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FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 4, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON TAYLOR

The Fayette County Commission met this 4th day of January, 2023 in a regularly scheduled meeting. Commissioner Taylor called the meeting to order at 9:00 a.m.

Assessor Eddie Young led the Pledge of Allegiance.

Organization of the County for 2023:

Commissioner Taylor motions to nominate Commissioner Louisos as President, and Commissioner Taylor will continue running this meeting. Commissioner Brenemen seconds. Unanimous Decision.

Commissioner Taylor motions to appoint County Administrator Ruth Lanier as Purchasing Agent, except for Sheriff related purchased due to son being a deputy. Commissioner Brenemen seconds. Unanimous Decision.

Commissioner Brenemen motions nominates Commissioner Taylor as the back-up Purchasing Agent and lead Purchasing Agent for Sheriff related purchases. Commissioner Taylor seconds. Unanimous Decision.

Commissioner Brenemen will assume responsibility for reviewing the minutes.

Exonerations, Orders to Combine or Divide Land, Refunds- Eddie Young: Tara Tyree presents real property exonerations for Brian Safehouse Inc \$576.62; JCP Interests LLC \$26.64, \$7.70, &\$7.70; and PMT LLC \$26.64, \$7.70 & \$7.70. Commissioner Taylor asked whether Brian's Safehouse was in Fayette or Raleigh County. Assessor Young says there is one in Mount Hope. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous Decision.

Approve 1st Half January Payroll: Commissioner Brenemen motions to approve 1st half January payroll, payable on January 13. Commissioner Louisos seconds. Unanimous Decision.

Approve Vouchers and Invoices: Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous Decision.

Approve Prior Meeting Minutes: Commissioner Taylor motions to approve minutes from September 7, 21; October 5, 19, 25; November 2, 10, 11, 17; and December 7, 14 at 1:00 p.m. and 14 at 6:00 p.m. Commissioner Brenemen seconds. Unanimous Decision.

Approve Estate Settlements: Commissioner Taylor motions to approve the Estate Settlements for Wendell Wilkie Butner; Gerald Ray Campbell; Bernice Clayton; Freddie Adam Moses Davenport Sr.; Lila Lee Dix; Susan Ruth Ewing; Glen Burton Hawkins, Sr.; Mary Ann Johnson; Mary Margaret Kincaid; Janet Sue Taylor; Michael Shawn Underwood; and Deloris Faye Wamsley. Commissioner Brenemen seconds. Unanimous Decision.

Ruth Lanier - Exhibit Items:

- 1. Discussion & Decision: Budget Memo to Elected Officials and Department Heads.** Discussion of whether to require presentations. Only if needed due to large requests or if the Commission requests explanation. Commissioner Taylor motions to approve letter as amended. Commissioner Brenemen seconds. Unanimous Decision. May stamp.
- 2. Discussion & Decision: Legal Advertisement for BOER** Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous Decision.
- 3. Discussion & Decision: HIDTA** Commissioner Taylor motions to approve President Louisos to sign. Commissioner Brenemen seconds. Unanimous Decision.
- 4. Discussion & Decision: CFIA** Commissioner Taylor motions to approve President Louisos to sign. Commissioner Brenemen seconds. Unanimous Decision.
- 5. Discussion & Decision: Brownfields Assessment Grant** Consultant Contract with Greenbrier Environmental Group for Approval and Signature by Authorized Representative County Administrator Ruth Lanier Commissioner Taylor motions to empower Ms. Lanier to sign. Commissioner Brenemen seconds. Unanimous Decision.
- 6. Discussion & Decision: Appointment of Commissioner to NRGRDA Board** Commissioner Taylor motions to reappoint Commissioner Louisos to the NRGRDA Board. Commissioner Brenemen seconds. Unanimous Decision.

7. Discussion & Decision: Appointment to Solid Waste

Authority Board: Commissioner Taylor motions to appoint Steven Davis to fill an unexpired term, said term to expire June 30, 2026. Commissioner Brenemen seconds. Unanimous Decision.

Discussion & Decision: County Clerk Elections Permanent Position postponed from 11/17. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous Decision.

Discussion & Decision: Observed Holidays. Ms. Lanier presented an issue with 7 day-a-week employees (911, Law Enforcement, occasionally Park...) when a holiday falls on their normal workday. They are working on the actual holiday and are being shortchanged. There needs to be a different policy for 7 day-a-week employees to compensate for Observed Holidays. Commissioner Taylor motions to approve the policy, effective 12/25/22 forward to compensate those people who signed up to work the actual holiday this time. Commissioner Brenemen seconds. Unanimous Decision.

Discussion & Decision: Personnel Discussion, Staffing and Key Personnel Raises. Commissioner Taylor motions to enter into an executive session for discussion at 9:24 a.m.

The Commission reconvenes at 10:07 a.m. with no decisions made.

Teresa Gregory, Community Corrections Director, was called into the meeting. Commissioner Taylor motions to change her pay to \$65,000 annually, effective this pay period. Commissioner Brenemen seconds. Unanimous Decision. This is the first time in a long time the Commission hasn't had to worry about the Day Report Center. Many compliments received and the Judges' and community's faith is being restored in the program. Hoping to expand into the Valley.

Commissioner Taylor motions to approve a \$10,000 raise for County Administrator Ruth Lanier effective this pay period. President Louisos seconds. Unanimous Decision.

GST Contract and Request for Proposal There have been problems with staffing and coverage for our contract, especially for work in the Prosecutor's office. Cannon Wadsworth is aware that some newer staff who weren't fully trained were taking care of Fayette County. To be completely honest, they missed how the

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Prosecutor's office was getting neglected. Communication was lost.

Commissioner Taylor mentions email. Every account needs to be rolled out and support needs to be available for security of our information and transparency with the public. Mr. Wadsworth is confident that they can be timely and attentive.

Commissioner Taylor motions to sign the contract for 6 months to give GST a chance to redeem themselves. Commission Louisos seconds. Unanimous Decision.

Discussion and Decision: Armstrong Creek PSD Request to State for Emergency Declaration: Commissioner Taylor stated that Armstrong PSD is in dire straits, and residents have been without water for 3 holidays. All water is being sent to Raleigh County, which is also in a crisis. The Commission needs to declare a State of Emergency to and to ask the Governor also declare a State of Emergency to activate additional assistance. Commissioner Taylor declares a State of Emergency for APSD and motions to send a letter asking the Governor to also declare a State of Emergency. Commissioner Brenemen seconds. Unanimous Decision.

Discussion regarding the two County Executive Committees to collect donations for Armstrong PSD customers and Paint Creek Chemical Spill