioners received and reviewed a copy of a letter to the Office of Coalfield Community Development from the Reverend Ray Gene Crist responding to the permit request for SMA #S-3002-06 for Eagle No. 1 Surface mine in Fayette County.

The Commissioners received and reviewed an e-mail from Election Systems and Software.

The meeting was adjourned at 3:25 p.m. The next scheduled meeting is March 9, 2007.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION AND BOARD OF
EQUALIZATION AND REVIEW
FEBRUARY 22, 2007
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John Lopez

The Fayette County Commission met in a special meeting on the 22nd day of February 2007.

Commissioner Eskew called the meeting to order at 10:12 a.m.

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

Commissioner Lopez offered a motion to approve a refund for Clarence Saunders, amount \$26.04. 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 March.

The Commissioners signed a letter to the West Virginia Development Office requesting second drawdown for the Fayette County Watch Me Grow, amount \$421.89.

The Commissioners signed the Memorandum of Understanding to establish Project Lifesaver in Fayette County.

Commissioner Lopez offered a motion for Kenneth Eskew to sign for Phillip Bower to be Power of Attorney regarding the bond issue with Georgia-Pacific Series 1995. Commissioner Eskew seconded. Unanimous.

The Commissioners signed Order of Abandonment of Right of Way Kanawha Falls.

Ms. Holly told the Commissioners she had contacted Software Systems regarding fixing software on the main frame.

Ms. Holly told the Commissioners she received from Software System Authorization to Proceed with an estimate of \$1,500.

Discussion was held regarding the wording of the authorization. The Commissioners approved for Software Systems to proceed but not to exceed \$2,000.

Carl Harris, Prosecuting Attorney asked the Commissioners to include in the authorization that they are to notify the County Administrator with an estimate of cost to complete and will only cease work if the Administrator directs the work to cease and the Fayette County Commission hereby agree to pay all invoices associated with this effort up and to the time, if any, that work is stopped at the directions of the County Administrator.

The Commissioners received and reviewed a letter from Bryan Parsons, Principal, Fayetteville High School thanking the Commissioners for all their assistance in making the Fayette County Middle School "AA" Basketball Tournament a success.

Ms. Holly informed the Commissioners she received an invoice from Tri-State Roofing and Sheet Metal Company for Application #3 for \$2,939.40 and includes Change Order amounts totaling \$3,266.00 for replacement of an additional slate roof tile. Application #4 is the final Application and reflects retainage only in the amount of \$2,854.40. Total amount due \$5,793.80.

Commissioner Lopez offered a motion to approve and pay invoices for \$5,793.80 to Tri-State Roofing and Sheet Metal Company.

Commissioner Eskew seconded. Unanimous.

Discussion was held regarding Dravenstott Roofing at the Prosecuting Attorney's Office. Ms. Holly told the Commissioners she explained to Mr. Dravenstott that he needs a manufacture's certificate before final payment could be released.

Carl Harris, Prosecuting Attorney informed the Commissioners he would contact Mr. Dravenstott and explain to him what is needed before final payment can be made.

Commissioner Lopez suggested issuing the check once Mr. Harris talked with Mr. Dravenstott regarding a manufacturer's certificate.

Ms. Holly told the Commissioners she received from James Perdue, Maintenance Supervisor, a proposal from Camco Heating and Cooling to change or replace the compressor in the Probation Office.

The Commissioners approved for Camco Heating and Cooling to replace the compressor in the Probation Office, amount \$4,800.00.

Discussion was held regarding Kelvin Holliday, County Clerk response to a letter from Gary Lilly, Chairman Fayette County Republican Executive Committee.

The Commissioners approved payment of class and election day only. No other action taken.

The Commissioners recessed the County Commission meeting at 11:05 a.m.

The Commissioners reconvened as the Board of Equalization and Review at 11:05 a.m.

Herbert McKinney of Scarbro appeared before the Commission to discuss his property.

Eddie Young, Assessor told the Commissioners that Mr. McKinney problem is not the valuation on his property as much as it is the acreage. Mr. Young told the Commissioners he would make the changes on 7.66 acres, 7.62 acres, .04 right of way, 7.35 acres, and .27 acres house.

Mr. Young told the Commissioners he would create a new parcel for .27 acres on house and garage, consolidate all three (3) tracts a total of 7.66 acres, and would change to Class 2.

The Commissioners informed that this is not for Board of Equalization and Review. This is recorded just for the record only of what will be done for Mr. McKinney.

Commissioner Lopez offered a motion to approve Petition to Combine or Divide and Segregate land for three (3) parcels for Herbert McKinney. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew informed that since there was no further business for the Board of Equalization and Review the Commission concludes this board sine die.

The Commissioner signed order certifying they have examined each and every item and valuation fixed by the Assessor and have made such corrections and fixed such valuation, and that record shows the complete valuations and assessments of the land of Fayette County for the year 2007.

The Commissioners concluded the Board of Equalization and Review at 11:15 a.m.

The Commissioners reconvened the County Commission meeting at 11:15 a.m.

Commissioner Lopez offered a motion to approve overtime for James Perdue, Maintenance Supervisor (51 hrs.). Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Arbuckle Public Service District requesting that Jerry Keffer be reappointed to serve as a member of the Arbuckle Public Service District.

Commissioner Lopez offered a motion to reappoint Jerry Keffer, a member of the Arbuckle Public Service District. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received an e-mail from the Family Resource Network informing the Board passed a vote on December 14, 2006 to raise Aletha Stolar salary from \$23,000 to \$25,000. Ms. Holly told the Commissioners Ms. Stolar is saying the effective date is December 1, 2006, but the Board did not have in the e-mail the effective date of the raise.

Commissioner Lopez offered a motion to retro pay Aletha Stolar salary based on the verification of the date the raise is effective. Commissioner Eskew seconded. Unanimous.

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

Ms. Holly asked the Commissioners about the letter from Fayetteville Fairs and Festival regarding vendors using the Memorial Building for the Heritage Festival. Commissioner Eskew informed he would check to what kind of vendors will be using the building.

The Commissioner signed a letter to Governor Joe Manchin

informing they would like to go on record that they oppose any tinkering with the hotel-motel tax funds regarding the proposed amendment on SB178 to direct the additional 3% collected at state parks to be retained by the Division of Natural Resources for the operation, maintenance and improvement of the state park system.

The Commissioners received and reviewed a letter from the Public Service Commission enclosing a Commission Order regarding Case #07-0019-PSWD-PC Fayette County Commission (Petition for consent and approval to enlarge the boundaries of Kanawha Falls Public Service District).

The Commissioners received and reviewed checks for 911 Fees for Citizens Communication Company, amount \$52.38, and Verizon, amount \$32,044.49; Soldiers and Sailors Memorial Fund, amount \$50.00; and Alarm Fees, amount \$255.00.

The Commissioners received and reviewed a recall from Lewis Pontiac-Buick-GMC for Fuel Rail Pulse Damper Retainer Clip.

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 a letter from Katheryne Hoffman regarding SMA#S-3002-06 For Eagle No. 1 Surface Mine in Fayette County West Virginia Project.

The Commissioners received and reviewed a copy of a letter from David Neal, E911 Coordinator to Debbie Aliff, Payroll Clerk regarding

personnel changes: Terry McGuire change from full time to part time no change in the hourly rate, Andrea Coleman change from part time to full time, change the hourly rate to a probationary full time rate of \$8.50 hourly. Terry McGuire had accrued 164 total hours of leave prior to submitting his resignation, cut a check reflecting the remaining hours.

The meeting was adjourned at 11:45 a.m. The next scheduled meeting is March 9, 2007.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 5, 2007

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 5th day of January 2007.

Commissioner Wender was sworn in as Commissioner of the Fayette County Commission by Daniel Wright, Circuit Clerk.

Commissioner Wender called the meeting to order at 9:14 a.m.

Commissioner Wender informed he has enjoyed being President of the Fayette County Commission for the last two years and serving with other members, staff and other elected officials.

Commissioner Wender informed he feel all counties should follow their lead and rotate the president.

Commissioner Lopez thanked Commissioner Wender for the past two years. Commissioner Lopez informed that as President he has done an excellent job.

Commissioner Lopez offered a motion to name Commissioner Kenneth L. Eskew as President for the year 2007. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to elect Commissioner John Lopez as Purchasing Agent, Debbie Berry be designated as Assistant Purchasing Agent and Charlotte Holly, County Administrator, Earl Pauley, Park Superintendent, Steve Cruiskahnk, OES Director, and David Neal, E911 Director be authorized to make purchases up to \$600.00 without prioe4 County Commission approval for the year 2007.

Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she has prepared the Organization Order informing that the regular session of th Commission be held on the Friday immediately preceding the 15th of each month at 9:00 a.m. (unless the 15th is a Friday, then said Commission meeting will be held on the 15th) and the last Friday of each month at 9:00 a.m. during the calendar year of 2007.

Commissioner Wender offered a motion to adopt the Organization Order for the calendar year of 2007. Commissioner Lopez seconded. Unanimous. Order signed.

Commissioner Eskew concurs with Commissioner Lopez that Commissioners Wender as past president has done an excellent job.

Commissioner Eskew informed he feels the Commission has made a lot of progress, Multi-Cap, Economic Development Project needs to be completed. All of this is a team effort and he commended Ms. Holly and staff and look forward to continuing working on this progress.

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

Commissioner Lopez offered a motion to approve exonerations for real property tax for Steven L. and Victor R. Setterl and Brenda G. Bailey. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve exonerations for personal property tax for Joseph David Meadows, Rachel Richmond, James F. and Ester Willis, Michaeleen C. Dorsey, Rebecca L. Bibb, Teresa F. Jones, Billy Joe and Rosetta Byrd, Shannon Michael Singleton, and Johnson Valley Elderly Care. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew offered a motion to approve November 17, 2006 minutes. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and first half payrolls, payrolls to be released today, will catch upon normal payroll period on January 26, 2007. Commissioner Wender seconded. Unanimous.

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

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Roberta Ann Durrett, James R. Dix and Timothy Wayne Williams as submitted by the Assessor. Commissioner Lopez seconded. Unanimous. Petitions signed.

Ms. Holly informed the Commissioners she received a letter from the West Virginia Courthouse Facilities Improvement Authority announcing that Fayette County Commission financial assistance request for courthouse improvements has been approved. The total amount approved is \$56,000. The project is to cover the roof and porches on the courthouse and at the Memorial Building.

Ms. Holly did tell the Commissioners that this is an 80%-20% reimbursement program.

Ms. Holly told the Commissioners that she had received a revised agreement and resolution.

Commissioner Wender offered a motion to sign agreement and authorize Kenneth Eskew, 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 pursuant to provisions of the Courthouse Facilities Improvement Authority program. Commissioner Lopez seconded. Unanimous. Agreement and Resolution signed.

Ms. Holly informed the Commissioners she received a notice from the West Virginia Development Office congratulating on Governor Manchin's recent fiscal year 2004 Local Economic Development Assistance Program award, in the amount of \$5,000 to the Fayette County Commission to enable the Corridor L Regional Tourism Commission to assist with costs associated with the annual New River Birding and Nature Festival.

Ms. Holly informed the Commissioners she has received Agreement and they need to sign Resolution.

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

Ms. Holly informed the Commissioners she received a drawdown request from Just For Kids, Inc., amount \$1,737.30.

The Commissioners signed invoice to the Fayette County Board of Education for rent of the Fayette County Memorial Building for the month of February, amount \$2,916.67.

The Commissioners signed a letter to the West Virginia Development Office enclosing first drawdown for the Fayette County Sportsman's Recreation Center, amount \$15,400.00.

The Commissioners signed Quarterly Sales Tax Report for the Fayette County Park, amount \$53.53.

Ms. Holly informed the Commissioners that the Board of

Equalization and Review industrial hearings will be held on February 1, 2007 at 9:00 a.m. and the mineral hearings will be held on February 7, 2007 at 9:00 a.m.

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

January 26, 2007	Friday	1:00 P.M.
February 1, 2007	Thursday	9:00 A.M. (Industrial hearings)
February 7, 2007	Wednesday	9:00 A.M. (Mineral hearings)
February 13, 2007	Tuesday	9:00 A.M.
February 16, 2007	Friday	10:00 A.M.

The Commissioners signed the legal for the Review and Equalization of Assessments.

The Commissioners signed letter to Carl Harris, Prosecuting Attorney and Eddie Young, Assessor informing them of the dates and time of the Board of Equalization and Review hearings.

Ms. Holly informed the Commissioners that the Budget is due March 2, 2007.

The Commissioners planned the following dates for their meetings in March 2007:

March 9, 2007	Friday	9:00 Elected Officials
March 16, 2007	Friday	9:00 Regular/Co. Agencies
March 19, 2007	Monday	9:00 Work on Budget
March 23, 2007	Friday	9:00 Regular

Ms. Holly informed the Commissioners that April 17th they would have to Lay the Levy.

Commissioner Wender informed the Commissioners that Janette Woodrum would like for the Commissioners to look at the paint job in the Probation Office, and Danny Wright, Circuit Clerk would like for the Commissioners to look at the new cabinets in his office and would like to discuss part-time help for the Circuit Clerk Office.

Ms. Holly informed the Commissioners she received one (1) bid for Mobile Radios for the Sheriff Department.

Ms. Holly told the Commissioners the bid is offered by Motorola under the Harrison County WVIRP/Motorola Contract, amount \$43,466.40.

Commissioner Lopez offered a motion to accept the bid and asked that this be referred to the Sheriff to review and make a recommendation to the Commissioners. Commissioner Eskew seconded. Unanimous.

Attorney James Blankenship appeared before the Commissioners to present an Order regarding the enlargement of the Kanawha Falls Public Service District.

Attorney Blankenship presented the originals of the Certificate of Posting and Affidavits of Publication (Fayette Tribune and Montgomery Herald) to the Commissioners.

Attorney Blankenship told the Commissioners that Bill Cunningham with Gosh Engineer prepared map of the annexation.

Carl Harris, Prosecuting Attorney has reviewed and approved Order.

Commissioner Lopez offered a motion to approve enlargement of the Kanawha Falls Public Service District. Commissioner Wender seconded. Unanimous. Order signed.

Attorney Blankenship informed the Commissioners that this still has to be approved by the Public Service Commission.

The Commissioners signed a letter to the Public Service Commission filing for their review and approval a certified copy of their order entered on January 5, 2007, enlarging the Kanawha Falls

Public Service District.

Commissioner Wender asked Bill Cunningham about an update on the River Ridge Project.

Mr. Cunningham replied he only work with the Kanawha Falls Public Service District.

David Gay appeared before the Commissioners to inquire about the Prince Depot.

Commissioner Wender informed Mr. Gay that he has contacted Nick Rahall's office, waiting to hear from Paul Gonzalez to set up a meeting.

David Neal, E911 coordinator appeared before the Commission to discuss Gauley Mountain Fire Tower.

Mr. Neal told the Commissioners that he had talked with Dr. Ramsey regarding repairing the Gauley Mountain Tower Road but have not heard back from him.

Mr. Neal told the Commissioners that there's a possibility that the National Guard can assist with repairs. This could possibly be included as a site for Statewide Interoperability Radio System.

Mr. Neal told the Commissioners the worst damage occurred during Ansted floods. Mr. Neal told the Commissioners they applied for State flood relief no resident on the property, ran out of money before approved.

The Commissioners asked Mr. Neal to put together a letter to request assistance from Senator Shirley Love and Congressman Nick Rahall.

The Commissioners signed the License Agreement for the Gauley

Mountain Fire Tower site.

The Commissioners recessed the County Commission meeting for five (5) minutes at 10:45 a.m.

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

David Neal appeared before the Commission to discuss chairs for the 9-1-1 Center and to give updates on reverse 9-1-1, Addressing projects and on the Tower Access Fund.

Chairs: Mr. Neal told the Commissioners that these chairs are for their administrative offices and mapping office, these would be purchased on a state contract. Chairs have not been replaced in 14 years. These chairs would be paid out of the 9-1-1 Funds.

Commissioner Wender offered a motion to authorize David Neal to purchase three (3) chairs with 9-1-1 Funds, amount \$546.61 each total \$1,639.83. Commissioner Lopez seconded. Unanimous.

Reverse 911: Mr. Neal told the Commissioners he likes the concept fo the Reverse 911 but scared of the implementation.

Mr. Neal told the Commissioners he has contacted counties that have the system, received mixed reviews either neutral or negative not positive.

Mr. Neal told the Commissioners that he has questions regarding the daily response, maintenance, staffing and the liability.

Mr. Neal suggested to the Commissioners to hold off on any decision. Mr. Neal told the Commissioners that Greenbrier County will be having another vendor demonstration and he would be attending.

Commissioner Wender suggested to Mr. Neal to pursue and look at

potential for use and feasibility and make recommendations.

Commissioner Eskew asked Mr. Neal to go to the Greenbrier County vendor demonstration and give the Commission a update.

Addressing: Mr. Neal told the Commissioners that the State Addressing is moving along. Mr. Neal told the Commissioners that significant changes have been made in the 911 Center. Mr. Neal told the Commissioners that everything is named in the road naming phase with the exception of a few structures. Mr. Neal told the Commissioners they are working with the Postal service and making good progress. Mr. Neal thanked the Commission for the additional vehicle for the 911 mapping, approved overtime for dispatchers to come in to assist with the mapping.

Mr. Neal told the Commissioners no date to authorize addresses pending state approval and post office approval.

Mr. Neal informed that the State website is nearly completed to make changes.

Contractor information reviewed and returned to counties being completed by Counties only 14% of contractors work was acceptable.

The money that would have been paid will be reimbursed to the Counties. Mr. Neal told the Commissioners he does not know Fayette County's amount.

Town Access Fund: Mr. Neal told the Commissioners that Dr. Ramsey has expressed interest in Fayette County for Statewide Infrastructure radio system.

Mr. Neal told the Commissioners that it's possible they can apply for money for Mann Mountain this year regarding state system. Mr.

Neal told the Commissioners this would help the cell service in the Danese and Meadow Bridge area.

Mr. Neal told the Commissioners they need the cooperation of the cell phone companies.

Commissioner Wender informed he hopes they can get a tower site in the Gauley Bridge/Boomer/Gauley Mountain area.

The Commissioners asked Mr. Neal to contact the cell companies to see if they are interested.

The Commissioners asked Mr. Neal to compose a letter on behalf of the Commission for areas with no service. The Commissioners informed they are willing to apply if cell phone companies participate.

The Commissioners asked Mr. Neal if he had responded to the complaint from Leonard Freeman.

Mr. Neal told the Commissioners he had contacted James Lagos with the Division of Highways, the road is a part of the State System the Division of Highways informed him they have scheduled a time to surface the road and replace the road sign.

Rhonda Brisendine and Harold Simons with the Division of Highways appeared before the Commission to discuss the enhancement program grant, in-kind match service, cash or land donation.

Commissioner Wender informed he would like to have one more discussion with Beth Gardner regarding whether the Commission is on the hook for the \$14,000 if so the Commission would back out of the Oak Hill Rail Trail Phase III.

Commissioner Wender asked to schedule Bill Hannabass, Beth Gardner, Tom Oxley and Rhonda Brisendine on January 26, 2007 at 10:00

a.m. to continue discussion of Phase III Project.

Discussion was held regarding a maintenance agreement with the Fayette County Commission and the City of Oak Hill.

Ms. Brisendine informed the Commissioners that this would be an intergovernmental agreement. The Commissioners asked Ms. Brisendine if they can use city workers.

Ms. Brisendine told the Commissioner's city workers can be used instead of a contractor. They would have to send the bill and they would be reimbursed 80% of wages, this would require time sheets, worked performed, date, time et al.

Commissioner Wender asked about using inmates.

Ms. Brisendine told the Commissioners it's okay to use inmate labor on the project, but inmates cannot be paid, but the supervisors of the inmates can be paid, will pay for transport, will have to follow normal procedures.

The Commissioners informed they would decide on contract January 26, 2007 whether or not to pay as you or pay up-front.

Ms. Holly presented to the Commissioners, a Resolution and an Order, approving and ratifying the acquisition of the assets of Deepwater Public Service District by Armstrong Public Service District, the dissolution of Deepwater Public Service District and the expansion of the boundaries of the Armstrong Public Service District.

Commissioner Wender offered a motion to sign Resolution to combine and transfer assets of Deepwater Public Service District to Armstrong Public Service District. Commissioner Eskew seconded. Unanimous. Resolution signed.

Scott Thompson appeared before the Commission to discuss the Fayette County Prevention Partnership Grant application.

Mr. Thompson told the Commissioners that the \$2,500 for Administration Fee has been included.

Mr. Thompson told the Commissioners that they would have to apply for a 501C3 before they can be the applicant or the County Commission would have to be the applicant, would need Resolution signed to authorize the President to sign application page 1 and 12, would have to sign a Memorandum of Understanding (MOU) between the Commission and the Fayette County Prevention Partnership and the Commission would have to sign a letter of support.

Ms. Holly informed Mr. Thompson that he needs to write up a one page organizational budget, needs a copy of the agency organizational chart and needs a brief statement of hiring procedures and Job Descriptions.

Mr. Thompson told the Commissioners he would prepare.

Commissioner Eskew read the Memorandum of Understanding.

Commissioner Wender offered a motion that the Fayette County Commission would be the applicant for the grant, the Commission will authorize President Eskew to sign application and Resolution, the Commission would sign a letter of support and the Commission would sign the Memorandum of Understanding. Commissioner Lopez seconded. Unanimous. Application, Resolution, Letter of Support, and Memorandum of Understanding was signed.

Ms. Holly told the Commissioners she made a copy of one of our Franchise Agreements and gave to Tom Syner to review.

The Commissioners signed a letter to Okey Skidmore informing the request of Ray Londeree, Regional Tournament Director, to play two (2) AAA regional basketball tournament games at the Memorial Building were approved as follows: a rental fee of ten percent (10%) of the gross proceeds up to \$400.00 per game for two days will apply; use beyond two days will be at a rate of \$100.00 per hour; the custodial and trash service fees will be waived. All other rules are applicable, including the insurance requirement.

The Commissioners signed drawdown request to the West Virginia Division of Criminal Justice Services for TRIDENT overtime, amount \$2,320.20 for the month of December.

The Commissioners received and reviewed a letter from the Fayette County Urban Renewal Authority informing they voted unanimously to approve the appointment of Cynthia Dragan to fill the vacancy since Joseph Stone moved from the area.

Commissioner Lopez offered a motion to replace Joseph Stone on the Fayette County Urban Renewal Authority and appoint Cynthia Dragan to fill the vacancy. Commissioner Wender seconded. Unanimous. Order and a appointment to serve letter was signed.

The Commissioners received and reviewed a letter from Judson Wallace and Donald Navarro members of the Armstrong Public Service District recommending that Stanley Garten or David Thomas fill the vacancy due to the resignation of Thomas Bowen.

Commissioner Wender offered a motion to appoint Stanley Garten to fill the unexpired term of Thomas Bowen on the Armstrong Public Service District board. Commissioner Lopez seconded. Unanimous.

Order and appointment to serve letter signed.

Ms. Holly informed the Commissioners she received an invoice from Region 4 Planning and Development Council for dues for Fiscal Year 2007-2008 Assessment, amount \$35,684.25.

The Commissioners informed they need to discuss further, possibly invite W. D. Smith, Executive Director Region 4 Planning and Development Council to come in and discuss.

Daniel Wright, Circuit Clerk appeared before the Commission to give an update on the tract shelving in his office and to request part-time help for three (3) months.

Mr. Wright told the Commissioners the tract shelving was completed on December 20, 2006.

Mr. Wright told the Commissioners he has 35,000 files to retab the files uses end tabs, need to retab all his files.

Mr. Wright told the Commissioners that he needed someone part-time t to work at 20 hours per week for the next three months to do nothing but move files and type tabs.

Commissioner Wender suggested putting \$2,000 in the Circuit Clerk's budget.

Commissioner Lopez offered a motion to supplement the Circuit Clerk's budget and put \$2,000 for part-time help plus 7.65% FICA for three (3) months. Commissioner Wender seconded. Unanimous.

The Commissioners approved to order tabs.

Ms. Holly told the Commissioners she has not received a respond from Dan Snead regarding the jail gutters and the Circuit Clerk counter.

The Commissioners received and reviewed a letter from Bryan Parsons, Principal, Fayetteville High School requesting that the Fayetteville High School be allowed to have the Fayette County Middle School Girls/Boys Basketball "AA" Tournament at the Fayette County Memorial Building on February 14, 15, and 16 with a make up snow day on February 17, 2007.

Commissioner Wender offered a motion to approve request to host the Fayette County Middle School Girls/Boys Basketball "AA" Tournament at the Memorial Building as follows: the rental fee of \$750 (based 2½ hours extra usage at \$100 per hour for each of 3 days) will be reduced to \$500 for the three days; the Commission will reconsider this amount if the gate receipts are less than \$500.00. The custodial and trash service fees will be waived. All other rules are applicable, including the insurance requirement. Commissioner Lopez seconded. Unanimous.

The Commissioners asked that another reminder be sent to Kelvin Holliday, County Clerk regarding response to the complaint he received from Catherine Lawson-Groom.

Tom Syner appeared before the Commission to discuss the Agreement the Commission had with Bobby Workman.

The Commissioners informed Mr. Syner that they did not have an agreement with Mr. Workman.

The Commissioners suggested to Mr. Syner to talk with SuddenLink to see what type of agreement Mr. Workman has or had with them. The Commissioners suggested to Mr. Syner to get an Attorney to check into this matter.

The Commissioners received and reviewed a letter from Tim Hannah, Chairman of the Fayette County Solid Waste Authority informing that effective January 1, 2007 he resigns as chairman and member of the Fayette County Solid Waste Authority.

The Commissioners asked that no action be taken regarding Dean Kincaid resignation as a member of the Fayette County Zoning Appeals Board.

The Commissioners received and reviewed a letter from Judge Paul Blake regarding the parking problem near his parking space.

Ms. Holly told the Commissioners that James Perdue, Maintenance Supervisor has temporarily blocked off the area, will paint when the weather clears.

The Commissioners received and reviewed a letter from Outlaw Wrestling Alliance requesting to hold a tribute show for Zack Worthington at the Memorial building.

Commissioner Lopez offered a motion to approve as follows: the standard \$1,000 rental fee for fundraiser events is reduced to \$750.00 for the one-day event. The custodial and trash service rules are applicable. All alcoholic beverages are prohibited and adequate security is required for the event and for parking. Security plan and service and traffic control and parking plan are to be submitted for review and approval by Okey Skidmore at least fourteen (14) days prior to the exercise of any rights under the rental. All matters related to the scheduling of this event are to be through Okey Skidmore, Memorial Building Manager. All activities scheduled by the Fayette County Board of Education shall be given priority. Commissioner Eskew

seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing of a new employee and salary increases for his employees. (See attached)

The Commissioners received and reviewed from the Bank of New York Cash Statements and Asset Lists for December 31, 2006.

The Commissioners received and reviewed from J. P. Morgan Worldwide Securities Services Account Statement for the period January 1, 2006 through December 31, 2006.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report and Activity Report for the month of December, C-PAC reimbursement, amount \$12,328.95 for the month of January 2007 and Weekly Fees Collected for the week of December 15 to December 21, 2006, amount \$360.00, the week of December 22 to December 28, 2006, amount \$80.00 the week of December 29 to December 31, 2006, amount \$0 and the week of January 1, to January 4, 2007, amount \$140.00.

The Commissioners received and reviewed a copy of the Monthly Program Report and the Monthly Statistical Summary for the month of October 2006 from the Fayette County Community Corrections Program.

The Commissioners received and reviewed Audit Report of Gauley River Public Service District for the Fiscal year ended June 30, 2006.

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 a copy of a letter to



LINDA K. JOHNSON, Chief
 JUDITH A. HESS, Index Clerk
 STEPHANIE J. HARRAH, Probate Clerk

KELVIN E. HOLLIDAY
 CLERK, COUNTY COMMISSION OF FAYETTE COUNTY
 FAYETTEVILLE, WEST VIRGINIA 25840
 (304) 574-4226

KAYE SMITH, Deputy
 SHERRY DAVIS, Deputy
 TREATHA SEXTON, Registrar

Dec. 22, 2006

NEW EMPLOYEE NOTICE/
 REVISED BUDGET STATEMENT, 06-07

Hon. Co. Commission/Payroll

I have completed team interviews for my office's first full-time vacancy in over 10 years upon the retirement notice of Judy Hess received this month (following). The new employee will complete all necessary paperwork with payroll, likely the first half of January, 2007, upon review of references and allowance for notice to be given present employer, with a starting salary of \$21,780. This puts the new hire on a par with Registrar Sexton who, like most holdovers, will see a \$10 per month increase in their salary. Chief Deputy Johnson, likely next in line to retire in 2008, will receive a \$15 monthly hike. Sherry Davis is being promoted to the vital role of index clerk and will equal Probate Clerk Harrah as second high paid employee at \$2155 per month. Effective Jan. 1, utilizing approved budget for salaries, I'll pay:

EMPLOYEE	MONTHLY PAY
Linda Johnson	\$2566.50
Stephanie Harrah	\$2155
Sherry Davis	\$2155
Bonnie Kay Smith	\$2000
Treatha Sexton	\$1815
NEW (TBA)	\$1815

Sincerely,

Kelvin Holliday
 Kelvin Holliday

Fayette Co. Clerk

*Copies to
 Fee
 + Debbie A.
 12-22-06*

Wade Thompson, Chairman of the Property Valuation Training and Procedures Commission from Eddie Young, Assessor regarding certain deficiencies in the Fayette County monitoring report for tax year 2006.

The Commissioners received and reviewed and informed the West Virginia Association of Counties and the County Commissioners Association of West Virginia of the new President of the Fayette County Commission and their term of office for the year 2007.

The Commissioners received and reviewed a fax from the Office of the State Treasurer informing that the funds for the December Limited Video Lottery will be directly deposited on December 26, 2006, amount \$6,701.79.

The Commissioners received and reviewed a fax from Charlotte Holly to Judy Radford, Executive Director 4-C Economic Development Authority regarding a \$500.00 check to the Fayette County Education Fund.

The Commissioners received and reviewed an Official Oath of Office for Matthew D. Wender a member of the Fayette County Commission.

The Commissioners received and reviewed a thank-you note from the Fayetteville Fairs and Festivals thanking the Commission for their help and participation in their 2006 Christmas Festival.

The Commissioners received and reviewed a notice from the Fayette County Health Department informing they will be giving Flu shots to the General Public every Wednesday from 9:00 a.m. to 11:00 a.m. and 1:00 p.m. to 3:00 p.m.

The Commissioners received and reviewed a letter from Linda S. Shieler, Administrator informing that the Region One Coalition, pandemic Flu Tabletop is scheduled for March 2, 2007 and a planning meeting for Pandemic Flu Tabletop is scheduled for Wednesday, January 10, 2007 from 10:00 a.m. to 2:00 p.m.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding status update on the SALS dormitory project (FCC-Project #03SCBG0102-Elevator/SALS Project)

The Commissioners received and reviewed a letter from Governor Joe Manchin informing he is in receipt of the correspondences regarding concerns with Loop Creek in Fayette County.

The Commissioners received and reviewed a copy of a letter from Delegate John Pino to Governor Joe Manchin informing of his support of the grant and loan application of the Danese Public Service District and the Fayette County Commission.

The Commissioners received and reviewed a letter from Ralph D. Preast, Jr. Original forwarded to Sheriff William Laird to respond.

The Commissioners received and reviewed Certificate of Insurance from BrickStreet Insurance.

The Commissioners received and reviewed a thank-you letter from Mountain Heart Foundation thanking the Commission for their donation of \$00.00 for Camp Mountain Heart.

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

The Commissioners received and reviewed a letter from SuddenLink regarding Fayette County Franchise Renewals with Cebridge Acquisition,

LLC d/b/a SuddenLink Communications.

The Commissioners received and reviewed a fax from David Neal, E911 Coordinator to Charlotte Holly informing that the disbursement for Wireless E911 fees to be disbursed by January 10, 2007, amount \$146,221.56 for August, September and October 2006.

The Commissioners received and reviewed checks for 911 Fees from the Public Service Commission-Wireless E911, amount \$146,221.56, Trinsic Communications, amount \$22.00, Cleartel Telecommunications, Inc., amount \$14.00, AT&T Communications of WV, amount \$978.00, Granite Telecommunications, amount \$144.00, Level 3 Communications LLC, amount \$66.00 and IDT Corporation, amount \$50.00; Alarm Fees, amount \$345.00; Soldiers and Sailors Memorial Funds, amount \$100.00; Franchise Fee-Bradley Communication, Inc., amount \$873.64; Jail Fees-City of Mount Hope, amount \$630.50; Fayette county Board of Education rent, amount \$2,916.67; Criminal Justice Services TRIDENT overtime, amount \$2,372.06; WV Courthouse Facilities Improvement Authority, amount \$57,710.24 and Division of Human Services Grant-FRN, amount \$12,833.00.

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

The meeting was adjourned at 2:20 p.m. The next scheduled meeting is January 26, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION AND BOARD OF
EQUALIZATION AND REVIEW
JANUARY 26, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 26th day of January 2007.

Commissioner Eskew called the meeting to order at 9:13 a.m.

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

Commissioner Lopez offered a motion to approve and sign real property tax for Clarence Saunders, Don Lynn and Anita Kay Taylor and Carlos E. Adkins, Sr. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tax for BTB Wrecker/Plateau Salvage. Commissioner Lopez seconded. Unanimous.

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

Tom Hughes with Hughes Supply Company appeared before the Commission to discuss the bid for the mobile radios.

Mr. Hughes told the Commissioners that Homeland Security specifications require AES software encryption to be installed.

Commissioner Eskew asked David Neal, E911 Coordinator if he new anything about these bids.

Mr. Neal told the Commissioners that Sheriff William Laird or

Steve Cruikshank, OES Director has not shared any of this with him.

Mr. Hughes told the Commissioners that Motorola specifications should be changed.

Mr. Neal recommended to the Commissioners to have Motorola (Two-Way Radio) to modify bid language and change the one spec. from ADP to AES.

David Neal appeared before the Commission to discuss a request of leave of absence for an employee at the 911 Center.

Carl Harris, Prosecuting Attorney suggested to the Commissioners to go into an Executive Session to discuss matter.

The Commissioners adjourned at 9:45 a.m. to go into an Executive Session with David Neal to discuss the request for leave of absence.

The Commissioners reconvened the County Commission meeting at 9:55 a.m.

Commissioner Eskew informed the issue regarding the request for leave of absence has been resolved.

The Commissioners approved overtime for James Perdue, Maintenance Supervisor and Debbie Aliff, Payroll Clerk.

Fred Hypes, Attorney for the Arbuckle Public Service District appeared before the Commission to discuss a funding match. Also, present were David Duncan, Earl Woodson Arbuckle PSD Board members, bob Zimmerman, Nancy Humphreys, and Tom Wagner with Roaring River.

Mr. Hypes told the Commissioners that they have been working with the Division of Environmental Protection and the Public Service Commission.

Mr. Hypes told the Commissioners they would engage the services

of Michael Griffith, CPA to assist with this matter.

Commissioner Wender asked Mr. Hypes if Arbuckle had recently received a rate increase on their water and sewer. Mr. Hypes replied yes.

Commissioner Wender asked Mr. Hypes with the customer base that you have is Arbuckle making it.

Mr. Hypes told the Commissioners that their pumps are in the shop, don't have a back-up, with past debt they cannot get caught up.

Commissioner Wender told Mr. Hypes without making any decision today, Commissioner Wender asked Mr. Hypes to get with Michael Griffith prepare a list of the equipment that needs to be prepared, and legally advertise for an accountant to help with a long term financial dealings.

Commissioner Wender asked that Mr. Hypes and Mr. Wagner schedule another appointment with the Commission to discuss further.

The Commissioners scheduled Arbuckle Public Service District for February 16, 2007 at 11:00 a.m.

Tom Oxley, Manager City of Oak Hill, Bill Hannabass, Council member, Jim Hudson and Harold Simms with the Department of Transportation appeared before the Commission to discuss Phase II of the White Oak Rails to Trails Project.

Commissioner Wender informed that the Commission and the City of Oak Hill applied for paving grants for the Oak Hill Trail project. The Commissioners applied for the Transportation Enhanced program, the City of Oak Hill applied for the Recreational Trail Program.

Commissioner Wender informed the portion of the trail go beyond

the city limits which are the south of the trail and that is the Commission's responsibility. The City is responsible for the area North of WV 16.

Commissioner Wender informed the Commission had accepted the grant with the understanding the Commission would have no dollars attached just an in-kind contribution and the City would cover the Fayette County Commission in-kind.

Commissioner Wender informed he hope we can figure out a solution to getting the County out of the \$15,000.00 obligation.

Harold Simmons with the Transportation Enhanced Program will try to work with the Commission regarding the pay as you go method.

Mr. Simmons told the Commissioners that he was under impression that the Commission would only have a cash match of \$2,300.00 after the Budge Digest money and the other sources paid the rest. These monies have not been received.

Mr. Simmons told the Commissioners that if they wanted the City or County employees to do the work on the project the Department of Transportation will reimburse 80% of the cost.

Mr. Simmons told the Commissioners that if they use City or County employees to do the work with whatever equipment they use, they should bill each month and they would be reimbursed.

Commissioner Wender asked Mr. Simmons if the County used City employees, the City would bill the Commission and the Commission would send reimbursement to the Transportation Enhancement Program and the Commission would reimburse the City.

Mr. Simmons told the Commissioners that Rhonda Brisendine is

their contact person.

Tom Oxley and Bill Hannabass are willing to work with the Commission

Commissioner Wender informed the Commission would proceed with everything that's in place sit down with the Oak Hill Rail to Trail and the Department of Transportation officials and try to work out some kind of budget, and see what is needed on each side of the trail.

Commissioner Wender informed if the Commission feels the work can get done without the County, they can get out of the second part.

Mr. Simmons told the Commissioners that his office needs to know something by May.

Commissioner Wender asked Debbie Berry to contact the Oak Hill officials (Tom Oxley and Bill Hannabass), and the Department of Transportation representatives (Harold Simmons and Rhonda Brisendine) with the intent of coordinating a budget, drafting an agreement, and decide whether the County's part of the \$15,000 grant can be covered with in-kind services.

Bill Hannabass told the Commissioners that a 3% Hotel/Motel Occupancy bill is in the legislation this bill will authorize the County Commission to allocate funds for different projects.

Mr. Hannabass told the Commissioners that Oak Hill doubled its tax and dedicated the additional revenue to the trail project. Mr. Hannabass suggested to the Commissioners they could do the same if the bill passed.

Commissioner Lopez offered a motion to approve appointing Tommy R. Harris, a member of the Fayette County Beautification Committee and

a member of the Fayette County Solid Waste Authority. Commissioner Wender seconded. Unanimous.

The Commissioners asked for a five (5) minute recess at 11:00 a.m.

The Commissioners reconvened the County Commission meeting at 11:15 a.m.

Earl Pauley, Park Superintendent, Peggy Bennett, Jodie Ward and Bob Meadows appeared before the Commission to give an update on the shooting range.

Mr. Pauley told the Commissioners that the logs are being moved out. Mr. Pauley told the Commissioners they have eighteen (18) more trees to take down, waiting on weather to clear, sight prep for the water lines and power lines have to be put in.

Commissioner Eskew asked Mr. Ward if they have decided on where the buildings would go.

Commissioner Eskew asked Mr. Pauley to get some kind of time line on when this project would be completed. The traps have been ordered.

The Commissioners asked that they report back on February 13, 2007 at 11:30 a.m.

Attorney Fred Jesser appeared before the Commission to give an update on the Gary W. Johnson Estate.

Mr. Jesser told the Commissioners that they had planned to appoint Jennifer Dussex, accountant as Administratrix, but decided against this.

Mr. Jesser told the Commissioners he would ask Sheriff William Laird if he would be the Administrator.

Carl Harris, Prosecuting Attorney informed the Commissioners the Sheriff would have someone else to do the work.

The Commissioners signed minutes of December 18, 2006 and January 5, 2007.

The Commissioners signed Order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank and acting pursuant to Chapter 7, Article 6, Section 2 of the West Virginia Code does hereby order the release of said securities provided that securities will be substituted simultaneously and the Fayette County funds deposited with said banking institution will not be unsecured.

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 2007.

The Commissioners signed a letter to the New River Alliance of Climbers approving request for the use of the Courthouse property to setup informational booths on and around the Courthouse lawn from 7:00 a.m. until Noon on Saturday, May 19, 2007 for the 5th Annual New River Rendezvous.

The Commissioners signed a letter of authorization to the Quality Inn and Suites to have Kelvin Holliday sleeping room, meals, room guarantees, business telephone charges and parking fees charged to the Fayette County Commission while he is attending the National Associations of Counties Annual Meeting being held July 14, 15, 16, 17, and 18, 2007.

The Commissioners signed Request for Reimbursement to the West

Virginia Division of Criminal Justice Services for the Community Correction Day Report Center Grant, amount \$12,575.39.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids Grant, amount \$2,382.46.

The Commissioners received and reviewed a request from David Gay regarding meeting with Paul Gonzalez or Kelli Dyke to discuss Prince Train Depot. Commissioner Wender informed he was trying to get the meeting setup.

The Commissioners approved to increase mileage to forty-eight and a half cent (.485¢) effective January 1, 2007.

The Commissioners received and reviewed an e-mail regarding the counter in the Circuit Clerk's Office.

Commissioner Wender suggested having Dan Sned to make sure counter is where he and Danny Wright discussed.

Bill Lanham, Superintendent for the Town of Fayetteville, Jim Akers, Mayor, Bill Chouinard, Rich Bays, and Adams Stevens appeared before the Commission to request funding for the Town of Fayetteville Skateboard Park.

Mr. Lanham told the Commissioners he will be meeting with the Delegates to ask them to partner with them on the Skateboard Park for Fayetteville.

Mr. Lanham is requesting \$30,000 from the Fayette County Commission to partner with the Town of Fayetteville on this project.

Commissioner Eskew informed the Commissioners will be going into their Budget session March.

Commissioner Eskew suggested to Mr. Lanham to come back at the end of march and maybe by then they will also know the fate of the franchise tax bill in the Legislature.

The Commissioners recessed for lunch at 12:35 p.m.

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

Commissioner Eskew called the Board of Equalization and Review hearing to order at 1:00 p.m.

Commissioner Eskew informed that since there were no scheduled hearings today the Board of Equalization and Review was adjourned at 1:15 p.m.

Commissioner Eskew reconvened the County Commission meeting at 1:15 p.m.

Calantha Quesenberry, Director Fayetteville Convention Visitors Bureau appeared before the Commission to discuss the now defunct Fayette County Jail and Law Enforcement Museum and future plans for the structure.

Ms. Quesenberry told the Commissioners that their interest is to promote heritage tourism would like to partner with schools and law enforcement.

Ms Quesenberry is requesting funding of \$1,000 to revisit the agreement/lease with the Commission in an effort to again preserve the historic site and to reopen the museum to the public.

Ms. Quesenberry told the Commissioners they would like to have the first and second floors.

Commissioner Lopez informed Ms. Quesenberry that the Commission

has allocated \$1,500 in their budget for the Jail Museum.

Ms. Quesenbery asked about the liability insurance and utilities.

Commissioner Wender asked Ms. Quesenberry to write up lease and put on a disk for Carl Harris, Prosecuting Attorney to review.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting that \$3,000 be transferred from his Record books line item to his overtime line item.

Commissioner Wender offered a motion to transfer \$3,000 from Mr. Holliday's record Book line item to his overtime line item.

Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed invoices from Election Software Systems. Commissioner Wender offered a motion that Kelvin Holliday, County Clerk contact Election Software and Systems and requests a detail account of what was performed. Commissioners Lopez seconded. Unanimous.

The Commissioners approved for Peggy Bennet to attend the Certified pool Operator Training Course, cost \$250.00 being held April 2 and 3, 2007.

Commissioner Lopez offered a motion to approve and authorize the adoption of a Resolution of Participation and Cooperation to participate in the West Virginia Certified Development Community Program. Commissioner Wender seconded. Unanimous.

The Commissioners signed Order increasing the mileage to forty-eight and a half cent (.485¢).

The Commissioners received and reviewed a letter from the Arbuckle Watershed Association requesting that the Minden Rocklick

Action Committee funds be transferred to their checking account at the Bank of Mount Hope, Account #531111, amount \$4,875.00. The Commissioners approved.

The Commissioners signed the Federal Excise Tax Exempt form.

The Commissioners approved to advertise for the custodian position.

The Commissioners asked that a letter be sent to Bryan Parsons approving his request to host the Fayette County Middle School Girls/Boys Basketball "AA" Tournaments at the Memorial Building. The \$1,000 rental fee will be waived. All other rules are applicable including insurance, trash and custodian fees.

Commissioner Lopez offered a motion to approve Tammy Conley keeping the \$36.00 overpayment she received. Commissioner Wender seconded. Unanimous.

The Commissioners signed Application for a Permit to Operate the poll at the Fayette County Park.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for FOOTMAD, amount \$1,000.00.

The Commissioners received and reviewed a letter from Diane Merillat regarding the loss of her property. The Commissioners informed Carl Harris, Prosecuting Attorney informed the Estate is still open he will take care of.

The Commissioners received and reviewed a letter from Eddie young, Assessor requesting that the Commission sign Order authorizing him to correct any errors or omissions in their records for the Tax

year 2007 which may be discovered by his office during the month of February.

The Commissioners signed Order having received a request from the Assessor for permission to make corrections to the initial assessment roll, does hereby order that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County and found in the initial assessment roll be corrected before the 22nd day of February 2007.

The Commissioners received and reviewed a memo from kelvin Holliday, County Clerk informing he has talked with Catherine regarding her complaint.

The Commissioners signed a letter to all elected officials and Department heads requesting that each office, prior to March 2, 2007 submit to the Commission a detailed request for appropriations for anticipated or expected expenditures for its respective office, including the compensation for its assistants, deputies, and employees for the ensuing fiscal year.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council suggesting that Sharon Cruikshank and Dr. Beverly Jo Harris be appointed as private sectors of the Region 4 Planning and Development Council.

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

The Commissioners received and reviewed an e-mail from Eula Ewing regarding the article in the Charleston Daily Mail about the testing

on Stringtown Road.

The Commissioners received and reviewed letters from Acordia informing that Claim #01-119644-0049 and Claim #01-119644-0050 has been forwarded to their insurance carrier.

The Commissioners received and reviewed from Travelers a copy of a claim on Deputy Jackie Brown vehicle.

The Commissioners received and reviewed a letter from the Fayetteville Convention and Visitors bureau regarding the West Virginia Hotel/Motel Tax.

The Commissioners received and reviewed from Attorney Fred Jesser a picture of the pine tree that was cut down at the Memorial Building.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety regarding the 2007 LEPC Grants. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed confirmation of receiving W-2's from the Social Security Office.

The Commissioners received and reviewed from Jim Lively Insurance the renewal of the workers' compensation insurance policy with BrickStreet Mutual.

The Commissioners received and reviewed an invoice from the Community Collaborative, Inc. for a local matching share for the 2006-2007 Fayette County Sustainable Communities Team, amount \$2,500.00.

The Commissioners received and reviewed a letter from the Division of Highways informing one of the requirements to fund any project with Federal Highway Administration (FHWA) or federal Transit Administration (FTA) fund is that each proposed project undergo a

public "review and comment period." The Division of Highway is requesting assistance in making available (to anyone who wishes to review them) the attached modified listings of Highway and Transit Project.

The Commissioners received and reviewed an Order from the Division of Highway ordering the extension of Gatewood Lane-CR14/25 section(s) of a highway to the State Local Service System.

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

The Commissioners received and reviewed from SunTrust Bank a list of securities pledged as of December 29, 2006.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing as of December 31, 2006 a lists of the securities that were held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a letter from SunTrust informing of the new security pledge effective January 12, 2007.

The Commissioners received and reviewed two accident reports regarding Deputy Stephen M. Gray and Deputy Jackie Brown.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Case #04-0102-T-GI-Data Base management Services (DBMS) for E911 Services.

The Commissioners received and reviewed several Official Oaths of Office for Dean Kincaid a member of the Fayette County Board of Zoning Appeals, Stanley B. Garten, a member of the Armstrong Public Service District, and Cynthia Dragan a member of the Fayette County Urban

Renewal Authority.

The Commissioners received and reviewed a letter from the West Virginia Development office enclosing a copy of the executed grant award for Fayette County Commission-FOOTMAD Governor's Community Partnership Grant-Project #06CPGP0058.

The Commissioners received and reviewed a letter from the Martin Luther King, Jr. West Virginia Holiday Commission, thanking the Commission for their nomination of John P. David for one of the Commission's annual awards.

The Commissioners received and reviewed a letter from the Public Service Commission thanking the Commission for Case #07-0019-PSWD-PC-FCC filing received today which has been forwarded to the Commission and its Staff for processing.

The Commissioners received and reviewed a letter from Just For Kids, Inc. thanking the Commission for their donation of \$3,000.

The Commissioners received and reviewed a copy of a letter from Carl Harris, Prosecuting Attorney to Mountain Grading Company regarding their impounded truck.

The Commissioners received and reviewed a letter from the Economic Development Administration informing they approved the change order as necessary for the completion of EDA Grant #01-79-080 Infrastructure.

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 a letter from the West Virginia Development Office giving an update on the status of the coal-based synthetic fuel tax.

The Commissioners received and reviewed a thank-you note from Eric Pories thanking the Commission for their support of the 4-County Travel Destination Study.

The Commissioners received and reviewed from the West Virginia Community and Technical College informing their annual meeting of the advisory committee for the Oak Hill Center will be held on Thursday, January 25th at 4:00 P.m. at the Center.

The Commissioners received and reviewed from the Affiliated Construction Trades Foundation requesting certified payrolls for Mountaineer Grading Inc. for the period of July 1 through December 31, 2006 regarding access Road and utilities Phase 2 in Fayetteville.

The Commissioners received and reviewed a copy of a letter from Lisa K. Thornburg, CPA to Carl Thompson enclosing two copies of the audit for the Fayette County Farmland Protection Board for the fiscal year ended June 30, 2006.

The Commissioners received and reviewed a letter from the Office of the State Auditor regarding the 2007 Training Seminar Schedule for county officials.

The Commissioners received and reviewed from the Division of Criminal Justices Services the Court Security Fund Grant application. A copy forwarded to William Laird, Sheriff.

The Commissioners received and reviewed copies of the receipts

from the upper Kanawha Valley Community Center for the Governor's Office of Economic Office Grant.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds for the 75% of the coal severance tax will be directly deposited on January 26, 2007, amount \$152,759.15.

The Commissioners received and reviewed from the Southern West Virginia Convention and Visitors Bureau a copy of the 2007 Official Visitors Guide to Southern West Virginia.

The Commissioners received and reviewed a thank-you note from Rick and Heather thanking the Commission for their support of the Whitewater Rafting Industry.

The Commissioners received and reviewed from the U. S. Bankruptcy Company an Order regarding Multi-Community Action Against Poverty, Inc.

The Commissioners received and reviewed from Jim Lively Insurance Standard Flood Insurance Application.

The Commissioners received and reviewed a letter from Travelers summarizing their visit of the vaults of Daniel Wright, Circuit Clerk and Kelvin Holliday, County Clerk in November 2006.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance (Workers' Compensation claims), and Unemployment Compensation Division.

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 a letter from Boyd Dotson with the Division of Highways.

The Commissioners received and reviewed a copy of a letter from Senator Shirley Love and Delegate David Perry informing that the request for transfer of monies from the Hank Williams, Sr. Museum project in Oak Hill was received and endorsed by the Senate Finance Chairman Walt D. Helmick on January 8, 2007.

Subsequently on January 12, 2007, the West Virginia Development Office approved the same for the \$15,000 transfer to be part of a drawdown from Project 06LEDA0129.

The Commissioners received and reviewed checks for 911 Fees from Mountaineer Telecommunications, amount \$2,009.84, Choice One Communications, amount \$2,040.96, Spectrotel, Inc., amount \$38.00, AT&T Communication of WV, amount \$930.00, Cleartel Telecommunications, Inc., amount \$14.00, Level 3 Communication LLC, amount \$22.00, Citizens Communications Co., amount \$57.72, Verizon, amount \$32,086.40, Mountain Communications, LLC, amount \$51.70, Granite Telecommunications, LLC, amount \$146.00, IDT Corporation, amount \$50.00; Reimbursement 911 Fund (tapes), amount \$0.00; Rebate on HP Pavilion Notebook, amount \$50.00; reimbursement Bridge Day, amount \$6,080.59; Alarm Fees Juvenile Services, amount \$75.00; FLM rent, amount \$2,025.00; Jail Fees-Town of Fayetteville, amount \$145.50, City of Smithers, amount \$48.50; Franchise Fees-Rapid Communications, LLC, amount \$1,232.51; WVDO-Sportsman Rec. Center, amount \$15,400.00 and Rent Memorial Building, amount \$250.00.

The Commissioners received and reviewed from the Fayette County

Animal Control Center/NRHS Weekly Fees Collected for the week of January 5 to January 11, 2007, amount \$300.00, the week of January 12 to January 18, 2007, amount \$195.00 and the week of January 19 to January 25, 2007, amount \$277.25.

The Commissioners received and reviewed an e-mail from Ms. Holly asking Dan Snead to meet with her, James Perdue and Brenda Goodfellow for the ADA survey review.

The Commissioners received and reviewed an e-mail from Mayor Pete Hobbs attaching a copy of a letter to the Office of Coal Field Development with comments and concerns related to the proposed slip mining and valley fill outlined in Surface Mine permit application S-3022-06 for Eagle Number 1 Surface Mine on Gauley Mountain.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the funds for wine, liquor and private club taxes will be deposited on January 12, 2007, amount \$666.10.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer regarding the proposed site of the Page loadout and coal storage.

The Commissioners received and reviewed an e-mail from Liz Garland regarding the Loop Creek as Tier 2.5.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking to call Rahall's Office and get the e-mail address of Paul Gonzalez and Kelli Dyke.

The meeting was adjourned at 2:40 p.m. The next scheduled meeting is February 1, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 6, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 6th day of July 2007.

Commissioner Eskew called the meeting to order at 9:03 a. m.

Mary K. Weatherford presented exonerations to be approved and signed to the Commissioners.

Commissioner Wender offered a motion to approve and sign personal property taxes for George C. Campbell and Adkins Trucking. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property taxes as presented by Ms. Weatherford. Commissioner Eskew seconded. Unanimous. (See attached list.)

Commissioner Wender offered a motion to approve and sign refunds for Ben F. and Linda Williams. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes for June 4, 2007. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve payrolls, payrolls to be released July 13, 2007. Commissioner Eskew seconded. Unanimous.

Doug Arbogast appeared before the Commission to inquire about the vehicles for the Sustainable Community Project.

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF 7/6/07

PAGE 1 of

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6129012	34420	BLOOMFIELD, RUDELL & AUDREY	7/3/2007	S/B HOMESTEAD EXEMPT		X		\$306.20	9
6038986	32265	LUSK, CHARLES RICKY	7/3/2007	HOUSE BURNED		X		\$227.88	6
7002263	30737	GIVENS, JAMES B & PAMELA S	7/3/2007	ERRONEOUS VALUE		X		\$171.26	9
6110077	33254	DOMINGUES, MANUEL	7/3/2007	ERRONEOUS VALUE		X		\$165.38	8
6128219	35817	HUMPHRIES, REBECCA GWINN	7/3/2007	BY CC ORDER		X		\$350.00	9
6118523	37870	SWARTZ, MICHAEL E & CARLENE G	7/3/2007	S/B CLASS 2		X		\$1,093.14	9
6045228	30690	FALLS, ALFRED L & DELORES	7/3/2007	ERRONEOUS VALUE		X		\$157.44	8
6113323	33786	SMITH, SUZETTE KAY	7/3/2007	BY CC ORDER		X		\$134.60	8
6223268	19810	SMITH, KEITH A & MARSHA	7/3/2007	BY CC ORDER		X		\$161.98	2
9003622	30479	CROUSE, REX ALLEN	7/3/2007	ERRONEOUS VALUE		X		\$149.20	5
9003621	30478	CROUSE, REX ALLEN	7/3/2007	ERRONEOUS VALUE		X		\$99.46	5
9003617	30476	CROUSE, REX ALLEN	7/3/2007	ERRONEOUS VALUE		X		\$177.50	5
9003619	30477	CROUSE, REX ALLEN	7/3/2007	ERRONEOUS VALUE		X		\$234.64	5
6142186	38172	WALLACE, EUGENE R JR	7/3/2007	ERRONEOUS VALUE		X		\$53.18	9
6142202	38174	WALLACE, EUGENE R JR	7/3/2007	ERRONEOUS VALUE		X		\$121.26	9
6317773	25542	LOGS ONE LAND CO INC	7/3/2007	S/B CLASS 2		X		\$272.08	3
6340480	32751	PARKER, TIMOTHY R	7/3/2007	S/B CLASS 2		X		\$506.74	7

Commissioner Eskew told Mr. Arbogast he will discuss with Earl Pauley, Park Superintendent and will let him know.

The Commissioners asked Mr. Arbogast if the Press Release for the Lighting Audit had been prepared.

Mr. Arbogast told the Commissioner he would prepare the Press Release and forward to Commissioner Eskew for approval.

Discussion was held regarding the Prescription Cars from NACo.

Carl Harris, Prosecuting Attorney told the Commissioners he needs to inquire about the specifics of the contract.

Mr. Harris told the Commissioners that he has no major issues with the contract, but he will go back to his office review the contract again and will return today to discuss further.

Commissioner Wender informed the Commissioners that Leon Cooper will not be attending the meeting today.

The Commissioners received/reviewed and discussed a letter from Attorney Richard A. Hayhurst regarding United Bank, Inc. v. Leon Cooper, et al, Wood County Civil Action #07-C-248.

Carl Harris, Prosecuting Attorney told the Commissioners they do not need to address this matter.

Mr. Harris presented a draft for removal of a board member by the Commission to the Commissioners.

Commissioner Eskew asked Mr. Harris what are the formality for reason of a removal appeal.

Mr. Harris told the Commissioners they need to have a record of the procedure.

Mr. Harris told the Commissioners he would add to the draft Fayette County Planning Commission hearing board.

Mr. Harris told the Commissioner he will make the changes and present further.

The Commissioners received and reviewed the Petition Community Enhancement Act from Three Rivers Companies wanting a blanket variance to include all acreage.

Ms. Holly told the Commissioners the Commission she does not feel that this complies with the Unified Development Code.

Ms. Holly told the Commissioners that Carl Harris, Prosecuting Attorney has some concerns regarding the River Ridge issue.

Mr. Harris told the Commissioners that he and the Fayette County Commission cannot investigate this type of complaint Mr. Harris suggested contacting the State Agency and give an indication of what crime is being committed.

Mr. Harris told the Commissioners that a lot of questions are being asked, but what type of crime is being committed.

Mr. Harris informed he does not know of the title report being questioned, he would have to look at documentation.

Mr. Harris told the Commissioner to show fraud you have to show intent.

Mr. Harris told the Commissioners he would look at the Community Enhancement Act document and will make recommendation at the next County Commission meeting.

Ms. Holly presented a letter to the Commissioners from Allen Ballard, Building Inspection Officer, Carl Thompson, Dave Pollard and Aletha Stolar informing they have interviewed the eleven (11) candidates for the clerical position for the third floor officer.

Ms. Holly told the Commissioners that the field of eleven (11) was narrowed to three (3) and they interviewed the three (3) for a second interview.

The candidate that they recommend for the position is Nicole Lee Kessler.

Ms. Holly told the Commissioners that it is their recommendation that Nicole Lee Kessler be appointed for the clerical position.

Commissioner Wender offered a motion to proceed with approving temporary full time clerical position at \$15,600 plus benefits, effective August 1, 2007 if available, if 4-C discontinues funding, the Fayette County Commission would not be able to continue employment. Commissioner Wender added that if employment continued funding by 4-C the Fayette County Commission is to notify in writing prior to employment that this position and her continued employment are contingent upon the continued funding by 4-C. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners of the Americorp Vista Worker project. Commissioner Wender told the Commission that Jenny Beckstead will discuss the project at the next Commission meeting.

Ms. Holly informed the Commissioners that the State Auditor requires that any budget revisions for fiscal year 2007 have to be submitted by July 15, 2007 to comply. Ms. Holly presented two Budget Revisions to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to sign Budget Revision for Fiscal Year 2007-2008 for the General Fund and the Coal Severance Budget. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Thomas and Brenda Comer informing that their property tax has been taken off the Homestead Exempt since 2002.

Ms. Holly told the Commissioners she sent a copy of the letter to Eddie Young, Assessor to review.

Mr. Young informed the Commissioners that a clerical error had been found. Mr. Young recommends giving the Comer's a credit on future taxes until the credit due is paid in full, amount \$1,025.62.

Commissioner Lopez offered a motion that subject to the approval of the Assessor, Thomas and Brenda Comer be afforded tax relief for tax year 2003, 2004, 2005, and 2006 in the total amount of \$1,025.62 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 debt is paid. Commissioner Wender seconded. Unanimous. Order signed.

The Commissioners signed letters to the Town of Fayetteville and the City of Oak Hill informing that they signed the Climate Protection Agreement and the Earth Day Festival proposal the

Fayetteville Earth Day Planning Committee and the West Virginia Sustainable Communities have prepared for the formation of a sustainability collaborative (or committee) for Oak Hill, Fayetteville and Fayette County.

The Commissioners is asking the town council and mayors as well as all Fayette County Citizens to help and reinforce the formation and suggestions of the collaborative.

The Commissioners received and reviewed Executive Summary SPF-SIF Implementation 2007/2008 Fayette County Prevention Partnership.

The Commissioners signed Resolution authorizing President Kenneth Eskew to act on its behalf to make application for the SPF-SIG Grant funding.

The Commissioners signed a letter to the Greater Kanawha Valley Foundation requesting the \$10,500.00 awarded to the Gauneka Ruritan Club to assist with the roof replacement project on the Gauneka Ruritan Community Center Building.

Earl Pauley, Park Superintendent informed the Commissioners that Donna Cooper has worked four (4) years at the Fayette County Park and asking the Commissioners to increase her pay to \$7.00 plus benefits.

Commissioner Wender asked Ms. Holly to hold for July 20, 2007 the Commission will make a decision.

Kenneth Hayes, Chairman of the New Haven Public Service District and Ed Shutt, Stafford Consultants appeared before the Commission to give an update on their projects.

(Attached is a list of people that attended the meeting). AML is paying 100% for the Beauty Mountain Road Project.

Mr. Hayes told the Commissioners that Phase IIIA Preliminary Project (Stringtown Road via Sunday Road, Shawver Road, Hawver Road Contract 5, Power Plant/Beauty Mountain Road, and Miller Ridge Road North) is ready to be advertised June 2008.

Ed Shutt, Stafford Consultants told the Commissioners he would like to submit a spread sheet of the Projects.

Mr. Shutt told the Commissioners that Stringtown Project has been approved. Mr. Shutt told the Commissioners that it's critical the Governor be kept on the priority list.

Mr. Shutt told the Commissioners that they do need to look at the Small Cities Block Grant Funding so AML Funds will be committed.

Mr. Shutt told the Commissioners that the New Haven Public Service District needs to look at the Beauty Mountain Road Project the loan has to be presented by June 2008.

Mr. Shutt requested that the Commissioners prioritize projects for the Small Cities Block Grant Funds, Resolution for ARC, Angie Grooves, Region 4 Planning and Development Council need to prepare, Dave Pollard, County Resource Coordinator needs time to coordinate funding with the agencies.

FCC

7/6/07

New Haven PSD
Hearing/meeting

Tillman Slaughter Tom Maney
John Crookshank

Tillman Maney
Ed Shutt

Kenneth Hayes

Angie Grooves

Mr. Shutt told the Commissioners that the Royal Utilities Service has funds but has not been successful.

Earl Pauley, Park Superintendent, Jodie Ward, and Bobby Meadows appeared before the Commission to give an update on the shooting range.

Mr. Pauley told the Commissioners that work can start on lanes for shooting house at the top for shooting.

Mr. Pauley told the Commissioners that Mr. Ward and Mr. Meadows are to look at and decide and get measurements.

Mr. Pauley told the Commissioners that the chipper and dozer will be there until August 1.

Commissioner Eskew asked when will they start on the target house? Mr. Pauley replied they will start by the weekend. Mr. Pauley told the Commissioners that the skeet has a lot of rocks.

Commissioner Eskew asked Mr. Pauley to do a follow up for future meetings.

Commissioner Wender asked Mr. Pauley about a vehicle for Doug Arbogast to use for the Sustainability Community Project.

Mr. Pauley told the Commissioners he had one but gave the car to the Community Corrections Center.

Mr. Pauley told the Commissioners that Dan Pauley may have one (1) more Crown Victoria that needs to be stripped down and okay to put on the road.

Mr. Pauley to check with Dan Pauley and he will let the Commissioners know when it will be ready.

Commissioner Eskew called the 11:00 a.m. public hearing to order.

Commissioner Eskew informed the purpose of this hearing is to increase the hotel/motel taxes from 3% to 6%, and to receive the public's input regarding the increase.

Commissioner Eskew informed the decision would be made July 20, 2007.

Ms. Holly informed the effective date would be August 1, 2007.

The hearing was recorded. Attached is a list of the people who attended the meeting.

Dave Arnold with Class VI told the Commissioners that the Hospitality and Travel Association is against it.

Mr. Arnold told the Commissioners that if money well-used he's okay with the increase. Mr. Arnold told the Commissioners that the consumers will reject sooner or later.

Mr. Arnold told the Commissioners if approved August 1, 2007, 369 reservations he will have to go back and ask for additional dollars.

Mr. Arnold asked the Commissioners if they would consider making effective after Bridge Day or November 1, 2007.

Mr. Arnold asked the Commissioners to work with other Counties so to be consistent.

Mr. Arnold told the Commissioners he encourage them to talk with other counties

FCC

7/6/07

Hotel/Motel Tax Increase

Gene Worthington
Marion Crankshaw
Mike Fish

Frances Fick

Kevin Burgess, ATTY.

Ernest Kincaid - ACE

Doug Maddy
John Pulliff

GEOFF HEETER

Neil Reoman

Cyrus Cato

Esther Morey

~~Ernest Kincaid~~

DAVE ARNOLD

Jerry Cook - ACE

Commissioner Eskew called the 11:00 a.m. public hearing to order. Commissioner Eskew informed the purpose of this hearing is to increase the hotel/motel taxes from 3% to 6%.

Commissioner Eskew informed they are here to receive the public input regarding the increase.

Commissioner Eskew informed the decision would be made July 20, 2007.

Ms. Holly informed the effective date would be August 1, 2007.

The hearing was recorded on tape. Attached is a list of the people who attended the meeting.

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Mr. Arnold asked the Commissioners to work with other Counties to be consistent.

Mr. Arnold told the Commissioners he encourage them to talk with other counties recommends that monies that go to the

Corrections Visitor's Bureau need strong language on how the funds are used.

Commissioner Wender suggested asking lodging groups to submit number and waive the amount for each that have made reservations already. Commissioner Wender suggested implementing but waive for reservation already made.

Commissioner Wender informed the decision will be made July 20, 2007 and be part of the motion to implement.

Geoff Heeter, Possum Creek Retreat and Board member on the Convention and Visitors Bureau asked to speak.

Mr. Heeter concern is that monies be spent judiciously.

Mr. Heeter commented that strides can be made by the County if increased.

Mr. Heeter requested to the Commissioners to focus those funds to benefit tourist.

Mr. Heeter told the Commissioners he's confident that guest will be okay with the increase.

Mr. Heeter told the Commissioners he feels Sharon Cruikshank and workers spend wisely.

Mr. Heeter urged the Fayette County Commission to increase the motel/hotel taxes to 6%.

Mr. Heeter told the Commissioners he does not want County share to go to Branding Initiative.

Ms. Cruikshank told the Commissioners the viable focus should be on the Fayette County Memorial Building. Ms. Cruikshank asked the Commission if they would consider this.

Agnes Casto on Education Community with the Clay Center spoke. Ms. Casto suggested doing a study on the impact of the Arts. Ms. Casto encouraged the Commissioners to use part of the increase for the Arts and Culture Industry.

Gene Worthington encouraged the Commissioners to do a project for the Fayette County Memorial Building.

Neil Redman, Mill Creek Luxury Cabins asked the Commissioners to wait until 2008 to increase the hotel/motel taxes. Mr. Redman told the Commissioners he believes it's okay to defer.

Jerry Cook, Ace asked the Commissioners to make sure additional funds are being spent for who is paying.

Mr. Cook told the Commissioners the tourist should get something, they are paying for.

Doug Maddy told the Commissioners they need to show how funds are being spent, Summers County passed the increase on July 15, 2007, Wyoming passed the increase on July 1, 2007 and Raleigh County passed the increase.

Mr. Maddy told the Commissioners a great idea to defer. This has not been an issue in other Counties.

Mr. Maddy told the Commissioners he feels Fayette County is at a tipping point. Fayette County is still the lowest compared to other states.

Commissioner Wender informed the Commission will go over and the New River Conventions and Visitors Bureau and Fayette County Commission will draft Agreement on July 20, 2007.

Tim Richardson, Zoning Officer appeared before the Commission to present tabled rezoning request from the County Commission meeting held June 22, 2007.

Also present were Carl Harris, Prosecuting Attorney. Attached is a list of the others who attended the meeting.

Case #Z-513-07-1: Request of Deborah Taylor, owner for a change in land classification from R-R (Rural Residence District) to B-2 (Business, Local District) on property legally described as, 1.53 acres Glade Creek N/R Danese, New Haven District.

Mr. Richardson told the Commissioners that the motion and second before the Planning Commission was to approve as requested, the vote on the motion was two for the motion and four against and two abstaining (Leon Cooper and Gene Kistler).

Commissioner Eskew swore in everyone that would be speaking today.

James Billings, attorney for Deborah Taylor, applicant informed the Commissioners he had two witnesses to testify.

Gary Reed, Fayette County Deputy Sheriff and Amanda Skaggs former Fayette County Health Department Inspector were sworn in and gave their testimony.

Also, speaking was JoAnn White, Alan Whitt, and Deloris Berry. For the record Mr. Whitt presented pictures of the property.

Zoning 7/6/07

Muned to Gregg	574-1067
Nancy White	
Dale Berry	438-5305
Jimmy Pearl	438 5305
Berry Pearl	438 5305
Genisha Pearl	438 5305
Barbara Taylor	438-8718
Joan Taylor	438-5768
Sarah White	484-7030
Hon Bragg	438-7010
Arnold Linn	438-7474
Meddel Linn	
Gloria Martin	438 7417
Larry Wells	438-7868
Beth Wells	"/
CURTIS PITSENBARGER	
Clyde White	438-6076
Loa White	"
Gail White	"
Jeanette Sweet	438-6698
Betty Pitsenbarger	
Everlyn Mc Comb	

Richard Borch

Fire Marshall Approves Amount of people
~~Alcohol~~
~~Finance?~~

For the record Attorney Billings presented a statement from Attorney Galford who had represented a previous rezoning applicant in regard to conversation with Mr. Whitt and purchase of the property in question.

Deborah Taylor told the Commissioners in 2000 the building was burned served an average of 35 people a day, 7 days a week, average cost \$20,000.00 to get started, \$25,000.00 additional after fire. Ms. Taylor told the Commissioners she did try to lease.

Ms. Taylor is requesting to have establishment the same classification before the change.

Mr. Richardson questioned regulations prior to 2000 and the new regulations of 2002.

Mr. Richardson told the Commissioners that Ms. Taylor is asking that the property adjacent be zoned as her original property but operating as a business.

Attorney Billings told the Commissioners that Ms. Taylor is asking that the property be run as it was to recoup her \$50,000.00 loss.

Mr. Whitt told the Commissioners that he has been her numerous times to object to the reclassification.

Commissioner Eskew informed they would take under advisement.

Commissioner Wender offered a motion to table until July 20, 2007. Attorney Billings told the Commissioners he would be out of town that day. The Commissioners informed they would not accept

anymore testimony at that time. Commissioner Lopez seconded.

Unanimous.

Commissioner Wender asked if they should ask the Department of Environment Protection an opinion on the matter.

Mr. Richardson told the Commissioners they would have a new permit under the Fayette County Health Department.

Commissioner Lopez informed the Commission of the Armstrong Public Service District issues. Commissioner Lopez suggested a meeting and he would set in the background. Meeting was denied.

Commissioner Lopez informed the Commission that Armstrong Public Service District is losing money. Armstrong Public Service District members are going to meet and will let Commissioner Lopez know if they need to meet with the Fayette County.

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 Divide and Segregate Land for Douglas and Sharon Donnell, and Danny Ray and Mary K. Kincaid. Commissioner Wender seconded. Unanimous.

The Commissioners approved and signed an Order to remove Eliza Johnson as Administratrix of the Estate of Gary W. Johnson and appoint Sheriff William R. Laird, IV Administrator of the Estate.

The Commissioners signed a letter to Nicole Lee Kessler informing her that she has been recommended and approved for the

clerical position to work with the staff currently located on the third floor.

The Commissioners signed minutes from Tim Richardson, Zoning Officer of the Zoning Hearing held today.

The Commissioners signed Application for Certification to Operate the Courthouse incinerator for the period July 1, 2007 to June 30, 2008.

Commissioner Wender offered a motion to appoint Kenneth Hayes as a member of the New Haven Public Service District, term to expire July 31, 2013

The Commissioners signed Order and appointment to serve letter to Kenneth Hayes as a member of the New Haven Public Service District Board.

Ms. Holly presented to the Commissioners three (3) grants from the Division of Criminal Justice Service.

Commissioner Lopez offered a motion that Commissioner Eskew be authorized to execute and sign agreements for the Justice Assistance Program Grant, amount \$40,500-Project #06-JAG-38, Justice Assistance Program (Edward Byrne Grant), Project #04-DC-47, amount \$24,000 and the West Virginia Community Corrections grant, Grant #08-CC-81, amount \$132,300.00. Commissioner Wender seconded. Unanimous. Contract Agreements signed.

The Commissioners received and reviewed letters from the Governor informing he has approved the West Virginia Community

Corrections Fund Grant for \$132,300.00, the Justice Assistance Grant for \$40,500.00 and the Justice Assistance Grant for \$24,000.00.

Carl Harris, Prosecuting Attorney told the Commissioners regarding their previous discussion regarding removal of a member of the Armstrong Public Service District it would have to go through the Circuit Court.

The Commissioners approved replacement of an air condition for Charlotte Holly's office, amount \$1,800.00.

Ms. Holly told the Commissioners that the air condition in the WVU Extension Office had to be replaced.

Ms. Holly presented to the Commissioners the 4th Quarter Coal Severance Tax Collected, amount for the 25%-\$28,400.78, the amount for the 75%-\$68,465.16.

Ms. Holly informed the Commissioners she received an e-mail from David Neal, E911 Coordinator requesting two part-time employees to assist in the collection and data entry for the mapping and addressing project.

The Commissioners approved request to hire part-time employees to assist in the collection and data entry for the mapping and addressing project.

Commissioner Wender suggested hiring at the minimum wage of \$5.85 an hour to be paid out of the 911 Fund.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding the Petitions for a road name change in the Meadow Bridge area.

Commissioner Eskew and Commissioner Lopez suggested holding for the time being.

Ms. Holly informed the Commissioners that the Annual Training Seminar for the County Commissioners is scheduled for August 4, 2007 to August 7, 2007. Commissioner Eskew plans to attend.

Ms. Holly told the Commissioners she will be on vacation the week of July 21, 2007.

Ms. Holly told the Commissioners she received eleven (11) Community Participation Program Grants from the Legislative Digest.

Ms. Holly told the Commissioners she would forward applications to each recipient, they will fill out and send back to the Fayette County Commission and she would forward the applications to the State.

Commissioner Eskew presented to the Commissioners a letter from Sheila Walker, Regional Director, Burlington United Methodist Family Services, Inc., asking the Commission if they would assist in finding a facility in Fayette County for a Group Home for Adolescent Children to accommodate eight youths and have some office space.

The Commissioners request that Carl Thompson send an e-mail inquiry to the Fayette County Board of Education.

The Commissioners received and reviewed second quarter report from the Boomer Volunteer Fire Department.

The Commissioners received and reviewed Coal Severance Tax for the fiscal year 2007, amount \$560,525.39.

The Commissioners received and reviewed a copy of a letter from Attorney James Billings to Tim Richardson, Zoning Officer regarding complaint for illegal operation of business in the New Haven District.

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

The Commissioners received and reviewed from Sheriff William Laird a copy of the Grant Contract Agreement for the Governor's Highway Safety Program-Digital In-Car Cameras, amount \$23,750.00, grant #F07C0PS-131.

The Commissioners received and reviewed from Sheriff William Laird a copy of a letter to Debbie Aliff, Payroll Clerk informing that effective July 1, 2007, Amy Nibert will be employed in his office as a full time Forensic Specialist in the Law Enforcement Division, salary for this position is \$2,203.42 per month.

The Commissioners received and reviewed from Sheriff William Laird a copy of a letter to Debbie Aliff, Payroll Clerk informing that effective July 1, 2007 Matt Kessler is being reemployed by means of reinstatement as a deputy sheriff, salary \$2,283.42 per month.

The Commissioners received and reviewed from Sheriff William Laird a copy of a letter to Debbie Aliff, Payroll Clerk informing that James Pack is being hired as a Case Manager at the Fayette County Community Corrections Program, salary \$23,500.00 annually.

The Commissioners received and reviewed from Sheriff William Laird a copy of a letter to Debbie Aliff, Payroll Clerk requesting that a supplement payroll be processed for Tom Woodrum, Jan Neal, Cindy Renick, Becky Jones and Judy Treadway the gross amount to be paid to each employee is \$1,500.00.

The Commissioners received and reviewed an Order from the U. S. Bankruptcy Court from the Southern District of West Virginia regarding Multi County Community Action.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing he is moving their copy machine into the break room in order to make another office. Mr. Harris informed the Commissioners that a new phone line needs to be run.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney, informing that Harriet Woodson has been hired as a legal assistant effective July 1, 2007, salary \$18,000.00 with benefits.

The Commissioners received and reviewed a notice from the West Virginia Division of Homeland Security and Emergency Management informing that the 13th Annual LEPC/SERC Conference will be held September 24-26, 2007 at the Embassy Suites Hotel. Original forwarded to Steve Cruikshank, OES Director and a copy to Sheriff William Laird.

The Commissioners received and reviewed Oath of Office from Judson Wallace member of the Capitol Resource Agency.

The Commissioners received and reviewed a letter from the Secretary of State informing the 2007 Election Seminar will begin September 26 to September 28, 2007 at the Charleston Town Center Marriott.

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

The Commissioners received and reviewed a memo from the County Commissioners' Association of West Virginia informing the Commissioners of the Public Retirement Board Proposed Rule Changes.

The Commissioners received and reviewed Certificate of Insurance from BrickStreet for the period July 1, 2007 to July 1, 2008.

The Commissioners received and reviewed several correspondences from BrickStreet regarding Workers' Compensation claims.

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

The Commissioners received and reviewed Cash Statement and Asset List from the Bank of New York for June 22, 2007 and June 30, 2007.

The Commissioners received and reviewed several correspondences from Travelers Insurance.

The Commissioners received and reviewed several correspondences regarding the River Ridge Project.

The Commissioners received and reviewed a copy of a letter to Philip Perone, Sanitarian II with the Fayette County Health Department from Three Rivers Companies, LLC.

The Commissioners received and reviewed from the Fayette County Animal shelter Monthly Revenue Report, Activity Report for the month of June, C-PAC allotment, amount \$13,881.55 and Weekly Fees Collected for the week of June 22, to June 28, 2007, amount \$320.00, the week of June 29 to June 30, 2007, amount \$105.00, and the week of July 1 to July 5, 2007, amount \$170.00.

The Commissioners received and reviewed several checks for 911 Fees from Citizens Communications Company, amount \$50.44, Trinsic Communications, amount \$24.00, One Communications, amount \$2,073.86, Mountain Communications, LLC, amount \$45.82, Public Service Commission Wireless, amount \$152,455.62; Franchise Fees from Bradley Communications, amount \$866.92; Fayette County Board of Education-rent, amount \$5,833.34; Homeland Security-Law Enforcement, amount \$38,400.00 and fire Levy, amount \$45,062.72; Criminal Justice Services-Just For Kids, amount \$2,660.94, SPF-SIG, amount \$93.33, and Community Corrections, amount \$15,100.68.

The Commissioners received and reviewed an e-mail from the Office of Treasurer informing the May Limited Video Lottery proceeds will be deposited on June 26, 2007, amount \$6,699.27.

The Commissioners received and reviewed an e-mail from the Office of Treasurer informing the 25% coal severance tax will be directly deposited on June 29, 2007, amount \$29,279.65.

The Commissioners received and reviewed an e-mail from the Office of Treasurer informing the 75% coal severance tax will be directly deposited on June 28, 2007, amount \$124,760.59.

The Commissioners received and reviewed an e-mail from Carl Thompson requesting a new phone line for the desk at the back of Allen Ballard, Building Inspector Officer office.

The Commissioners received and reviewed an e-mail from Dave Pollard to Ms. Holly asking the status of the reimbursement to the County on the \$140,000.00 for the Wolf Creek project.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Donald Newell, Fayette County Health Department regarding pre-exposure rabies vaccine for the employees at the Fayette County Animal Control Center.

The Commissioners received and reviewed an e-mail from Aletha Stolar regarding the Family Resource Network drawdown check.

The Commissioners received and reviewed an e-mail from the Fayette County Animal Control Center regarding an update on their CAET Certification notice and to inform that Susie Gee has moved out of the state and Tara Workman and Carrie Carr is co-directors of the Fayette County Animal Control Center.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Allan Comp regarding the Americorp Program.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Earl Pauley, Park Superintendent regarding invoices for the ADA Horseshoe Pit and Skeet Range Grants.

The Commissioners received and reviewed an e-mail from Doug Arbogast to the Commissioners regarding the Fayette County Commission Lighting Grant.

The Commissioners received and reviewed an e-mail from Amber Marstiller to the Fayette County regarding the SPF-SIG grant.

The Commissioners received and reviewed an e-mail from Virgil Berry regarding grant for the American Red Cross.

The Commissioners received and reviewed an e-mail from Amber Marstiller regarding continuing with the SPF-SIG Grant process.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding the 911 Center and tower site security upgrades.

The Commissioners received and reviewed an e-mail from Sue Plumley to the Fayette County Commission regarding a letter of support for the Climate Protection Agreement and the Earth Day Festival.

The meeting was adjourned at 2:45 p.m. The next scheduled meeting is July 20, 2007.



Kenneth L. Edue

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 20, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 20th day of July 2007.

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

Commissioner Eskew informed they are here today to make a decision on the rezoning request of Deborah Taylor that was tabled on July 6, 2007.

Case #513-07-1: Request of Deborah Taylor, owner for a change in land classification from R-R (Rural Residence District) to B-2 (Business, Local District) on property legally described as 1.53 acres Glade Creek n/r Danese, New Haven District.

Commissioner Eskew informed that as announced at the July 6, 2007 County Commission meeting there will be no further testimony taken at this time.

Commissioner Eskew asked Tim Richardson, Zoning Officer the recommendation of the Planning Commission.

Mr. Richardson told the Commission it was a motion and second before the Planning Commission to approve as requested, the vote on this motion was two (2) for the motion four (4) against the motion and two (2) abstaining (Leon Cooper and Gene Kistler).

Commissioner Wender offered a motion to overturn the Fayette County Planning Commission recommendation and approve the rezoning classification from R-R (Rural Residence District to B-2 (Business,

Local District). Commissioner Lopez seconded. Commissioner Eskew informed he would support the Planning Commission recommendation to deny the change in land classification. Vote passed 2-1.

Commissioner Lopez offered a motion to approve invoices, vouchers and payrolls, payrolls to be released July 27, 2007. Commissioner Wender seconded. Unanimous.

Mary K. Weatherford presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign real property tax (see attached). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property for William Joseph and Anna Tackett, and William Lee Willis. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion that Allen Ballard be designated as Fayette County Flood Plan Coordinator. Commissioner Lopez seconded. Unanimous.

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

The Commissioners signed the minutes of the Fayette County Planning Commission meeting held today. Order signed.

The Commissioners approved to change the September 14, 2007 County Commission meeting to September 10, 2007.

The Commissioners signed the Quarterly State Tax Report for the Fayette County Park, amount \$570.42.

The Commissioners signed drawdown to the Division of Criminal

Justice Services for Just For Kids, Inc.

The Commissioners signed Lease Agreement with Pitney Bowes.

The Commissioners received and reviewed a letter from the Kanawha Falls Public Service District requesting that Franklin Ferrell be reappointed to serve as Commissioner on the Board.

Commissioner Lopez told the Commission he would like to talk with the other Board members before approving this appointment.

Discussion was held regarding appointing someone from the Gauley Bridge area to serve on the Kanawha Falls Public Service District.

The Commissioners asked Tom Steele, Assistant Prosecuting Attorney if he would review to see if they can expand board members on a Public Service District.

Fred Jesser, attorney appeared before the Commission to present Recommendation and Order regarding the Estate of Joseph L. Williams.

Commissioner Wender offered a motion that the Fayette County Commission honor request of the Fiduciary Commissioner Fred Jesser to accept the Recommended Agreed Order and adopt and make said recommendation Order in the Estate of Joseph L. Williams, Jr. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew informed they are here to day to discuss a final vote to increase hotel tax from 3% to 6%.

Commissioner Wender offered a motion that the Fayette County Commission approves the increase of the hotel occupancy tax from 3% to 6% effective August 1, 2007, with the provision that anyone who has booked reservations tours that they be notified that the Fayette County Commission will waive for any reservations made and confirmed

prior to July 20, 2007 through October 31. Commissioner Wender suggested they submit a list of persons to the Sheriff with their August 15 report indicating how many reservations were made and confirmed. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners asked Sharon Cruikshank to mail to the hotel facilities.

Commissioner Wender told the Commissioners that Sharon Cruikshank has provided a copy of the revised Agreement of the New River Convention and Visitors Bureau.

Commissioner Wender offered a motion to approve and sign with the provision to change the fees allowed to the New River Convention and Visitors Bureau Agreement with the New River Convention and Visitors Bureau and the Southern West Virginia Convention and Visitors Bureau and that the 15% only applies to the original 3%. Commissioner Lopez seconded. Unanimous. Order signed.

Mike Lively with Jim Lively Insurance and Cindy McCall with BrickStreet appeared before the Commission to give a brief summary of the Workers' Compensation Return to Work Policy.

After a brief discussion Commissioner Wender asked Debbie Aliff, Payroll Clerk to report back to the Commission in August regarding the Return to Work Policy.

Gene Kistler, PAN (Plateau Action Network) appeared before the Commission to inform them that they received \$150,000 in Grants to help fund the Phase I of the Acid Mine Drainage Treatment of the Summerlee Coal refuse pile at the headwaters of the Wolf Creek watershed in Summerlee near Oak Hill.

Commissioner Wender asked Mr. Kistler to write a letter to Congressman Nick Rahall regarding the status with the Army Corp Engineer to get project moving along.

Tim Frantz, Business Service Officer and Michelle Jordan with Branch Banking and Trust (BB&T) appeared before the Commission to discuss deposit money of Fayette County.

Also present were Tom Woodrum, Chief Tax Deputy and Sheriff William Laird.

Mr. Frantz told the Commissioners that Branch Banking and Trust (BB&T) would like to make a bid on what they can pay the County on their deposit money.

Commissioner Wender asked if the County bid out. Mr. Woodrum replied no.

Tom Steele, Assistant Prosecuting Attorney suggested to Mr. Frantz to discuss with Tom Woodrum and the Fayette County National Bank and asked Michelle Jordan to draft a proposal for the Commission to review.

Ms. Holly suggested that the Sheriff be involved since he is the Treasurer for the County.

Mr. Frantz told the Commissioners that Branch Banking and Trust (BB&T) control the market share in West Virginia.

Commissioner Wender offered a motion to approve Petition of Annexation by the City of Oak Hill for Darrell Adkins. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commission the City of Oak will send Order to the Commissioners to sign.

Earl Pauley, Park Superintendent told the Commissioners no vehicles are available.

Sheriff William Laird told the Commissioners he needs to purchase two (2) Yukon vehicles from the Surplus Property. Sheriff Laird told the Commissioners he has received the four (4) new vehicles the Commissioners authorized for \$17,200.00.

Sheriff Laird told the Commissioners it's possible that he could use the Home Confinement money for purchase.

Discussion was held regarding purchasing two (2) jeeps for Doug Arbogast.

The Commissioners told Mr. Pauley to reclaim the vehicle after one year. The Commission will furnish vehicle, insurance and maintenance (not fuel).

Commissioner Wender told the Commissioners he will contact Mr. Arbogast to see how long he would be in Fayette County before they purchase vehicles.

Commissioner Lopez offered a motion to purchase two (2) Yukon vehicles for the Sheriff Department and two (2) jeeps for temporary use by Doug Arbogast. Commissioner Wender seconded with the understanding that he will confirm with Mr. Arbogast first. Unanimous.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that he received a letter from the Community Corrections Subcommittee (CCS) of the Governor's Committee on Crime, Delinquency and Corrections informing they awarded the Fayette County Community Corrections Program, \$132,300.00 in grant funds for Fiscal Year 2008; it was discussed and voted upon by the Subcommittee that

they approved \$10,000 of that award be earmarked for the purpose of increasing the salaries of the personnel at the Fayette County Day Report Center.

Sheriff Laird is asking authorization and approval from the Fayette County Commission to make adjustments to the Fayette County Day Report Center salaries effective August 1, 2007. The Commission approved.

The Commissioners approved contribution of \$1,000.00 to the Meadow Bridge Elementary School.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate land for Roscoe and Wilsie Sizemore, Stephanie and Patrick W. Canterbury, Sue Carl Jenkins, Sherd L. Maynard, Jr. and Jackie and Jacqueline Harper. Commissioner Lopez seconded. Unanimous.

The Commissioners signed invoices for the confinement of inmates at the Southern Regional Jail for the Town of Fayetteville, amount \$242.50.

The Commissioners signed drawdown request to the West Virginia Division of Criminal Justice Service for the SPF-SIG Grant, amount \$4,807.96.

The Commissioners signed Fire Levy Protection Agreements for the Ansted Certified Fire Department (\$46,857), the Oak Hill Fire Department, and the Town of Fayetteville (\$51,014) for the period July 1, 2007 to June 30, 2008.

The Commissioners received/reviewed and signed Inspections Agreements from Stone Inspection Service and Bill McGraw.

The Commissioners received and reviewed a Notice to Proceed from the West Virginia Division of Highways for the construction phase of the Oak Hill Rail Trail, Phase II, Transportation Enhancement (TE) Project (State Project: U310-OAK/HI-4.00) in Fayette County.

The Commissioners received and reviewed the draft for the removal of a Board member. The Commissioners asked to hold for the next County Commission meeting.

The Commissioners received and reviewed a fax from the County Commissioners' Association reminding each county to donate at least one door prize for the Annual County Commission Meeting. The Commission informed that Dave Pollard, County Resource Coordinator to get rafting trips.

The Commissioners received and reviewed an invitation from the Town of Fayetteville inviting the Commission to attend the Keep America Beautiful Workshop being held Wednesday, July 25, 2007 at the Whitehorse Bed and Breakfast.

Commissioner Wender asked Ms. Holly to send him an e-mail to remind him to see if he can get the Vista meeting for July 27 changed to late afternoon or another date.

The Commissioners received and reviewed a letter from the GFWC Fayetteville Woman's Club asking the Commission if they could retain the funds that the Commission donated to replace the white, historical marker and use it to bring another historical marker to town.

The Commissioners asked that a copy of this letter be referred to Danny Wright for guidance.

Ms. Holly informed the Commissioners that she received a letter

from the Fayette County Health Department informing they have received the rabies vaccine for the employees at the Fayette County Animal Control Center. The vaccine consists of three doses given at scheduled intervals.

The Health Department can begin administration on Wednesday, July 25, 2007, the second dose on Wednesday, August 1, 2007, and the final dose is administered on August 15, 2007. The cost of the rabies vaccine is \$1,293.45. The Commissioners approved.

Ms. Holly informed the Commissioners' she received an e-mail from Sharon Cruikshank informing she is working on the Fayette County Image Piece for the Chamber and she needs to know if the Commissioners would like a picture of the courthouse or if they would like their photo placed on the page. The Commissioners approved putting a picture of the courthouse.

Commissioner Lopez offered a motion to hire Donna Cooper full time at the Fayette County Park effective August 1, 2007 at the same rate of pay. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Philip Perone, Sanitarian II at the Fayette County Health Department enclosing information for Tim Richardson, Zoning Officer regarding a problem concerning solid waste and garbage.

The Commissioners received and reviewed the Fayette County Planning Commission minutes of July 16, 2007.

The Commissioners received and reviewed the Lighting Audit for the Fayette County Courthouse Facilities from Bill Willis, Program Coordinator with the West Virginia Energy Efficiency Program.

The Commissioners signed the Agreement between the Energy Efficiency Program of the West Virginia Division of Energy and the Fayette County Commission.

The Commissioners received and reviewed minutes from the Page Kincaid Public Service District for the months of June and July.

The Commissioners received and reviewed a letter from Attorney James Billings to Tim Richardson, Zoning Officer regarding complaint for illegal operation of business in the New Haven District.

The Commissioners received and reviewed a letter from Sheriff William Laird amending his Budget Statement for Fiscal year 2007-2008.

The Commissioners signed Application for Eligibility to the West Virginia State Agency for Surplus Property.

The Commissioners received and reviewed from the West Virginia Department of Environmental Protection Certificate to Operate Courthouse incinerator for the year July 1, 2007 to June 30, 2008.

The Commissioners received and reviewed a letter from Jackie Gialdella regarding a complaint concerning the gate that was put up at the old Pax School grounds.

The Commissioners asked that this complaint be forwarded to Sheriff William Laird to respond.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission to Dave Wood informing he has been appointed to serve as a member of the Board of Directors of the Fayette County Solid Waste Authority, term expires June 30, 2011.

The Commissioners received and reviewed a letter from the Office of the State Auditor informing the State Auditor's in-service training

program for all County Commissioners will be held on August 5-7, 2007 at the Holiday Inn in Parkersburg, WV.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the Fiscal Year 2001 SCBG-New Haven Public Service District-Saturday Road Water Extension Project (01SCBG0041) is considered to be closed out.

The Commissioners received and reviewed a letter from Sandra O'Hara regarding SMA 3002-06 & 3002-07, and NPDES Permit Applications; Any Prospecting Permits; Any large-scale logging in the Ansted area.

The Commissioners received and reviewed a letter from Stafford Consultant, Inc. thanking Commissioner Wender for their time provided on July 6, 2007 to discuss the New Haven Public Service District project and other issues in Fayette County.

The Commissioners received and reviewed a letter from Stafford Consultant, Inc. thanking Commissioner Eskew for their time provided on May 17 and July 6, 2007 to discuss the Fayette County Regional Water Project, the investments and long-term benefits the project provide to Fayette County.

The Commissioners received and reviewed Official Oath of Office from Sherman Bobbitt, Debbie Sizemore and Guy Dooley, Jr. members of the Fayette County Planning Commission.

The Commissioners received and reviewed Official Oath of Office from Judson Wallace member of the Capitol Resource Agency.

The Commissioners received and reviewed a letter from the New Haven Public Service District thanking the Commissioners for their time provided on July 6, 2007 to discuss the New Haven Public Service

District Phase III Water Projects Proposed Funding/Implementation Schedule.

The Commissioners received and reviewed Accident Report from the Fayette County Park on Michael Dougan.

The Commissioners received and reviewed remittance by the Assessor to the State Treasurer's office for Courthouse Facilities Improvement Fund, amount \$135.00 for the month of June.

The Commissioners received and reviewed a memo to Charlotte Holly from James Perdue, Maintenance Supervisor informing that the water fountain on the first floor of the Courthouse needs to be replaced. Mr. Perdue told Ms. Holly he would purchase from Summit Supply, Inc., amount \$411.72

Ms. Holly told the Commissioner she approve for Mr. Perdue to purchase a water fountain.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services regarding Asset Forfeiture Distribution for all Drug and Violent Crime Control task Forces (06-JAG-38).

The Commissioners received and reviewed a Notice from Sears regarding the Craftsman snow blower that was purchased. Original forwarded to James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a letter from the Joint Community Water Committee thanking the Commission for the work they have done to help secure funding to extend public water service from the Danese Public Service District to the communities of Hilton Village, Corliss, Big Bend, Ravens Eye, Beelick Knob and Russellville

in Fayette County.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing that as of June 30, 2007 securities held by Branch Banking & Trust as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank giving a list of securities pledged as of June 29, 2007.

The Commissioners received and reviewed Certificate of Insurance from the Fayette County Farmers Market.

The Commissioners received and reviewed from the Public Service Commission a copy of an Order regarding Case #07-0558-T-G1-Petition for the Commission to initiate a general investigation or rulemaking proceeding concerning appropriate methods and procedures for protection of confidential information of providers of telecommunications broadband and other like or substitute services.

The Commissioners received and reviewed a letter from Silverton Volunteer Fire and Rescue, Inc. requesting that the Commission contact their legislators and asked them to review the bill (WV Code 33-3-33) and reinstate the 1% surcharge with it all going to the fire departments across the State.

The Commissioners received and reviewed from the West Virginia Development Office Notice of Grant Award Change for Water Service Project #04SCBG0057X and New Haven Public Service District, Project #01SCBG0041X.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Synthetic Fuel Non-Producing

Counties Fund for Fiscal Year 2007 allocation and uses.

The Commissioners received and reviewed from Sheriff William Laird a copy of the Grant Application submitted to the Bureau of Justice Assistance Fiscal Year 207 Byrne Memorial Justice Assistance Grant.

The Commissioners received and reviewed a letter from the U. S. Department of Homeland Security informing they would like to conduct a Community Assistance Visit (CAV) on August 14 through August 16, 2007. The County's Floodplain Permit Officer/Building Inspector will need to be available.

The Commissioners received and reviewed a letter from Wright Express offering WEX SMART-Service Mobile Asset Reporting and Tracking. It's a hardware and web-based software solution that put you in the passenger seat of all of your vehicles.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance regarding Worker's Compensation claims and Return to Work Policy.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of July 6 to July 12, 2007, amount \$235.00.

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$31,724.64; Alarm Fees from FMRS Health System, amount \$300, Country Road Cabins, amount \$300.00' Reimbursement-City of Beckley overtime for Saturation Patrol Highway Safety Program, amount

\$532.88; Supreme Court-FLM rent, amount \$2,025.00; WV Development Office-FC Facilities Accessibility Grant, amount \$7,180.79; Division of Human Services-FRN, amount \$10,000.00; Reimbursement-City of Beckley-DUI Checkpoint Highway Safety Program, amount \$715.98; Jail Fees from the Town of Fayetteville, amount \$194.00; Criminal Justice Service for SPF-SIG Grant, amount \$1,320.30 and Just For Kids, amount \$1,416.97.

The Commissioners received and reviewed an e-mail from Alan Wickline to Commissioner Wender informing he will continue to serve on the Farmland Protection Board.

The Commissioners received and reviewed an e-mail from Lucinder Potter, Senior Lecturer WVU Campus Point Contact informing that the next Local Government Leadership Academy is scheduled for August 24 and 25 at the Embassy Suites Hotel in Charleston.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing funds for wine, liquor and private club taxes will be deposited on July 10, 2007, amount \$402.71.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator requesting to hire part-time people to assist in the collection and data entry for the mapping/addressing project.

The meeting was adjourned at 1:40 p.m. The next scheduled meeting is August 3, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 4, 2007
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 4th day of June 2007.

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

Discussion was held regarding the cost of paving the Cannelton Polling Place parking lot.

Commissioner Lopez informed the Commissioners the Contractor had given Allen Ballard an estimate of \$5,300.00.

Mr. Ballard told the Commissioners he had gone back to negotiate with the Contractor.

Commissioner Lopez told the Commissioners that the Contractor had given Allen Ballard an estimate of \$5,300.00.

Mr. Ballard told the Commissioners he had gone back to negotiate with the Contractor.

Commissioner Lopez told the Commissioners that the Union had built two (2) new handicap bathrooms in the building. Commissioners Lopez asked if they could submit invoices on the handicap bathrooms or paving.

Ms. Holly told the Commissioners she would have to review what was put in the application regarding the purpose of the grant.

Commissioner Lopez asked Mr. Ballard to contract Wayne Bennett to request copies of the invoices for the handicap bathrooms.

Commissioner Lopez asked Mr. Ballard to tell Mr. Bennett the

Commission would pay up to \$5,300 for paving or invoices for the handicap bathrooms.

Eddie Young, Assessor presented exonerations to the Commissioners to approve and sign.

Commissioner Lopez offered a motion to approve and sign exoneration for personal property tax for Laura and Michael Roy Adkins. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign exoneration for real property tax for David B. Reichard. Commissioner Lopez seconded. Unanimous.

Eddie Young presented to the Commissioners the Real Estate Tax Books and Personal Property Tax Books to the Commissioners to certify and examine.

Commissioner Lopez offered a motion to certify that they have examined the Personal Property Land Books and have made such corrections and fixed such valuation and that this record shows the complete valuation and assessments of the land of Fayette County for the year 2007. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to certify that they have examined the Real Property Land Books and have made such corrections and fixed such valuation and that this record shows the complete valuation and assessments of the land of Fayette County for the year 2007. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez informed the Commissioners he gave permission fo the Dog Warden to purchase twelve (12) cages, cost \$528.00 plus over the weekend.

Commissioner Wender offered a motion to further approve purchase made by Commissioner Lopez, purchasing agent for \$528.00 plus for twelve (12) cat cages for the Fayette County Animal Control Center. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, payrolls to be released on June 15, 2007. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to appoint Judson Wallace to the New Capitol Resource Agency Board (Multi-Cap). Commissioner Wender seconded. Unanimous.

John Campbell appeared before the Commission to give them an update on the River Ridge Development Project.

Mr. Campbell told the Commissioners he has two crews on sight completing the water lines.

Mr. Campbell told the Commissioners that John Hosch had sent letters to each property owner to inform them of the annexation into Gauley Bridge and asking for their support to the Commissioners.

Mr. Campbell told the Commissioners that the Engineer is doing a feasibility study, once this is completed they will come back to the Commissioners to request assistance in selling \$20 million in bonds through a device called a "Community Enhancement District."

Commissioner Wender asked Mr. Campbell if John Hosch wants to have it both ways. Commissioner Wender told Mr. Campbell that Mr. Hosch wants to annex his development into the Town of Gauley Bridge and still turn to the County for help in bond financing.

Carl Harris, Prosecuting Attorney told Mr. Campbell that all of

his neighbors oppose the annexation.

Mr. Harris told Mr. Campbell he don't think the annexation is possible. Mr. Harris told Mr. Campbell the development is separated from the town by a railroad and a river.

Commissioner Wender informed he have concerns about the developer's reasoning. Commissioner Wender told the Commissioners that in a letter to the property owners, Mr. Hosch assured the lot owners that a move to Gauley Bridge would mean less regulation than the county requires.

Commissioner Eskew and Commissioner Wender told Mr. Campbell the county's regulations are here to protect the property owners.

Commissioner Eskew asked if the majority come back opposing the annexation where would you go.

Mr. Campbell told the Commissioners they are going to see how it comes out.

Commissioner Lopez asked Mr. Richardson what would Mr. Campbell have to do to get this project back on tract.

Mr. Richardson replied, Mr. Campbell would have to submit a preliminary plat for the Planning Commission to review, ask for waivers on variances.

Mr. Campbell told the Commissioners he's planning on getting approval of the preliminary plat from the Planning Commission, ask for a waiver of variances, ask engineers to go back and improve on their work, has asked Canaan Valley Institute to go through the sanitary portion of the project.

Mr. Campbell told the Commissioners that a copy of the newspaper

article was sent out to the property owners.

Commissioner Lopez asked where do we go from here.

Mr. Richardson informed the Commissioners that Mr. Campbell would have to submit a preliminary plat to the Planning Commission to review, request for waiver of variances through the Planning Commission, public sewage has to be approved by the Planning Commission, the Planning Commission would submit their recommendation to the Zoning Officer and he and Allen Ballard would review.

Mr. Richardson told the Commissioners that Kanawha Falls Public Service District easement expired the end of May 2007.

Mr. Richardson asked Mr. Campbell what direction would he go since the property owners are against the annexation and the creation of a Community Enhancement District and Community Enhancement Bond.

Mr. Campbell told the Commissioners that they are working in good faith.

The Commissioners informed Mr. Campbell they still want to see the project become a reality, but the developer still has to follow the county's guidelines.

Commissioner Wender asked the Commission to request resignation from Leon Cooper, Chairman of the Fayette County Planning Commission for his perceived conflict of interest with the River Ridge Housing Development Project. (See attached statement)

After a brief discussion, Commissioner Wender offered a motion to write a letter to ask Leon Cooper, Chairman of the Planning Commission to resign his position and if he refuses, Commission Wender asked the Prosecuting Attorney to explore other an alternative course of action.

Commissioner Eskew and Commissioner Lopez would not second Commissioner Wender's motion.

Commissioner Eskew informed he felt Leon Cooper should be present to present his side of the matter.

Commissioner Eskew informed that the motion died for lack of a second.

Carl Harris, Prosecuting Attorney informed the Commissioners that they have no regulations in place to provide for removal of a member.

Mr. Harris told the Commissioners if they desire he would draft a letter for removal if requested by the Commission.

Commissioner Lopez offered a motion to request that the Prosecuting Attorney draft a procedure to remove a board member. Commissioner Wender seconded. Unanimous.

Mr. Harris told the Commissioners he will not be available for the June 22 Commission meeting, but he can have the draft prepared.

Mike Costello, Doug Arbogast, Bill Willis and James Perdue appeared before the Commission to give a brief summary of the Lighting Audit.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission will apply for lighting grant with the understanding that the grant is 50/50 light and other energy authorizes Commissioner Eskew to sign and that James Perdue would be responsible for keeping a tract of the purchases, and materials, track of time for the Fayette County employees initial effort to include everything that is listed in the lighting audit, cost \$28,727, Fayette County Commission to pay half. Commissioner Lopez seconded.

Unanimous.

Commissioner Wender asked Mr. Arbogast to send out a Press Release.

Doug Arbogast appeared before the Commission to discuss the Sustainability Community Project.

The Commissioners asked Mr. Arbogast to hold off discussion after the telephone conference call with Andrew Goldschmidt regarding NACo Prescription Drug Card.

Present for the conference call were Commissioners Eskew, Lopez, Wender, Charlotte Holly, Jackie Hickman and Carol Jones.

Mr. Goldschmidt informed the Commissioners that this Prescription Drug Discount Card Program idea originated in 2000 for senior underinsured, etc.

A pilot program started November 2004 late 2005 open to all membership, 740 county programs.

Mr. Goldschmidt told the Commissioners someone would present card, pharmacy check cost, a resident would receive the lowest price.

Mr. Goldschmidt told the Commissioners that every pharmacy is in the computer. The format would be on the computer.

Carol Jones asked Mr. Goldschmidt if there was a format on the computer to compare the three presses. Mr. Goldschmidt replied yes.

Mr. Goldschmidt told the Commissioners he would fax the paperwork to Ms. Holly to review.

Commissioner Wender asked to review the check list: no cost except staff time, distribute cards to sites; no application; other prescriptions-welfare-social security; coverage uninsured,

underinsured, seniors even though they have Med. Part II, jail inmates and pet owners, transaction fees to CareMark Program from Pharmacist.

Bill Lanham, Town Superintendent for the Town of Fayetteville appeared before the Commission to request funding for Keep Fayette County Beautiful.

Mr. Lanham is asking the Fayette County Commission to sponsor a 1-hour workshop for county municipalities Keep America Beautiful at the Whitehorse Bed and Breakfast on July 25, 2007 at 9:00 A. M., cost would be \$375.00.

The Commissioners asked to forward a copy of the letter to the Fayette County Solid Waste Authority to review.

Sheriff Bill Laird told the Commissioners he received a call from Judy Davis complaining about the full size vehicles on the Oak Hill Rail Trail.

The Commissioners asked Ms. Holly to e-mail Bill Hannabass, Beth Garner and Tom Oxley and copy to Sheriff Bill Laird to request status of signs for the Oak Hill Rail Trail.

Ms. Holly informed the Commissioners she advertised for the Case Manager for the Community Corrections, received three (3) applications, the position is funded from the oxycotin money received.

Sheriff Laird told the Commissioners he's not prepared to make recommendation today.

Sheriff Laird told the Commissioners he will approve and conduct interviews and make recommendation to the Commissioners.

Doug Arbogast appeared before the Commission to discuss the Sustainability Community Project.

Mr. Arbogast told the Commissioners they get funding sources from the West Virginia Division of Environmental Protection, EPA and the Benendum Foundation.

Mr. Arbogast told the Commissioners that DEP funding has been cut and they are left with a \$50,000 short fall.

Commissioner Wender asked Mr. Arbogast about a possible in-kind match.

The Commissioners asked Mr. Arbogast to present to the Fayette County Commission a draft of what they can do about an in-kind match.

The Commissioners suggested to Mr. Arbogast to draft a letter to Congressman Nick Rahall on behalf of the Fayette County Commission to restore the funding.

Ms. Holly told the Commissioners that at their last meeting they approved and signed a letter for the Ben Argento Basketball League to use the Memorial Building one-night per week in July and August for their youth summer program.

Ms. Holly told the Commissioners she received a letter from Richard Meadows informing that in previous years the Commission allowed them to use the building twice per week during the months of July and August.

Mr. Meadows is requesting that the Commission allow them to use the building twice per week during the month of July and August this year.

Commissioner Wender offered a motion that the Ben Argento Basketball League be allowed to use the Memorial Building twice per week in July and August for their youth summer program. Commissioner

Lopez seconded. Unanimous. Letter signed.

The Commissioners signed an Order acting pursuant to statute does hereby order the balance of the Fayette County General School Fund in the amount of \$112,197.70 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.

The Commissioners signed an Order, ordering a sum in the amount of \$14,178.42 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.

The Commissioners signed an Order acting pursuant to statute and Revised Rule 19 of the Administrative Rules for WV Magistrate Courts does hereby order the sum of \$36,678.81 for the fiscal year 2006-2007 to be transferred from the Magistrate Court Fund to the Fayette County General Fund.

The Commissioners signed an Order transferring \$4,000.00 from the Fayette County General Fund to the Fayette County Dog Tax Fund.

The Commissioners signed the Records Management and Preservation Grant for map cabinets for the county Clerk's Office record room, amount \$2,862.00.

The Commissioners signed Request for Reimbursement from the Community Corrections Grant to the West Virginia Division of Criminal Justice Services for the month of April, amount \$7,888.72 and the month of May, amount \$6,756.80.

The Commissioners signed three invoices from Amber Marstiller for

the SPF-SIG Grant.

Ms. Holly presented to the Commissioners Budget Revision #3 for the General County and Coal Severance Funds for fiscal year 2006-2007.

Commissioner Lopez offered a motion to approve and sign Budget Revision #3 for the General County and Coal Severance Funds for Fiscal Year 2006-2007. 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 for the month of June.

Commissioner Wender asked Ms. Holly to get a summary of the Coal Severance balance for the current and last two fiscal years.

The Commissioners signed drawdown request from the Courthouse 504/SALS SCBG for the new counter in the Circuit Clerk's Office to the Community Development Division for the period covered May 20 to June 4, 2007, amount \$5,886.00.

The Commissioners received and reviewed a letter from Virgil Kincaid regarding his brother's estate.

Carl Harris, Prosecuting Attorney told the Commissioners he will take care of.

The Commissioners received and reviewed a letter from IQ Media, LLC informing that since they are unable to come to terms on an operating agreement, they are electing to withdraw from any association with Bridge Limb USA, LLC. The Commissioners asked that a copy of the letter be sent to Fayetteville Convention Visitor Bureau and New River Convention Visitors Bureau.

The Commissioners approved James Perdue, Maintenance Supervisor

request to donate 32 hours of his vacation time to Larry Adkins.

Ms. Holly asked the Commissioners if they reviewed the letter from the Secretary of State regarding modifying all precinct boundaries to coincide with geographical physical features or municipal boundaries recognized by the U. S. Census Bureau. Modification must be completed by June 20, 2007.

The Commissioners asked to disregard the letter dated May 31, 2007 from the Secretary of State regarding precinct boundaries to coincide with geographical physical features or municipal boundaries recognized by the U. S. Census.

Commissioner Wender informed he received a call from CSX they need application for the right-of-way. Commissioner Wender informed that Bill Keeney is working on right of entrance for the right-of-way.

Commissioner Wender informed he would keep in touch with Bill Keeney and Ms. Holly regarding the insurance for the right-of-way.

The Commissioners received and reviewed a letter from Ed McCall, Assistant Principal of Meadow Bridge High School voicing his support of the summer program by the Western-Greenbrier Company Generation/Marshall University RIT.

The Commissioners received and reviewed from the Division of Highways the executed project Agreement for the Oak Hill Rail Trail, Phase II, Transportation Enhancement (TE) project (State Project: U310-OAK/HI-4.00).

Commissioner Wender offered a motion authorizing Commissioner Eskew to sign a deed to transfer ½ of a right-of-way to Ed Scott and wife. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed they have not received any respond to the letter sent to Arbutke Public Service District.

Commissioner Wender suggested calling Kenneth Hayes to attend the Commission meeting to give an update on the New Haven Public Service District.

The Commissioners received and reviewed a copy of the County Clerk's Annual Report.

The Commissioners received and reviewed a copy of a letter to Homeland Security from Sheriff Bill Laird enclosing Progress Report, Financial Report, Equipment Listing Report and Request for Reimbursement (\$38,400) for the Homeland Security Sun-Grant #05-LE-09.

The Commissioners received and reviewed a letter from Harvey Eddie Young, Assessor requesting to transfer \$2,000.00 from Acct. #001-406-1-103.000 (Employees Salaries & Wages) to Acct. #001-406-1-109.000 (Extra Help) out of the Assessor's Regular County Fund.

The Commissioners received and reviewed a copy of a letter from Harvey Eddie Young, Assessor to Debbie Aliff, Payroll Clerk informing that effective June 1, 2007, Stephanie C. Honaker, Amber N. Whitmore and Cristina L. McArthur will be working part-time basis at a rate of \$6.00 per hour paid from the PVC Fund.

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

The Commissioners received and reviewed checks for 911 Fees from Mountain Communication, LLC, amount \$45.82, Trinsic Communications, Inc., amount \$26.00; Franchise Fee from Bradley Communications, Inc., amount \$870.72; WV Development Office-Legislative Digest Grant-UKV

Little league, amount \$500.00; Soldiers & Sailors-Wall of Honor, amount \$150.00.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of May, C-PAC Allotment for the month of June, amount \$10,247.99 and Weekly Fees Collected for the week of May 25 to May 31, 2007, amount \$65.00.

The Commissioners received and reviewed several letters from property owners of the River Ridge Development opposing annexation into Gauley Bridge and opposing the creation of a Community Enhancement District Community Enhancement Bond.

The Commissioners received and reviewed a letter from Rebecca Dean, Coordinator Special Projects for the City of Mount Hope informing the Commissioners that she will be retiring as volunteer on June 12, 2007.

The Commissioners received and reviewed a letter from Wells Fargo informing that claim #CAS1330 (Robbin Cobb) was closed on May 31, 2007.

The Commissioners received and reviewed from the West Virginia American Water a summary informing that on June 1, 2007 they filed a general rate case application with the West Virginia Public Service Commission requesting an overall increase in revenue of \$24,065,515.

The Commissioners received and reviewed Status Report from the 911 Center for calls for the period January through April 2007.

The Commissioners received and reviewed Statement of Expenditures for the Fayette County Park and Central Garage as of May 2007.

The Commissioners received and reviewed Official Oath of Office from Sgt. Bill Scott Member of the Bridge Day Commission.

The Commissioners received and reviewed Request for Leave from Dave Pollard from June 1, 2007 to June 8, 2007.

The Commissioners received and reviewed from the Bank of New York Cash Statements and Assets Lists as of May 22, 2007 and May 23, 2007.

The Commissioners received and reviewed several correspondences regarding Workers Compensation claims.

The Commissioners received and reviewed a letter from Eagle Ridge Development Group, LLC regarding Blasting Notification for Beury Mountain Mine No. 3, Permit #S-3003-06.

The Commissioners received and reviewed a letter from the Division of Highways requesting assistance in making available (to anyone who wishes to review) the modified list of Highway Projects and Safe Routes to School projects.

The Commissioners received and reviewed a letter from the State Tax Department informing they have adjusted the withholding tax tables, effective January 1, 2007.

The Commissioners signed the Danese Public Service District Water Extension application package for financial assistance from Appalachian Regional Commission.

The meeting was adjourned at 1:15 p.m. The next scheduled meeting is June 22, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 4, 2007
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 4th day of June 2007.

Mike Costello, Doug Arbogast, Bill Willis and James Perdue appeared before the Commission to give a brief summary of the Lighting Audit. After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission will apply for the lighting grant with the understanding that the grant is 50/50 light and other energy authorize Commissioner Kenneth Eskew to sign and that James Perdue would be responsible for keeping track of the purchases and materials, track of time for Fayette County employees initial effort to include everything that is listed in the lighting audit, cost \$28,727, Fayette County Commission to pay half. Commissioner Lopez seconded.
Unanimous.

Commissioner Wender asked Mr. Arbogast to send out a Press Release.

This is an excerpt from the minutes of June 4, 2007.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 22, 2007

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 22nd day of June 2007.

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

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

Ms. Holly presented to the Commissioners, an Order designating three (3) banks to be county depositories (Fayette County National, Branch Banking and Trust, and the Bank of Mount Hope).

Ms. Holly informed the Commissioners she sent the Order over to the Prosecuting Attorney's Office to review.

Commissioner Wender 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. Unanimous. Order and letters signed.

James Perdue, Maintenance Supervisor appeared before the Commission to give an update on Larry Adkins.

Mr. Perdue told the Commissioners that Mr. Adkins donated days are until the end of the month, he will try to return to work the 1st of July, this would be light work.

Mr. Perdue made a request to the Commissioners to keep Donnie Austin on for a couple of months even if Mr. Adkins comes back.

Commissioner Wender suggested revisiting at the end of July, do one month at a time.

Mr. Perdue told the Commissioners that Mark Talbott with Builders Group informed him that the screens for the Circuit Clerk and County Clerk Offices would have to be removed every time they wash. Mr. Perdue made a suggestion not to install screens.

Commissioner Wender asked Mr. Perdue to check with Mr. Talbott to see if screens can be hinged on one side.

Commissioner Wender offered a motion to approve minutes of May 11, 2007. Commissioner Lopez seconded. Unanimous.

Mr. Perdue told the Commissioners he received recycling bins today.

The Commissioners signed a memo to all elected officials and their employees informing that they voted unanimously to implement a paper recycling program in the Courthouse complex.

Mike Lively representative of BrickStreet Insurance appeared before the Commission to discuss the Workers' Compensation Program.

Commissioner Wender asked Mr. Lively if BrickStret has a program for (1) a return to work policy and (2) how promptly are they when claims are filed, does BrickStreet have a program for this. Mr. Lively replied yes. Mr. Lively told the Commissioners he can help the Payroll Clerk install the program on her computer.

Mr. Lively told the Commissioners he would get information for the program and will set-up, will go over employee classification with

Debbie Aliff, Payroll Clerk.

Mr. Lively told the Commissioners that the total payroll figures have been reviewed, updated (pay increases) and policy job classification amended with Ms. Holly and the BrickStreet underwriters, the new policy term is annual from July 1, 2007 to July 1, 2008, County and Municipalities must stay with BrickStreet until July 1, 2012, Premium is \$96,399.00 plus insurance Commission Surcharge of \$5,287.00 and WV Deficit Reduction Surcharge of \$7,134.00, the county's EMOD (Experience Modifications) has been reduced from 1.99 to 1.59. This amounts to an annual premium savings of \$20,919.00. Mr. Lively told the Commissioners that overtime a continued reduction in claims can lead to an additional savings of \$30,856.00.

Jim Lively, Sr. appeared before the Commissioner to give the Commission the latest figures on insurance for the courthouse property.

Mr. Lively told the Commissioners he received building valuations from square footage and replacement costs as a result of the inspection by him, James Perdue, Maintenance Supervisor, and the Engineer did on all the buildings.

Mr. Lively told the Commissioners there were several increases in aggregate limits, the premium is \$46,000 less than last year.

Mr. Lively told the Commissioners that the County's experience improved, worked out Deputy's Webb accident experience.

Mr. Lively told the Commissioners a \$1,000 deductible on any property loss, no deductible on liability if \$5,000 deductible another

\$3,000 if it's a \$10,000 deductible another \$4,600.

Commissioner Wender recommended that the County go to \$5,000 deductible on property. The Commissioners approved.

Mr. Lively told the Commissioners that this renewal excludes terrorism.

Mr. Lively told the Commissioners he will receive a detailed report. The Fayette County Commission signed the renewal contract.

Ms. Holly told the Commissioners she received six (6) applications for the clerical assistant for the Building Safety Officer.

Ms. Holly told the Commissioners she sent originals to Allen Ballard to review and make recommendations.

The Commissioners asked that the applications be forwarded to Dave Pollard and Allen Ballard to review and make recommendations.

Commissioner Wender asked Ms. Holly if she has heard anything back from NACo regarding the prescription discount cards.

Ms. Holly told the Commissioners she sent the information to Carl Harris, Prosecuting Attorney to review but she has not received any comments or recommendations from Mr. Harris.

Amber Marstiller appeared before the Commission to give a report on the SPF-SIG grant.

Ms. Marstiller told the Commissioners that the Comprehensive Work Plan is due June 1st. Application is due by July 16, 2007.

Ms. Marstiller told the Commissioners she is applying for \$124,000 for the next three (3) years for the Strategic Prevention Framework State Incentive Grant Prevention Resource Center.

Ms. Marstiller told the Commissioners that five (5) different agencies throughout the counties have applied. There are ten (10) remaining counties applying.

Ms. Marstiller told the Commissioners she would know by the end of August if the grant is approved.

Attorney Grady Ooten appeared before the Commission to present a Petition for Annexation of certain additional territory into the municipality of Fayetteville, Fayette County, West Virginia.

Commissioner Wender offered a motion to approve the annexation as requested by the Town of Fayetteville with those properties included within the Huse Memorial Park Cemetery contingent upon corrections of legal documents received by Carl Harris, Prosecuting Attorney. Commissioner Eskew seconded. Unanimous.

Virgil Berry presented to the Commissioners' application for the Homeland Security Grant the Commission had previously agreed to Sponsor for the American Red Cross for the purchase of radios, cots, and other equipment, amount \$24,788. The Commissioners signed application.

Doug Arbogast appeared before the Commissioners to ask if the Fayette County Commission would agree to the formation of a committee for the green house emissions.

Mr. Arbogast told the Commission they would like for one of the Commissioners to be on the committee.

Commissioner Wender informed Mr. Arbogast the Commission is supportive of the concept but would like more details.

The Commissioners signed the Going Green Resolution.

Commissioner Wender asked Mr. Arbogast about the Lighting Grant application.

Commissioner Wender informed that part of the Fayette County Commission contribution will be in-kind for county labor.

Commissioner Wender asked Ms. Holly to ask Earl Pauley, Park Superintendent about the retired vehicles, and also ask Eddie Young, Assessor before the next meeting if anything available regarding retired county vehicles.

The Commissioners told Mr. Arbogast the next meeting is July 6, 2007.

The Commissioners put Mr. Arbogast on the agenda for 9:00 a.m. to discuss vehicles for the Sustainable Committee.

The Commission will talk with Earl Pauley. Commissioner Lopez informed he would talk with Eddie Young, Assessor regarding the vehicles.

William Shiffer appeared before the Commissioners to discuss his \$5,000.00 financial request for support for summer intern program for Western Greenbrier County Generation.

Mr. Shiffer told the Commissioners that Greenbrier County Commission has committed \$5,000.00 and the Greenbrier Board of Education has committed to \$5,000.00.

Mr. Shiffer told the Commissioners that he had talked with Chris Perkins, Acting Superintendent for the Fayette County Board of Education and he would be appearing before the Board to request funding.

Mr. Shiffer told the Commissioners that the Intern Program starts

Monday. The Program consists of 22 students, eleven in each session and 4 adult mentors.

Commissioner Wender offered a motion to reject the request to fund students to participate in the Western Greenbrier County Generation Program. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed he thinks the \$5,000 is excessive.

Commissioner Eskew asked if the students of Meadow Bridge will continue to participate whether Fayette County Commission contribute or not. Mr. Shiffer replied yes.

Tim Richardson, Zoning Officer appeared before the Commission with Case #Z-513-071: Request of Deborah Taylor, owner for a change in land classification from R-R (Residential Residence District) to B-2 (Business, Local District) on property legally described as 1.53 acres Glade Creek n/r Danese, New Haven District.

Mr. Richardson told the Commissioners that the Fayette County Planning Commission denied Ms. Taylor's request by a vote of 2 for the motion and 4 against and 2 abstained (Leon Cooper & Gene Kistler).

Commissioner Eskew informed the Commissioners that the applicant's attorney James Billings had requested by a letter for a continuance of this hearing because of a conflict with another hearing.

Commissioner Wender offered a motion to table the hearing for July 6, 2007 at 11:30 a.m. Commissioner Lopez seconded. Unanimous.

Leon Cooper, Chairman of the Fayette County Planning Commission appeared before the Commission to request time on future meeting of the County Commission.

The Commissioners asked to schedule Leon Cooper at 11:45 a.m. for the July 6, 2007 County Commission meeting.

Charles Toombs and Jesse Bibb appeared before the Commission to discuss wastewater issues.

Mr. Toombs told the Commissioners he is a member and Chairman of the Wolf Creek Public Service District.

Mr. Toombs told the Commissioner they gave 47,000 for the study, Senator Shirley Love \$13,000 from the contingency fund, a total of \$20,000.00.

Mr. Toombs told the Commissioner that Woolpert did the study and presented it to Susan J. Riggs, Attorney for th Public Service District.

Mr. Toombs told the Commissioners they met with W. D. Smith, Executive Director of Region 4 Planning and Development Council. They made presentation and were told no funds were available

Mr. Tommbs told the Commissioners the Town of Fayetteville annexed Nickelville Road. Mr. Toombs is requesting that the Fayette County Commission help to get assistance so that some of the residents can hook onto the line that Oak Hill intends to hook with the Oak Hill Rail Trail.

Commissioner Eskew informed that since this is the City of Oak Hill extending the service development nothing the Fayette County Commission can do. Commissioner Eskew told Mr. Toombs they need to go to the Oak Hill Sanitary Board.

Commissioner Wender suggested to Mr. Toombs to make a formal request asking permission to be hooked up to the city line.

Commissioner Lopez suggested going back to the City of Oak Hill after July 1, 2007.

Sheriff William Laird appeared before the Commission to make recommendation to proceed with the employment of Mr. James M. Pack in the position of Case Manager for the Fayette County Community Corrections Program, salary \$23,500.00.

Commissioner Wender offered a motion to accept the recommendation of Sheriff Laird to hire James M. Pack as the Case Manager for the Fayette County Community Corrections Program, salary \$23,500 benefits included. Commissioner Lopez seconded. Unanimous.

Sheriff William Laird presented to the Commissioners the Homeland Security Grant application requesting funds for \$86,928.00.

Sheriff Laird told the Commissioners that this is Phase II- Fayette County Sheriff's Department Mobile Radio Upgrade Project (currently purchased 12 from a current grant, Interoperable Communications). The purpose of this project is to provide funds for the upgrade and improvement of the interoperable radio communication capabilities of the Fayette County Sheriff's Department through the final Phase II purchase of additional twenty-four (24) mobile radios for installation in patrol vehicles operated by this department.

Commissioner Wender offered a motion that Commissioner Eskew be authorized to sign application for the Homeland Security Grant. Commissioner Lopez seconded. Unanimous

Ms. Holly asked the Commissioners about the letter she received from Sheriff Laird regarding his request for bonus pay for the tax Department.

The Commissioners asked that Sheriff Laird make decision regarding the bonus pay for the employees in the Tax Department.

Earl Pauley, Park Superintendent appeared before the Commission to inform them that he needs to renew the rental on the dozer for the shooting range, the cost would be \$2,400 for 4 weeks.

Mr. Pauley told the Commissioners the ADA Grant has been completed.

Mr. Pauley told the Commissioners that the roller is due to go back today. Mr. Pauley requests that the Commission pay for the rental of the roller out of the \$10,000 from the ADA Voting Places Grant from the Secretary of State Office.

Mr. Pauley told the Commissioners they are headed for Loop Creek and Clifftop precincts on Monday.

Mr. Pauley told the Commissioners that Allen Ballard needs a roller. Cost is \$1,598 for one month.

Commissioner Lopez offered a motion to approve paying the additional invoices that are due by the end of June. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve paying any invoices, payrolls before the end of June and authorize Debbie Aliff and Debbie Berry to process. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion that Ms. Holly be authorized to make any budget revisions for the end of the fiscal year. Commissioner Wender seconded. Unanimous.

The Commissioners approve to appoint Judson Wallace as the County Commissioners' representative to the board of Directors of the Capitol

resource Agency, Inc., Order signed.

The Commissioners received and reviewed from Carl Harris, Prosecuting Attorney's budget for Fiscal Year July 1, 2007 to June 30, 2008.

The Commissioners signed their Budget Statement beginning Fiscal Year July 1, 2007 to June 30, 2008.

Discussion was held regarding giving the permanent part-time employees an increase in the minimum wage from \$5.15 an hour to \$5.85 an hour.

Commissioner Eskew signed letters to the U. S. Department of Homeland Security acknowledging they have received their flood insurance policy.

The Commissioners signed a letter to the West Virginia Development Office requesting fourth and final drawdown for the Fayette County Facilities Accessibility Project, amount \$7,180.79.

The Commissioners signed a letter to the West Virginia Development Office requesting second and final drawdown for the Fayette County Horseshoe Pit.

The Commissioners signed a letter to the West Virginia Development Office requesting second and final drawdown for the Fayette County Sportsman's and Recreation Center.

The Commissioners received and reviewed from Sheriff a list of Real Estate in the County Delinquent for the non-payment of taxes thereon for the year 2006.

Commissioner Lopez offered a motion to approve James Perdue, Maintenance Supervisor overtime (56 hrs). Commissioner Wender

seconded. Unanimous.

The Commissioners received and reviewed a letter from Leon Cooper, Chairman of the Fayette County Planning Commission informing that the Board recommends the reappointment of Guy Dooley, Wanda Dickinson, Sherman Bobbitt, and Debbie Sizemore as members of the Fayette County Planning Commission, the term to expire August 31, 2010.

Commissioner Wender offered a motion to reappoint Guy Dooley, Wanda Dickinson, Sherman Bobbitt, and Debbie Sizemore members of the Fayette County Planning Commission, terms to expire August 3, 2010. Commissioner Lopez seconded. Unanimous. Orders and appointment letters to serve were signed.

The Commissioners received and reviewed an excerpt of the minutes of June 4, 2007 regarding the update of the Lighting Audit.

The Commissioners received and reviewed a memo from Alice King with Region 4 Planning and Development Council asking the Commissioners to sign a letter to the Economic Development Administration giving notification 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 2007 Annual Report).

The Commissioners received/reviewed and signed grant agreement for FOOTMAD for \$3,000.00

Commissioner Wender offered a motion to approve and adopt Resolution and that Commissioner Eskew be the official duly and legally authorized to execute agreements. Commissioner Lopez

seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a telephone message from Iris Woodrum asking to borrow 200 chairs from the Memorial Building for a wedding. The Commissioners denied Ms. Woodrum request.

The Commissioners received and reviewed a letter from the West Virginia University Extension requesting that the money allocated to the Work Study be appropriated to the category of extra help allowing them to hire help for a two-week summer term.

Commission Wender offered a motion to make budget adjustment as requested by the WVU Extension Office. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners that the part-time employee is already working at the WVU Extension.

Commissioner Wender told the Commissioners he received and reviewed an e-mail from John David informing that the Board of Education responded to the Fayette County \$2,000 challenge, matched the County challenge and increased it by \$500.00 making its contribution \$2,500.

Mr. David is asking the Commission if they would be receptive to matching the increase of \$500.00. The Commissioners denied Mr. David's request.

The Commissioners received and reviewed a letter from Alan Wickline resigning from the Fayette County Solid Waste Authority and the Farmland Protection Board.

The Commissioners asked that a letter be sent to Mr. Wickline informing that the Commissioners appreciate the time commitment he

gave to the Fayette County Solid Waste Authority and the Farmland Protection Board, and they regretfully accept his resignation from the Fayette County Solid Waste Authority and asked that he continue his service on the Farmland Protection Board.

Commissioner Eskew informed the Commissioners that he received a petition from 16 residents regarding changing the name of Cow Town Road in Meadow Bridge area. The Commissioners asked to hold.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding complaints on excessive tow bills on incidents dispatched by the 911 Center.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent requesting that Peggy Bennett, Certified Pool Operator salary goes to \$10.00 per hour effective June 1, 2007. The Commissioners approved the \$10.00 per hour during the pool season only.

The Commissioners received and reviewed a letter from the West Virginia Professional Rivers Outfitters requesting dialogue with the Commission as it will soon explore an increase of the County Bed tax by 3%.

The Commissioners asked Ms. Holly to call Mark Lewis and inform him that he is welcome to attend the next County Commission meeting (July 6, 2007).

The Commissioners received and reviewed a letter from Shannon Estep, Chief at the Armstrong Creek Volunteer Fire Department regarding fire hydrants in the Adena Village, Elkridge and Powellton areas.

The Commissioners approved Okey Skidmore request to donate 32 hours (4 days) of his sick leave to Larry Adkins, and approved request of James Perdue request to donate 40 hrs. (5 days) of his vacation leave to Larry Adkins.

Ms. Holly informed the Commissioners she has a summary of our Coal Severance Tax. Commissioner Wender suggested to Ms. Holly to hold and discuss at the next Commission meeting, July 6, 2007.

The Commissioners received and reviewed a telephone message informing that Susan Gee is no longer Director at the Fayette County Animal Control Center. Tara Workman and Carrie Carr are Co-Directors.

The Commissioners received and reviewed a letter dated May 31, 2007 from the Fayette County Animal Control Center requesting that at least three of their employees are Pre-Exposure Vaccinated against the rabies virus.

Commissioner Wender asked Ms. Holly to send him an e-mail to remind him to contact Dr. Donald Newell and ask if he would arrange for the three employees to go to the Health Department to order vaccine and get shots.

The Commissioners received and reviewed a letter from the Division of Highways regarding the condition of Taylor Hill Road in Gauley Bridge.

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

The Commissioners received and reviewed from the U. S. Bankruptcy Court District of Delaware regarding Dimac Holding, Inc.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing that Anthony Ciliberti's last day of work is June 15, 2007.

Mr. Ciliberti is entitled to the Maximum amount of vacation to be paid.

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 2007.

The Commissioners signed letters to the West Virginia Public Service Commission and the Secretary of State giving a list of the public service districts and the current board members for each district.

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

The Commissioners received and reviewed a telephone message from Jeanette Woodrum inviting the Commission to ride in the Heritage Festival parade on June 30, 2007

The Commissioners received and reviewed from J. Dan Snead and Associates, Inc. the Certificate of Substantial Completion regarding the Fayette County Courthouse Window Replacement Phase III.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School (SALS) thanking the Commission for their donation to the Fayette County Energy Express Program.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that some discrepancies in the number of fixtures in the Courthouse Annex (Magistrate Offices)

report. The information has been corrected and a revised lighting audit evaluation is enclosed. The revision resulted in a reduction of the reported initial cost discussed June 4, 2007. The total cost for upgrading all targeted facilities is \$27,025 rather than \$28,727. The required match for the Commission is \$13,512.50.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources regarding Notification of Available Funds through the 2008 Local Source Water Protection Grant for Community Surface Water Systems.

The Commissioners received and reviewed Annual Report for the period beginning June 1, 2006 through May 31, 2007 from Sheriff William Laird.

The Commissioners received and reviewed a letter from the Secretary of State giving a list of qualified newspapers for the upcoming fiscal year.

The Commissioners received and reviewed a thank-you card from the Quesenberry Family.

The Commissioners received and reviewed a letter from the Town of Fayetteville on behalf of the Huse Park Cemetery Board extending their appreciation to the Fayette County Commission for their approval and donation of the stone that was located behind the Judicial Annex building.

The Commissioners received and reviewed a letter from the Economic Development Administration informing they approved changes for the completion of the EDA Grant 01-79-0860 Infrastructure.

The Commissioners received and reviewed Remittance by the County

Assessors to the State Treasurer's Office for Courthouse Facilities Improvement, amount \$186.00 for the month of May 2007.

The Commissioners received and reviewed Certificate of Liability Insurance for Universal Cable Holding, Inc.

The Commissioners received and reviewed a summons regarding David Kamensky v. Fayette County Commission etal in Civil Action #07-C-193.

The Commissioners received and reviewed a letter from David Christopher Barto regarding a traffic ticket he received from the City of Oak Hill.

The Commissioners received and reviewed a letter from David Neal, E911 Coordinator asking that Brandon M. Wilburn be added to the E911 Center payroll effective June 16, 2007 as a Part-time Communications Specialist, salary \$7.50 an hour.

The Commissioners received and reviewed a letter from the Monongalia County Commission regarding the insurance pool.

The Commissioners received and reviewed a letter from the Secretary of the Interior informing that on or about June 15, 2007 the Department of the interior will issue a payment for Fiscal Year 2007 under the Payments in Lieu of Taxes (PILT) Program, amount \$50,466.00.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding the New Haven Public Service District Design Loans Shower Bridge/Beauty Mountain/Power Plant Road.

The Commissioners received and reviewed a letter from the Insurance Services Office (ISO) regarding Building Code Effectiveness Grade Schedule for Fayette County.

The Commissioners received and reviewed a copy of an accident

report from the Fayette County Health Department (Phil Perone).

The Commissioners received and reviewed a letter from the Greenberg Traurig enclosing a Notice of Appeal and Protest of Proposed Adverse Determination with regarding the \$11,600,000 County Commission of Fayette County, West Virginia Solid Waste Disposal Facility revenue Bonds (Georgia-Pacific Corporation Project), Series 1995.

The Commissioners received and reviewed an invitation from Wendy's inviting the Commission to attend the Press Party located at 176 Fayette Town Center Road on June 19, 2007 from 5:30 p.m. to 6:30 p.m.

The Commissioners received and reviewed a letter from the LaFayette Consolidated Government inviting the Commission to attend their City of LaFayette, Louisiana 250th Anniversary of the birth of their namesake, the Marquis and General deLaFayette born in 1757.

The Commissioners received and reviewed a News Release from the West Virginia Division of Culture and History informing the proposed Annual Work Program for its 2007-2008 Historic Preservation Program is now available for public review and comment.

The Commissioners received and reviewed a letter from the Town of Rainelle regarding residency of Randy Pendleton.

County Clerk Kelvin Holliday informed the Commissioners he checked and there is no Pendleton registered to vote in Fayette County.

The Commissioners received and reviewed a letter from the Page-Kincaid Public Service District enclosing minutes for the month of May.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding Extension of State/Local Agreement Fiscal Year 2004 Small Cities Block Grant-Fayette County Commission-Page-Kincaid Public Service District Sewer Project, Project #04SCBG0057X has been extended to June 30, 2008.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding Extension of State/Local Agreement Fiscal Year 2003 Small Cities Block Grant-Fayette County Commission-Courthouse Elevator/SALS Project, Project #03SCBG0102X has been extended to June 30, 2008.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Service for the SPF-SIG Planning Grant, Project #07-SIG-07, amount \$1,254.70.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Service for Just For Kids, Inc. grant, Project #06-JAG-34, amount \$1,919.00

The Commissioners received and reviewed checks for 911 Fees from Metropolitan Telecommunications of WV, amount \$2.00, AT&T Communications of WV, amount \$1,066.00, Verizon, amount \$32,028.72, Citizens Communications Co., amount \$50.92, Cleartel Telecommunications, Inc., amount \$12.00, Granite Telecommunications, LLC, amount \$142.00, Level 3 Communications, LLC, amount \$82.00, IDT Communications, amount \$50.00; Alarm Fees, amount \$75.00; Jail Fees from the City of Mount Hope, amount \$437.00, the Town of Ansted,

amount \$194.00, the Town of Fayetteville, amount \$97.00, and the City of Smithers, amount \$48.50; WV Development Office-Courthouse/Accessibility Project, amount \$5,886.00; Copies, amount \$36.50.

The Commissioners received and reviewed an invitation from the Family Resource Network and the SPF-SIG Fayette County Prevention Partnership inviting the Commission to attend a forum to discuss community issues, at the Fayette County Department of Health and Human Services, June 21, 2007.

The Commissioners received/reviewed and approved Dog Tax Commission for Eddie Young, Assessor, amount \$594.40.

The Commissioners received and reviewed a copy of a follow-up letter from the Fayette County Urban Renewal Authority to 4-C Economic Development Authority regarding the two requests made at the June 6, 2007 regular meeting-(1) relates to the current marketing effort by EDM (Economic Development Marketing) with whom 4-C has a contract and (2) relates to the Urban Renewal Authority interest in knowing what happens when a prospective company comes to the attention of 4-C.

The Commissioners received and reviewed the sign-in sheet regarding the June 21 meeting with the Nicholas Community Action Partnership, Inc. (Fayette County Weatherization Program).

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that time extensions have been granted for the Governor's Community Partnership Program-Local Economic Development Assistance Program, and the Industrial Park Assistance Grant Programs: Fiscal Year 2005 Grants-This is the final

extension for Fiscal Year 2005 grants. Fiscal Year 2005 contracts will not be extended beyond June 20, 2008; Fiscal Year 2006 Grants- This contract extension will expire June 30, 2008. Only one additional extension of this contract will be granted. If an additional extension is needed, the grantee must request the extension in writing on or before May 30, 2008; Fiscal Year 2007 Grants contracts extension will expire June 30, 2008. If an additional extension is needed, the grantee must request the extension in writing on or before May 30, 2008.

The Commissioners received and reviewed a copy of an Accident Report from Steve Kessler, Chief Deputy regarding Deputy Tillman Mooney's accident.

The Commissioners received and reviewed a letter from Forward Southern West Virginia regarding the progress of the Evaluation of the Feasibility of a Grand Lodge Adjacent to the New River Gorge National River in Southern West Virginia.

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 a fax from Barbara Painter, Coordinator Fayette County Weatherization Program informing that Vernon said they could have the old building back for \$500.00 per month and pay the electric bill. Mr. Tom Louisos and his son informed them if they wanted the whole building they would charge \$400.00 for the rent each month and they would pay all the utilities.

The Commissioners received and reviewed a letter from Tom Louisos

informing he would be willing to rent the entire space to the Nicholas Community Action Partnership/Fayette County Weatherization Program at 550-B Jones Avenue, Oak Hill, West Virginia for \$400.00 per month.

The Commissioners received and reviewed several correspondences from the Worker's Compensation Office of Judges and BrickStreet Insurance regarding workers' compensation claims.

The Commissioners received and reviewed a letter from the West Virginia sustainable Communities Project to request possible support with an in-kind donation so that they may continue to provide pollution prevention assistance to Fayette County in 2007-2008.

The Commissioners received and reviewed a copy of an Article from Robert Patterson and Paul McClung regarding Rainelle Town Council rejecting the Western County General Building regarding the rent of a town owned building.

The Commissioners signed a letter to all Elected Officials and Employees informing that on May 11, 2007 they voted unanimously to implement a paper recycling program in the Courthouse complex.

The Commissioners received and reviewed a motion to continue the zoning hearing presently schedule today for Deborah Taylor.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to Debbie Aliff, Payroll Clerk informing that Pete A. Lopez is to be removed from his temporary position as deputy sheriff with the Fayette County Sheriff's Department effective July 1, 2007.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of June

1 to June 7, 2007, amount \$600.00, the week of June 8 to June 14, 2007, amount \$185.00 and the week of June 15 to June 21, 2007, amount \$210.00.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) informing that as of May 31, 2007 a list of securities held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a pledge statement from SunTrust Bank listing securities pledged s of May 31, 2007.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of May 31, 2007.

The Commissioners received and reviewed several faxes regarding the River Ridge Development Project.

The Commissioners received and reviewed a fax from Election Systems and Software (ES&S) regarding AutoMARK and iVotronic Pronunciation Guide.

The Commissioners received and reviewed a fax from Aletha Stolar Family Resource Network Coordinator informing the Commission that it looks like the grant for Fiscal year 2008 has been approved.

The Commissioners received and reviewed a fax from David Blair Couch regarding insurance for counties.

The Commissioners received and reviewed a fax from Priscilla Asburg regarding the Fayette County Commission paying to have the hemlocks sprayed along Loup Creek. The Commissioners denied request. The Commissioners asked that a copy of the fax be forwarded to Brain Sparks.

The Commissioners received and reviewed a fax from Doug Arbogast regarding the Courthouse Lighting Audit.

Carl Harris, Prosecuting Attorney presented a draft of an order regarding the removal of board members for the Commissioners to review.

Ms. Holly told the Commissioners she sent an e-mail to Beth Gardner regarding the signs on the Oak Hill Rail Trail have not received a response.

The meeting was adjourned at 2:45 p.m. The next scheduled meeting is July 6, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 9, 2007
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 9th day of March 2007.

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

Commissioner Eskew informed they are here to day to discuss the Lease Agreement of the Memorial Building with the Fayette County Board of Education.

Larry Coleman informed the Commissioners he is here as a representative for the Board to listen and take information back to the Superintendent.

Commissioner Eskew informed he initial agreement for leasing of the building was \$65,000. Last year the Board reduced this down to \$35,000 with an additional wage. Commissioner Eskew told Mr. Coleman the Commission would like to continue with this arrangement.

Mr. Coleman told the Commissioners that Mr. Perkins would like to continue with some kind of arrangement with the Commission.

Mr. Coleman informed the Commissioners that he is not speaking for Mr. Perkins he is here to make his recommendation back to the Fayette County Board of Education.

Commissioner Wender asked Mr. Coleman when the next Fayette County Board Education meeting. Mr. Coleman replied March 19, 007.

Commissioner Wender asked Mr. Coleman to have the Board expedite priority for their upcoming budget.

Mr. Coleman told the Commissioners he would make sure Mr. Perkins is aware.

Commissioner Lopez commented on how much the Board use the building.

Mr. Coleman asked Okey Skidmoe, Manager of the Memorial building to provide him with a list of when and how often the Board uses the building.

Okey Skidmore, Manager of the Fayette County Memorial Building appeared before the Commission to discuss the upcoming Fiscal Year 2007-2008 Budget.

Mr. Skidmore presented a short list of the things he wants to do at the Memorial Building to the Commissioners.

Commissioner Wender asked that this be put on the agenda for early discussion in April.

Commissioner Wender suggested to Mr. Skidmore to get on the agenda for early discussion in April.

Commissioner Wender informed the Commissioners that they need to reconstitute the Building Commission Board for the Memorial Building.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the upcoming Fiscal Year 2007-2008 Budget.

Mr. Harris told the Commissioners that he used Neil Boden salary and hired Jennifer Hewitt at \$36,000, needs another secretary, and would like for one assistant to be full time beginning July 1, 2007 and has hired a part-time assistant to replace Neil Boden with a nominal increase in the budget approximately \$16,000; did not increase the budget for investigation of crimes.

The Commissioners told Mr. Harris they would review and get back with him.

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

Daniel Wright, Circuit Clerk appeared before the Commission to discuss the upcoming Fiscal Year 2007-2008 Budget.

Mr. Wright informed the Commissioner he is asking for nothing extra presented the same budget as last year.

Mr. Wright asked the Commissioners that the \$2,000 that was budgeted for part-time be moved to overtime line in his budget. Mr. Wright told the Commissioners that Lois Crites is moving to Tennessee and will not be working as a part-time employer in his office. He will have his employees work the overtime for the filing system.

The Commissioners received and reviewed a letter from Captain Thurmond's Challenge requesting permission to use the courthouse property including electricity for the awards ceremony and placing porta-pots on one of the parking lots for the 12th Annual Captain's Thurmond Challenge scheduled for Sunday, June 20, 2007.

Commissioner Wender offered a motion to approve the request of Captain Thurmond' Challenge the use of the Courthouse property including electricity for the awards ceremony and the placement of port-a-pots on the small courthouse parking lot. Commissioner Lopez seconded. Unanimous. A letter signed.

The Commissioners received and reviewed a letter from Fayetteville Fair and Festival Committee requesting the use of the

Memorial Building for the fair schedule June 28 through July 1, 2007.

Commissioner Wender offered a motion to approve the request of the Fayetteville Fairs and Festival the use of the Memorial Building for the fair, no food vendors are permitted in the gymnasium, the \$1,000 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 Lopez informed the Commissioners that Senator Shirley Love told him that the State will be taking care of the Gauley Mountain Tower Site.

The Commissioners received and reviewed a letter from Rebecca Humphries informing that her property has been in the incorrect class since she moved in on July 3, 1998.

Ms Holly informed the Commissioners she sent a copy of the letter to Eddie Young, Assessor to review.

Mr. Young informed the Commission they had assessed her in the wrong tax class. Mr. Young recommends giving her credit on future taxes until the credit due is paid in full.

Commissioner Lopez offered a motion that subject to the approval of the Assessor, Rebecca Humphries be afforded tax relief for tax year 2001, 2002, 2003, 2004, and 2005 in the total amount of \$1,635.46 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 Wender seconded. Unanimous. Order signed.

Discussion was held regarding flying the flag half mast for Melba

White.

Ms. Holly informed the Commissioners after researching. Ms. Holly told the Commissioners that they are not authorized to have a flag flown half mast, only the President or the Governor can make this decision.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT, amount \$1,295.43.

The Commissioners signed Request for Reimbursement to the West Virginia Division of criminal Justice Service for the Community Corrections, amount \$6,933.02.

The Commissioners signed an Order and Appoint to Service letter to Jerry Keffer, member of the Arbuckle Public Service District.

Ms. Holly presented the Oak Hill Rail Trail Grant Agreements to be signed to the Commissioners. Ms. Holly told the Commissioners that she has to copies to be approved and signed.

Commissioner Wender offered a motion to approve and sign the Grant Agreement for the Oak Hill Rail Trail Grant. Commissioner Lopez seconded.

The Commissioner asked Ms. Holly to have Jim Lively Insurance to on firm in writing the ownership of the Oak Hill Rail Trail property. Commissioner Lopez informed that once the trail is completed the City will be responsible for the liability as of today the Fayette County Commission has the liability.

The Commissioners asked Ms. Holly to send a copy of the Grant Agreement to Carl Harris, Prosecuting to review.

Eddie Young, Assessor appeared before the Commission to discuss the upcoming Fiscal Year 2007-2008 Budget for his office.

Mr. Young told the Commissioners he has one employee who did not have insurance last year but will be picking up single coverage this year, requesting a \$100.00 raise for each of his employees, and asking that the Commission to leave balance of his salaries.

Commissioner Lopez offered a motion to go into Executive Session until 11:00 a.m.

Commissioner Eskew reconvened the Commission meeting at 11:25 a.m.

Dave Pollard, County Resource Coordinator appeared before the Commission to discuss his upcoming Fiscal Year 2007-2008 Budget.

Mr. Pollard told the Commissioners that there is no change in his budget.

Also present was Allen Ballard, Building Inspector Officer.

Commissioner Wender asked about the revenue productions on the building permits. Commissioner Wender asked about using some of the excess revenue.

Discussion was held regarding the dilapidated building project.

Mr. Pollard told the Commissioner that the dilapidated building project is not going to have an effect on the 2007-2008 budget.

Commissioner Lopez asked who is responsible for locating the buildings in the Fayette County.

Mr. Pollard replied Aletha Stolar, Carl Thompson, Allen Ballard and Joseph Carelli.

Commissioner Eskew informed the Commissioners that Dave Pollard,

County Resource Coordinator is applying for a pre-application with the Division of Highways seeking \$800,000 in grant funds for planning design for the Wolf Creek Park.

Commissioner Wender offered a motion that Fayette County Commission be the applicant and responsible for the Transportation Community and System Preservation Program for completion of trails and amenities for development within the Wolf Creek Par. Commissioner Lopez seconded.

Discussion was held regarding Mark Ehrnschwender. Mr. Pollard told the Commissioners that Mr. Ehrnschwender has a job out of the State. Mr. Pollard told the Commissioners that Mr. Ehrnschwender is funded by way of a Commission employee but 4-C Economic Development Authority funding.

Earl Pauley, Park Superintendent appeared before the Commission to discuss his upcoming Fiscal Year 2007-2008 Budget.

Mr. Pauley is requesting that Donna Cooper be moved from part-time to full time, asked for another housekeeper.

Commissioner Wender asked Ms. Holly to check to see if the Shooting Range Grant can be used to reimburse for the labor.

The Commissioners told Mr. Pauley they would review and get back with him.

Pete Hobbs, Mayor Town of Ansted presented to the Commissioners a check for \$5,000 reimbursement for Brushy Fork Institute.

Mr. Hobbs presented to the Commissioners a copy of a Resolution from the Town of Ansted signed regarding the F& N Construction, LLC Surface Mine Application Permit #S3002-06 (haulage of coal).

Mr. Hobbs asked the Commission if they would sign a letter of support to the West Virginia Department of Environmental Protection on behalf of the citizens of the Town of Ansted.

Mr. Hobbs read the letter that he would like the Commissioners to sign.

Commissioner Wender offered a motion that the Fayette County Commission is in support of the citizens of the Town of Ansted concerning haulage of coal in the Town of Ansted. Commissioner Lopez seconded. Unanimous. A letter signed.

Kelvin Holliday, County Clerk asked permission to authorize James Perdue, Maintenance Supervisor to unlock doors in the Circuit Clerk's Office so Election Systems and Software can do maintenance on the IvoTronics.

Mr. Holliday appeared before the Commission to discuss his upcoming Fiscal Year 2007-2008 Budget.

Mr. Holliday told the Commissioners he would like an increase in his record books, increase Linda Johnson overtime from \$2,000 to \$3,000, increase part-time hourly rates to \$7.50 an hour, need a third team to work the election a 20-day, 30-day, and 40-day team. Mr. Holliday is asking for an increase in the Voter Register pay and an increase in the new employee's salary.

The Commissioners told Mr. Holliday they would revenue and get back with him.

Debbie Tate, WVU Extension Officer appeared before the Commission to discuss her upcoming Fiscal Year 2007-2007 Budget.

Ms. Tate told the Commissioners she would like for travel to be

increase from \$5,500 to \$6,000, would like a \$200 increase for dues and subscription, \$1,000 be put in capital outlay to purchase a paper shredder.

The Commissioner told Ms. Tate they would review and get back with her regarding decision.

Tim Richardson, Zoning Officer appeared before the Commission to discuss his upcoming Fiscal Year 2007-2008 Budget.

Mr. Richardson told the Commissioners that everything remained the same but would like an increase in his education line.

Sheriff William Laird appeared before the Commission to discuss his upcoming Fiscal Year 2007-2008 Budget.

Sheriff Laird told the Commissioners he received a quote from Stevens' Auto for \$21,852, for new vehicles, he has four (4) people in the academy, requesting six (6) vehicles; Office of Treasurer remains the same, Office Transportation no change, projected \$800,000 for Regional Jail expense; Animal Control budget no change, received \$45,000 for the Oxycotin settlement for the Community Correction Program, requesting a case manager position, part-time temporary over expended \$11,00 for a forensic worker.

The Commissioners informed they would review and get back with him regarding their decision.

Sheriff Laird told the Commissioner he would like to purchase a jeep for \$14,500 to be paid out of the Home Confinement Fund to be used by Deputy Gilkerson Home Confinement Officer.

Commissioner Wender offered a motion for Sheriff Laird to purchase used Jeep at \$14,500.00 to be paid out of the Home

Confinement Fund for the Home Confinement Officer Deputy Gilkerson.
Commissioner Eskew seconded. Unanimous.

The Commissioner received and reviewed a letter from Tri-Lateral Drug Enforcement Network Team (TRIDENT) asking that the Fayette County Commission continue to be the grantee of the grant.

Sheriff Laird told the Commissioners he received two(2) bids for the Soft Body Armor (WV Uniforms and Gall's).

Sheriff Laird told the Commissioners that based on Jim Sizemore review WV Uniform not in compliance, recommends Gall's product superior, intend to purchase ten (10 at a time; it would be mandatory that the deputies wear if they receive.

Commissioner Wender offered a motion to accept bid from Gall's for body armor based on the recommendation and review by Sheriff Laird. Commissioner Lopez seconded. Unanimous.

Sheriff Laird told the Commissioner he received STOP Violence Against Woman Grant previously awarded to the Women's Resource Center, amount of Grant \$2,700, Fayette County Commission match is \$1,000.

Sheriff Laird is asking that the Fayette County Commission approve the local match of \$1,000 for the grant. Sheriff Laird told the Commissioners that the Women's Resource Center will reimburse the County.

Commissioner Wender offered a motion to allocate \$1,000 local match for STOP Violence Against Women Grant Funds. The Women's Resource Center will reimburse County for Federal Funds. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve overtime for Okey

Skidmore, Debbie Berry, Jackie Hickman, and Debbie Aliff.

Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners of the waterline leak at the West Virginia Extension Office.

The Commissioners received and reviewed a copy of a letter to Governor Joe Manchin from Armstrong Public Service District asking for \$50,000 to pay off debt owed by the Deepwater Public Service District.

The Commissioners authorized Ms. Holly to contact Dan Snead and ask if he would consider 8% of architectural fees instead of 15%.

Ms. Holly told the Commissioner she received Agreement from Dan Snead regarding the Courthouse roof.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign Agreement with J. Dan Snead and Associates for the Courthouse Roof Grant.

The Commissioners approved purchase four (4) vehicles for the Sheriff Department for Fiscal Year 2007-2008.

The Commissioners received and reviewed from David Neal, E-911 Coordinator, a quote from GIS for the purchase of a new Nite Star DMI, cost \$725.00

Commissioner Wender offered a motion to approve purchase of a Nite Star DMI, cost 725.00 to be paid out of the 9-1-1 Fund.

Commissioner Lopez seconded. Unanimous.

The Commissioners received/reviewed and approved contingent upon the other counties and other sources to come through with 100% additional funding in actual or in-kind matches invoice for \$5,000 from the 4-C Economic Development Authority regarding the Whitewater

Rafting Industry Study and Four County Tourism Destination Development Strategy.

The Commissioners approved to pay an invoice from the Upper Kanawha Valley Economic Development Corporation construction /build out of the Grant for the Printing Department, amount \$3,000.00.

The Commissioners received and reviewed a letter from the Danese Public Service District requesting that the Fayette County Commission pledge their support for a Small Cities Block Grant Reapplication in the amount of \$1,500,000.00 to help provide water line extension and upgrades.

Commissioner Wender offered a motion to support the Danese Public Service District as #1 priority for a Small Cities Block Grant. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission continues to be the sponsor for the TRIDENT Grant. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed Watershed Agreement between the Southern Conservation District, State Conservation Committee Fayette County Commission (Sponsors) and the U. S. Department of Agriculture National Resources Conservation Services (NRCS).

Commissioner Wender informed the Commissioners he's going to asked Jim Lively Insurance to make a presentation and recommendation on how the County can reduce Workers' Compensation premiums. Commissioner Wender asked Ms. Holly to remind him by e-mail.

The Commissioners received and reviewed a letter from the

Division of Highways verifying that the Recreational Trails Program application for the White Oak Rail Trail Paving/County has been received.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing they are in possession of the proposal for public financial assistance regarding the White Oak Rail Trail Paving-Recreational Trails Program.

The Commissioners received and reviewed a letter from the Division of Highways informing they approve the request dated February 16, 2007 for the use of a "force account" (County and /or Oak Hill City employees and equipment) on the Oak Hill Rail Trail, Phase II (White Oak Trail) Transportation Enhancements project.

The Commissioners received and reviewed a questionnaire from the West Virginia State Historic Preservation Office.

The Commissioners received and reviewed a letter from Larry A. Deitz thanking the Commission for their time to listen to the appeals that he and Dana Groves made at the Board of Equalization and Review hearing on February 7, 2007.

The Commissioners received and reviewed a letter from Wells Fargo informing that the claims for the West Virginia University Extension Office have been forwarded to the insurance carrier.

The Commissioners received and reviewed a letter from Walt Noyes recommending that Amy Nibert maintain her position as forensic expert in the Sheriff Department.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that the

Homeland Security sub-grant to the Fayette County Commission is currently delinquent for submitting January 2007 monthly report.

The Commissioners received and reviewed several recalls from Daimier Chrysler Corporation and Ford Motor Company.

The Commissioners received and reviewed Remittance by the Assessor to State Treasurer for the Courthouse Facilities Improvement for \$82.50 for the month of February.

The Commissioners received and reviewed a copy of a letter to Colonel Tommy Carter from Sheriff William Laird requesting to join Project Lifesaver.

The Commissioners received and reviewed a letter from Action Audits, LLC regarding WI-FI Coverage and Performance Audits.

The Commissioners received and reviewed Uncle Scott's Wide Angle Prevention.

The Commissioners received and reviewed from the U. S. Bankruptcy Court for the Southern District of Alabin regarding Trinsic Inc.

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

The Commissioners received and reviewed a letter from the State Tax Department authorizing the release of the final payment to Builders Group, Inc.

The Commissioners signed a letter to Governor Joe Manchin regarding the proposed amendment on SB178 to direct the additional 3% collected at state parks to be retained by the Division o Natural Resources for the operation, maintenance and improvement of the state

park system.

The Commissioners received and reviewed from Senator Shirley Love a copy of SB 479.

The Commissioners received and reviewed from the USDA Rural Development Programs their Annual report for Fiscal Year 2006.

The Commissioners received and reviewed several correspondences from BrickStreet Mutual Insurance (Workers's Compensation claims) and the Unemployment Compensation Division.

The Commissioners received and reviewed a letter from Branch Banking and Trust informing that as of February 28, 2007 the securities held by BB&T as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledge as of February 28, 2007.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of February 28, 2007.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report for the month of February and C-PAC Allotments, amount \$11,154.49 of for the month of March and Weekly Fees Collected for the week of February 16 to February 22, 2007, amount \$55.00, and the week of February 23, to February 28, 2007, amount \$365.00 and the week of March 01, 2007,

amount \$50.00 and the week of March 02 to March 07, 2007, amount \$355.00.

The Commissioners received and reviewed several letters from concerned citizens in the Town of Ansted regarding application for new surface mining permit (SMA #S-3002-06 for Eagle No. 1 Surface Mine in Fayette County).

The Commissioners received and reviewed several checks for 911 Fees from AT&T Communication of WV, amount \$1,234.00, Cleartel Telecommunications, Inc., amount \$12.00, Granite Telecommunications, LLC, amount \$148.00, Metropolitan Telecommunication, WV, amount \$52.00, Level 3 Communications, LLC, amount \$410.00, IDT Corporation, amount \$50.00 and Choice One, amount \$1,980.74; Franchise Fees from Bradley Communications, Inc. amount \$859.69 and Rapid Communication, LLC, amount \$1,215.45; Criminal Justice Service Just For Kids, amount \$1,737.30, Community Corrections, amount \$19,587.02, TRIDENT, amount \$1,087.22; Supreme Court-Magistrater Court Fund, amount \$4,602.36, Staples (rebate refund), amount \$30.00; Memorial Building rent, amount \$600.00; Travelers (Insurance claims), amount \$4,595.00; Soldiers and Sailors Fund, amount \$100.00; Valley High School Fayette County Board Education rent, amount \$265.50; Attorney General amount \$45,000.00; and WV Development Office-Watch Me Grow, amount \$421.89.

The Commissioners received and reviewed an e-mail from David Neal regarding the Z-Tel bankruptcy notice.

The Commissioners received and reviewed an e-mail from Scott Thompson giving a summary of their December 2006 and January 2007 Partnership meeting.

The Commissioners received and reviewed an e-mail from Scott Thompson regarding the SPF-SIG update.

The Commissioners received and reviewed from Commissioner Wender regarding HB 3036 Hampshire County Commission.

The Commissioners received and reviewed an e-mail from Amber Marstiller Fayette County Family Resource Network informing that Aletha Stolar raise is effective December 1, 2006.

The Commissioners received and reviewed an e-mail from Mike Shumate giving an update on the Kilsyth Sewer System.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing the February Limited Video Lottery will e directly deposited on February 27, 2007, amount \$6,149.21.

The Commissioners received and reviewed several e-mails from Scott Thompson.

The Commissioners received and reviewed an e-mail regarding the use of the Memorial Building for Earth Day.

The Commissioners received and reviewed and e-mail from Lucinda Potter, Seminar Lecturer, Department of Political Science regarding the Spring 2007 Local Government Leadership Academy scheduled for Saturday, April 14 and Sunday, April 15, 2007.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding meeting on the Preservation of the Prince Train Station.

The meeting was adjourned at 4:52 p.m. The next scheduled meeting is March 16, 2007.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

MARCH 16, 2007

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 16th day of March 2007.

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

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

Commissioner Lopez offered a motion to approve and sign personal property tax for Tammy and Kevin D. Dean, Stephen M. and Joy B. Gray, Harold I. or Debbie Legg, Susan L. Mercer and Charter Associates.

Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tax for William W. and Shirley Harmon, Eleanor L. Richards, Marilene D. Bibb, Thomas Wayne Dillion and Alfred L. and Delores Falls. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for Adam Minter (\$33.27) and William W. Harmon (\$14.94). Commissioner Wender seconded. Unanimous.

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

Commissioner Eskew informed the Commissioners are here to have a public hearing and to make a decision on the proposed tax increase.

Commissioner Eskew 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 104.3% total assessed value of property, excluding additional assessments due to new or improved property, exceeded last year's total assessed value of property by 4.38% precinct.

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 would be Class I-14.15, Class II-28.30, Class III-56.60 and Class IV-56.60.

Ms. Holly told the Commissioners that without the public hearing the Commission would have to roll back the taxes, with this public hearing they can set tax rates to go up. Ms. Holly told the Commissioners the tax rate would be the same as lasts.

Ms. Holly told the Commissioners that the revenue projected under the effective rate increases is \$52,422.

Commissioner Eskew informed that no one is here today to express any comments on this tax matter.

Commissioner Wender offered a motion to approve and maintain tax rate per \$100 of assessed value on each class of property as last year, Class I-14.30, Class II-28.60, Class III-57.20, and Class IV-57.20. Commissioner Lopez seconded. Unanimous.

Brian Sparks, WVU Extension Agent appeared before the Commission to request permission to use the parking lots for a Farmers Market on Saturday.

Also, present were Laura Ketchum, John Brennemen, Belinda

Huebner, and Phil Perrine.

Mr. Sparks told the Commissioners they are planning to form a Farmers Market Association.

Mr. Sparks told the Commissioners he would like to start in May.

Commissioner Wender offered a motion to allow use of the main parking lot for a Farmer's Market subject to an opinion of Carl Harris the Prosecuting Attorney regarding use of public property for private profit. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Mr. Sparks to check with James Perdue, Maintenance Supervisor regarding the schedule.

Mr. Sparks asked the Commissioners if they would consider funding the start up fee of \$500 to \$1,000 dollars, would need by April 1st.

Mr. Sparks told the Commissioners they will charge dues and have applied for grants.

Carl Harris, Prosecuting Attorney told the Commissioners he would review the request and let them know.

Commissioner Wender offered a motion that the County fund the Farmers Market Organization at \$1,000 subject to the recommendation by the Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the Corridor L Regional Tourism, amount \$5,000.00.

The Commissioners approved to start the County Commission meeting for March 19th at 10:00 a.m.

The Commissioners tentatively scheduled dates for their County Commission meetings for the year 2007: April 6, April 17 (lay levy),

April 27, May 11, May 25, June 8, June 22, July 6, July 20, August 3, August 17, August 31, September 14, September 20, October 12, October 26, November 9, November 30, and December 14, 2007. The meeting will begin at 9:00 a. m.

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 signed Request for Reimbursement to the West Virginia Division of Criminal Justice Service for Just For Kids Grant, amount \$1,658.08.

The Commissioners signed AIA Document G701-Change Order for Phase III of Window Replacement Grant at the Courthouse, cost \$1,210.00.

The Commissioners received and reviewed a letter from John Kincaid requesting that the use of the Memorial Building on April 7 fundraiser for the Fayetteville Football Boosters be changed to May 5, 2007.

The Commissioners approved if no conflict with building's schedule.

Commissioner Wender offered a motion to approve the request of the Fayette County AAU/WV Hornets to use the Memorial Building for AAU practice and instructional sessions for the coming year pending no conflict of the schedule, the rental fee will be waived, approval is until August 31, 2007. The requirements of the garbage and the custodian fees are also waived with the understanding that Philip

Samples, Coach/Organizer shall be responsible for the clean-up and security of the building and grounds after each practice. The Commission will monitor this situation and if they receive any complaints, they will withdraw the waiver. All other rules are applicable including insurance, and responsible adult supervision is required at all times. Commissioner Eskew seconded. Unanimous.

The Commissioners signed Agreement from J. Dan Snead Associates for the Courthouse Facilities Grant.

Deputy Pete Lopez appeared before the Commission on behalf of the Deputy Sheriff's Association to request permission for the Deputy Sheriff's Association to place a Commemorative Rock on the grounds of the Courthouse Annex.

Commissioner Wender offered a motion to authorize the Deputy Sheriff's Association to place a commemorative rock on the Courthouse Annex. Commissioner Lopez seconded subject to approval by the Judge and Chief Magistrate.

Deputy Lopez informed the Commissioners that the Deputy Sheriff's Association will cover expenses.

Commissioner Wender offered a motion that the Commission sign a letter to Governor Joe Manchin offering their support and recommendation that Donald Beals be considered for the position of District 9 Manager. Commissioner Lopez seconded. Unanimous.

Doug Arbogast, Project Leader with the West Virginia Sustainable Communities and Carl Thompson appeared before the Commission.

Mr. Arbogast told the Commissioners that the West Virginia Sustainable Communities Project (WVSCP) is a partnership of the West

Virginia Department of Environmental Protection, Student Conservation Association, and Claude Worthington Benedum Foundation.

Mr. Arbogast told the Commissioners that this program focus on how to conserve energy and water conservation and waste reduction.

Mr. Arbogast told the Commissioners he is here today to propose to work in a partnership with the West Virginia Development Office Energy Efficiency Program on a lighting efficiency evaluation for the courthouse.

Mr. Arbogast presented material to the Commission to review regarding the Lighting Grant.

Commissioner Wender asked if this would be at no expense to the Commission and no-cost commitment.

Mr. Arbogast replied this would be at no cost to the County.

Commissioner Wender offered a motion to authorize West Virginia Sustainable Communities to do a lighting efficiency evaluation of the courthouse at no cost to the County. Commissioner Lopez seconded. Unanimous.

Commissioner Wender requested that the Commission donate a \$250.00 sponsor fee for Earth Day and authorize Commissioner Eskew to sign Resolution on April 22.

Commissioner Lopez offered a motion to approve \$250 sponsor fee for Earth Day. Commissioner Wender seconded. Unanimous.

John David and Katheryn South with Southern Appalachian Labor School (SALS) appeared before the Commission to discuss funding support for Fiscal Year 2007-2008 Budget.

Mr. David presented a copy of their Newsletter and Workcamp

Schedule for 2007 to the Commissioners.

Mr. David presented several of the projects they are requesting funding-Group Workcamp(\$10,000), Energy Express and Summer Food Expansion (\$7,000), and Community Center (\$10,000) to the Commissioners.

Commissioner Wender asked Mr. David to list priority of requests.

Mr. David replied Energy Express, Community Center and Group Work Camp.

The Commissioners told Mr. David they would review and get back with him.

Mr. David presented a Governor's Community Partnership Grant Program application for the Fayette Coalfield Housing project for Southern Appalachian Labor School (SALS) to the Commissioners.

Commissioner Wender offered a motion to sign the Governor's Community Partnership Grant for the Fayette Coalfield Housing project application under Southern Appalachian Labor School. Commissioner Lopez seconded. Unanimous.

Barbara Painter with the Fayette County Weatherization Program appeared before the Commission to explain the future plans regarding the Weatherzation Program for Fayette County.

Mr. Painter told the Commissioners that the Nicholas County office is planning to consolidate the Oak Hill facility into the Nicholas County facility.

Ms. Painter told the Commissioners that 60% of the activity is in Fayette County.

Commissioner Wender suggested writing a letter to the Nicholas

County Community Action and our Legislature strongly opposing to the closure of the Fayette County Weatherization Program.

George Bragg appeared before the Commission to discuss award money for Unsolved Murders.

Mr. Bragg told the Commissioners that there are 21 unsolved murders in Fayette County.

Mr. Bragg told the Commission that about 20 years ago a \$5,000 reward was allocated for unsolved murders. Mr. Bragg recommended to the Commission that this should be increased to \$20,000.

Sheriff William Laird informed the Commissioners that he supports any increase.

Carl Harris, Prosecuting Attorney informed that this would have to be on a case by case basis, a decision as to when to advertise. Mr. Harris told the Commission he would look at the statute to see if the Commission has to put in a separate account.

Commissioner Wender offered a motion that Fayette County Commission appropriate up to \$20,000 provided Sheriff and Prosecuting Attorney prepare specific language regarding whether a person is qualified and funding mechanisms, would be a one time reward will carry over from year to year basis. Commissioner Lopez seconded. Unanimous.

Attorney Fred Jesser appeared before the Commission to inform that Attorney Larry Losch had scheduled the meeting regarding the motion to have Eliza Johnson removed as Administratrix for failure to post a bond in the Estate of Gary W. Johnson. Mr. Jesser told the Commissioners that Mr. Losch is not here. Mr. Jesser told the

Commissioners that he feels Mr. Losch made the appointment he should be here for the appointment. Mr. Jesser informed the Commissioners he will not be attending the hearing.

Judy Lively and Aletha Stolar appeared before the Commission to propose passing enabling legislation for the assessment of five dollars to felonies, misdemeanors, including traffic and moving violations. According to State Code 49-5-13d Teen Court Program, this money can be collected for the purpose of funding a Teen Court.

Ms. Lively told the Commissioners that there are three (3) Teen Courts in West Virginia (Mercer, Marion and Monogahalia Counties).

Ms. Lively gave a brief summary of how the Teen Court would work.

Carl Harris, Prosecuting Attorney informed the Commissioners they need to coordinate some things, needs to set down with the Judges to discuss and review.

Attorney Tom Fast, Attorney Bill McCourt and Carl Harris, Prosecuting Attorney appeared before the Commission to discuss Attorney's Larry Losch motion to have Eliza Johnson removed as Administratrix for failure to post a bond in the Estate of Gary W. Johnson. Also, present was Eliza Johnson.

Mr. Harris informed the Commissioners that Eliza Johnson, Administratrix of the Estate of Gary W. Johnson did not post the \$185,000 bond. Mr. Harris told the Commissioners that Ms. Johnson cannot post the bond.

Mr. Harris told the Commissioners that the Sheriff can be appointed over the Estate.

Mr. Harris told the Commissioners that based upon the failure of

FAYETTE COUNTY DILAPIDATED BUILDING
COMMITTEE

REPORT TO THE COMMISSIONERS

March 16, 2007

1. Mr. Tony Harris, Gauley Bridge, appointed as a "citizen" member of the committee.
2. Mr. Allan Ballard has completed training as an asbestos inspector in West Virginia.
3. DATABASE Activity (Aletha Stolar):
 - a) A modified version of the database already in use by the County is currently being tested by Ms. Stolar and others. The version which will be used by the Dilapidated Building and Beatification Committee (DB&BC) will incorporate forty searchable items of data related to the dilapidated property.
 - b) A compilation of dilapidated properties is currently being assembled by Ms. Stolar, Allan Ballard, Tim Richardson, and Joey Carelli.
4. The need for agreements of cooperation has been discussed with the Mayors of the cities Mount Hope and Ansted.
5. A set of criteria or algorithm for assigning a priority for removal to a dilapidated property is being developed by (DB&BC).
6. FUTURE Activity/Needs:
 - a) Funds to sustain momentum are required. The grant supporting our database work expires the end of June. At the minimum a continuing part-time position will be required. Sources of funding are being explored and will be reported on in the near future.

b) A loan from the West Virginia Housing Development Authority will be useful, but not sufficient, to meet our funding requirements.



WEST VIRGINIA

Asbestos Program

Matthew A. Ballard

IS LICENSED AS AN
ASBESTOS INSPECTOR

License #: AI004343

Issued: 3/12/2007

Expires: 3/31/2008

Randy C. Curtis Dir., WV RTIA DIV

Card
to
Allen 3/16/07

the Administratrix to post a bond as ordered by the Commission, Ms. Johnson should be removed as Administratrix of the Estate of Gary W. Johnson and that the Sheriff of Fayette County William Laird be appointed as Administrator of the Estate.

Commissioner Wender offered a motion that based upon the failure of the Administratrix to post a bond as ordered. Ms. Johnson should be removed as Administratrix of the Estate of Gary W. Johnson and that the Sheriff of Fayette County William Laird be appointed as Administrator of the Estate. Commissioner Lopez seconded. Unanimous. Carl Harris is to prepare order.

John Raney, Allen Ballard and Aletha Stolar appeared before the Commission to give an update on the Fayette County Dilapidated Building Committee.

Mr. Raney informed the Commissioners that Allen Ballard has completed training to be an asbestos inspector in West Virginia.

Mr. Raney presented a Report to the Commissioners. (See attached Report given to the Commissioners)

The Commissioners received and reviewed a thank-you note from Aletha Stolar and Drema Perdue regarding project Lifesaver.

Ms. Holly told the Commissioners she has asked Pitney Bowes for a proposal on a new postage machine.

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

Ms. Holly presented Gold Maintenance Agreement for the Courthouse Elevator to the Commissioners.

Ms. Holly told the Commissioners the cost would be \$180 per month including monthly frequent inspections.

Commissioner Wender offered a motion to approve and sign Gold Maintenance Agreement with ThyssenKrupp for the Courthouse Elevator. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she received a letter from the Governor's Office informing that they have approved a grant of \$17,500 for the West Virginia Strategic Prevention Framework State Incentive Grant.

Ms. Holly told the Commissioners she received a letter from Thomas Woodum, Chief Tax Deputy and Harvey E. Young, Assessor requesting that the tax office, assessor's offices and hallways at the Courthouse Annex be painted. The Commission asked to hold.

Ms. Holly told the Commissioners that OSHA came up Tuesday, March 13, 2007 to do an air quality test at the Courthouse Annex.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a quote from Software Systems, Inc. for new computer equipment for the indexing clerk.

Commissioner Wender offered a motion that Ms. Holly be authorized to address with Software System, after investigating necessity, cost not to exceed \$6,000. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Public Service Commission informing the Fayette County Commission hereby file a copy of the required Affidavit of Publication dated March 7, 2007, enlarging the Kanawha Falls Public Service District.

The Commissioners received and reviewed from Ms. Holly the

projected Regional Jail Cost for Fiscal Year 2005, 2006 and 2007.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Service regarding the Community Corrections Program, Project #07-CC-75.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding Notification of Civil Action 06-C-410 Melanie Hess v. Fayette County Sheriff Department, Morris Lusk and David Lambert.

The Commissioners received and reviewed notice from the LaFayette Post 149-The American Legion informing that "Know Your County Government Day" is Friday, May 4, 2007.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Carl Harris, Prosecuting Attorney informing that Jennifer Hewitt will be employed as an Assistant Prosecuting Attorney beginning March 1, 2007, annual salary \$36,000.00.

The Commissioners received and reviewed a letter from David Neal, E-911 Coordinator regarding Leonard Freeman request of a street sign.

The Commissioners received and reviewed a letter from Shirley and Freddie Parkins, Sr. regarding F&N Construction, LLC, Surface Mine Application Permit #S300206.

The Commissioners received and reviewed a letter from New Haven Public Service District regarding the denial of AML Funding for Spy Road/Edmond Road.

The Commissioners received and reviewed Questions and Answers about the CARE RFP (Community Action for a Renewed Environment

Program) from the Environmental Protection Agency.

The Commissioners received and reviewed a letter from the Fayette County Weatherization Program informing of the Policy Advisory Council meeting being held on Marcy 26, 2007.

The Commissioners received and reviewed a letter from the Division of Highways informing the West Virginia Recreational Trails Advisory Board (WVRTAB) is meeting to review and rank the Fiscal Year 2007 Recreational Trail grant application is scheduled for Saturday, April 28, 2007 at 8:30 a.m.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding Region 4 Open Meeting Act Policy.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 9 to March 15, 2007, amount \$\$25.00.

The Commissioners received and reviewed a letter from the Town of Meadow Bridge thanking the Commission for their assistance in bringing DSL to Meadow Bridge area.

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Commission for submitting their 2006 Small Cities Block Grant (SCBG) application for Fayette County Commission-Danese Public Service District Water Extension.

The Commissioners received and reviewed Resume for Employment from Brandy Cottle.

The Commissioners received and reviewed a copy of a letter from David Neal, E-911 Coordinator to all Fayette County Wrecker and Tow

Service Operations regarding Call jumping.

The Commissioners received and reviewed from David Pollard, County Resource Coordinator Fayette Transition Team Reclassification Reviews of March 2007.

The Commissioners received and reviewed a letter from the West Virginia Office of the Insurance Commissioner informing they will be hosting several informational meetings around the state regarding the transition of our workers' compensation market.

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 and the Workers' Compensation Board of Review regarding workers' compensation claims.

The Commissioners received and reviewed a letter from Travelers Insurance regarding the WVU Extension Office water damage.

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$32,364.41, Citizens Communications Co., amount \$52.38 and Mountain Communications, amount \$95.56; Criminal Justice Service-Court Security, amount \$7,918.78 and Just For Kids, amount \$2,382.46; Culture and History Division-Records Management Grant, amount \$17,816.34; Valley High School FCBOE, Rental of Memorial Building, amount \$316.40.

The Commissioners received and reviewed an e-mail from Ms. Holly informing the Commissioners of the funeral arrangements of Carl Harris, Prosecuting Attorney fathers' wake.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator to the Commissioners informing that the Methodist/Baptist Road in Scarbro has been taken care of.

Commissioner Wender suggested addressing the Election System and Software (ES&S) invoices in April.

The meeting was adjourned at 2:00 p.m. The next scheduled meeting is March 23, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 23, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 23rd day of March 2007.

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

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

Commissioner Lopez offered a motion to approve and sign exonerations for real property tax for Lorena G. Callison, Thomas L. Ballard, Jr., Ralph and Debra Middleton, and Harold W. and Sue Ann Whaples. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she received a letter from the Division of Criminal Justice Services informing funding has been approved for the Strategic Prevention Framework State incentive Grant (SPF SIG) Project #07-SIG-07, amount \$17,500.

Commissioner Wender offered a motion to approve the West Virginia Strategic Prevention Framework State Incentive Grant Agreement contingent upon the understanding with Commissioner Eskew discussion with the next steps the Prevention will be taking. Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender offered a motion to approve minutes for

January 26, February 1, February 7, February 13, and February 22, 2007. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew informed they are here today to adopt the Budget for the Fiscal year 2007-2008.

Commissioner Eskew gave a brief summary of what the Commissioners approved for the Fiscal Year 2007-2008.

Commissioner Eskew informed they met with all the elected officials to discuss their budget, Coal Severance holding it s own, discussed concerns regarding the Regional Jail cost, reviewed the Community Corrections Program, discussed a small increase in salary for each employee.

Commissioner Eskew thanked Ms. Holly for all of her work in preparing the budget.

Commissioner Eskew informed there is a slight increase in the Budget for this Fiscal year 2007-2008, general County Budget is \$7,252,288 and Coal Severance Fund Budget is \$541,552. Commissioner Eskew asked for a motion to approve the budget.

Commissioner Wender offered a motion to adopt the Budget for fiscal Year 2007-2008 for the General County Fund (\$7,252,288) and the Coal Severance Fund (\$541,552). Commissioner Lopez seconded. Unanimous. The Commission signed the Fiscal Year Budget for 2007-2008.

The Commissioners received and reviewed a letter from the Armstrong Public Service District requesting that Velma Newman be reappointed a member on the Armstrong Public Service District Board.

Commissioner Wender suggested holding off making the appointment

until Commissioner Lopez talked with Judson Wallace.

Commissioner Wender read the letter prepared for David Jarroll, Executive Director, Nicholas County Community Action regarding the future plans of the Weatherization Program for Fayette County.

Debbie Turner, Program Director and Seth Lewis, Account Executive with the Nationwide Retirement Solution appeared before the Commission to discuss a deferred compensation program (457) in West Virginia.

Ms. Turner gave a brief summary of the program.

Ms. Turner told the Commissioners that 457 is a pre-tax savings, will be pre-taxed while working, will be taxed when you decide to retire or take early distribution, no employer match, 100% employee contribution up to \$15,500 normal limit, after age 50 you are eligible to contribute an additional \$5,000, payroll deductible the minimum amount is \$10.00 per check, no penalty for early withdrawal.

Ms. Turner told the Commissioners this program is endorsed by the National Association of Counties.

Commissioner Wender asked Ms. Turner how long has NACo supported this program. Ms. Turner replied, NACo has supported this program for 25 years.

Ms. Turner told the Commissioners she will send information to Debbie Aliff, Payroll Clerk to distribute.

Kelly and Georgia Griffith with ING-457(b) Deferred Compensation appeared before the Commission to discuss the program supported by the office of West Virginia State Treasurer.

See attached explanation of the State of West Virginia 475(b) Deferred Compensation Plan.

What is the State of West Virginia 457(b) Deferred Compensation Plan?

OFFICE OF WEST VIRGINIA STATE TREASURER

JOHN D. PERDUE

What is the State of West Virginia 457(b) Deferred Compensation Plan?

The State of West Virginia 457(b) Deferred Compensation Plan ("Plan"), as administered by the Office of the State Treasurer, is a retirement plan designed to supplement your state pension, social security, and other personal retirement savings. For more information about the State of West Virginia 457 Plan or other financial programs administered by the Treasurer's Office visit www.wvtreasury.com or toll free at (800) 422-7498.

How does the Plan work?

- You decide, within certain Internal Revenue Code (IRC) limits, how much of your income you want to defer.
- Contributions are conveniently deducted from your payroll check. The current contribution minimum is \$10.00 per pay period.
- Contributions may be allocated to any one or a combination of investment options.
- Your contributions and any earnings that accumulate over time are not taxed until withdrawn.
- You can change or discontinue contributions at any time. Changes must be requested in the month prior to their initiation.

What are the fees associated with this Plan?

- Investment Management Fee – This fee includes all expenses associated with the investment option(s) you choose, including advisory fees and operating expenses. It is charged against the investment's performance. See investment prospectus for more detailed information or contact your local ING representative for questions.

How does participation benefit me?

The Plan offers several important benefits:

1. Supplements retirement income
2. Investment returns are compounded on pre-tax contributions
3. Federal tax credits for certain income brackets
4. Lowers taxable income (Income taxes are due upon distribution)

To illustrate how contributing toward retirement on a pre-tax basis affects your paycheck, let's assume you earn \$30,000 in taxable income annually, and you want to defer \$75 from each paycheck to a deferred compensation plan. You're paid every other week – 24 times a year.

	Paycheck Before Joining Plan	Paycheck After Joining Plan
Income After Adjustments	\$1,250.00	\$1,250.00
Def. Comp. Contribution	0.00	-75.00
Net Taxable Income	1,250.00	1,175.00
Federal Income Tax (25%)	-312.50	-293.75
Take-home Pay	\$937.50	\$881.25

With deferred compensation, your current federal income tax is reduced, so it only costs you \$56.25 out-of-pocket to invest \$75.00.

Systematic investing does not ensure a profit nor guarantee against loss. You should consider your ability to invest consistently in "up" as well as "down" markets.

Access to your money

Benefits can be received upon:

- Retirement
- Separation of Service
- Permanent Disability or Death
- Unforeseeable Emergency (In accordance with Federal Guidelines)

Note: Money distributed will be taxed as ordinary income in the year the money is received, so you may want to discuss distribution options with your accountant or attorney.

(More information on reverse)



STATE OF WEST VIRGINIA 457(b) DEFERRED COMPENSATION PLAN

Federal tax credit information

The Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) offers participants in the West Virginia Plan the opportunity to earn an income tax credit called the Saver's Credit. This credit was developed to encourage employees with lower to middle incomes to take advantage of their employer's plan.

If eligible, this tax advantage could credit up to 50% of a participant's retirement contributions when filing their annual tax return.

For more information about the Saver's Credit, please contact your local representative. Before making any tax-related decisions, you should always discuss your options with your accountant or attorney.

The following chart illustrates how the Saver's Credit works:

Filing jointly ¹	Filing as head of household	All other filers	Credit %
Up to \$30,000	Up to \$22,500	Up to \$15,000	50%
\$30,001 – \$32,500	\$22,501 – \$24,375	\$15,001 – \$16,250	20%
\$32,501 – \$50,000	\$24,376 – \$37,500	\$16,251 – \$25,000	10%
\$50,000+	\$37,500+	\$25,000+	Not available

Source: Economic Growth and Tax Relief Reconciliation Act of 2001.

Who do I contact?

Your local representative is Kelly L. Griffith. Kelly can be reached at (304) 744-2360, toll-free at (866) 457-7567, or at Kelly.Griffith@ingfa.com.

Account Access

Access your account information 24 hours a day, 7 days a week with ING Access at (800) 525-4225. Customer Service Associates are available Monday through Friday from 8:00 a.m. to 10:00 p.m. (ET). You can also monitor your retirement account anytime day or night by visiting our website at www.ingretirementplans.com

How do I get started?

To participate in the Plan, all you have to do is complete the appropriate participation/enrollment materials. You can enroll at any time by contacting your local ING representative.

You should consider the investment objectives, risks, and charges, and expenses of the variable product and its underlying fund options carefully before investing. The prospectuses/prospectus summaries/information booklets contain this and other information, and can be obtained by contacting your local representative. Please read the information carefully before investing.

Group annuities are long-term insurance contracts designed for investing for retirement purposes. Money distributed from the annuity will be taxed as ordinary income in the year the money is received. Account values fluctuate with market conditions and when surrendered, the principal may be worth more or less than its original amount invested. An annuity does not provide any additional tax deferral benefit, as tax deferred is provided by the plan. Annuities may be subject to additional fees and expenses to which other tax-qualified funding vehicles may not be subject. However, an annuity does provide other features and benefits, such as lifetime income payments and death benefits, which may be valuable to you.

www.ingretirementplans.com

Insurance products issued by ING Life Insurance and Annuity Company (ILIAC). Seminars and securities offered through ING Financial Advisers, LLC (member SIPC), 151 Farmington Avenue, Hartford, CT 06156 or other broker-dealers with which it has selling agreements. © 2006 ING North America Insurance Corporation C06-1101-010R (11/06)



Your future. Made easier.SM

Mr. Griffith told the Commissioners that 22 counties have signed up on this Program.

The Commissioners thanked everyone for coming and presenting their presentation of their program.

Tim Richardson, Zoning Officer appeared before the Commission to present a hearing for disposition: Case #Z-511-07-1: Request of HEAB, LLC, owner for a change in land classification from L-1 (Light Industrial District) to B-2 (Business, Local District) on property legally described as 1.47 ac pt. of 6.16 ac Laurel Creek Road, New Haven District.

Mr. Richardson informed the Commissioners of the Planning Commission recommendation was to approve this application as requested by a vote of 9-0 with 1 abstention by the chairman Leon Cooper.

Bill Hill representative for HEAB, Land, LLC was sworn in by Commissioner Eskew.

Mr. Hill informed the Commissioners that this request is to rezone a portion of this property to accommodate a request for a dialysis clinic. The remainder of the property will be retained for future development.

Carl Harris, Prosecuting Attorney asked Mr. Hill if this project requires state approval? Mr. Hill replied unsure, but if State approval is required he will obtain.

Commissioner Wender asked Mr. Hill if he was representing this application. Mr. Hill replied yes, he is the land manager for HEAB Land, LLC.

Commissioner Eskew swore in Jerry L. Smith representative for

Design Group Architect.

Mr. Smith told the Commissioners that this Company is representing the proposed occupant Fresenius Medical Care.

Mr. Smith presented a design concept of the project for the Commissioners to review.

Mr. Smith explained the operation of the clinic, hours of operation, and anticipated patients to be seen on a daily basis.

Mr. Smith informed the Commissioners that an option has been retained from the seller in case more property is needed to meet the retention pond size for run-off.

Mr. Hill told the Commissioners there will be a right-of-way to access the remainder of the property.

Commissioner Eskew asked where would the utility service come from.

Mr. Smith and Mr. Hill informed these services (water and septic) will be provided by the Town of Fayetteville and also if necessary West Virginia American Water.

Mr. Hill told the Commissioners that a natural gas line runs on the front of the property

Commissioner Wender asked Mr. Hill if the lower side of the property are the apartments. Mr. Hill replied yes.

Commissioner Eskew asked what is the height of the structure. Mr. Smith replied the building will be 20 feet in height, the exterior will be a concrete drivet appearance.

Mr. Richardson informed the Commissioners there was no opposition.

Commissioner Lopez offered a motion to accept the recommendation of the Planning Commission to approve a change in land classification from L-1 (Light Industrial District) to B-2 (Business, Local District) on property legally described as 1.47 ac pt. of 6.16 ac Laurel Creek Road, New Haven District. Commissioner Wender seconded. Unanimous.

The Commissioners recessed the Commission meeting for a five (5) minute break.

The Commissioners reconvened the Commission meeting at 10:50 a.m.

Commissioner Wender informed the Commissioners he had asked Sharon Cruikshank, Chairman of the New River Convention and Visitors Bureau to join in the discussion of the hotel/motel tax bill that is in the Legislature.

Commissioner Wender asked Ms. Cruikshank to tell what is in the bill and how it would affect Fayette County.

Also present were Geoff Heeter, Joe Rey, Classic VI, and Dave Pollard, County Resource Coordinator.

Ms. Cruikshank presented a copy of Senate Bill 178-Hotel/Motel Occupancy Tax bill that passed March 10, 2007 to the Commissioners.

Ms. Cruikshank told the Commissioners that this bill allows the counties to increase the hotel/motel occupancy tax not more than 6 percent. Ms. Cruikshank told the Commissioners that a public hearing is required prior to enacting the increase.

Commissioner Wender informed that if the Commission decides to increase the hotel/motel occupancy tax from 3% to 6% they need to have two (2) hearings.

Earl Pauley, Park Superintendent and bob Meadows appeared before

the Commission to give an update on the shooting range.

Mr. Pauley told the Commissioners the trap field is clear, the skeet field might have a problem with rock, going to try to clean up and measure it out, ready to set trap housing grounds if it stays dry enough, and two more trees needs to be removed.

Commissioner Wender asked Mr. Pauley if he could give them a time frame as to when this will be ready. Mr. Pauley replied not really.

Mr. Pauley told the Commissioners if they get a good week to work they will be ready to set traps.

Mr. Pauley told the Commissioners that the Boomer Ball field flooded again.

Commissioner Lopez and Mr. Pauley are going to review the slide on the Boomer ballfield from the mountain.

Earl Pauley is scheduled to meet with the Commissioners on April 27, 2007 at 10:00 a.m. to give another update.

Pam Yost with the Natural Resources Convention appeared before the Commission to present a Watershed Agreement for the Dunloup Creek Watershed.

Commissioner Wender offered a motion that the Fayette County Commission would proudly sign in support of the Dunloup Creek Agreement and authorize Commissioner Eskew to sign on behalf of the Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission sends a letter to Senator Robert Byrd to inform him that the Commission is in support of the Dunloup Creek Watershed Association. Commissioner Lopez seconded. Unanimous.

The Watershed Agreement between the Southern Conservation District, State Conservation Committee, Fayette County Commission (Referred to as Sponsors) and the U. S. Department of Agriculture Natural Resources Conservation Service (Referred to as NRCS) was signed. The letter to Senator Robert Byrd was signed.

Commissioner Lopez offered a motion to rescind the motion regarding releasing the payrolls next Friday and approve releasing payrolls today. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she received a follow-up e-mail from Doug Arbogast regarding the courthouse lighting.

Commissioner Wender asked Ms. Holly to e-mail him to remind him to e-mail Doug Arbogast to write a memo to the office holders and asked that he expand this to include all the courthouse buildings.

Ms. Holly informed the Commissioners she received a letter from the Fayette County Board of Education approving the lease agreement for the Memorial Building for the period beginning July 1, 2007 to June 30, 2008.

Commissioner Wender offered a motion that the Fayette County Commission sign the Lease Agreement for the Fayette County Board of Education for lease of the Memorial Building for the period July 1, 2007 to June 30, 2008. Commissioner Lopez seconded. Unanimous. Lease Agreement signed.

Ms. Holly informed the Commissioners that she received e-mails regarding the Hank Williams Museum Grant back in January, received a copy of letters from Senator Shirley Love and Delegate David Perry saying that transfer of the money for the Grant from Fayette County

Commission to the Town of Ansted has been approved. As of January 23, 2007, the \$15,000 for the Hank Williams Museum Grant was changed to the Town of Ansted as grantee not the Fayette County Commission.

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

The Commissioners received and reviewed a letter from Tim Erwin, Chief Probation Officer requesting purchase of eleven (11) locking file cabinets for the probation department.

The Commissioners received and reviewed a requisition from Kelvin Holliday, County Clerk requesting an office chair for his office.

Commissioner Wender offered a motion to approve purchase of eleven (11) locking file cabinets for the probation Department and purchase of an office chair for the County Clerk's Office. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing that it is possible to allow the Farmer's Market Co-op to "lease" the parking lot area, but a lease would need to be drafted to provide for appropriate insurance coverage and clean up of the area. The Commissioners approved.

The Commissioners approved to release check to Literal E, amount \$500.00.

Commissioner Wender asked to hold future payments to Literal E until the Fayette County Commission discuss matter with David Pollard, County Resource Coordinator.

Ms. Holly informed the Commissioners that Pitney Bowes did fax

her quotes on the postage machine. The Commission asked Ms. Holly to check into.

Commissioner Wender offered a motion to approve Petitions to Combine or Divide and Segregate Land for Whorley and Sandra Morris and Mary Janet Young. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Ms. Holly to check County Commission telephone regarding conference features.

Ms. Holly informed the Commissioners she received drawdown on the window project certified by Dan Snead, amount \$37,002.00.

Commissioner Wender offered a motion to approve and release final payment to Talbott Glass for window project, amount \$37,002.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Richard Meadows thanking the Commission for the use of the Memorial Building for the Ben Argento Basketball League; asking permission for the use of the Memorial Building one-night per week in July and August for their youth summer program; and asking permission to use the Memorial Building for an adult league for the coaches.

Commissioner Wender offered a motion to approve the use of the Memorial Building for the Ben Argento Basketball League one-night per week in July and August for their youth summer program pending no conflict of schedules, a \$1,000 rental fee will be waived. Requirements of the garbage and the custodian are also waived with the understanding that Richard Meadows is to supervise the clean-up of the building and grounds and coordinate with Okey Skidmore regarding locking and unlocking the building. Commissioner Lopez seconded.

Unanimous.

The Commissioners denied the use of the Memorial Building for an adult league.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign the Oak Hill Rail Trail, Phase II Enhancement Grant Agreement on a pay as you go basis. Commissioner Lopez seconded.

Unanimous.

The Commissioners signed a support letter of the proposal for Housing Counseling Assistance submitted by the Southern Appalachian Labor School (SALS).

The Commissioners signed an invoice to the Fayette County Board of Education for rent for the Soldiers and Sailors Memorial Building, amount \$2,916.67 for the month of April.

The Commissioners signed minutes of the Zoning Hearing held today (March 23, 2007).

The Commissioners received and reviewed minutes of the Planning Commission meeting held March 19, 2007.

The Commissioners received and reviewed a letter from Congressman Nick J. Rahall, II informing that Kelly Dyke, Projects Director has informed him of her recent meeting regarding the possible acquisition of the Prince train depot.

The Commissioners received and reviewed a letter from Congressman Nick J. Rahall, II thanking the Commission for contacting him regarding the proposal that the Fayette County Commission has submitted seeking funding through the Transportation Community, and Systems Preservation Program for trail development within Wolf Creek

Park.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that Draft 2007 Action Plan and Consolidated Plan upgrade can be located on the West Virginia Development Office website.

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Commission for submitting an application to the Governor's Community Partnership Grant Program for the Fayette County Commission. The grant would be used in corporation with the Southern Appalachian Labor School to acquire a storage facility for the Southern Appalachian Labor School Community Center in Beards Fork.

The Commissioners received and reviewed from the Public Service Commission Title 150 Legislative Rules-Series 9 Rules Governing Motor Carriers, Private Commercial Carriers, and the filing of evidence of insurance and financial responsibility by motor carriers.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 16 to March 22, 2007, amount \$331.00.

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

The Commissioners received and reviewed a copy of a memo from Chief Deputy Steve Kessler to Debbie Aliff, Payroll clerk advising that Deputy Sheriff Patrick McCutcheon and Deputy Shannon Morris have completed their one year period as probationary employees. Chief Deputy Kessler is requesting that an adjustment be made to their

current salary to reflect a \$100.00 a month increase in pay effective March 16, 2007.

The Commissioners received and reviewed a copy of a memo from Chief Deputy Steve Kessler to Debbie Aliff, Payroll Clerk informing that Phil Statler, Transportation Office informs he intends to end his employment on March 31, 2007. Mr. Statler has 19 days of unused vacation time.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that effective April 1, 2007 the position of Robin Brown has been upgraded from Clerk to Real Estate Assistant. Mr. Young is requesting that her salary be increased by the sum of \$50.00 per month.

The Commissioners received and reviewed a notice from the West Virginia Division of Highways informing of the availability of an approved Environmental Assessment/Programmatic Section 4(f) Evaluation document on the proposed replacement of the Thomas Buford Pugh Bridge (formerly known as Prince Bridge).

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

The Commissioners received and reviewed a claim from Travelers-Claim #ABF3104-Melanie Hess.

The Commissioners received and reviewed Certificate of Liability Insurance from Burlington United Methodist.

The Commissioners received and reviewed a letter from Ford Motor Company regarding a defect which relates to motor vehicles safety

exists in certain 2003 through 2005 model year Crown Victoria Police Interceptor vehicles.

The Commissioners received and reviewed from the Internal Review Service a Notice of Levy on Wages, Salary and Other Income for Leonard L. Price, Jr., amount \$34,225.42.

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 a letter from Senator John Rockefeller, IV informing he has been contacted by Tillman Mooney regarding water access for his area.

The Commissioners received and reviewed checks for 911 Fees from AT&T Communications of WV, amount \$622.00, Access Point, Inc., amount \$1,208.00, Level 3 Communications, LLC, amount \$74.00, Cleartel Telecommunications, Inc., amount \$12.00, Metropolitan Telecommunication of WV, amount \$8.00, Granite Telecommunications, LLC, amount \$148.00, IDT Corporation, amount \$4.00; Fayette County Board of Education rent Memorial Building, amount \$2,916.67; and Valley High School rent Memorial Building-Girls/Boys AAA Sectional, amount \$581.90.

The Commissioners received and reviewed an e-mail from Ms. Holly regarding the West Virginia Board of Investment contact.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding Meadow Bridge Town Council meetings.

The Commissioners received and reviewed an e-mail from David Neal, 911 Coordinator regarding third-party billing rates for tow

bills.

The Commissioners received and reviewed an e-mail from Ms. Holly to Commissioner Wender informing of the dates of the Commission meetings for the year.

The Commissioners received and reviewed an e-mail from Scott Thompson regarding funding for the Fayette County Prevention Partnership.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that funds for the March Limited Video Lottery proceeds will be deposited on March 26, 2007, amount \$6,275.54.

The meeting was adjourned at 12:55 P. M. The next scheduled meeting is April 6, 2007.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 19, 2007
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 19th day of March 2007.

Commissioner Eskew called the Budget Workshop meeting to order at 10:05 a.m.

Commissioner Wender informed that since they are here to work only on the budget th^e secretary can be excused.

The Budget workshop was adjourned at 3:10 p.m. The next scheduled meeting is March 23, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 11, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 11th day of May 2007.

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

Eddie Young, Assessor appeared before the Commission to request that they change their June 8th County Commission meeting to June 4th.

Mr. Young told the Commissioners that the Town of Smithers has not held their Excess Levy Election. It is our understanding that this will be done on May 19, 2007. The Town has three days to canvass the election before submitting it to the State Auditor's Office.

Mr. Young told the Commissioners he has contacted the Auditor's Office and they told him that if they receive the documentation concerning the excess levy from the Town of Smithers on the 22nd day of May, they may be able to complete the process and get the certified rates to his office by May 24th or 25th.

Mr. Young told the Commissioners they will enter the rates and order the printing of the Land Books. Depending on the work load of the State Tax Department and taking into consideration the holiday, they may be able to pick up the printed books by Tuesday or Wednesday, May 29 or May 30.

Mr. Young told the Commissioners they would have to proof the completed books and bind them before they can be presented to the

Commission for signatures.

Mr. Young told the Commissioners that according to the WV Code a signed copy of the Land Books must be presented to the Sheriff no later than June 7. Mr. Young told the Commissioners he respectfully request that they reschedule their June 8 Commission meeting to June 4 to accommodate this problem.

Commissioner Wender offered a motion to change the Commission meeting of June 8, 2007 to June 4, 2007. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property tax for Jeffrey S. Aliff, Cecil H. and Martha J. O'Dell, and Joshua and Heather Cameron. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign exonerations for real property tax for Lora E. Campbell, Brian N. Adkins, and Harold G. Plumley. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for Harold G. Plumley (\$417.53) and Brian N. Adkins (\$655.34). Commissioner Wender seconded. Unanimous.

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

Allen Ballard appeared before the Commission to discuss the paving of the parking lot in Cannelton.

Commissioner Lopez informed the Commissioners that he had heard

it would cost \$9,000.000 to pave.

Commissioner Lopez asked Mr. Ballard to talk to the contractor and see what he can do for \$6,000.00.

The Commissioners received and reviewed the Lease Agreement from the Farmers Market Committee.

Carl Harris, Prosecuting Attorney will review the Farmers Market Lease and present to the Commission to sign this afternoon.

Commissioner Wender offered a motion to honor the commitment of \$1,000 they made to the Farmer's Market Committee for the start up fee. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew presented the check to the Farmers Market Committee, amount \$1,000.00.

Discussion was held with the Farmers Market Committee about putting port-a-pots on the parking lot for the vendors to use.

Commissioner Wender asked Ms. Holly to call James Perdue, Maintenance Supervisor to the meeting to discuss.

Mr. Perdue told the Commissioners that the Courthouse Annex Magistrate Offices are open until 12:00 noon.

Commissioner Eskew suggested to the Farmers Market Committee that the vendors can use bathroom facilities at the Courthouse Annex. The Commission approved.

Ms. Holly presented a quote that James Perdue received from Frank's Tree Service to remove all six (6) stumps, amount \$269.00 from the parking lot between James Blankenship Office and the Blue Ridge Outdoors to the Commissioners. The Commissioners approved.

The Commissioners approved purchase of an air conditioner to

replace the one in the front room of the Circuit Clerk's Office.

Commissioner Wender offered a motion that James Perdue be authorized to purchase pear trees/dogwood trees for the small parking lot. Commissioner Wender asked Mr. Perdue to consult with Sara Blankenship. Commissioner Lopez seconded. Unanimous.

Tom Oxley, City Manager, City of Oak Hill appeared before the Commission to request a sewer easement for the Oak Hill Rail Trail to service the White Oak Subdivision.

Mr. Oxley told the Commissioners the trail is near the new High School. Mr. Oxley told the Commissioners he would send a draft of the easement for Carl Harris, Prosecuting Attorney to review. Mr. Oxley told the Commissioners that the land will be left in paving condition.

Alan Wickline, Patricia Spangler appeared before the Commission to solicit Fayette County Commission for support of the Recycling Grant.

Ms. Spangler told the Commissioners the school recycling grant is for purchase of T-shirts and administration cost.

Ms. Spangler told the Commissioners they have 17 bins, 14 schools are participating in the program plus St. Peter and Paul, haulers haul to the recycle center, are paid by the Fayette County Board of Education, the schools get 25%, it's a volunteer program in the schools, is run by the "Green Team," they have fourteen teams, 350 students, each team has one supervisor.

Ms. Spangler told the Commissioners they cannot reapply for the grant until 2009.

Ms. Spangler told the Commissioners they have asked the Board of

Education to look at the most efficient use of current garbage disposal system.

Alan Wickline told the Commissioners they are here today to request that the Fayette County Commission start a recycle program around the Courthouse. The cost of the plastic bins is \$14.00 each.

Mr. Wickline told the Commissioners that Bill Lanham, Town Superintendent with the Town of Fayetteville will pick up the County's recycling materials.

Mr. Wickline told the Commissioners he is here for two things-1) to request that the Fayette County Commission participate in the recycling program and 2) requesting that the Commission figure in \$20,000 to \$30,000 for next Fiscal Year to assist in this program.

Commissioner Wender offered a motion that Fayette County Commission will authorize up to \$500.000 for aluminum and paper bins to be placed throughout the Courthouse offices with the understanding that the Town of Fayetteville will pick up. Commissioner Lopez seconded. Unanimous. The Commissioners asked James Perdue, Maintenance Supervisor to work out details.

Carrie Strunk appeared before the Commission to request funding for the 4-H Camp. Ms. Strunk told the Commissioners they previously approved \$600 for camp nurse and travel. Ms. Strunk told the Commissioners she is here today to request more money for the 4-H Camp.

Also, present were Debbie Tate, Sharon Ramsey and Wayne Workman.

Commissioner Wender offered a motion that the Fayette County Commission will increase current Extension Office budget by \$1,700.00

with explicit instructions that this is for the Fayette County 4-H Leaders Association, the Commission will waive camp fees (\$650) and the deposit fee (\$100). Commissioner Lopez seconded. Unanimous.

Aletha Stolar, Katheryn South, and Amber Marstiller appeared before the Commissioners to request that Fayette County Commission continue to serve as fiscal agent for the Family Resource Network Grant.

Commissioner Wender offered a motion that Fayette County Commission will continue to serve as fiscal agent for the Family Resource Network Grant for the upcoming year July 1, 2007 to June 30, 2008. Commissioner Lopez seconded. Unanimous.

Ms. Stolar appeared before the Commission to give them an update on the Fayette County Beautification Committee.

Ms. Stolar asked the Commission if they would authorize her to have access to the annex map room to research correct addresses and location of the dilapidated properties.

Commissioner Wender informed that the Fayette County Commission authorizes Aletha Stolar access to the annex map room if okay with Eddie Young, Assessor.

Ms. Stolar presented to the Commissioners a list of the dilapidated buildings in Fayette County they have worked on and asked the Commission if they would endorse the Fayette County Beautification Committee to issue letters to the property owners.

Commissioner Wender offered a motion to endorse the Beautification Committee issuance of letters to owners of the dilapidated property and exercise to the fullest extent possible for

clean-up of the property. Commissioner Eskew seconded. Unanimous.

Mike Costello appeared before the Commission to give an update on the Courthouse Light Audit.

Mr. Costello told the Commissioners that the survey has been completed.

Commissioner Wender asked if Fayette County Commission will receive the information on the grant. Mr. Costello replied yes.

Commissioner Lopez asked Mr. Costello if he would check the lighting at the Fayette County Park.

The Commissioners informed they have scheduled Doug Arbogast on the County Commission agenda for June 4 for Lighting Audit Report. The Commission asked Mr. Costello to give James Perdue a copy of the lighting report prior to the meeting to review and recommend. The Commissioners asked Mr. Perdue to be present at the June 4th meeting.

Jim Lively appeared before the Commission to present Insurance Renewal contract and to discuss workers compensation plans.

Mr. Lively told the Commissioners that there is one way to reduce workers compensation is to check job classification.

Mr. Lively told the Commissioners he will have Mike Lively to come over to discuss the Workers' Compensation Program since he is the representative for BrickStreet.

The Commissioners asked that Mike Lively come to the next meeting to discuss ways to reduce the workers compensation premiums. The Commissioners asked to schedule either June 4 or June 22. The Commissioners scheduled Mike Lively for June 22 at 9:30 a.m.

Jim Lively reviewed all the building values with the

Commissioners.

Mr. Lively informed that three weeks ago he and the Engineer went over the buildings, waiting to receive the report from the Engineer.

Mr. Lively presented the Statement of Values to the Commissioners. Commissioner Eskew signed.

Ms. Holly asked the Commission if they were going to participate in the Self Insurance Program.

The Commissioners reviewed the Self Insurance Plan and decided to approve keeping St. Paul Travelers as their Liability Insurance.

Carl Harris, Prosecuting Attorney informed the Commissioners that the self-insurance plan is dangerous.

Commissioner Wender offered a motion to approve Traveler's as the Fayette County Commission insurance carrier. Having considered alternatives and having determined no way to determine assessment the Fayette County Commission has concluded that the best interest of the County to go through normal procedure and that viability of current carrier is reasonable through Jim Lively Insurance to renew insurance. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve the Lease of the parking lot for the Farmer's Market Committee. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting second and final drawdown for the Upper Kanawha Valley Ball Field Lights, amount \$272.00.

The Commissioners recessed for lunch at 12:50 p. m.

The Commissioners reconvened the County Commission meeting at

2:05 p. m.

The Commissioners signed letters to the elected officials and department heads regarding their fiscal year 2007-2008 budgets.

The Commissioners signed letters to the outside agencies regarding their contributions for fiscal year 2007-2008 budgets.

The Commissioners signed letters to the West Virginia Development Office requesting extensions to cover the period from July 1, 2007 through June 30, 2008 for Legislative Digest Grants for Upper Kanawha Valley Chamber of Commerce, Sportsmen Recreation Center Phase II, Fayette County Facilities Accessibility, Tourism and Recreation, Fayette County Park Horseshoe Pit, Multi-Cap Watch Me Grow, Historical Society, Gauneka Ruritans, Upper Kanawha Valley Ballfield Lights, Upper Kanawha Valley Community Center, North Sand Branch Baptist Church, FOOTMAD and Multi-Cap, Inc. Handyman Program.

Ms. Holly presented to the Commissioners to approve and sign 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 Dalporto Dey Company and Randall R. Cool. Commissioner Wender seconded. Unanimous.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$8,110.28.

Ms. Holly presented Budget Revision #2 for the General County and Coal Severance Funds for Fiscal Year 2006-2007 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Budget Revision #2 for the General County and Coal Severance Funds for Fiscal

Year 2006-2007. Commissioner Wender seconded. Unanimous. Orders signed.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Services for the Strategic Prevention Framework State Incentive Grant (SPIF-SIG), amount \$34.71.

The Commissioners received and reviewed a request from Peggy-Sasser, Mayor of the Town of Pax requesting funding of \$1,500.00 for water extension to eight (8) houses in the Pax area.

Commissioner Lopez offered a motion to approve request to the Town of Pax of \$1,500 for water extension to eight houses. Commissioner Wender seconded. Unanimous.

The Commissioners asked Ms. Holly to hold check until they receive written request with confirmation that they did receive funding of \$3,500 from the Governor's Office.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that the securities pledged to the Fayette County Commission will no longer be available for pledge as of May 14, 2007 they will substitute these securities.

The Commissioners signed an Order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank, and acting pursuant to Chapter 7, Article 6, Section 2 of the West Virginia Code 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.

Ms. Holly informed the Commissioners she had talked with Sandra

Vance, Senior Account Representative with Pitney Bowes, Inc. and have selected a new postage machine.

Ms. Holly told the Commissioners that by leasing they would save \$1,059.32. The cost would be \$399.00 per month quarterly.

Commissioner Wender offered a motion that the Fayette County Commission enters into a lease with Pitney Bowes for a new postage machine. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept recommendation from the Fayette County Farmland Protection Board to reappoint Alan Wickline and John Brenemen members of the Fayette County Farmland Protection Board for a period of four years, said terms to expire May 16, 2011. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that in accordance with the Renewal of Existing Additional County Levy dated November 12, 2004 and approved by the voters an order for the annual pro-rate 5-year cost associated with the special election to be deducted from the total amount raised has to be signed.

Commissioner Wender offered a motion to set aside the amount for each of the three levies and transfer the funds to the Fayette County Election Expense Levy Fund. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a form from Verizon to change the pay phone account at the Memorial Building from the Fayette County Board of Education to the Fayette County Commission.

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,

2007 (Fayette County National Bank, Bank One Beckley, WV, N. A., Bank of Mount Hope, Branch Banking and Trust (BB&T), United Bank and City National Bank of WV). Order and letters signed.

The Commissioners signed a letter expressing their support of the plan by the Southern Appalachian Labor School (SALS) plans to seek Housing Preservation Grant funds.

The Commissioners received and reviewed a letter from the Fayette County Health Department recommending that John Eades be reappointed to serve as a member on the Fayette County Health Board.

Commissioner Lopez offered a motion to accept the recommendation of the Fayette County Health Board and reappoint John Eades a member of the Fayette County Health Board, term to expire June 30, 2012. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed an Agreement Between the Fayette County Commission, Fayette County Board of Health and Donald C. Newell, Jr., D. O. appointing Donald Newell as the part-time Fayette County Health Officer.

Commissioner Lopez offered a motion to sign Agreement Between the Fayette County Commission, Fayette County Board of Health and Donald C. Newell, Jr., D. O. to appoint Mr. Newell the part-time Fayette County Health Officer effective July 1, 2007. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville Midget League requesting permission to use the Memorial Building for their Cheerleading Clinics and Tryouts on May 15, and 17 from 5:30 p.m. to 7:00 p.m. and May 19 from 9:00 a.m. to 5:00 p.m.

Ms. Holly informed the Commissioners she received a letter from Okey Skidmore, Manager informing that these dates are open.

Commissioner Wender offered a motion to approve permission of the Fayetteville Midget League to use the Memorial Building for their Cheerleading Clinics and Tryouts on May 15, May 17 and May 19, 2007. Commissioner Lopez seconded. Unanimous.

Ms. Holy informed the Commissioners that Earl Pauley, Park Superintendent had called to inform her that the D53 Komastu Loader has a cracked head.

Ms. Holly presented to the Commissioners a letter from Mr. Pauley informing that he had talked with the foreman and he has a commitment from his boss that if the Commissioners pay half they will pay the other half, the cost of a new head is \$4,500.00. The cost the Commissioners would have to pay would be \$2,250.00, the mechanic cost approximately \$1,100.00.

Commissioner Wender offered a motion that the Fayette County Commission pay half the cost of a new head for the D53 Komatsu Loader, Komatsu shop to pay the other half of the head and mechanics labor. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested having a telephone conference with Andrew Goldschmidt, NACo, regarding prescription drug card plan. The Commissioners asked Ms. Holly to invite Mike Zimm, Susan Woods and Main Street Pharmacy.

Ms. Holly informed the Commissioners she sent Patti Hamilton an e-mail asking her if it is okay to have hearings in July regarding the hotel/motel occupancy tax increase.

The Commissioners asked Ms. Holly to e-mail Sharon Cruikshank, Director New River Convention and Visitors Bureau to send letters out to each entity to inform them of the increase in the hotel/motel occupancy tax.

The Commissioners received and reviewed a fax from the County Commissioners' Association of West Virginia requesting that the Commission select a representative to work with Roger Jefferson regarding the County's Hazard Mitigation Plan.

The Commissioners authorized Steve Cruikshank, OES Director as the County's representative to work with Roger Jefferson regarding the County's Hazard Mitigation Plan.

The Commissioners received and reviewed an e-mail from Carol Jones to Commissioner Wender regarding the Minden Clean-up.

The Commissioners asked Ms. Holly to hold until the next meeting. Ms. Holly informed the Commissioners that if the Fayetteville High School Softball Team win their game this week she will be out of the office on May 23, May 24 or May 25.

Joseph Carelli, Litter Control Officer appeared before the Commission to discuss dumpsters for a possible clean up in Fayette County.

Mr. Carelli informed the Commissioners that the Department of Environmental Protection has set up May 24, 25, and 26 for Smithers (metal) and June 5, 6, and 7 at the Old Wal-Mart Store in Oak Hill (metal and tires).

Mr. Carelli told the Commissioners that the Department of Environmental Protection will not pay for any dumpsters.

The cost for the dumpsters-\$239.00 to haul plus \$41.75 per ton (holds 7 tons), \$400.00 per haul (Gauley Bridge has 7 hauls).

Mr. Carelli presented a copy of Kanawha County Planning and Development Office Advertisement to the Commissioners.

After a brief discussion, Commissioner Lopez recommended dropping spring clean up for this year.

The Commissioners approved and signed travel reimbursement for the Fayette County Prevention Partnership, amount \$63.91.

The Commissioners received and reviewed a request from The Alliance of West Virginia Champion Communities, Inc. to attend the Commission's next regularly scheduled meeting to discuss and/or answer questions regarding the Community Technology \$5,000 Minigrant Program.

The Commissioners asked to schedule for the next County Commission meeting May 25, 2007.

The Commissioners received and reviewed a memo from David Neal, E911 Coordinator informing that effective immediately Amanda G. Martin be added to their payroll as a Part-time Communication Specialist at \$7.50 an hour.

The Commissioners received and reviewed a letter from Sheriff Bill Laird giving an update of the progress for completing the initial purchase of the bullet proof vests for the deputy Sheriffs.

The Commissioners received and reviewed a letter from the Department of Treasury regarding the Proposed Adverse Determination \$11,600,000 County Commission of Fayette County, WV, Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Corporation Project) Series 1995.

The Commissioners received and reviewed a notice from the West Virginia Homeland Security Grant Program informing the Federal Fiscal Year 2006 Homeland Security Grant Program (HSGP) grant funds are available, completed applications are due no later than 4:00 p.m. Friday, June 29, 2007.

The Commissioners received and reviewed the Southern Regional Jail expenses for fiscal years 2005, 2006, and 2007.

The Commissioners received and reviewed a letter from the Division of Veteran Affairs attaching a copy of a news release requesting property for a state veteran's cemetery in Southern West Virginia.

The Commissioners received and reviewed a letter from the Office of the Secretary of State informing they will be hosting the 2007 Election Seminar on September 26, 27 and 28 at the Charleston Town Center Marriott.

The Commissioners received and reviewed a notice informing that Terra Basham, Secretary of WVU Extension Service lost all belongings in a family house fire in Edmond.

The Commissioners received and reviewed a notice from the Public Service Commission informing they approved enlarging the Kanawha Falls Public Service District.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Service enclosing a copy of the Final Watershed Plan-Environmental Impact Statement (Plan EIS) for the Dunloup Creek Watershed, in Fayette and Raleigh Counties.

The Commissioners received and reviewed an invitation from the

White Oak Chapter National Railway Historical Society inviting the Commission to their Open House/Membership Drive being held May 14, 2007 at the Depot on the corner of Virginia Street and Central Avenue, Oak Hill.

The Commissioners received and reviewed an invitation from Southern West Virginia Convention and Visitors Bureau inviting the Commission to their ribbon cutting ceremony being held Thursday, May 17, 2007.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing of available funds through the 2008 Local Wellhead Protection Grant for Community Water Systems.

The Commissioners received and reviewed a notice from the West Virginia Department of Environmental Protection informing the 2008 REAP Recycling Assistance Grant Guideline and Forms are now available.

The Commissioners received and reviewed from West Virginia American Water a copy of West Virginia American Water's 2006 Giving Report entitled Our Vision Beyond the Tap: Extending Opportunities and Supporting Communities.

The Commissioners received and reviewed a letter from the Public Service Commission regarding informal complaint made by Eula Ewing requesting funding for a water extension project in Hico, West Virginia.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Harvey Young, Assessor informing that effective May 3, 2007 Tommy Jackson will be working in his office on

part-time bases. He will be paid from the PVC Fund at a rate of \$10.00 per hour.

The Commissioners received and reviewed Statement of Expenditures for the Fayette County Park and Central Garage as of April 2007.

The Commissioners received and reviewed from Eddie Young, Assessor a copy of the Assessor's Valuation Fund Reconciliation 2006-2007.

The Commissioners received and reviewed a fax from Senator Shirley Love informing of the Proposed Addition to the Administrative Rules for the magistrate Courts of West Virginia.

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

The Commissioners received and reviewed several correspondences from Steptoe and Johnson regarding the Canterbury lawsuit and correspondence from Schumacher, Francis and Nelson regarding the Braxton lawsuit.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged as of April 30, 2007.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) listing the securities held by Branch Banking and Trust as of April 30, 2007.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of April 30, 2007.

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 Activity Report and Monthly Revenue Report for the month of April, C-PAC allotment (\$12,455.68) for the month of May and Weekly Fees Collected for the week of April 27 to April 30, 2007, amount \$65.00, the week of May 1 to May 3, 2007, amount \$125.00 and the week of May 4 to May 10, 2007, amount \$85.00.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$50.44, Verizon, amount \$32,045.39, CityNet Holdings, LLC, amount \$64.02, Trinsic Communications, Inc., amount \$22.00, and Cleartel Communications, amount \$376.00; Jail Fees from the Town of Fayetteville, amount \$194.00 and the City of Mount Hope, amount \$48.50; Franchise Fees from SuddenLink Communications, amount \$170.00 and Bradley Communications, amount \$870.78; Soldiers and Sailors-Wall of Honor, amount \$50.00; Criminal Justice Services-Just For Kids, amount \$1,658.08; WV Development Office-Page/Kincaid PSD Ingram Branch Wastewater Project, amount \$10,409.61; Travelers Insurance Claim, amount \$1,279.74; and the Secretary of State-Voters List, amount \$167.50.

The Commissioners received and reviewed an e-mail from the Office of the Treasurer informing that the funds due for political subdivision for wine, liquor and private club taxes will be deposited on May 3, 2007, amount \$357.31.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing she will be the SPF-SIG work plan coordinator through September 2007.

The Commissioners received and reviewed an e-mail from Amber

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Marstiller informing that the New River health Annex (Rt. 612 by Whipple Clinic) would be available for their Fayette County Prevention Partnership Participants.

The Commissioners received and reviewed an e-mail from Scott Thompson to Amber Marstiller to let her know he would be glad to meet with her to discuss the SPF-SIG Prevention grant.

The Commissioners received and reviewed an e-mail from Ms. Holly informing that Hilary with 59 News called and wanted their reaction about being placed on the ARC distressed county list.

The Commissioners received and reviewed an e-mail from Aletha Stolar requesting access to the map room at the Courthouse Annex.

The meeting was adjourned at 3:50 p.m. The next scheduled meeting is May 25, 2007.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

MAY 25, 2007

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 25th day of May 2007.

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

Consultants from the Governor's Office of Economic Opportunity appeared before the Commission to discuss the Multi-Cap Program.

Each representative introduced themselves to the Commissioners. Present was Robert Hulsch, Dr. Allan DeGialio, and Robert Moore.

The representative told the Commissioners they are here for community action and to get concerns for our jurisdiction, block grant funds and service needs. They asked the Commissioners to review. They asked the Commission if they wanted to be on the board. The Commissioners replied yes.

The representative told the Commissioners they want to reconstruct Multi-Cap. They told the Commissioners they appreciated their time and will be back in June to base recommendations.

There were no exonerations.

Commissioner Wender offered a motion to approved prior minutes for April 6 April 17, and April 27. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve vouchers.

Commissioners Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve James Perdue and Debbie Aliff overtime. Commissioner Wender seconded. Unanimous.

CSX Railroad, the National Park Services, and Amtrax released ownership to transfer to the National Park Services.

CSX wants to do scale drawings of a barricade. Commissioner Wender offered a motion for Fayette County Commission to allocate \$2,000.00 to West lake Engineer to survey and prepare drawings for CSX. Commissioner Lopez seconded. Unanimous.

Ms. Holly read a letter from the National Park Service asking the Commission to take view of interest.

Ms. Holly told the Commissioners Debbie Berry had prepared a folder of bills and invoices to be paid. Commissioner Lopez made a motion to approve. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received two (2) letters from the Fayetteville Fairs and Festivals, requesting permission for the American Red Cross to use the Historic Courthouse to conduct another blood drive in conjunction with the Heritage Festival on Saturday, June 30, 2007 from 11:00 a.m. to 4:00 p.m. in the Commission room. A janitor will be needed from approximately 10:00 a.m. to 5:00 p.m.

Commissioner Wender offered a motion to approve permission for the American Red Cross to use the Historic Courthouse to conduct a blood drive in conjunction with the Heritage Festival on Saturday, June 30, 2007 from 11:00 a.m. to 4:00 p.m., and approve permission to use one janitor. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented to the Commissioners, an invoice from Motorola for the twelve (12) mobile radios purchased for Law Enforcement. Ms. Holly told the Commissioners the total amount is \$43,466.40, the Homeland Security Grant provided for a total of \$38,400.00 to be applied toward this purchase and the Sheriff/Law Enforcement Capital Outlay will pay the difference, amount \$5,066.40.

Ms. Holly presented the two (2) checks to be approved to the Commissioners. Commissioner Wender offered a motion to pay Motorola \$38,400.00 for the purchase of the twelve (12) mobile radios to be reimbursed from the Homeland Security Grant. Commissioner Eskew seconded. Unanimous.

Shelly Huffman, Community Connect Foundation and the Claude Worthington Benedum Foundation appeared before the Commission to present the Community Technology \$5000 Minigrant Program.

Ms. Huffman told the Commissioners the primary focus of this program will be to foster technology-based projects that address solutions to community problems in the geographical service area of the Alliance of West Virginia Champion Communities, Inc.

Ms. Huffman told the Commissioners that distressed areas of Fayette County from CAEZ are eligible to participate in the Community Technology \$5000 Minigrant Program.

Commissioner Wender requested Aletha Stolar to prepare press release to get the word out about the grants.

William Shiffer appeared before the Commission to discuss the 4th year summer student interim program.

Mr. Shiffer told the Commissioners that last year twelve (12)

Meadow Bridge High School seniors participated in the program. The program also included three (3) mentors' one from Meadow Bridge, Greenbrier West, and Rainelle Christian Academy.

Mr. Shiffer told the Commissioners the program pays each student \$8.00 an hour for 20 hours per week for 6 weeks. The purpose of the program is to expose the students to the field of science and math.

Mr. Shiffer told the Commissioners he is requesting \$5,000 each from the Fayette County Commission and the Greenbrier County Commission and \$5,000 each from the Fayette County Board of Education and the Greenbrier County Board of Education.

Commissioner Wender told Mr. Shiffer he would like to get feedback from Al Martini, Principal at Meadow Bridge High School and students from Meadow Bridge High School who attended last year, and Stacy White, science teacher. Commissioner Eskew asked what kind of time line they had. Mr. Shiffer said they have had great progress in the past with this project. Commissioner Eskew, Commissioner Wender, and Commissioner Lopez unanimously told Mr. Shiffer they want to talk to Al Martin first and the Fayette County Board of Education.

The Commissioners asked Mr. Shiffer to come back on June 22, 2007 to discuss further.

Laura McCutchum, Plateau Action Network read the letter from Board Members protesting Mr. Shiffer project. She presented a letter asking the Commissioners to deny request of Mr. Shiffer.

Commissioner Eskew made a motion to go ahead and discuss matter on June 22, 2007 at 11:15 a.m.

Dave Pollard appeared before the Commissioners to request

secretarial position for Allen Ballard, Carl Thompson, Dave Pollard and Aletha Stolar

Mr. Pollard told the Commissioners their proposal is to hire a full-time secretary at a rate of \$300 a week. Mr. Pollard told the Commissioners their proposal would be to apply the \$12,000 a year now committed through 4C EDA (\$10,000) and the County Commission (\$2,000) to clerical support committed for Mark Ehrnschwender. The remainder, would be made up through savings on private contractor costs for the Code Official by allowing Allen to get out and do more inspections.

Mr. Pollard is asking the Commission to hire a full time secretary at \$15,600 salary (\$7.50) plus benefits, save \$24,000 inspection fees from Allen Ballard being able to do inspections.

Commissioner Wender offered a motion that Fayette County Commission hires a full-time secretary at \$15,600.00 salary plus benefits funding from the \$10,000 4-C EDA balance General County Funds under supervision of Allen Ballard to work for the Family Resource Network Coordinator (FRN), the County Resource Coordinator, the Building Code Officer, and the WVU Coordinator. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Dave Pollard to send position notice to Ms. Holly for publication.

Dave Pollard, Allen Ballard, Aletha Stolar and Carl Thompson to interview and make recommendations to the Fayette County Commission.

Aletha Stolar gave an update on her projects.

Earl Pauley and Jodie Ward gave an update on the shooting range Phase I grant and Phase II grant. Will need \$3,192.99 to finish both

5-25-07

Robert Hirsch
Dr. Allan DeGiulio
ROBERT MOORE
William Griffin
Shelley Huffman
Allen Ballard
Altha Stolar
Dave Follow

projects, will come back July 6, 2007 at 10:30 a.m. for an update.

Virgil Berry appeared before the Commission to request that the Fayette County Commission partner with the American Red Cross to get supplies for the Homeland Security Grant (shelters, cots, radios, computers/projector).

Mr. Berry told the Commissioners that the American Red Cross will be responsible for the equipment. Mr. Berry requests that the Fayette County Commission be the fiscal agent. The American Red Cross will prepare the application. There is no local match.

Commissioner Wender offered a motion to be co-applicant with the Fayette-Nicholas American Red Cross for mass mitigation. The American Red Cross will prepare application, progress reports, bids etc. The Commission authorizes Ken Eskew to sign on behalf of the Fayette County Commission. Commissioner Eskew seconded. Unanimous.

Ms. Holly asked who will be attending the meeting at the Governor's Office? Commissioner Eskew, Commissioner Lopez, Carl Harris and maybe Commissioner Wender will be attending.

The Commissioners received and reviewed a letter from Theresa White, Planning/Operations Officer to James Blankenship regarding a copy of the participants involved with the Hazard Mitigation Grant Program. The Commissioners asked Ms. Holly to talk to Ms. White to see whether this is a new grant.

The Commissioners received and reviewed a letter from Debbie Tate, WVU Extension Service, County Program Coordinator requesting a replacement refrigerator for their office.

Commissioner Lopez offered a motion to get it from Lowe's for

\$300.00. Commissioner Eskew seconded. Unanimous.

The Commissioners approved purchase of an air conditioner for Debbie Aliff, Payroll Clerk office.

The Commissioners received and reviewed a letter from Richard Meadows informing that recently the Commission granted permission to use the Memorial Building once a week for their Ben Argento Basketball youth summer league program, in previous years the Commissioners allowed them to use the Memorial Building twice per week during the months of July and August. Mr. Richardson is asking that this year the Commission allow them to continue the twice per week summer league. The Commissioners asked Ms. Holly to do a follow-up.

The Commissioners agreed to join the National Association of Counties (NACo). The invoice for county dues is effective January 2007 for the budget July 1, 2007. The Commissioners asked that a new invoice be reissued.

Commissioner Lopez informed the Commissioners that Senator Shirley Love has money for Harold Bragg for the street lights for Glen Jean, amount \$1,110.00. Commissioner Lopez informed the Commission they will be issuing the funding.

Ms. Holly informed the Commissioners that at their last meeting discussion was held regarding scheduling a public hearing to adopt an increase in the hotel/motel tax from 3% to 6%.

Ms. Holly told the Commissioners she received a fax from Vivian Parsons informing that a notice of a hearing can take place, the hearing can be held as long as the tax increase is not imposed until July 1st or after.

The Commissioners suggested leaving hearing as scheduled for July 6, 2007 to adopt the increase on July 20, 2007.

Commissioner Wender informed the Commissioners he received a letter requesting a proposed addition on satellite for magistrate offices in the Danese/Meadow Bridge area and asking what kind of regulation are required.

Carl Harris, Prosecuting Attorney is going to review proposed regulations for a satellite in the magistrate's office.

The Commissioners received and reviewed minutes of the Fayette County Planning Commission held May 21, 2007.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Service for Just For Kids, Inc., amount \$2,660.94.

The Commissioners received and reviewed a letter from Walter Caldwell concerning use of the Fayette County Soldiers and Sailors Memorial Auditorium.

The Commissioners received and reviewed a copy of a letter to the Department of Military Affairs and Public Safety from Sheriff William Laird regarding the Homeland Security Sub-Grantee Progress Reports Sub-Grant #05-LE-09.

The Commissioners received and reviewed a copy of a letter to WV Governor's Highway Safety office from Sheriff William Laird enclosing the Grant Contract Agreement In-Car Digital Camera Grant #07COPS-131 executed and signed by the Fayette County Commission.

The Commissioners received and reviewed an e-mail from Election Systems and Software regarding the final Florida State University

(FSU) source code review analysis.

The Commissioners received and reviewed a letter from the National Council on Compensation Insurance, Inc., regarding Workers' Compensation Insurance.

The Commissioners received and reviewed an e-mail from Tom Oxley, City Manager of Oak Hill regarding Wolf Creek Project.

The Commissioners received and reviewed a letter from Greenberg Traurig regarding the response to Information Document Request regarding the \$11,600,000 Commission of Fayette County, West Virginia, Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Project), series 1995.

The Commissioners received and reviewed a legal advertisement for the Case Manager position for the Fayette County Community Corrections Program.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that effective May 15, 2007, Eric D. Barrett II will be working in their office on part-time basis, and effective May 16, 2007 Shane Thomas Stafford will be working in their office on part-time basis, both salaries to be paid out of his Regular County Budget at a rate of \$6.00 per hour, effective May 16, 2007 Ashley June Daugherty will be working on part-time basis, salary will be from the PVC Fund at a rate of \$6.00 per hour.

The Commissioners received and reviewed a letter from Travelers Insurance thanking the Commission for choosing Travelers and providing advance notice of changes affecting the renewal policy or notification

of a renewal premium.

The Commissioners received and reviewed several checks for 911 Fees from Operating Account, amount \$2,054.46, Mountain Communications, LLC, amount \$45.82, Metropolitan Telecommunications of WV, amount \$2.00, Granite Telecommunications, LLC, amount \$136.00, Level 3 Communications, LLC, amount \$138.00, IDT Corporation, amount \$50.00, AT&T Communications of WV, amount \$618.00 Cleartel Telecommunications, Inc., amount \$12.00; Alarm Fees, amount \$315.00; Travelers Insurance-Refund, amount \$2,959.19; Supreme Court-FLM Rent, amount \$2,025.00; TRIDENT reimbursement, amount \$538.20; Criminal Justice Services-Just For Kids, amount \$3,516.39, and Community Corrections, amount \$7,045.45; WV Development Office-City of Ansted Museum, amount \$4,636.34.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance regarding Workers' Compensation claims.

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

The Commissioners received and reviewed a copy of a deposit slip from the Fayette County national Bank to the Fayette County Urban Renewal Authority, Inc. Wolf Creek Park Construction, amount \$208,286.59.

The Commissioners received and reviewed a letter from the National Park Service applauding the Fayette County Commission efforts to preserve the Prince Train Station, a unique landmark believed to be integral to the history of the New River.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding the New haven Public Service District Beauty Mountain/Power Plant/Shawver Bridge Road/Stringtown Road Design Loan Closing.

The Commissioners received and reviewed a notice from the United States Bankruptcy Court informing that a hearing has been scheduled for June 20, 2007 at 2:30 p.m. regarding Multi-County Community Action Against Poverty, Inc.

The Commissioners received and reviewed a letter from SunTrust Bank notifying the Fayette County Commission of the new pledge securities.

The Commissioners received and reviewed an invitation to attend the Fayette County Governor's Promise Scholarship Recognition Ceremony being held Wednesday, May 23, 2007 at 10:00 a.m. at the Fayetteville High School.

The Commissioners received and reviewed a Memo from Carl Harris, Prosecuting Attorney regarding Alloy Credit Union and the Georgia pacific Project/solid Waste Disposal Facility Revenue Bonds.

The Commissioners received and reviewed a letter from the Office of the State Auditor regarding the Help America Vote Act.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney, requesting that a payroll check be issued to Roaxanna H. Ballard in the amount of \$900.00 and a check in the amount of \$800 be issued to Tina L. Beverly for additional work performed during preparation for the May 2007 Grand Jury and the additional time spent during the preparation and trail of Eugene

Carroll.

The Commissioners received and reviewed an invitation asking the Fayette County Commission to join them in welcoming the new Superintendent of the New River Gorge National River, Mr. Don Striker.

The Commissioners received and reviewed the Fayette County Community Corrections December 2006 Statistical Summary.

The Commissioners received and reviewed a Public Notice to inform the Fayette County Commission of a proposal for work in which they might be interested in and also to solicit comments.

The Commissioners received and reviewed a copy of a letter to the Regional Jail Authority from Carl Harris, Prosecuting Attorney regarding the Regional Jail invoices for June 2006 and Subsequent months.

The Commissioners received and reviewed a Newsletter from the Dunloup Creek Watershed Association.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing the Homeland Security sub-grant to the Fayette County Commission is currently delinquent for submitting March 2007 monthly reports.

The Commissioners received and reviewed an invitation from the Community and Technical College at WVU Tech inviting the Commission to attend the Kick-Off Event for the Summit on Area Revitalization (SOAR).

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS the Weekly Fees Collected for the week of May 11 to May 17, 2007, amount \$312.18 and the week of May 18 to May

24, 2007, amount \$255.00.

The Commissioners received and reviewed a fax from the Secretary of State attaching a Summary of 2007 Regular Session Legislative Bills passed.

The Commissioners received and reviewed a fax from the Office of the State Treasurer informing the April limited Video Lottery proceeds will be directly deposited on May 25, 2007, amount \$6,300.59.

The Commissioners received and reviewed an e-mail from Tim Richardson informing that he has talked with Lance Schlitz, Hydrotech Reclamation Services and answered all questions in regard to the Roaring River Project.

The Commissioners received and reviewed an e-mail from Commissioner Wender informing he has received an estimate from Bill Keeney at Westlake, Inc. That the survey/drawings required by CSX for the Prince Station project will not exceed \$2,000.

The Commissioners received and reviewed an e-mail from Eric Pories, WVPRO inviting the Commission to the Whitewater Industry Study Briefing presented by Bill Owens, Economics Research Associates, Wednesday, May 23, 2007 at 4:00 p.m. at Class VI.

The Commissioners received and reviewed minutes of the Prince Station meeting held on May 3, 2007.

The Commissioners received and reviewed minutes of the Fayette County Prevention Partnership SPF-SIG.

The Commissioners received and reviewed an e-mail from Brain Parsons to Ms. Holly thanking her for her assistance with the Farmer's Market lease.

The Commissioners received and reviewed an e-mail from Cindy Dragan to the Commissioners informing that she will be leaving her position as Assistant Director of the Fayette County Chamber of Commerce and New River CVB effective May 18, 2007.

The meeting was adjourned at 12:25 p.m. The next scheduled meeting is June 4, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 9, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 9th day of November 2007.

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

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

Commissioner Lopez offered a motion to approve and sign personal property tickets for Nick Johnston, II, Owen Otis and Conner Pugh, Jr., Robert G. and Kathy E. Hellems, Cheryl F. DuFour, Tracy Porter, Killom Burn, William C. Preston, Paul A. Wehrle and Fannie Redman, Alan W. or Christina Brinegar, Charles N. Green, Jr., Mary or Glenna Kenney, and Kenneth R. and Patsy A. Horrocks. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tickets for Edelman Rentals, LLC, Edward Penn, Edith Holcomb, Frank Legg, Steven Ellison, Carl William and Patricia Sevy and Charles Wayne and Linda Fisher. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refunds for Johnny Davis (\$285.26) and Edith Holcomb (\$258.80). Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender offered a motion to approve minutes of

October 5 and October 26, 2007. Commissioner Lopez seconded.
Unanimous.

Commissioner Wender offered a motion to approve Resolution honoring and extending appreciation on behalf of the citizens of Fayette County for the many years of service given by Kenneth Fox to this County and does hereby recognize his efforts and accomplishments. Commissioner Lopez seconded. Unanimous.

David Neal, E911 Coordinator appeared before the Commissioners to give an update on the mapping/addressing project.

Mr. Neal told the Commissioners he received from the West Virginia Statewide Addressing and Mapping Board a check for \$25,856.95.

Mr. Neal told the Commissioners that this check represents the 40% disbursement of funds for the work submitted for the completion of the E911 addressing work.

Mr. Neal told the Commissioners they have completed another phase, and they have one more reimbursement phase left.

Mr. Neal told the Commissioners the progress is going well.

Commissioner Eskew informed they are here today to present a Resolution to Kenneth Fox honoring and extending appreciation on behalf of the citizens of Fayette County for the many years of services given to the County and does hereby recognize his efforts and accomplishments.

Present for the presentation were John David, Bart Jackson, Kenneth Fox and wife Deloris Fox and Kenneth Smart and wife Evon Smart.

Commissioner Eskew read the Resolution.

John David presented an application for a Community Participation Grant for the Southern Appalachian Labor School Fayette Coalfield Housing Project to the Commissioners.

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

Mr. David presented to the Commissioners for their review and continued support requests for funding for Group Work Camps (\$10,000), Energy Express (\$7,000), and the community Center (\$10,000).

The Commissioners informed Mr. David this would be for the Budget hearings in March 2008.

Mr. David presented to the Commissioners Audit Report for the Southern Appalachian Labor School (SALS) for year ended December 31, 2006.

Mr. David told the Commissioners that Southern Appalachian Labor School is constructing eight new homes for low income families on donated property in Hilltop.

Mr. David told the Commissioners that in order to provide wastewater services SALS had to contract for an extension of a line from the White Oak Public Service District. The estimated cost exceeds \$30,000.00.

Mr. David told the Commissioners that SALS is not financially able to construct the wastewater lines.

Mr. David is requesting that the Commission consider an emergency grant of \$30,000 either to SALS or White Oak Public Service District to pay for this line extension.

The Commissioners asked that this be an agenda item for the next

Commission meeting November 30, 2007.

The Commissioners asked John David to find out who else is willing to be a party and asked Mr. David to ask W. D. Smith, Dave Pollard to attend.

Mr. David presented the YouthBuild USA Youthful Offender Project book to the Commissioners.

Bill Hannabass, Mayor City of Oak Hill appeared before the Commission to hold a public hearing for a minor boundary adjustment for Wolf Creek Park.

Mr. Hannabass presented to the Commissioners Affidavit of postings of publication of the hearing.

Carl Harris, Prosecuting Attorney and Tom Michaels, attorney for the City of Oak Hill to finalize order for the minor boundary adjustment for Wolf Creek Park. Mr. Harris to present the order at the November 30 County Commission meeting.

Commissioner Wender offered a motion to approve annexation request of those parcels showing residential portions of Wolf Creek Park. Commissioner Lopez seconded. Unanimous.

Final documents to be signed on November 30 after Carl Harris review.

Commissioner Wender offered a motion to authorize the City of Oak Hill to do whatever necessary to police rail trails to police people using as a short cut at Virginia Street put up guard rails or other means for public safety. Commissioner Lopez seconded. Unanimous.

Attorney Graydon Ooten appeared before the Commission to present a Petition for annexation of Certain Additional Territory into the Municipality of Fayetteville, Fayette County, West Virginia.

Also present were Jim Akers, Mayor and Bill Lanham, City Manager. Carl Harris, Prosecuting Attorney informed the Commissioners he has reviewed the Petition.

Commissioner Wender offered a motion that the Fayette County Commission approves the Annexation request from the Town of Fayetteville. Commissioner Lopez seconded. Unanimous.

Sheriff William Laird appeared before the Commission to introduce Donnie Tompkins, the new Case Manager for the Community Corrections Day Report Center.

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

Attorney James Blankenship appeared before the Commission to present a Petition of Stephanie A. Dravenstott Gouge Waugh to abandon an unnamed and unused street. Also, present was Ramona Gay Lewis.

Carl Harris, Prosecuting Attorney asked the Commission to request a continuance of the proceedings due to the lengthy discussions, his should have been recorded.

Commissioner Lopez offered a motion to continue the hearing on November 30, 2007 with a recorder. Commissioner Wender seconded. Unanimous.

Kelvin Holliday, County Clerk and Linda Johnson, Chief Deputy Clerk appeared before the Commission to discuss the 2008 Election equipment.

Mr. Holliday told the Commissioners that the locks for the Commissioners on the iVotronic room needs to be unlocked.

Ms. Johnson presented to the Commissioners a list of the equipment needed for the 2008 election, total cost \$16,000.00.

Commissioner Lopez offered a motion to approve purchase of the election equipment for the 2008 election, cost \$16,000.00.

Commissioner Wender seconded. Unanimous.

Ms. Holly told the Commissioners she received a letter from the West Virginia Courthouse Improvement Authority informing that \$64,240.00 has been awarded to the Fayette County Commission for courthouse improvements.

Commissioner Wender asked Ms. Holly to have James Perdue, Maintenance Supervisor give an update on the jail improvements on November 30, 2007.

Commissioner Wender asked Ms. Hickman to schedule John David on the November 30, 2007 agenda to discuss the White Oak Public Service District Sewer Extension and to give the status of Southern Appalachian Labor School (SALS) Dormitory Project.

Ms. Holly informed the Commissioners she received a request from Saints Peter and Paul Catholic School requesting the use of the Fayette County memorial Building for their basketball games.

Commissioner Lopez suggested including in a paragraph that the Fayette County Board of Education is not renewing their lease a fee will be charged for next year.

Commissioner Wender offered a motion to approve the request of Saints Peter and Paul Catholic School to use the Memorial Building for the upcoming basketball season pending no conflict of schedule, the \$1,000.000 rental fee will be waived, garbage and the custodian fees waived with the understanding Teresa D'Angela be responsible for the clean-up and security of the buildings and grounds after each game; they will monitor this situation and if they receive any complaints,

they will withdraw the waver. All other rules are applicable including insurance, responsible adult supervision is required at all times; all activities scheduled by the Fayette County Board of Education shall be given priority. 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 December 2007.

The Commissioners signed a Request for Reimbursement to the West Virginia Courthouse Facilities Improvement Authority for Tri-State Roofing and Sheet Metal Company, amount \$43,556.55 and for TRIDENT, amount \$1,110.14.

The Commissioners approved and signed the holiday list for 2008.

The Commissioners signed a Memorandum of Understanding Between West Virginia State University Gus R. Douglass Institute, the Fayette County Commission and the 4-C Economic Development Authority

The Commissioners received and reviewed an e-mail from Jack Crosier, Manager Lewis Community Foundation Christian Community Center apologizing that the date of this Thursday inviting the Commission and their staff to breakfast did not work.

Mr. Crosier provided a choice of dates the Commission could choose to reschedule the breakfast.

The Commissioners asked Ms. Holly to e-mail Mr. Crosier and inform him that lunch on November 30 would be best.

The Commissioners received and reviewed a letter from Sheriff William Laird enclosing a report from the safety Section fo the West Virginia Division of Labor relating to their inspection of the

basement offices of the Judicial Annex Building currently occupied by the Sheriff's Tax Office.

The Commissioners asked Ms. Holly to have Sheriff Laird post a copy of the report in the annex building.

Ms. Holly presented a quote for a HP Laser 4350n Printer for Debbie Aliff, Payroll Clerk, amount \$1,649.98 to the Commissioners.

Commissioner Wender offered a motion to approve purchase of a HP Laser 4350n printer for \$1,649.98. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to release check to Tri-State Roofing and Sheet Metal Company.

The Commissioners signed a letter to the West Virginia Development Office enclosing the fifth drawdown for the Fayette County Sportsman's Recreation Center and City of Ansted Museum, amount \$1,078.20.

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 Workers' Compensation Board of Review regarding workers' compensation claims.

The Commissioners received and reviewed thank-you note from Larry Dotson family.

The Commissioners signed invoice to the Town of Fayetteville for confinement of inmates at the Southern Regional Jail, amount \$242.50 for the month of October.

The Commissioners received and reviewed a letter from the

Governor's Office informing he has designated Capital Resources Agency, Inc. as the eligible entity for the Community Service Block Grant (CSBG) service area including Kanawha, Boone, Fayette, Putnam and Clay counties.

The Commissioners received and reviewed a letter from Capital Resource Agency, Inc. thanking the Commission for their support and informing the Commission that Governor Manchin has designated them as the eligible entity to receive the Community Service Block Grant (CSBG) funds for the counties of Boone, Clay, Kanawha, Fayette, and Putnam.

The Commissioners received and reviewed a memo from the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed a letter from Stafford Consultants regarding New Haven Public Service District-Beauty Mountain, Power Plant Road, Shawver Bridge Road Status Report.

The Commissioners received and reviewed a letter from Stafford Consultants regarding New Haven Public Service District-Stringtown Road Status Report.

The Commissioners received and reviewed from the Kanawha County Commission a copy of their survey results of the rates of pay for poll workers.

The Commissioners received and reviewed a copy of an e-mail to Debbie Aliff, Payroll Clerk from David Neal, E911 Coordinator asking that Bill McGraw pay rate be changed to \$11.81 shift supervisor effective October 16, 2007.

The Commissioners received and reviewed a letter from the United States Department of Commerce thanking the Commission for sending a

representative to the LUCA technical workshop on October 16, 2007 in Hillsboro, Ohio.

The Commissioners received and reviewed a copy of a letter from Chief Deputy Steve Kessler to Debbie Aliff, Payroll Clerk informing that effective November 1, 2007 Deputy Rodney Perdue will have completed his/year probation period. His salary will increase \$100.00 per month or \$1,200.00 per year.

The Commissioners received and reviewed a letter from the West Virginia Lottery informing that as of Friday, October 19, 2007, both of the northern Racetracks, Wheeling Island Racetrack and Gaming Center and Mountaineer Racetrack and Gaming Resort have implemented Table Games at their facilities.

The Commissioners received and reviewed a letter from the U. S. Bankruptcy Court for the Northern District of Texas Dallas Division re. VARTEC TeleCom, Inc.

The Commissioners received and reviewed a notice from the Fayette County Health Department informing that Flue shots will be given every Wednesday at 9:00 a. m. to 11:00 a. m. and 1:00 p. m. to 3:00 p. m.

The Commissioners received and reviewed several correspondences from Pullin, Fowler, Flanagan, Brown and Poe regarding Kamensky, v. Fayette County Commission, etal lawsuit.

The Commissioners received and reviewed several correspondences from Steptoe and Johnson regarding Charles Canterbury lawsuit.

The Commissioners received and reviewed an invitation inviting the Commission to attend a workshop Tourism and the Power of Place using the National Geographic Geotourism Approach being held November 16, 2007.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Service for SPF-SIG grants, a mount \$6,033.63.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Case #07-0430-T-C-Kanawha County Metro Emergency Operations Center v. Vonage Holdings Corp. and Case #07-2098-T-GI General Investigation regarding the collection and remittance of E911 fees by Voice over Internet Protocol providers.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Forrest Osborne's request for new water service on "Miller Ridge Road" near Fayetteville.

The Commissioners received and reviewed a letter from the Social Security Administration requesting wage information for Billy Joe Kincaid.

The Commissioners received and reviewed an invitation from Ray Gene inviting the Commission to join them Saturday, November 10, 2007 at 10:00 a.m. for a Blessing of the Mountain.

The Commissioners received and reviewed Certificate of Liability Insurance from Mediocre Mat Productions dba Apex Wrestling.

The Commissioners received and reviewed a Status Report of 911 calls from January through October.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) informing as of October 31, 2007 the securities held by BB&T as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank listing securities pledge as of October 31, 2007.

The Commissioners received and reviewed Cash Statement and Asset List from the Bank of New York as of October 22, 2007, October 23, 2007, and October 31, 2007.

The Commissioners received and reviewed a Community Impact Statement from Powellton Coal Company, LLC. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding Fiscal Year 2003 Small Cities Block Grant-Fayette County Commission/SALS Courthouse Elevator Project #03SCBG0026X.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Funds, amount \$114.00 for the month of October.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of October and the New River Humane Society allotment, amount \$11,930.59 for the month of November, Weekly Fees Collected for the week of October 19 to October 25, 2007, amount \$160.00, the week of October 26 to October 31, 2007, amount \$90.00, the week of November 1, 2007, amount \$45.00 and the week of November 2 to November 8, 2007, amount \$55.00.

The Commissioners received and reviewed checks for Franchise Fees from Suddenlink Communications, amount \$30,047.59; 911 Fees from Matrix Business Technologies, amount \$16.00; Refunds-Keystone Ridge, amount \$45.70; Reimbursements-City of Beckley, amount \$250.84, WV Statewide Addressing/Mapping Board, amount \$25,856.95; Rent-FC Farmers market, amount \$8.00; Brian Logan, Secretary of State, amount \$117.50;

WV Development Office-Horseshoe Club Digest Grant, amount 43,631.45;
Soldiers and Sailors Memorial, amount \$25.00.

The Commissioners received and reviewed an e-mail from Laurea Sarver with the West Virginia Prevention Resource Center inviting the Commission to attend a fiscal presentation during the first day of the Share the Vision Conference, November 14, 2007 from 11:50 a.m. to 12:45 p.m.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer forwarding copies of the Public Notice UDC Amendments documents to all Planning Commission members.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer forwarding copies of the Board of Zoning Appeals minutes of November 5, 2007.

The Commissioners received and reviewed an e-mail from Ray Birkholz, CSX Real Property regarding the Prince Train Station.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director attaching information regarding drought, forest fire and winter predictions.

The Commissioners received and reviewed an e-mail from Amber Marstiller regarding the hiring of SPF-SIG Contracted workers.

The Commissioners received and reviewed an e-mail from Tom Oxley regarding the Rail Trail Paving Project.

The Commissioners received and reviewed an e-mail from Tom Oxley regarding the Rail Trail Supplemental Agreement.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator regarding the Kingston line relocation.

The meeting was adjourned at 12:25 p.m. The next scheduled meeting is November 30, 2007.

Kenneth E. Egan

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 30, 2007
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 30th day of November 2007.

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

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

Commissioner Lopez offered a motion to approve and sign personal property tickets for Lawrence and Carrie Bledsoe. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tickets for the United States of America, Timothy R. Bess, John F. Walkup, Turkey Creek Hardwood, Alan Forrest Hess, Jr., Edward Gray, Gail Diane Farley, Dencil Eugene Schoolcraft, Edwyn A. Perry, II, Homer J. Amick, Ronald Lee Holly and Teresa Young. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refunds for Teresa Young (\$345.65) and John F. Walkup (\$449.40). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, release checks today and approve to pay invoices received from the 911 Center today. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of August 17, August 31, and September 10, 2007. Commissioner Lopez seconded.

Unanimous.

John David, Vicky Smith with Southern Appalachian Labor School (SALS) and Alice King, Region 4 Planning and Development appeared before the Commission to continue discussion regarding application for a sewer extension with the White Oak Public Service District or SALS.

Mr. David told the Commissioners he has included an update on the original amount, instead of \$30,000 the cost would be \$44,600.

Vicky Smith told the Commissioners they have 4" sewer lines not capable this volume of houses.

Commissioner Wender asked Mr. David how did he build seven (7) houses knowing that he had sewer line problems.

Commissioner Eskew asked Mr. David how many houses are involved?

Mr. David replied the maximum count is nine(9) houses.

Dave Pollard, County Resource Coordinator suggested to Mr. David to work with the Division of Environmental Protection to see if he can get a 1% loan.

Ms. Holly told the Commissioners someone from the White Oak Public Service District need to be here.

Commissioner Wender asked Mr. Pollard if they could do a Community Enhancement District.

Commissioner Eskew asked that Dave Pollard, Alice King work with John David and get the White Oak Public Service District to come in with a game plan, return with recommendation on December 4 at a special County Commission meeting at 1:00 p.m. to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission sponsor John David as a nominee for the Martin Luther King

Award. Commissioner Lopez seconded. Unanimous.

Attorney James Blankenship appeared before the Commission to continue hearing from November 9, 2007 on the Petition of Stephanie A. Dravenstott Gouge Waugh to abandon an unnamed and unused street.

Also, present for the hearing was Stephanie Waugh and Ramona Gaye Lewis in opposition.

Commissioner Eskew swore in Stephanie Waugh and Ramona Lewis.

Attorney Blankenship questioned Ms. Waugh and presented to the Commissioners the exhibits filed in support of the Petitioner.

Attorney Blankenship told the Commissioners the lot owned by the petitioner is next to a portion of an unnamed and unused street or alley described and designated on the said map, said street or alley lying outside of any incorporated town, which the Petitioner requests herein be abandoned.

Attorney Blankenship told the Commissioners that Ramona Lewis is the owner of property that is not next to the unused road and street sought to be abandoned herein and has access to her Lot #46 in the Whipple Subdivision by two access points by means of a street and an alleyway.

Commissioner Wender offered a motion to approve Petition for the closing and vacating the portion of said road, street or other travel way as set forth upon the plat attached with modification as to the revised correction to the Petition. Commissioner Lopez seconded. Unanimous.

Tim Richardson, Zoning Officer appeared before the Commissioners to present amendments (change in land classification) to the Unified

Development Code.

Also present were Allen Ballard, Building Enforcement Code Official and Dave Pollard, County Resource Coordinator.

Mr. Richardson informed the Commissioners the first order of business: Recommendation of Amendment of Unified Development Code Section 9007 "Flood Plain District Ordinance."

Mr. Richardson informed the Commissioners the Planning Commission approved as requested by a unanimous vote of 8-0 to adopt the amendment.

Robert Perry, Coordinator with the State National Flood Insurance Program (NFIP) addressed the Commission gave an overview of this amendment.

Commissioner Wender offered a motion to approve this request to amend the Unified Development Code Section 9007 "Flood Plain District Ordinance" as recommended by the Fayette County Planning Commission. Commissioner Lopez seconded. Unanimous.

Mr. Richardson informed the Commissioners that the requests for adoption of Section 9008 "Stream Buffer Ordinance" and Section 9009 "Storm-water Management Ordinance" had been requested by the staff to the Planning Commission to table action on these until enforcement documentation could be finalized and presented with these proposed ordinances.

The Commissioners acknowledged, no action taken.

Alice King, Region 4 Planning and Development Council, John David, Vicky Smith with Southern Appalachian Labor School appeared before the Commission to discuss the SALS Dormitory.

Ms. King told the Commissioners that this Small Cities Block Grant (SCBG) needs to be closed by December 31, 2008. Construction of the dormitory should be done by July 2008.

Vicky Smith told the Commissioners they probably could be done by September or October 2008.

The Commissioners opened bids for Mobile Radios for the Sheriff's Department.

Ms. Holly informed the Commissioners she received two (2) bids from Hughes Supply Company (\$83,212) and Two-Way Radio (\$86,928).

The Commissioners asked that these bids be referred to the Sheriff to review and make recommendation.

Commissioner Wender offered a motion to accept the lower bid provided that it meets specs and compatible with the radio equipment that is already in place. Commissioner Lopez seconded. Unanimous.

Aaron Legg with the West Virginia Conservation Agency appeared before the Commission to discuss the proposed Sediment Removal Project for Armstrong Creek Adena Village in Fayette County.

Mr. Legg told the Commissioners they would have to get an agreement with the Fayette County Commission, the West Virginia Conservation Agency and the Southern Soil Conservation and possibly with the Division of Highways.

Mr. Legg told the Commissioners the approximate cost would be \$10,350.00. Fayette County Commission would be responsible for \$5,175.00.

Commissioner Wender approved with Commissioner Lopez to work with the Division of Highways and the West Virginia Conservation Agency to

lower the cost. Mr. Legg told the Commissioners he cannot enter streams with the Division of Highways.

Commissioner Wender asked Commissioner Lopez if he could possibly get the Division of Highways to donate the dumpsters.

Commissioner Wender offered a motion that Fayette County Commission will participate with the West Virginia Conservation Agency and the Southern Soil Conservation District to remedy the Adena flood matter and authorize Commissioner Eskew to sign letter confirming the agreement. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the New Haven Public Service District informing they have received a commitment of funds for approximately 67% of the construction of the Derry Hale/Sun Mine Road waterline.

The New Haven Public Service District is requesting funding in the amount of \$6,000.00 from the Fayette County Commission for the preparation of a Preliminary Engineering Report for the construction of the Derry Hale/Sun Mine Road waterline.

Commissioner Lopez offered a motion to approve \$3,000.00 match and urge New Haven Public Service District to explore a larger match from West Virginia America Water and additional funding possibility from the City of Mount Hope. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and release first half payrolls on December 10th and discuss second half payrolls on December 14th. Commissioner Wender seconded. Unanimous.

The Commissioners signed Order approving and confirming annexation by the City of Oak Hill (Wolf Creek Park).

Ms. Holly informed the Commissioners she received an Agreement for the Danese Public Service District Water Extension.

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

Related to the Small Cities Block Grant (SCBG), the Commissioners signed Citizen Complaint Procedure, Section 3 of the U. S. Housing Act of 1968, Fair Housing Resolution, Code of Conduct, Labor Compliance Procedure, Residential Anti-Displacement and Relocation Assistance Plan, SCBG Three-Day Rule Compliance Policy, Procurement Standards and the Affirmation Action Program.

Commissioner Lopez offered a motion to approve Jackie Hickman's overtime. Commissioner Wender seconded. Unanimous.

The Commissioners signed invoice to the Fayette County Board of Education for rent for the Fayette County Soldiers and Sailor Memorial Building, amount \$2,916.67 for the month of December.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Day Report Center, amount \$8,996.23 for the month of October.

The Commissioners received and approved three (3) invoices from Amber Marstiller from the SPF-SIG Grant.

The Commissioners signed a letter to the West Virginia Development Office requesting second drawdown for the White Oak Trail, amount \$2,638.06.

The Commissioners received and reviewed a letter from Craig Lee

Loy, Principal Valley High School requests use of the Fayette County Memorial Building to host a Regional AAA Basketball Tournament.

Commissioner Wender offered a motion to approve request of Craig Lee Loy, Principal Valley High School the use of the Fayette County Memorial Building to host a Regional AAA Basketball Tournament same terms and conditions as last year. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Gauley River Public Service District requesting that Sue Gray be reappointed a Commissioner on the Gauley River Public Service District.

Commissioner Wender offered a motion that Sue Gray be reappointed a member on the Gauley River Public Service District. Commissioner Eskew seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing they need to substitute certain securities pledged.

Commissioner Wender 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. Order signed.

The Commissioners signed zoning minutes and Order of today's Zoning hearing.

The Commissioners received an invoice from Boxley for gravel for road to Patty Davis property in Corliss.

Commissioner Wender offered a motion to approve paying the invoice from Boxley, amount \$95.57. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners that Tom Oxley called and rescheduled the annexation hearing for December 14, 2007.

Commissioner Lopez asked if the County had any copy machine they're not using. Smithers Detachment is in need of one.

Commissioner Wender suggested that they go to Staples and get three (3) quotes.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting that a check in the amount of \$420.81 be issued from his record book line item to Family Resource Network.

The Commissioners received and reviewed a Memo from Kelvin Holliday regarding Leave Policy for 2008 and beyond.

The Commissioners received and reviewed a Memo from Carl Harris, Prosecuting Attorney regarding his review of Kelvin Holliday's Memo.

Ms. Holly presented an update of the Jail Museum from James Perdue, Maintenance Supervisor to the Commissioners.

Ms. Holly told the Commissioners that Mr. Perdue is requesting that two (2) heaters be purchased to heat the building, cost \$253.00 each.

The Commissioners asked Ms. Holly to hold request and they will discuss on December 14, 2007.

The Commissioners received and reviewed an invitation from the Mine Safety Technology Consortium inviting the Commission to attend a

demonstration of an Underground Mining Tracking Device December 4, 2007 at 1:00 p.m. at the Upper Kanawha Valley Technology Building.

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

The Commissioners received and reviewed a letter from the West Virginia Economic Development Authority enclosing an Annual Employment Status Report to complete which will comply with the employment reporting requirements outlined within the Memorandum of Understanding.

The Commissioners received and reviewed an invitation to attend Tim Erwin, Chief Probation Officer going away party being held Wednesday, December 5, 2007.

The Commissioners received and reviewed an invitation to attend Iris Akers surprise retirement party being held Wednesday, December 12, 2007.

The Commissioners received and reviewed a copy of a letter from Iris Akers to Carl Harris, Prosecuting Attorney confirming that her last day of employment in the Fayette County Prosecuting Attorney's Office will be December 31, 2007.

The Commissioners received and reviewed minutes of the Fayette County Planning Commission held November 26, 2007.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for November 21 and 23, 2007.

The Commissioners received and reviewed County RxCard.

The Commissioners received and reviewed an invitation from the Upper Kanawha Valley Economic Development Corporation inviting the

Commissioners to attend the 2007 Annual Membership Meeting being held Wednesday, December 12, 2007 from 11:00 a.m. to 1:00 p.m.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing that the Kanawha Falls Community Water is being issued an Administrative Order due to failure to comply with the public health laws of the State of West Virginia.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing that the Arbuckle Public Service District is being issued an Administrative Order due to failure to comply with the public health laws of the State of West Virginia.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to Debbie Aliff, Payroll Clerk informing that effective November 16, 2007 James Phillip Pack has been hired as a Deputy Sheriff for the Fayette County Sheriff Department, salary \$26,021.04 to be paid from the law Enforcement Levy Fund.

The Commissioners received and reviewed a Grant Adjustment Notice to the Division of Criminal Justice Service for the Fayette County Day Report Center, Project #07-CC-75.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the October Limited Video Lottery will be directly deposited on November 26, 2007, amount \$6,627.67.

The Commissioners received and reviewed a letter from the State Tax Department informing that Harvey E. Young, Assessor has

substantially complied with the "assessor's additional duties" and entitles Mr. Young to the additional compensation of \$15,000.00.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids, amount \$2,146.00.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds for the October Table Games will be directly deposit on November 15, 2007, amount \$242.65.

The Commissioners received and reviewed Quarterly Report from Dave Pollard, County Resource Coordinator for November 2007.

The Commissioners received and reviewed an invitation from the Children's Home Society of West Virginia inviting the Commissioners to attend the First Tracks For Children being held November 30, 2007 at 7:00 to 9:30 p.m.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission regarding Mary Kees concerns about her water service in Gallagher, West Virginia.

The Commissioners received and reviewed a Memorandum from Chief Deputy Steve Kessler asking that the expenses for the two officers attending the training class in Clarksburg, West Virginia for instructor development be paid from the training fund, amount \$350.00.

The Commissioners received and reviewed the West Virginia Court Security Fund Grant Application.

The Commissioners received and reviewed a letter from the State Tax Department informing the Property Valuation Training and Procedures Commission approved the requested revision to the County

Valuation Fund Budget for Fiscal Year 2007-2008.

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulating the Commission on their recent Appalachian Regional Commission Grant award to extend water service to the areas including Raven's Eye, Shelton Road, and the communities of Hilton Village and Clifftop.

The Commissioners received and reviewed a letter from the Fayette County Senior Programs responding to the complaint she received from Don Bragg in Meadow Bridge.

The Commissioners received and reviewed a letter from David Perry, Chairman Democratic Executive Committee requesting pay raises for the Fayette County poll workers.

The Commissioners approved to pay, Westlake, Inc. for survey of the Prince Train Station, amount \$2,978.69.

The Commissioners signed Notice of intent (NOI) to the West Virginia Department of Environmental Protection.

The Commissioners received and reviewed Application for Employment from Billy Ray McClung.

The Commissioners received and reviewed from the Fayette County Community Corrections Program Day Report Center notice that ~~Mark~~ Anthony Griffith will be hired part-time at \$5.85 to lay blocks.

The Commissioners received and reviewed a note from Allen Ballard, Building Inspection Officer informing that a mistake was made to 9008 Stream Buffer Ordinance, Page 9-3. Page 9-3 has been corrected and now states that approval must come from the Building Code Official instead of the Zoning Enforcement Officer.

The Commissioners received and reviewed several correspondences fro BrickStreet Insurance.

The Commissioners received and reviewed a letter from the Department of Education and the Arts informing of the changes that are underway at the Cultural Center.

Ms. Holly informed the Commissioners that Cindy Dragan New River Convention and visitor Bureau stopped by to inquire if CVS can enroll under the County's PEIA Program. Commissioner Wender asked Ms. Holly to inform Ms. Dragan that CVS cannot enroll under the County's PEIA Plan.

The Commissioners received and reviewed letters sent to Just For Kids, Inc. (\$2,000), Armstrong Creek Volunteer Fire Department (\$1,500), Gauneka Ruritan Club (\$5,000), Mount Hope Lion's Club (\$1,500), Lewis Community Foundation (\$16,000), and Danese Public Service District (\$32,000) attaching copies of their Agreement for the Legislative Digest grants.

The Commissioners 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 to enable the Southern Appalachian Labor School (SALS) to acquire a storage facility for the SALS Community Center in Beards Fork.

The Commissioners received and reviewed a letter from the West Virginia Development Office inviting the Commission to submit applications for Fiscal Year 2008 Land and Water Conservation Fund.

The Commissioners received and reviewed a Petition for a Writ of

Mandamus regarding the State of West Virginia Ex Rel Regional Jail and Correctional Facilities Authority v. County Commission of Cabell County lawsuit.

The Commissioners received and reviewed a Site Visitation from the West Virginia Conservation Agency for Armstrong Creek.

The Commissioners received and reviewed a Supplemental Agreement from the Division of Highways for the Oak Hill Rail Trail, Phase II.

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 checks for 911 Fees from Citizen Communications Co., amount \$50.44, One Communications, amount \$2,025.36, CityNet, amount \$225.04, Verizon, amount \$30,965.28, Mountain Communications, amount \$45.82, Level 3 Communications, LLC, amount \$114.00, AT&T Communications, LLC, amount \$888.00, Cebridge Telecom, WV, amount \$248.00, Cleartel Telecommunications, Inc., amount \$12.00, IDT Corporation, amount \$40.00, Granite Telecommunications, LLC, amount \$144.00; Alarm Fees, amount \$1,875.00; Jail Fees-City of Smithers, amount \$48.50; Homeland Security-DR-1522-WV Project, amount \$47.54; WV Development Office, amount \$133,356.78; Criminal Justice Services, amount \$13,855.65, TRIDENT, amount \$1,110.14, Just For Kids, amount \$2,909.33, SPF-SIG, amount \$4,063.43; Rent-Fayette County Board of Education, amount \$2,916.67, FLM, amount \$2,025.00; Soldiers & Sailors Memorial, amount \$25.00; and U. S. Treasury, amount \$54.08.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of

November 9 to November 14, 2007, amount \$170.00, the week of November 16 to November 22, 2007, amount \$210.00 and the week of November 23 to November 29, 2007, amount \$95.00.

The Commissioners received and reviewed an e-mail from Tom Oxley and Beth Gardner regarding paving of the Oak Hill Rail Trail.

The Commissioners received and reviewed an e-mail from Rhonda Brisendine regarding the Oak Hill Rail Trail Supplemental Agreement.

The Commissioners received and reviewed an e-mail from Theresa White regarding a surprise farewell for Becky Pollastrini.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer informing the Commissioners he has forward a hard copy of a sample of the "non-conversion agreement" to be added to this amendment.

The Commissioners received and reviewed an e-mail from Jenny Becksted regarding a Music Heritage Center in Fayetteville.

The Commissioners received and reviewed an e-mail from John David thanking the Commissioners for their tribute to Kenneth Fox.

The Commissioners received and reviewed an e-mail from Amber Marstiller reminding the Commissioners of the next Youth and Family Issues Committees and Fayette County Prevention Partnership meeting.

The Commissioners received and reviewed an e-mail from Jack Crosier regarding the County Commission Appreciation Lunch.

The Commissioners received and reviewed an e-mail from Calantha Quesenberry regarding the Christmas lights.

The Commissioners received and reviewed an e-mail from Ms. Holly regarding the second half payroll for November.

The Commissioners received and reviewed an e-mail from Calantha Quesenberry regarding the Silpada Design, Sterling Silver Jewelry Party.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing the Commissioners that this is the Fayette County Family Resource Network on-line resource guide.

The meeting was adjourned at 12:15 p. m.. The next scheduled meeting is December 4, 2007.

Kenneth L. Eder

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 5, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 5th day of October 2007.

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

Mary K. Weatherford from the Assessor's Office presented exonerations to be approved and signed.

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

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

Commissioner Wender offered a motion to approve refund for Juanita Hatcher (\$415.69). Commissioner Lopez seconded.

Commissioner Lopez offered a motion subject to the approval of the Assessor Juanita B. Hatcher be afforded tax relief for tax year 2005 in the total amount of \$310.52 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 Wender seconded. Unanimous. Order signed.

Commissioner Lopez offered a motion to approve vouchers and invoices to be released today and approved 1st half payrolls to be released on October 12, 2007. Commissioner Wender seconded.

PERSONAL PROPERTY TICKETS CANCELLED OR EXONERATED
MONTH OF
OCTOBER 5, 2007

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE	REASON FOR CANCELLATION	STRAIGHT	CORRECTED	RE-ISSUED	CANCELLED	TAX	
					CANCEL	TKT CREATED	SUPPLEMENTAL	LEVY	DISTRICT	
1	1878688	303466	HAMBRICK HEATHER & EDWIN E II	9/17/2007	DIVORCE-2 SUPPLEMENTAL TICKETS ISSUED	XXXXX		XXXXXXXXXX	\$ 642.84	2
2	1886481	309280	HOWERTON MICHAEL J OR MARISA C	9/17/2007	TAXES PAID ON SUPPLEMENTAL TICKET FOR 2005	XXXXX		XXXXXXXXXX	\$ 335.84	9
3	1886431	300320	BURDETTE CHARLES A JR	9/19/2007	VEHICLES ENTERED INCORRECTLY-SUPP TICKET ISSUED	XXXXX		XXXXXXXXXX	\$ 120.68	1
4	1002122S	303994	PATIENCE INC	9/17/2007	PT OF ROLLING STOCK LOCATED IN RALEIGH CO-PER J BAYS		XXXXXXXXX		\$15,730.68	2
5	1145095	310455	SMITH WARRICK NILE & MARY J	9/19/2007	DID NOT HAVE 2003 TOYOTA CAMRY ON 7/1/2006		XXXXXXXXX		\$ 207.14	13
6	1747649	20000072S	WOODSON GARY B OR ANNETTE R	9/21/2007	VD TICKET PER TOM WOODRUM-TAX PD ON ANOTHER SUPP	XXXXX		XXXXXXXXXX	\$ 294.22	2
7	1538385	305294	ALEXANDER GERALD WAYNE	9/24/2007	LIVED IN KANAWHA CO ON 7/1/2000-PD TAXES THERE	XXXXX			\$ 197.30	3
8	1538385	305268	ALEXANDER GERALD WAYNE	9/24/2007	LIVED IN KANAWHA CO ON 7/1/2003-PD TAXES THERE	XXXXX			\$ 120.18	3
9	1538385	304920	ALEXANDER GERALD WAYNE	9/24/2007	LIVED IN KANAWHA CO ON 7/1/2004-PD TAXES THERE	XXXXX			\$ 100.82	3
10	1538385	304713	ALEXANDER GERALD WAYNE	9/24/2007	LIVED IN KANAWHA CO ON 7/1/2005-PD TAXES THERE	XXXXX			\$ 83.46	3
11	1538385	304739	ALEXANDER GERALD WAYNE	9/24/2007	LIVED IN KANAWHA CO ON 7/1/2006-PD TAXES THERE	XXXXX			\$ 39.20	3
12	1874979	303415	HINZMAN ROBERT W	9/25/2007	DIVORCE-2 SUPPLEMENTAL TICKETS ISSUED	XXXXX		XXXXXXXXXX	\$ 330.88	2
13	1892632	305597	G B & M INC	9/25/2007	TAXES PD ON SUPPLEMENTAL TICKET	XXXXX		XXXXXXXXXX	\$ 619.58	3
14	1884693	308135	HELTON JAMES B III & BONNIE SMITHSON	9/25/2007	DID NOT HAVE 1987 DODGE TRUCK ON 7/1/2006		XXXXXXXXX		\$ 12.92	8
15	1892596	308393	B B & T LEASING	9/26/2007	EQUIPMENT NOT LOCATED IN FAYETTE CO ON 7/1/2006	XXXXX			\$ 424.86	9
16	1892105	301456	MARLIN LEASING	9/27/2007	DUPLICATE ASSESSMENT	XXXXX			\$ 585.32	1
17	1888631	303754	MAYNARD DELORIS & ARNOLD	9/27/2007	TAXES PD ON SUPPLEMENTAL TICKET	XXXXX			\$ 105.30	2
18	100000506S	SUPP	LESHER JEREMY B	9/27/2007	DOUBLE ASSESSMENT	XXXXX			\$ 145.52	1
19	500000252S	SUPP	HOUGH KELLY ANNE & GARY L	9/27/2007	DOUBLE ASSESSMENT	XXXXX			\$ 40.06	5
20	100000774S	SUPP	STRUNK PHYLLIS	9/28/2007	DOUBLE ASSESSMENT	XXXXX			\$ 57.82	1
21	900001505S	SUPP	NELSON CHARLES E JR	9/28/2007	DOUBLE ASSESSMENT	XXXXX			\$ 274.20	9
22	200000476S	SUPP	WILSON RONALD E & LYDA M	9/28/2007	DOUBLE ASSESSMENT	XXXXX			\$ 101.06	2
23	300000077S	SUPP	BOSTIC LEAH C	9/28/2007	DOUBLE ASSESSMENT	XXXXX			\$ 139.10	3
24	300001641S	SUPP	JOHNSON LARRY J	9/28/2007	DOUBLE ASSESSMENT	XXXXX			\$ 486.06	3
25	1209123	303943	NUTTER LESLIE ERNEST JR	9/28/2007	VEHICLES ENTERED INCORRECTLY-SUPP TICKET ISSUED	XXXXX		#200000101S	\$ 257.88	2
26	879701	303649	GREEN WILLIAM A	10/2/2007	MH SOLD BEFORE 07/01/2003	XXXXX			\$ 43.24	2

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF October 5, 2007

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6252459	19685	SKAGGS, CHARLES EVERETT	9/13/2007	DOES NOT EXIST	X			\$6.16	2
6312858	39514	DELLISANTE, BARBARA	9/13/2007	ERRONEOUS VALUE		X		\$207.60	13
6347090	19970	STAFFORD, EUGENE A	9/13/2007	ERRONEOUS VALUE		X		\$189.08	2
6019426	5283	ISAACS, DWAYNE KEITH & AMANDA	9/24/2007	S/B CLASS 2		X		\$375.08	1
6051602	174	AKERS, REBECCA JOHN & VELDA	9/24/2007	S/B HOMESTEAD		X		\$256.20	1
6162635	19837	SMITH, REBA	9/24/2007	ERRONEOUS VALUE		X		\$114.52	2
6039592	32163	CUMMINGS, ANNA LEE	9/24/2007	ERRONEOUS VALUE		X		\$11.86	6
6053959	8177	PLUMLEY, RALPH N & GAYNELLE	9/24/2007	ERRONEOUS VALUE		X		\$319.76	1
8036537	9774	SPEAREN, RICHARD A	9/24/2007	DOES NOT EXIST	X			\$31.00	1
6011745	5910	KOONTZ, THOMAS R & TAMMY D	9/25/2007	DOES NOT EXIST	X			\$618.06	1
6061414	625	BARNETT, E LEON	9/25/2007	S/B HOMESTEAD		X		\$99.16	1
6039574	32156	CLAY, ARTHUR B	9/25/2007	S/B CLASS 2		X		\$268.00	6
6188341	15091	FEAZELL, H KEITH & MARILYN JO	9/26/2007	ERRONEOUS VALUE		X		\$424.28	2
8011466	5282	ISAACS, DWAYNE KEITH & AMANDA	9/26/2007	S/B CLASS 2		X		\$3.08	1
8014454	35498	GREENE, THOMAS & JONI	9/26/2007	S/B CLASS 2 & ERRONEOUS VALUE		X		\$165.18	9
6312858	39514	DELLISANTE, BARBARA	10/1/2007	ERRONEOUS VALUE		X		\$207.60	13
6275256	27694	SETTLE, ROBERT KEITH	10/1/2007	S/B HOMESTEAD		X		\$256.20	3

Unanimous.

No prior minutes were signed.

Commissioner Wender offered a motion to approve the request from the Fayette County Historic Landmark Commission to delete Article 1, Section 1(b) from the 1984 Order Establishing the Fayette County Historic Landmark Commission and appoint the fifth member from the County at large. Commissioner Lopez seconded. Unanimous. Order signed.

Attorney James Blankenship appeared before the Commission to present a Petition of Stephanie A. Dravenstott Gorge Waugh to abandon an unnamed and unused street.

The Commissioners signed an Order upon consideration of the Petition and application that a hearing shall be heard and considered before the County Commission on Friday, November 9, 2007 at 10:30 a.m. for the Petition of Stephanie A. Dravenstott Gorge Waugh to abandon an unnamed and unused street.

Ms. Holly told the Commissioners she received three (3) Agreements back for Legislative Digest Grants for Armstrong Creek Volunteer Fire Department, amount \$1,500.00, Just For Kids, amount \$2,000.00 and Gauneka-Ruritan Club, amount \$5,000.00. The Commissioners signed the Agreements.

The Commissioners received/reviewed and signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT, amount \$3,480.60 for the month of September.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Richard Spearen, Patricia

M. Russell and Lyla Lee Lucas and Carl Chittum. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she received a letter from the Division of Criminal Justice Services and Governor Joe Manchin informing they have approved funding for the Strategic Prevention Framework/State Incentive Grant (SPF-SIG) Program, amount \$74,586.00. Ms. Holly told the Commissioners that a portion of this grant to be for a full time Director.

Commissioner Wender offered a motion to authorize Amber Marstiller to continue as director, salary \$25,000 plus benefits to be reimbursed by the grant, employment contingent on continuation of receiving these grant funds. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Congressman Nick Rahall regarding the Wild Rock Development in Fayette County.

David Neal, E911 Coordinator appeared before the Commission to discuss Hutch's Body Shop and Wrecker Service request to be put on the 911 Center rotation list. Also, present was Tommy Harris.

After a brief discussion, Commissioner Wender offered a motion to decline request of Hutch's Body Shop and Wrecker Service to be included on the rotation list for Fayette County because none of his vehicles are registered in Fayette County. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Mr. Neal about the letter the Commissioners received from Peggy Day regarding a street in Meadow Bridge.

The Commissioners asked David Neal to draft a letter to the

Meadow Bridge Town Council regarding reason they can or cannot change a road name from Cow Town Road.

David Neal told the Commissioners they will be getting another 40% check reimbursement sometime this after for mapping/addressing project.

Mr. Neal told the Commissioners that the mapping and addressing are 85% complete. They will finish Rural Routes deliveries by November.

Ms. Holly told the Commissioners she received a letter from the Department of Commerce regarding Census Report. Ms. Holly told the Commissioners she forwarded a copy of the letter to David Neal, E911 Coordinator, Eddie Young, Assessor, and Tim Richardson, Zoning Officer, the workshop is scheduled for October 15, 2007.

Carl Thompson member of the Fayette County Farmland Protection Board appeared before the Commission to recommend that the first farm to be protected under its easement protection program be the farm of Loren J. Fox, Sr. located on Gatewood Road. The easement value of the Fox farm has been appraised at \$207,000.00.

Also present were Greg Stone, Dustin Adkins, Gary Redden, Pat Bowen with the Natural Resource Conservation Service, Alan Wickline, Doug Kincaid, Brett Lively members of the Fayette County Farmland Protection Board.

Commissioner Lopez offered a motion to approve easement for Loren Fox Farm as recommended by the Fayette County Farmland Protection Board. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed that at the last Fayette County

Farmland Protection Board meeting they approved Agreement that they will pay \$10,000 for Nicole Kessler, secretary on the third floor instead of 4-C Economic Development Authority, 4-C will pay a total of \$20,000 to the West Virginia State University for Carl Thompson salary (See attached e-mail).

Commissioner Wender offered a motion to approve the proposal by the Fayette County Farmland Protection Board regarding salaries for Nicole Kessler and Carl Thompson. Commissioner Lopez seconded. Unanimous.

Carrie Carr, Gloria King with the New River Humane Society, Sheriff William Laird and Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the part-time dog warden's duties.

Mr. Harris asked who decide on when the part-time employer would work.

Commissioner Lopez asked if the part-time dog warden have same authority as the Dog Warden?

Sheriff William Laird should assign a work schedule. Chief Deputy Steve Kessler is to set the schedule. The part-time worker not to work same time as the full time worker, they will use same truck.

Commissioner Lopez asked about uniform for the part-time dog warden.

Commissioner Wender offered a motion to authorize Earl Pauley, Park Superintendent to purchase uniform for the part-time dog warden from the Fayette County Park budget. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez commented that the Fayette County Commission

Charlotte Holly

From: "Matthew D. Wender" <mdw.jit@verizon.net>
To: "Carl Harris" <HARRISCL@aol.com>; "Ken Eskew" <kennethsq@suddenlink.net>; "Charlotte Holly" <cholly@zoomnet.net>; "Judy Radford" <jradford@4ceda.org>; "Jenny Fertig" <fertigan@oscar.wvstateu.edu>
Cc: <Lavonne33@aol.com>; "Dave Pollard" <goshawk@birding-wv.com>; "Carl Thompson" <cthumps7@wvstateu.edu>; "Brett Lively" <brett@jimlively.com>; "Doug Kincaid" <d.kincaid@suddenlink.net>; "Alan Wickline" <wickliab@hotmail.com>; "Alan Rice" <proforester@verizon.net>; "Alan Rice" <wolfcreek@verizon.net>
Sent: Wednesday, September 19, 2007 12:21 PM
Subject: WVSU Extension Agent Funding

The Fayette County Farmland Protection Board met last evening.

Alan Wickline proposed a funding method whereby Carl Thompson may remain as a FP Board member and additional funding can be made to WVSU to further subsidize Carl's salary as Extension Agent. The Board voted and approved the funding as follows:

- The proposal will provide for a \$10,000 per year payment to the Fayette Count Commission. The funding will be to partially pay the salary of the assistant on the 3rd floor, materials, and office space.
- In turn this will eliminate the need for the 4-C EDA payment (\$10,000 annually) to the County Commission which is now used to partially reimburse the Commission for the assistant's salary.
- This will allow 4-C EDA to direct the additional \$10,000 to WVSU. 4-C EDA will continue as WVSU's funding partner but at the higher rate of \$20,000 per year.
- Thus Carl's position continues with the original two funding sources WVSU and 4-C EDA (with the County Commission as in-kind support).
- This will free up \$10,000 of the funding now directed toward Carl's salary by WVSU.

(As a clean up matter, the FPB will make its contribution on a fiscal year basis -- July 1- June 30. Carl's contract with WVSU has an Oct. 1st anniversary. Since we will be three months into the current fiscal year, the payment to the County Commission will be prorated to \$7,500 for the current fiscal year.)

.....

The Fayette County Commission will meet on October 5th. I will request that the Commission consider paying the mileage associate with the duties of the WVSU Extension Agent (Carl). Carl estimates his annual mileage at less than 500 miles per month which should be something around \$2500 per year.

Hopefully this will be a satisfactory arrangement to resolving the funding shortfall and meet the objectives of all concerned.

temporary approved Jeep purchase for Doug Arbogast maybe this can be use by the Animal Shelter.

Bill Hannabass, Mayor of Oak Hill appeared before the Commission to present a minor boundary adjustment residential portion of Wolf Creek Park.

Commissioner Wender offered a motion that the Fayette County Commission proceed with the annexation and approve the minor boundary adjustment residential portion of Wolf Creek Park. Commissioner Lopez seconded. Unanimous. The Commissioners approved to run legal for the hearing scheduled for November 9, 2007 at 10:00 a.m.

Mr. Hannabass told the Commissioners that they are ready to go with paving bids for the Oak Hill Rail Trail Project.

Commissioner Wender offered a motion to authorize the advertisement of bid for the Oak Hill Rail Trail project paving. Commissioner Lopez seconded. Unanimous.

Commissioner Wender told the Commissioners that Tom Oxley informed him that the Fayette County Commission grant is greater than portion of the trail.

Commissioner Wender informed the Commission that he and Mr. Oxley have spoken with Harold Simmons with the Division of Highways and he informed us that we needed to write a letter to adjust start and stop points.

Commissioner Wender offered a motion to authorize Fayette County Commission to sign letter regarding change in paving starting and stopping points for 500 additional feet. Commissioner Lopez seconded. Unanimous. Letter signed.

Commissioner Lopez asked Earl Pauley to give a status of the Jeep.

Mr. Pauley replied a bad radiator, the truck is in the garage, rear end out could be back together tonight or Monday.

Ms. Holly informed the Commissioners she received a complaint from Corina Sizemore regarding a pack of German Shepherds.

Sheriff Laird told Ms. Holly this has been taken care of.

Ms. Holly told the Commissioners she has not received a status on the New River Humane Society Agreement. Carl Harris, Prosecuting Attorney is reviewing.

Commissioner Lopez asked Gloria King about the increase in the New River Humane Society allotment.

Ms. King replied some of the cost is euthanization.

Earl Pauley, Park Superintendent appeared before the Commission with questions regarding the Oak Hill Rail Trails. Mr. Pauley told the Commissioners he will work Wednesday.

Commissioner Wender offered a motion to authorize Fayette County Commission to spend up to \$2,500.00 for weed kill for the Oak Hill Rail Trail. Commissioner Lopez seconded. Unanimous.

Margo Christian-Brooks, President/CEO of the new community-based nonprofit organization called SELF (Strength through Education, Leadership, and Family) Community Action Corporation, Inc. appeared before the Commission to request assistance in the renovation and improvement of the Harlem Heights Elementary School.

Ms. Christian-Brooks told the Commissioners that they have sought the advice of numerous contractors and it is estimated that it would

cost more than \$400,000 to make the facility fully operational as a community center.

Ms. Christian-Brooks told the Commissioners they need their guidance, support and most of all their prayers to support the renovation of this facility, as well as opportunities to develop programs and services at the newly renovated facility.

Ms. Christian-Brooks told the Commissioners they are planning a Fall Festival for October.

Commissioner Wender offered a motion to approve \$500.000 for the Fall Festival for SELF. Commissioner Eskew seconded. Unanimous.

Sheriff Bill Laird informed the Commissioners he received a letter from Judge John Hatcher regarding the swipe cards for the Courthouse.

The Commissioners asked Sheriff Laird too reactive the swipe cards.

Sheriff Laird told the Commissioners he's not ready to make a recommendation for the Case Manager position at the Community Corrections Day Report Center.

The Commissioners received and reviewed a letter from Debbie Tate, WVU Extension 4-H and Youth Development Agent informing they conducted a panel interview to fill the position of secretary.

The panel recommends that Cassandra Bandy fill the vacancy of the WVU Extension Service secretary.

Commissioner Wender offered a motion to approve recommendation of the WVU Extension Service to hire Cassandra Bandy as a full time secretary, salary \$18,600 annually plus benefits. Commissioner Lopez

seconded. Unanimous.

The Commissioners received and reviewed a letter from Judge John Hatcher regarding the dangerous condition of one courthouse step at the Wiseman Avenue entrance.

Ms. Holly told the Commissioners that James Perdue, Maintenance Supervisor has taken care of the problem.

The Commissioners signed a letter to the New River Convention and Visitors Bureau approving their request to place port-a-pots on the small Courthouse parking lot immediately adjacent to Blue Ridge Outdoors for Bridge Day on October 20. The port-a-pots are place on said parking lot no earlier than 4:30 P. M. October 19 and removed no later than October 22, 2007.

The Commissioners received and reviewed a notice from James Perdue, Maintenance Supervisor informing that effective October 15, 2007 Ray St. Clair is quitting his position as janitor.

Ms. Holly asked the Commissioners if they want her to advertise for the custodian position.

Commissioner Lopez suggested hiring Donnie Austin full time.

Commissioner Lopez offered a motion to hire Donnie Austin full time at \$13,800.00 annual salary plus benefits and asked James Perdue if he has good applicants on file to fill the part-time position. Mr. Perdue to decide whether it be the evening shift or the day shift. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Division of Highways regarding relocation of the East Kingston Arch Bridge water lines.

The Commissioners asked to forward the letter to Dave Pollard, County Resource Coordinator and ask him to contact the West Virginia America Water Company to perform the relocations (preferably at no cost to the County) and advise the Commission of their response.

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 2007.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Day Report Center, amount \$9,514.40 for the month of August.

The Commissioners received and reviewed Rental Agreement for the Soldiers and Sailors Memorial Building with Mediocre Mat Products dba Apex Wrestling for November 17, 2007.

Ms. Holly presented two (2) request for the use of the Memorial Building to the Commissioners.

Commissioner Wender offered a motion to approve the request of Bill Zopp Athletic Director Greenbrier East High School to play one (1) girls AAA sectional basketball tournament game at the Memorial Building, a rental fee of 10 percent (10%) of the gross proceeds up to \$400.00 per game will apply; use beyond one day will be at a rate of \$100.00 per hour; the custodial and trash services fees will be waived. All other rules are applicable, including the insurance requirement; all activities scheduled by the Fayette County Board of Education shall be given priority. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve the request of the AAU/WV Boys and Girls Hoopsters to use the Memorial Building for AAU practice and instructional sessions for the coming year pending no conflict of schedule. The \$1,000.00 rental fee will be waived; this approval is until March 31, 2008. Additional usage after that date will require that another written request be submitted by Phillip Samples; the Commission request that Mr. Samples submit a schedule of the usage of the building for the Fayette County AAU. The requirements of the garbage and the custodian fees are also waived with the understanding that Mr. Samples shall be responsible for the clean-up and security of the building and grounds after each practice; the Commission will monitor this situation and if they receive any complaints, the Commission will withdraw waiver. All other rules applicable including insurance; all activities scheduled by the Fayette County Board of Education shall be given priority, and other events may pre-empt usage by the Fayette County AAU.

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

The Commissioners signed Fire Levy Protection Agreement (\$34,940) and Fire Levy Pumper Replacement Agreement (\$45,531) for the Meadow Bridge Volunteer Fire Department.

Theresa White, Fayette County Office of Emergency Services appeared before the Commission to inform them of the site visitation at Boomer Branch Road.

Commissioner Wender suggested to Ms. White to ask Alan Wickline to see if he could get some assistance from the Southern Soil

Conservation.

Commissioner Lopez offered a motion to approve James Perdue and Debbie Berry overtime. Commissioner Wender seconded. Unanimous.

Ms. Holly told the Commissioners that Okey Skidmore would like to purchase tile or carpet for the room off from the concession stand. Ms. Holly told the Commissioners that Mr. Skidmore received a quote from Lee's Carpet (\$1,729).

Commissioner Wender suggested asking Lee's Carpet to give an estimate on the tile only and ask Donnie Austin if he can install and put down.

Allen Ballard, Building Inspector told the Commissioners that he is in the process of working on Floodplan and asked if the Commission wants him to give an update now or later.

Commissioner Wender suggested that Mr. Ballard finishes, then ask FEMA to come to a County Commission meeting to give an update.

Ms. Holly told the Commissioners that the Financial Statement for Fiscal Year 2006-2007 has been advertised.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the months of August and September.

The Commissioners received and reviewed a letter from Tom Woodrum Chief Tax Deputy informing he was instructed by the State Auditor to make a Manual Refund of \$596.14 from the General County Fund. The refund is for penalties that were incurred by Zacheus Properties. The Assessor determined that the property was an erroneous assessment. The funds were written from the wrong account.

The Commissioners signed Request for Reimbursement to the West

Virginia Division of Criminal Justice Services for Just For Kids, amount \$2,123.75 and for SPF-SIG Grant, amount \$4,063.43.

The Commissioners received and reviewed a letter from Pullin, Fowler and Flanagan regarding Kamensky v. FCC et al-Civil Action #07-C-193 lawsuit.

The Commissioners received and reviewed a copy of the 2006-2007 Annual Audit for White Oak Public Service District.

The Commissioners received and reviewed a list of the Grant-Writing and Resource Development Workshops coming to the area.

The Commissioners received and reviewed a letter from the Governor's Office enclosing a copy of the signed contract and grant award for the lighting grant, amount \$13,512.50.

The Commissioners received and reviewed several correspondences from BrickStreet and Workers' Compensation Office regarding workers' compensation claims.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report for the month of September; New River Humane Society allotment, amount \$15,243.15 for the month of October, and Weekly Fees Collected for the week of September 7 to September 13, 2007, amount \$303.00, the week of September 14 to September 20, 2007, amount \$260.00, the week of September 21 to September 27, 2007, amount \$573.00 the week of September 28 to September 30, 2007, amount \$35.00 and the week of

October 1 to October 4, 2007, amount \$50.00.

The Commissioners received and reviewed an e-mail from Election System and Software giving an update on the United States Government Accountability Office (GAO) Report.

The Commissioners received and reviewed an e-mail from Christian Bozorth to Commissioner Wender confirming the meeting with Norfolk Southern.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing the August Limited Video Lottery proceeds will be deposited on September 26, 2007, amount \$5,906.62.

The Commissioners received and reviewed a letter from Morelli Legal Counsel requesting records under the Freedom of Information Act regarding River Ridge Development.

The Commissioners received and reviewed a letter from the Division of Highways asking assistance in making available (to anyone who wishes to review) the enclosed 2008-2013 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for contacting his office to express their views about the new management plan for the Monongahela National Forest.

The Commissioners received and reviewed Notice of Grant Award Change from the West Virginia Development Office for SCBG-Elevator and Dormitory Annex, Project #03SCBG0102.

The Commissioners received and reviewed an invitation from the City of Montgomery inviting the Commission to attend the Annual

Christmas Parade being held Friday, December 7, 2007 at 7:00 p.m.

The Commissioners received and reviewed a letter from Greenbrier Communications, Inc. regarding internet security.

The Commissioners received and reviewed a notice from Pullin, Fowler, and Flanagan, PLLC informing of their new location in Beckley.

The Commissioners received and reviewed a letter from GMC informing that owners of a 2004 model year GMC Sierra could develop a condition where one or more of the instruments panel gauge needles may stick, flutter or become inoperative.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of August 31, 2007 a list of securities 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 as of September 21, 2007.

The Commissioners received and reviewed a notice from Appalachian Fuels, Inc. informing they intend to conduct blasting activities on Surface Mine Permit/Application #S-3045-89 located 0.38 miles West of Belva, West Virginia in the Valley District of Fayette County.

The Commissioners received and reviewed a copy of a letter to Senator Robert Byrd from the Public Service Commission regarding Carole J. Kessler request for new water service on "Miller Ridge Road" near Fayetteville.

The Commissioners received and reviewed a letter from the Governor's Office thanking the Commissioners for their letter regarding the wilderness proposal for the Monongahela National Forest.

The Commissioners received and reviewed a notice from the County Commissioners' Association of West Virginia calling a special association membership meeting on Monday, September 24, 2007.

The Commissioners received and reviewed a letter from AIG Domestic Claims informing they have been authorized to issue a check in the amount of \$1,648.50 as a result of claim #410-084792N-WV DOH.

The Commissioners received and reviewed a copy of a letter to Sheriff William Laird from the Division of Criminal Justice Services enclosing a copy of the West Virginia Community Corrections grant agreement (Processed Grant Agreement #08-CC-81-Project Period July 1, 2007 - June 30, 2008).

The Commissioners received and reviewed from the Division of Criminal Justice Services a Grant Adjustment Notice for the Court Security Project #06-CS-07.

The Commissioners received and reviewed an invitation from the Fayette County Community Corrections Program Day Report Center inviting the Commission to attend a Round Table Discussion on Wednesday, September 26, 2007.

The Commissioners received and reviewed a letter from the Economic Development Administration informing of the approved change order fro the EDA Grant 01-79-08060 Infrastructure.

The Commissioners received and reviewed a letter from St. Paul Travelers regarding the Collision Claim for the 2002 Dodge Durango.

The Commissioners received and reviewed a letter from the Public Service Commission regarding request for new water service on Miller Ridge Road, Arrowood Creek Road, Shawvers Bridge Road and Stringtown

Road near Fayetteville.

The Commissioners received and reviewed minutes of the Fayette County Planning Commission held September 24, 2007.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District-Stringtown Design Loan, Beauty Mountain/Power Plant/Shawver Bridge Design Loan.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District Beauty Mountain/Power Plant-April Leshner.

The Commissioners received and reviewed a copy of a memo from Chief Deputy Steve Kessler informing that effective September 1, 2007 Kevin Willis and Keith McGraw have completed the one (1) year probation period. The Deputy's salaries will increase by \$100.00 per month.

The Commissioners received and reviewed a copy of a memo from Chief Deputy Steve Kessler informing that effective September 16, 2007 James Bowles have been hired as a Deputy Sheriff for the Fayette County Sheriff Department, salary \$26,021.64 to be paid out of the Law Enforcement Levy Fund.

The Commissioners received and reviewed a memo from Chief Deputy Steve Kessler informing the Commission has decided to approve hiring Lee R. Parker as a part-time dog warden. He will work 24 hours a week when needed at a rate of \$8.00 an hour.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. regarding the Fayette County Courthouse and

Memorial Building Partial Roof Replacement.

The Commissioners received and reviewed a Notice of Public Auction Sale from the Internal Revenue Service (Belinda Morton).

The Commissioners received and reviewed Pioneer Fuel Corporation Community Impact Statement.

The Commissioners received and reviewed a letter from the Department of Agriculture informing that Harvey E. Young has completed the Farm Census of 2007 and has satisfactorily complied with the requirements of the Farm Statistics Law. Mr. Young is eligible to receive compensation, amount \$4,389.00.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$210.00 for the month of August.

The Commissioners received and reviewed a claim from Travelers Insurance.

The Commissioners received and reviewed from the Boomer Volunteer Fire Department Quarterly Report for the period July 1, 2007 to September 30, 2007.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that Jan Neal has tendered notice of her retirement from employment with the Fayette County Sheriff Tax Department Office effective October 15, 2007.

Sheriff Laird informed the Commissioners he has authorized the future use of Jan Neal as a temporary employee within the Tax Office, rate of pay will be \$10.00 per hour.

Sheriff Laird informed the Commissioners he has hired Cindy

Richardson as a Tax Deputy to fill the vacancy, salary \$18,600.00 effective October 16, 2007.

The Commissioners received and reviewed a letter from Congressman Nick Rahall enclosing a copy of the correspondence he received from Thelma Allport relating to the concerns that she has raised about the Wild Rock project proposed for Fayette County.

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

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$52.38, Mountain Communications, LLC, amount \$45.82, AT&T Communications of WV, amount \$978.00, Level 3 Communications, LLC, amount \$114.00, IDT Corporation, amount \$48.00, Cebridge Telecom, WV, amount \$238.00, Granite Telecommunications, LLC, amount \$148.00, Cleartel Telecommunications, Inc., amount \$12.00, One Communications, amount \$2,048.64, Verizon, amount \$31,414.80, Matrix Business Technologies, amount \$16.00 and Public Service Commission, amount \$158,481.19; Alarm Fees, amount \$5,551.00; Criminal Justice Service-TRIDENT, amount \$3,233.22, Just For Kids, amount \$2,030.01 and SPF-SIG, amount \$6,907.81; Division of Motor Vehicle-COPS Technology, amount \$23,370.00; Human Services-FRN, amount \$10,000.00; WV Development Office-Oak Hill Rail Trail, amount \$2,638.00; Jail Fees-Town of Ansted, amount \$97.00, Town of Fayetteville, amount \$242.50; City of Beckley, amount \$1,605.84; AIG Domestic Claim, amount \$1,648.50; City of Beckley-reimbursement, amount \$726.96; Gas Excise Tax amount \$11,035.59; Department of Treasury, amount \$72.00; Supreme Court-FLM rent, amount \$2,025.00;

Fayette County Board of Education rent, amount \$2,916.67.

The meeting was adjourned at 1:06 p.m. The next scheduled meeting is October 26, 2007.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 26, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 26th day of October 2007.

Commissioner Eskew called the meeting to order at 9:14 a.m.

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

Mr. Young informed the Commissioners he received a letter from Donald Hebb, Tax and Revenue Manager with the State Tax Department.

(See an attached letter)

Commissioner Lopez offered a motion to approve the exonerations for personal property tickets. Commissioner Wender seconded.

Unanimous.

Commissioner Wender offered a motion to approve and sign the exonerations for real property tickets (See attached) and will redirect the four (4) oil wells of the ACIN, LLC and issue corrected tax tickets for Tax Year 2007. Commissioner Lopez seconded.

Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for David Evans (\$207.34), Malachi Proctor (\$85.48), and Malachi and Doris Proctor (\$165.56). Commissioner Wender seconded. Unanimous.

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

APPLICATION FOR CORRECTION OF ASSESSMENT

STATE OF WEST VIRGINIA, COUNTY OF FAYETTE

TO THE HONORABLE FAYETTE COUNTY COMMISSION:

I, the undersigned property owner/taxpayer, on behalf of the Sate, County, and Districts, an aggrieved by an entry in the Property Tax Books and, hereby, make application for the correction of the same as herewith described.

A C I N LLC

Property Owner/Taxpayer

REAL ESTATE 06298080 PERSONAL PROPERTY _____

PROPERTY OWNER A C I N LLC

ADDRESS P.O. Box 2827, Huntington, WV 25727

DISTRICT 03 ACCOUNT NUMBER 06298080 TICKET NUMBER 21999

Entry

Correction

ASSESSMENT \$2,604,110 ASSESSMENT \$2,641,280

TAX AMOUNT \$66,717.30 TAX AMOUNT \$67,669.60

REASON 0 & G Royalties left off for API Numbers

930,931,932,937

Application for correction approved by Assessor this 12 day of October 2007

Fayette County Assessor

The undersigned attests that it is understood that this petition for correction of assessment will be the first order of business by the Fayette County Commission at the Courthouse of said County on the 26 day of October, 2007 at 9 a.m.

I further understand that I have a right to be present at such hearing. I have had the correction of the assessment and tax amount explained to me and I consent to such correction.

Property Owner/Taxpayer

At regular term of the County Commission of Fayette County, West Virginia held at the Courthouse of said County, Commissioners, on the 26 day of October, 2007 issued the following order, which was made and entered to-wit.

The Commission, therefore, orders the said entry to be corrected, as aforementioned, and that said property owner be officially notified of the corrected amount of taxes due for the 2007 Tax Year.

It is further ordered that the Clerk of this Court certify a copy of this order to the Auditor, the Sheriff, and the Assessor.

APPROVED: President of Fayette County Commission



STATE OF WEST VIRGINIA
 Department of Revenue
 State Tax Department

COPY

Joe Manchin III
 Governor

Virgil T. Helton
 State Tax Commissioner

October 4, 2007

Harvey E. "Eddie" Young
 Assessor of Fayette County
 P. O. Box 449
 Fayetteville, West Virginia 25840-0449

Dear Mr. Young:

In review of four (4) property accounts in Fayette County, please note the following:

- | | |
|-------------------------------|------------------|
| 1. MM# 03-9999-0818-4831-0000 | Ark Land Company |
| 2. MM# 03-9999-0818-4350-0000 | Ark Land Company |
| 3. MM# 03-9999-0818-4387-0000 | Ark Land Company |
| 4. MM# 03-9999-0818-4314-0000 | Ark Land Company |

All are royalty accounts which were valued based on royalty data filed by Equitable Resources for API numbers 930, 931, 932, and 937. Since these wells are on the 4,270.14 acre (RR 03-72-2) fee account owned by Ark Land Company, they could be considered as duplicates. In order to correct this, please consider the following:

- A. For Tax Years 2006 and 2007, exonerate the tickets involved in the above-mentioned MM accounts.

TY2006

<u>Account #</u>	<u>Appraisal</u>	<u>Amount to be Exonerated</u>
03-9999-0818-4831-0000	\$ 230	\$ 230
03-9999-0818-4350-0000	2,040	2,040
03-9999-0818-4387-0000	16,390	16,390
03-9999-0818-4314-0000	<u>83,180</u>	<u>83,180</u>
	\$101,840	\$101,840

Harvey E. "Eddie" Young
 Assessor of Fayette County
 October 4, 2007
 Page Two

TY2007

<u>Account #</u>	<u>Appraisal</u>	<u>Amount to be Exonerated</u>
03-9999-0818-4831-0000	\$ 250	\$ 250
03-9999-0818-4350-0000	250	250
03-9999-0818-4387-0000	23,150	23,150
03-9999-0818-4314-0000	<u>81,500</u>	<u>81,500</u>
	\$105,150	\$105,150

- B. For Tax Year 2008, remove or deactivate these MM accounts.
 C. For RR 03-72-0002-0000-0000, have the county commission (under West Virginia Code § 11-3-27) make the following changes:

TY2006

<u>Estate</u>	<u>Appraisal</u>	<u>Revised Appraisal</u>
Land	\$1,044,700	\$1,044,700
Oil/Gas	42,700	101,840*
Coal	<u>3,107,230</u>	<u>3,107,230</u>
	\$4,194,630	\$4,253,770

TY2007

<u>Estate</u>	<u>Appraisal</u>	<u>Revised Appraisal</u>
Land	\$1,044,700	\$1,044,700
Oil/Gas	42,700	104,650**
Coal	<u>3,775,130</u>	<u>3,775,130</u>
	\$4,862,530	\$4,924,480

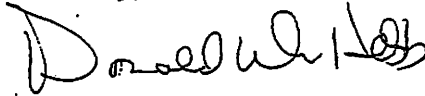
* This will move the TY2006 exonerated values from the MM accounts to this account.

** This will move the TY2007 exonerated values from the MM accounts to this account.

Harvey E. "Eddie" Young
Assessor of Fayette County
October 4, 2007
Page Three

In closing, if you need any additional information, please let me know.

Sincerely,



Donald W. Hebb
Tax & Revenue Manager
Special Properties Section
Property Tax Division

DWH/aj

October 26, 2007

ACIN LLC
PO Box 2827
Huntington WV 25727

RE: Application of Correction of Assessment

Gentlemen:

We have been informed by Don Hebb of the State Tax Department that the Royalties paid by Equitable Resources to Ark Land Company for API Wells #930, #931, #932, & #937 should have been linked to Parcel 10-03-72-0002.0000. Since we did not have the correct information at the time, these royalties were set up on individual Mineral Accounts for the 2007 Tax Year and separate tax tickets were issued. Now we are told by the State Tax Department that these tickets could be considered as duplicate tickets.

We have, as of this date, exonerated the separate Mineral Account Tickets originally issued on these wells and we have asked that the Tax Office issue a corrected ticket for Tax Year 2007 for Parcel 10-03-72-0002.0000, increasing the Assessed Value ~~from~~ *2604110* to include the royalty amounts that were paid by Equitable Resources on these wells. *To*

Future royalties paid by Equitable Resources to Ark Land on these wells will be linked to the Real Estate Parcel containing 4,270.14 acres. *2,641,280*

Sincerely,



Harvey E. Young
Assessor

HEY/mkw

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6121877	35177	EVANS, DAVID	10/10/2007	S/B CLASS 2		X		\$425.30	9
6067873	5549	JUNKERSFELD, KAREN L	10/11/2007	S/B CLASS 2		X		\$1,778.54	1
6156134	34556	BROWN, MARY IRENE TRUST	10/11/2007	S/B HOMESTEAD		X		\$306.20	9
*08163701	*25689	MCHUGH, CHARISE HALE	10/16/2007	DOES NOT EXIST	X			\$2.60	3
6351538	31609	PROCTOR, MALACHI & DORIS	10/16/2007	S/B HOMESTEAD		X		\$175.34	5
6028354	7035	MILAM, WILLIAM & PATRICIA	10/16/2007	S/B HOMESTEAD		X		\$256.20	1
6054486	1739	CAMPBELL, AMOS LLOYD & DAVID	10/16/2007	ERRONEOUS VALUE		X		\$251.20	1
6006948	3782	FOX, GARY DAVID & LORETTA F	10/16/2007	ERRONEOUS VALUE		X		\$43.00	1
6289679	22945	BROWN, JAMES E & SAUNDRA	10/16/2007	S/B HOMESTEAD		X		\$256.20	3
*6283489	*22832	BROWN, JAMES E & SAUNDRA	10/16/2007	S/B HOMESTEAD		X		\$258.80	3
6076747	405	ARMSTRONG, J H & FRED A	10/16/2007	ERRONEOUS VALUE		X		\$122.98	1
*06076747	406	ARMSTRONG, J H & FRED A	10/16/2007	ERRONEOUS VALUE		X		\$97.82	1
*06351538	*31506	PROCTOR, MALACHI & DORIS	10/17/2007	S/B HOMESTEAD		X		\$169.80	5
*06006948	*3777	FOX, GARY DAVID & LORETTA F	10/17/2007	ERRONEOUS MINERAL VALUE		X		\$82.82	1
9000048	34988	DAVIS, JOHNNY D	10/24/2007	S/B CLASS 2		X		\$585.14	9
6216775	30474	CROUDE, REX A	10/24/2007	ERRONEOUS VALUE		X		\$759.40	5
9000005	12041	AYRES, JAMES	10/25/2007	S/B CLASS 2		X		\$152.20	2

Commissioner Wender offered a motion to approve minutes of July 6, July 20, and August 3, 2007. Commissioner Lopez seconded.

Unanimous.

Jack Grosier, Tom Clark, Emory McGuffin, Sylvania Holliday, Betty Partain and John Sauvage appeared before the Commissioners to acknowledge receipt of a certificate from the Governor's Office for a Legislative Digest Grant for \$16,000.00 for the Lewis Community Foundation Christian Community Center. The certificate was presented and pictures taken.

Susan Cutting appeared before the Commissioners to present Cooperative Agreement between the Student Conservation Association, Inc. and the Fayette County Commission to be signed.

Ms. Holly informed Ms. Cutting that they need copies of Doug Arbogast and the students operators license with date of birth and they need a copy of the West Virginia Sustainable Communities liability insurance.

The Commissioners signed the Cooperative Agreement.

Jack Grosier presented an invitation to the Commissioners inviting them to breakfast at the Lewis Community Center on Thursday, November 8, 2007.

Richard Pyatt appeared before the Commission to request use of the Memorial Building to host his first karate tournament.

Commissioner Wender offered a motion to approve the use of the Memorial Building to host "February Fever 2008" karate tournament, a rental fee of the greater of \$500.00 or 15% of the gross tournament registration fee will apply. The custodial and trash services fees

will not be waived; all other rules are applicable, including the insurance requirements. All activities scheduled by the Fayette County Board of Education shall be given priority. Commissioner Lopez seconded. Unanimous.

Phil Raney, Chairman of the Fayette County Beautification Committee, Aletha Stolar, Director Family Resource Network appeared before the Commission for the purpose of requesting funding for a VISTA volunteer.

Mr. Raney told the Commissioners if approved the VISTA person would be available to assist and support the Dilapidated Building and Beautification Committee's work in removing eyesores from Fayette County.

The VISTA person would assist in the recruitment of citizen volunteers to help with database-related activities, to assist in follow-up contacts with property owners and to create approaches to raise community awareness of the benefit of cleaning up the County.

Mr. Raney is requesting funding in the amount of \$2,500 for this one-time, one year activity.

Commissioner Wender offered a motion to provide \$2,500.00 for a one-time, one year activity for contractual relation for a VISTA worker to work with the Fayette County Beautification Committee. Commissioner Lopez seconded. Unanimous.

Amber Marstiller appeared before the Commissioners to give an update on the SPF-SIG Grant that was approved.

Leon Cooper, Chairman of the Fayette County Planning Commission appeared before the Commission to inform them that the Fayette County

Planning Commission is recommending that Gordon Billheimer serve on the Fayette County Planning Commission Hearing Board.

Mr. Cooper informed the Commissioners that Shad Dummitt has not been able to attend any meetings due to his health.

Mr. Cooper suggested to the Commissioners that they hire an outside consultant facilitator someone like Pat Ford.

Mr. Cooper told the Commissioners the Planning Commission and the Transition Team members will get together and discuss then they would have the facilitator step in.

Commissioner Wender asked the Planning Commission to make the recommendation to the Fayette County Commission for hiring of a facilitator.

Commissioner Lopez requested that a letter be sent to Mike and Kelly Morris regarding their complaint of the locomotive diesel noise from the engines parked at the southern end of the Norfolk Southern yard at Boomer. Commissioner Lopez suggested informing the Morris's that the County has no authority to control the railroad companies. They are covered by Interstate Commerce and authority to control is reserved for Federal Government.

Pete Hobbs, Mayor of Ansted and Stephen Fridenmaker appeared before the Commission to request matching funds of \$1,500.00 in the support of the \$3,000 Community Collaborative Grant being sought by the Town of Ansted Blueprint Community team. Mr. Hobbs presented a video presentation to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission will sponsor and approve the \$1,500.00 match request to the

Town of Ansted. Ansted will invite the mayors of the municipalities to observe or participate for hopes that they will incorporate this development in their towns. Commissioner Eskew seconded. Unanimous. A letter of support was signed.

Meredith Gregg, member of PAN appeared before the Commission to announce that the Wild and Scenic Film Festival will be held at the Oak Hill High School and the Fayetteville Historic Theater.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff William Laird informing that effective Monday, October 22, 2007 he has hired Donald Tompkins in the position of Case Manager at the Fayette County Community Corrections Day Report Center, salary \$23,500.00 plus benefits.

Ms. Holly informed the Commissioners she received form the West Virginia Development Office 2007 Community Participation Grant awards contracts for Danese Public Service District (\$32,000), the Lewis Community Foundation Christian Community Center (\$16,000), and the Mount Hope Lions Club Facility (\$1,500).

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Randall and Brenda Ballard, Buchanan Pump Service and Supply Company, Inc., and Steve Neil. Commissioner Eskew seconded. Unanimous.

The Commissioners received 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 \$119,190.49.

Commissioner Wender offered a motion to approve and sign drawdown

request for the Fayette County Commission-Page Kincaid Public Service District-Ingram Branch Wastewater Project. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Fayetteville Fairs and Festivals Committee asking the Commission to participate in the decorating of their festival of lights by lighting the pear trees in front of the courthouse that run parallel to Court Street.

The Commissioners signed a letter to Fayetteville Fairs and Festivals approving their request to light the pear trees in front of the courthouse for the Traditional Christmas Celebration.

The Commissioners signed a letter approving the request of Richard Pyatt to hold a "February Fever 2008" karate tournament at the Memorial Building.

The Commissioners signed a letter to CSX Real Estate expressing their desire that CSX give consideration to a transfer of ownership of the Prince Train Station and to inquire about the terms and conditions under which such a transaction would be approved.

The Commissioners signed a letter to the West Virginia Development Office requesting fourth drawdown for the Tourism and Recreation Sportsman's Recreation (shooting range) amount \$9,166.29.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the Gauneka Ruritan Community Center, amount \$5,000.00.

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.

The Commissioners signed a letter to the Fayette County Health Department requesting they establish two "Flu Shot Clinic" in each of the various locations throughout Fayette County during the month of November 2007 in Smithers, Gauley Bridge, Meadow Bridge and Ansted.

The Commissioners signed a Geocache Placement Agreement granting permission to the Coal Heritage Highway Authority to place a geocache at a location to be determined, on the White Oak Rail Trail.

The Commissioners signed a letter to the West Virginia State Agency for Surplus Property informing that Mount Hope Volunteer Fire Department provides an essential public service to the citizens of Fayette County. The Mount Hope Volunteer Fire Department is an essential part of Fayette County's safety program and is considered an instrumentality of the Fayette County Commission in carrying out fire fighting and other public service.

The Commissioners signed the federal excise tax exemption certificate for Speedway Super America, LLC.

The Commissioners signed an invoice to the Fayette County Board of Education for rent for the Soldiers and Sailors Memorial Building, amount \$2,916.67 for the month of November.

Ms. Holly informed the Commissioners that the West Virginia County Records Management and Preservation Grant Application 2008-2009 has been completed. Commissioner Eskew signed.

Carl Harris, Prosecuting Attorney presented the final agreement with the New River Humane Society.

Commissioner Wender offered a motion to enter into an Agreement

with the New River Humane Society. Commissioner Eskew seconded.
Unanimous.

The Commissioners received and reviewed an e-mail from Aletha Stolar, Coordinator Fayette County Family Resource Network asking permission to set up a distribution/pick up sites for the Fayette County Prescription Discount Cards in the courthouse and possibly somewhere in the Annex. The Commissioners approved.

The Commissioners received and reviewed a letter from Michael Martin, Mayor of the City of Mount Hope requesting a drawdown of the allotted \$2,500 in this year budget for the Mount Hope Community Center.

Mr. Martin informed the Commissioners that this year there is a fee attached to having a VISTA worker at the Center (\$2,500). Mr. Martin would like to utilize the County's generous allotment to cover this fee.

Commissioner Wender offered a motion to approve use of the allotment for the VISTA fee for the Mount Hope Community Center. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed from the County Commissioners' Association of West Virginia a schedule for the County Commissioners Association of West Virginia Legislative Roundtable meetings.

The Commissioners received and reviewed a note from James Perdue, Maintenance Supervisor informing that Jodie Pollastrini has declined the part-time position as janitor, he has another job.

Mr. Perdue is recommending that the part-time position be given

to Jamie Neff.

The Commissioners approve to by 10 boxes of vinyl composition tile and adhesive from Lee's Carpet and Floor Covering. The Commissioners asked that Donnie Austin install the tile.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator informing that he spoke with Mark Sankoff at West Virginia Water regarding the Kingston line relocation. West Virginia Water will be preparing agreements for Carl Harris, Prosecuting Attorney to review and sign off on. The relocation will be done at no cost to the County.

The Commissioners received and reviewed a letter from Carrie Carr, Co-director Fayette County Animal Control Center giving an explanation as to why the increase in their allotment.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that a Homeland Security sub-grant has been awarded to Fayette County Commission for \$86,928.00.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety regarding Fayette County's Hazard Mitigation Grant program DR-1522 Acquisition Project.

The Commissioners received and reviewed a letter from Sheriff William Laird regarding the Employment Status of Eddie C. Gilkerson, II. Ms. Holly told the Commissioners she forward a copy of the letter to Carl Harris, Prosecuting Attorney to review and advise.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a request to purchase some election equipment. The

Commissioners asked to hold until next meeting.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator regarding drug testing.

The Commissioners received and reviewed a letter from Don Bragg asking that a van be supplied for the transportation for wheelchair patients to and from the Meadow Bridge Senior Nutrition Center.

The Commissioners asked that a letter be written to Janet Zamiela, Director Fayette County Senior Program urging them to make the needed accommodations to the existing van that they furnish to the Meadow Bridge facility or provide a van that is accessible.

Commissioner Wender offered a motion to hire a grant writer at \$25.00 an hour not to exceed \$2,000.00. Sharon Cruikshank, Calantha Quensenberry to submit the application for the Fayetteville Memorial Building. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed that Congressman Nick Rahall would like to see the West Virginia Music Heritage Center use the Memorial Building.

Commissioner Wender suggested asking Jenny Beksted to be the grant writer at \$25.00 an hour up to the limit of \$2,000 authorize her to work with the group to put together a proposal.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that application for funds under the Fiscal year 2006 West Virginia Homeland Security Grant Program was not amount those selected for funding.

The Commissioners received and reviewed Lease Agreement between

Rush Creek Land Company, Inc. and the Fayette County Solid Waste Authority.

The Commissioners received and reviewed an invoice from H. G. Carte Electric, amount \$4,520.17 for Lighting upgrades Grant.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NHS for the week of October 5 to October 11, 2007, amount \$520.00 and the week of October 12 to October 18, 2007, amount \$320.00.

The Commissioners received and reviewed the Fayette County Planning Commission minutes for October 22, 2007.

The commissioners signed a letter to the Governor's Office of Economic Opportunity regarding Fayette County Weatherization Program.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding grant #03SCBG0102-Fayette County-SALS Dormitory Annex/Courthouse Elevator.

The Commissioners received and reviewed an invoice from the Town of Fayetteville for flowers for the courthouse, amount \$273.36.

The Commissioners received and reviewed a brochure from the West Virginia Counties Risk Pool.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the 75% of the coal severance tax will be directly deposited on October 18, 2007, amount \$146,215.39.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the September Limited Video Lottery proceeds will be directly deposited on October 26, 2007, amount \$6,049.14.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the 25% of the coal severance tax will be directly deposited on October 25, 2007, amount \$28,471.66.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the wine, liquor and private club taxes will be directly deposited on October 11, 2007, amount \$753.81.

The Commissioners received and reviewed a copy of a letter from J. Dan Snead and Associates, Inc. to Architectural Products, Inc. regarding making an appointment to review their need for signage throughout the Fayette County Courthouse facilities.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. informing that a pre-construction meeting was held on Wednesday, October 17, 2007 at the Courthouse for the purpose of discussing construction matters relating to the roof replacement work at the Fayette County Courthouse and the Memorial building.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties regarding Request for Proposals by the Appalachian Regional Commission for purchase and installation of Energy Efficient Traffic Signals in Economically at Risk and Distressed Appalachian Counties, proposals are due on or before November 5, 2007.

The Commissioners received and reviewed a letter from Delegate Margaret Stagers congratulating the Commission on receiving the Governor's Community Participation Grant Program in the amount of \$32,000 to be used for the Danese Public Service District.

The Commissioners received and reviewed an invitation from the White Oak Country Club inviting the Commission to the Country Club Village golf outing being held Monday, October 22, 2007.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Carole J. Kessler request for new water service on "Miller Ridge Road."

The Commissioners received and reviewed a letter from the New River Health Association asking to join Dr. Steven Paine, West Virginia Superintendent of Schools to learn more about one of West Virginia's best kept secrets, School-Based Health Centers (SBHCs).

The Commissioners received and reviewed a letter from the West Virginia University Extension Office informing that they have hired Cassandra Bandy as the Fayette County West Virginia University Extension Administrative Secretary, salary \$18,600 annually.

The Commissioners received and reviewed aa Remittance by the Assessor Office to the State Treasurer's Office for Courthouse Facilities Improvement Fund in the amount of \$51.00 for the month of September.

The Commissioners received and reviewed 2007 Taste Test Results for Armstrong Public Service District.

The Commissioners received and reviewed the 50% allocation to the New River Convention and Visitors Bureau for Hotel Occupancy Tax for July, August, September, amount \$26,407.64.

The Commissioners received and reviewed a letter from Attorney James Keenan acknowledging receipt of the correspondence of October 10, 2007 in relation to Michael Bennett.

The Commissioners received and reviewed a letter from Wachovia Bank, N. A. regarding Pledge Security Release Notification.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company giving a list informing that as of September 30, 2007 securities held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a Pledge Statement from the SunTrust Bank as of September 28, 2007.

The Commissioners received and reviewed Cash Statement and Asset List from the Bank of New York as of September 30, 2007.

The Commissioners received and reviewed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids, amount \$2,909.33.

The Commissioners received and reviewed a copy of a letter from Chief Deputy Steve Kessler to Debbie Aliff, Payroll Clerk informing that effective October 9, 2007 Dana Wysong has been hired as a Deputy Sheriff for the Fayette County Sheriff Department, salary \$26,021.04 annually to be paid out of the Law Enforcement Levy Fund.

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

The Commissioners received and reviewed several correspondences from BrickStreet and the Worker's Compensation Division regarding workers' comp. Claims.

The Commissioners received and reviewed checks for 911 Fees from IDT Corporation, amount \$54.00, AT&T Communications of WV, amount

\$506.00, Cleartel Telecommunications, Inc., amount \$12.00, Granite Telecommunications, LLC, amount \$142.00, Level 3 Communications, LLC, amount \$114.00, Spectrotel, Inc., amount \$42.00, Mountain Communications, LLC, amount \$45.82, One Communications, amount \$2,027.30, Verizon, amount \$31,177.22 and Citizens Communications Co., amount \$52.38; Franchise Fees from Rapid Communications, amount \$1,207.38 and Bradley Communications, amount \$860.38; Jail Fees from the Town of Fayetteville, amount \$388.00 and the City of Mount Hope, amount \$48.50; Criminal Justice Service for SPF-SIG grant, amount \$2,528.90 and Community Corrections, amount \$9,610.43; WV Development Office for Paint Creek Plum Orchard Extension, amount \$1,412.63; Rents-Supreme Court-Family Law Master, amount \$2,025.00 and rent Fayette County Board of Education-Memorial Building, amount \$2,916.67; copies amount \$53.50.

The Commissioners received and reviewed an e-mail from the West Virginia Archives and History Library regarding the 2007-2008 Records management Grant First Quarter Report.

The Commissioners received and reviewed an e-mail from Tom Oxley, City Manager of Oak Hill informing that he has advertised for bids for the Oak Hill Rail Trail paving.

The Commissioners received and reviewed an e-mail from Kanawha County Commission requesting the rate the County is paying their poll workers.

The Commissioners received and reviewed an e-mail from Commissioner Wender informing that "Shared Property" topic of Town Hall meeting is scheduled for Wednesday, October 24, 2007.

The Commissioners received and reviewed an e-mail from Tom Oxley City Manager of Oak Hill regarding PEIA 03-31-07 Quarterly Report and PEIA Planned Premium Increase.

The Commissioners received and reviewed an e-mail from Beth Gardner regarding getting Odie Treadway to do the concrete foundation for the bench and bike rack.

The Commissioners received and reviewed an e-mail from Ms. Holly to Dan Snead requesting status of his review of the Fayette County ADA Survey Report.

The Commissioners received and reviewed an e-mail from Aletha Stolar regarding Fayette County prescription discount cards.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer informing of the Fayette County Planning Commission meeting.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking if the Commission meeting was set up for October 31, 2007 to receive the bids on paving the Oak Hill Trail.

The Commissioners received and reviewed an e-mail from Sheriff William Laird informing they recommend that Donnie Tompkins be employed as case manager at the Day Report center.

The meeting was adjourned at 1:40 p.m. The next scheduled meeting is October 31, 2007.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 31, 2007
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Kenneth L. Eskew, Matthew D. Wender

Also present was Tom Oxley, City Manager City of Oak Hill

The Fayette County Commission met in a special session on this 31st day of October 2007.

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

The Commissioners received and reviewed an e-mail from Carl Thompson requesting that the County reimburse him for rental of a vehicle to attend the Historic Landmark Training on Saturday, November 3, 2007.

Commissioner Wender suggested that he contact Doug Arbogast with the Sustainable Group to see if one of the Jeeps would be available.

Commissioner Wender offered a motion to authorize County vehicle for Carl Thompson to use November 3 to attend the Historic Landmark Training and the County will pay for the gas. Commissioner Eskew seconded. Unanimous. The Commissioners asked Carl Thompson to get in touch with Earl Pauley, Park Superintendent.

Ms. Holly told Mr. Thompson she would need a copy of his driver's license and social security number to send to the insurance.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Correction Grant, amount \$6,696.72.

The Commissioners received and reviewed a letter to Janet Zamiela, Director Fayette County Senior Program regarding complaint they received regarding the need for the van utilized by the Meadow

Bridge Nutrition Site to be accessible to wheelchairs and others with disabilities.

Ms. Holly gave the Commissioners an update of the grants she received.

Ms. Holly told the Commissioners she received a call from Delegate David Perry requesting copies of all the grants that have not received contracts.

Tom Oxley, City Manager, City of Oak Hill appeared before the Commissioners to receive a proposal for paving of two miles of the White Oak Rail Trail.

Ms. Holly told the Commissioners they received only one (1) bid from the Southern West Virginia Paving, Inc.

The total base bid for 2" Base Type 2, 1" Wearing Type 2 is \$165,940.00. The total alternate base bid for 2½" Wearing Type 2 is \$146,600.00.

Mr. Oxley told the Commissioners he feels the Council will be okay with the bid.

Mr. Oxley told the Commissioners that the Council had authorized him to make the decision. Fayette County Commission is capped at \$74,000.00.

Commissioner Wender offered a motion to accept bid from Southern West Virginia Paving, Inc. provided financial obligations can be met by entities involved. Commissioner Eskew seconded. Unanimous.

Mr. Oxley feels trail paving should be completed by November 7, 2007 weather permits.

The Commissioners received and reviewed a letter from Capital Resource Agency, Inc. informing that Governor Manchin designated their

agency as the eligible entity to receive the CSBG funds for the counties of Boone, Clay, Kanawha, Fayette and Putnam.

The meeting was adjourned at 10:15 a.m. The next scheduled meeting is November 9, 2007.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 10, 2007

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 10TH day of September 2007.

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

The Commissioners approved exonerations for personal property tickets for John Allen and Cindy L. Sears, Charlotte M. White, and Elaine Horrocks Redden, and approved exonerations for real property tickets for Anthony L. and Barbara Underwood, Daniel Y. and Zapata, Susa Uchimoto, William and Robert A. Kessler and Angela Nicastio.

The Commissioners approved and signed County Clerk's probate report and final settlements.

Commissioner Lopez offered a motion to approve first half September payrolls, payrolls to be released today and second half September payrolls to be released on September 28, 2007. Commissioner Wender seconded. Unanimous.

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

Discussion was held regarding the New River Convention and Visitors Bureau Agreement with the Fayette County Commission.

Commissioner Wender offered a motion to approve and sign agreement with the New River Convention and Visitors Bureau, Inc. as prepared by the Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

Danny Wright, Chairman of the Fayette County Historic Landmark Commission appeared before the Commission to inform them that several weeks ago the Fayette County Commission had requested that the Fayette County Historic Landmark Commission review the request of the Fayette County Deputies' Sheriff Association to erect a large natural flat stone bearing the insignia of such organizations on the courthouse lawn.

Mr. Wright told the Commissioners that after the Landmark Commission made a tour of the courthouse lawn it was unanimous that the deputies and their request would be best served if the stone were placed on the lawn of the courthouse annex.

Commissioner Wender offered a motion to accept the Fayette County Historic Landmark Commission recommendation and request for the Fayette County Deputies' Sheriff Association to erect the large natural flat stone bearing the insignia of such organization on the courthouse annex. Commissioner Lopez seconded. Unanimous.

Mr. Wright presented a picture of Marquis De LaFayette to the Commissioners. Ms. Wendell gave to the Fayetteville Convention and Visitors Bureau.

Mr. Wright told the Commissioners that the Landmark Commission is requesting that the Commission place a glass showcase in the Courthouse.

Commissioner Eskew asked the Commission to put up a plaque or a case to put a picture of LaFayette to grace the Courthouse.

Mr. Wright informed the Commissioners that Carolyn Hill died on February 19, 2007.

Mr. Wright told the Commissioners that in order to broaden the Landmark Commission's membership, their group would like to seek a new member from a more underrepresented geographic section of the County.

Mr. Wright is requesting that the Commission remove the Historical Society requirement from their original charter. Once this has been achieved, the Landmark Commission will submit a new member's name to the County Commission for consideration.

The Commissioners told Danny Wright they would discuss appointment at the next County Commission meeting October 5, 2007.

The Commissioners opened the bids for the Roof Replacement Courthouse Porticos and Memorial Building.

The Commissioners received and reviewed three (3) bids-Boggs Roofing, Inc. (\$94,180.00), Kalkreuth Roofing and Sheet Metal, Inc. (\$87,456.00), and Tri-State Roofing and sheet Metal Company (\$74,707.00).

Commissioner Wender offered a motion to accept the lowest bid (Tri-Sstate Roofing and Sheet Metal Company-\$74,707) provided that it meets the requirement of the bid proposal after reviewed by Carl Harris, Prosecuting, Charlotte Holly, and Dan Snead. Commissioner Lopez seconded. Unanimous. Dan Snead will review and prepare contract.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign the contract on behalf of the Fayette County Commission for acceptable low bidder after reviewed by Carl Harris, Prosecuting Attorney and Ms. Holly. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received Records

Management Preservation Grant application. The deadline is November 1, 2007.

Fayetteville Convention and Visitors Bureau is requesting that the Fayette County Commission clean-up the storage areas in the Jail Museum.

Commissioner Wender suggested making an effort with the County Clerk, Circuit Clerk, Sheriff and Assessor to get good shelving units, boxes and appoint a committee with the Sheriff, County Clerk, Circuit Clerk, and Assessor.

Sheriff Laird suggested getting metal shelving.

Sheriff Laird told the Commissioners that the wight room was used about six months ago.

Commissioner Eskew asked would it be possible to use that area for storage. Sheriff Laird replied yes.

Sheriff Laird told the Commissioners they can use the Community Corrections inmates for a lot of the work.

Commissioner Wender offered a motion to appoint a committee- County Clerk, Circuit Clerk, Sheriff and Assessor to work with Dave Pollard, County Resource Coordinator who will prepare the application to minimize the space requirements for record storage of documents. Commissioner Lopez seconded. Unanimous.

Rebecca Cyrus with Good News Outreach Museum appeared before the Commission to inform them that they are struggling to meet utilities bills.

Ms. Cyrus told the Commissioners the insurance is due, it's been raised to \$400.00, the Food Pantry is low and its time to order gas

again.

Commissioner Wender suggested County pick-up food from Gassaway. Commissioner Wender asked Ms. Cyrus for her phone number. He will call Ms. Steen to coordinate with the County.

Commissioner Wender asked Ms. Cyrus how much of a shortfall do they have.

Ms. Cyrus replied they have \$700 in the bank they are \$1,400 short.

Commissioner Lopez offered a motion to contribute \$2,000 to the Good News Outreach Mission. Commissioner Wender seconded. Unanimous.

The Commissioners asked Ms. Cyrus to submit a request for funds next March during their Budget Session.

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

The Commissioners reconvened the County Commission meeting at 10:45 a.m.

Patricia Spangler, Chris Perkins, Steve Pilato, Bill Toney, Patty Korn, and Phyllis Farley appeared before the Commission to discuss Funding Recycling Project.

Ms. Spangler gave a summary of the 2006 PILOT Project recycling in the schools.

Ms. Spangler told the Commissioners they received \$114,000 grant to establish an infrastructure, 350 students on Green Teams, 15 schools plus St. Peter and Paul Catholic School, Raleigh County Solid Waste Authority reimburses the schools, get reimbursement per ton for paper and aluminum.

Ms. Spangler told the Commissioners that the funding is through December 31, 2007.

Ms. Spangler told the Commissioners they are seeking funding for project director for the second semester, requesting \$10,000 for second semester school year January through June 2008. Ms. Spangler presented a summary of the job description to the Commissioners.

Steve Pilato told the Commissioners that the Governor's Office will contribute 50/50 match.

Commissioner Lopez told the Commission that Joe Carelli told him that David Perry (Governor's Office) will contribute \$5,000, Board of Education \$2,500 and the Fayette County Commission \$2,500.

Chris Perkins told the Commissioners that the Board of Education is meeting on September 17, 2007, Ms. Spangler will speak with the Board on this day.

Commissioner Lopez told the Commission he was told that A & W Sanitation rates for hauling recycle bins is significantly higher than the other haulers.

Commissioner Wender offered a motion that the Fayette County Commission will pay in full regardless of the Board of Education action to authorize \$2,500 for funding beginning January 1 for the Recycling Program. Commissioner Lopez seconded. Unanimous.

Tom Laisley, Sales Representative AGES (Applied Geology and Environmental Science, Inc.) appeared before the Commission to inform them of the Brownsfield grant.

Mr. Laisley told the Commissioners they could apply for a \$200,000 assessment grant, no local match required, October 12 is the

grant deadline.

Mr. Laisley told the Commissioners he would need information and help to set up the meetings.

The Commissioners suggested he talk with Meredith Gregg, Dave Pollard and Carl Thompson.

Commissioner Lopez offered a motion to pursue grant application for Brownsfield at no cost to the County. Commissioner Wender seconded. Unanimous.

Earl Pauley, Jody Ward and bob Meadows appeared before the Commission to discuss the Shooting Range Grant.

Mr. Pauley told the Commissioners he included in the grant the voice activated release, cost \$1,395.00.

Commissioner Lopez informed he would talk with Senator Shirley Love regarding using the \$10,000 for the sawmill for other capital outlay at the Park.

Mr. Pauley gave a summary of what had been done and what needed to be done.

After a brief discussion the Commission decided to submit the application for \$35,000 to include paving, sawmill and voice release system.

Commissioner Wender offered a motion to proceed with the \$35,000 application to complete the shooting range, sawmill and include voice activated release. Commissioner Lopez seconded. Unanimous.

After a brief discussion with Dave Pollard the Commissioners asked that a letter be sent to Tom Laisley informing him that after further discussion they have decided not to apply for an EPA

Brownfield Assessment Grant this year.

James Perdue, Maintenance Supervisor informed the Commissioners that Larry Adkins don't know when he would be able to return to work.

Commissioner Wender offered a motion to extend the employment of Donnie Austin to December 31, 2007 as a full time temporary employee. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed for lunch at 12:45 p.m.

The Commissioners reconvened the County Commission meeting at 1:50 p.m.

The Commissioners signed the New River Convention and Visitors Bureau Agreement, effective August 1, 2007 to December 31, 2010.

The Commissioners signed a letter to AGES informing they decided not to apply for an EPA Brownfields Assessment Grant this year.

Commissioner Wender offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Twilla Sue Cassell. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign Resolution for the Fayette County Park, amount \$35,000.00 for the Community Participation Program Grant. Commissioner Lopez seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to approve and sign Resolution for the Mount Hope Lions Club, amount \$1,500.00, for the Community Participation Program Grant. Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioners signed the revised Energy Efficiency Grant Agreement to include the Fayette County Health Department.

Ms. Holly presented the West Virginia Courthouse Facilities Improvement Authority Funding Assistance Program Grant, amount \$105,840.00 to the Commissioners.

The Commissioners signed letters to Judge John W. Hatcher, Jr., Daniel Wright, Circuit Clerk, Kelvin Holliday, County clerk and Sheriff William Laird asking for a letter of support for the West Virginia Courthouse Facilities Improvement Authority Funding Assistance Program Grant.

The Commissioners signed a cover letter and signature page to the West Virginia Courthouse Facilities Improvement Authority Funding Assistance Program Grant.

Commissioner Wender offered a motion to sign Resolution authorizing Commissioner Eskew to act on its behalf to enter into a contractual agreement with the Courthouse Facilities Improvement Authority. Commissioner Lopez seconded. Resolution signed.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that the Fayette County Board of Education has authorized the donation and transfer of ownership of a 1993 school bus. The Commissioners received a copy of the title from the Fayette County Board of Education.

The Commissioners signed a letter to the West Virginia Development Office requesting reimbursement for the first drawdown for the White Oak Trail, amount \$2,638.00.

Commissioner Wender offered a motion that Melba Carter be reappointed to serve as a member of the Fayette County Library Board-said term to expire June 30, 2012. Commissioner Lopez seconded.

Unanimous. Order and appointment to serve letter was signed.

Commissioner Lopez offered a motion that Kenneth Smart fill the vacancy that exist due to the resignation of Kenneth B. Fox as a member of the Page-Kincaid Public Service district effective October 1, 2007. Commissioner Wender seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioners received and reviewed a letter from Sheriff William Laird advising that the Policy Control board for TRIDENT Drug Task Force has authorized the purchase of a 2007 Chevrolet 2500 pick-up Truck.

To complete this important vehicle upgrade, it has been proposed that the current 2003 Dodge Durango previously purchased by the Fayette County Commission and the TRIDENT Drug Task Force (50% cost sharing) be traded and applied toward this purchase.

Commissioner Wender offered a motion that the 2003 Dodge Durango be traded and applied toward the purchase of a 2007 Chevrolet 2500 pick-up Truck for TRIDENT Drug Task Force. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received an e-mail from Tom Oxley, City Manager Oak Hill asking that he be put on the agenda. Ms. Holly told the Commissioners she have not heard back from him.

Ms. Holly told the Commissioners she received an e-mail from David Neal, E911 Coordinator regarding several changes to the NCIC System.

Mr. Neal presented a quote from Verizon but informed the Commissioners that he had not received a quote from D & D Computers

for the PC the additional cost should be around \$1,000.00.

Commissioner Wender offered a motion to approve the request up to \$5,000.00 including the cost of the PC payable from the 9-1-1 Fund to update the NCIC System. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator informing that the installation of a fire hydrant on mains that cannot support 500 gallons per minutes with 20 psi causes two problems—a liability issue if firefighters are expecting to be able to put out a fire and the hydrant cannot support the flow (thus it is better to know that you need to bring a pumper truck), and public health issues because blow-off from the hydrant results in slow refilling of the line and the potential for contamination of the water source.

Mr. Pollard told the Commissioners they have received requests from this area in the past and a check of the system has revealed that there are not sufficient flow and pressure to install a fire hydrant.

The Commissioners asked that a copy of this e-mail be sent to David Neal, E911 Coordinator regarding a fire hydrant for Prudence.

The Commissioners approved to advertise for the Case Manager for the Fayette County Community Corrections Program.

The Commissioners received and reviewed a letter from Lisa Naylor requesting that a wreath be placed on the Courthouse door for the month of September for Ovarian Cancer Awareness.

Commissioner Wender offered a motion to approve request to place a wreath on the front door of the Courthouse for Ovarian Cancer Awareness for the month of September. Commissioner Lopez seconded.

clinics for both boys and girls league pending no conflict of schedules, the \$1,0000.00 rental fee will be waived. The requirements of the garbage and the custodian fees are waived with the understanding that Richard Meadows 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 they will withdraw the waiver. All other rules are applicable including insurance and responsible adult supervision is required at all times.

The Commissioners approved for Nicole Kessler to attend the Managing Floodplain Development training in Cumberland, Maryland, September 23-28, 2007. The West Virginia Floodplain Management Program will reimburse the County for mileage, lodging and meals.

The Commissioners signed Request for Reimbursement to the Division of Criminal Justices Services for Project 06-JAG-38, amount \$3,233.22.

The Commissioners signed Request for Reimbursement to the Division of Criminal Justice Services for Project 07-SIG-07-SPF-SIG Grant, amount \$2,528.90.

The Commissioners signed an invoice to the Fayette County Board of Education for rental of the Fayette County Soldiers and Sailors Memorial Building, amount \$2,916.67.

The Commissioners received and reviewed the annual financial summary of the Fayette County Farmland Protection Board-July 1, 2006 through June 30, 2007.

The Commissioners received and reviewed notices from the West

Virginia Department of Transportation, Division of Highways that forms are available on -line to apply for a Recreational Trails Program Grant or a Transportation Enhancement Program Grant.

The Commissioners received and reviewed employment application from Heather D. Reid.

The Commissioners received and reviewed from J. Dan Snead and Associates, Inc. enclosing two (2) originals of AIA Document A101 Standard Form of Agreement between Owner and Contractor for the Fayette County Courthouse and Memorial Building Partial Roof Replacement.

The Commissioners received and reviewed from J. Dan Snead and Associates a Miscellaneous Repair Report for the Fayette County Courthouse Complex.

The Commissioners received and reviewed a letter from Ford Motor Company regarding a defect which relates to motor vehicles safety exists in certain 1992-2004 vehicles (1995 Crown Victoria Vehicle ID #2FALP71WOSX183480). Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a thank-you letter from Congressman Nick Rahall, II thanking the Commission for calling his attention regarding the needs of the Soldiers and Sailors Memorial Building in Fayette County.

The Commissioners received and reviewed a letter from AIG Domestic Claims, Inc. informing that Claim #410-084792(n) has been forwarded to them for investigation and handling.

The Commissioners received and reviewed a letter from Steptoe and

Johnson regarding Charles Canterbury lawsuit.

The Commissioners received and reviewed an Accident Report from the Fayette County Park.

The Commissioners received and reviewed a copy of a letter from Sheriff William Laird to E. C. Gilkerson regarding his request for medical leave of absence from the Sheriff Department.

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 a letter from the Internal Revenue Service informing that the proposed federal tax deposit penalty has been cancelled.

The Commissioners received and reviewed from the Bank of New York the Cash Statement and Asset List for August 31, 2007.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged as of August 31, 2007.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report for the month of August, New River Human Society Allotment, amount \$14,656.29 and Weekly Fees Collected for the week of August 31 to September 6, 2007, amount \$110.00 and the week August 31, 2007, amount \$30.00.

The Commissioners received and reviewed a letter from Patrick Case regarding the per diem jail fees.

The Commissioners received and reviewed an Accident Report from the Fayette County Sheriff Department.

The Commissioners received and reviewed checks for Alarm Fees-Little General Store, amount \$300.00; Franchise Fees-Bradley Communications, amount \$864.69; Criminal Justice Services-TRIDENT, amount \$4,212.75; Fayette County Board of Education-Memorial Building rent, amount \$5,833.34; Reimbursement Travelers Insurance, amount \$2,666.95.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that the funds due for Regional Jail Operations Partial Reimbursement will be deposited on September 12, 2007, amount \$89,545.58.

The Commissioners received/reviewed and signed application to the Homeland Security Federal Emergency Management Agency for Allen Ballard to attend E273 Course in Emmitsburg, Maryland.

The meeting was adjourned at 2:30 p.m. The next scheduled meeting is October 5, 2007.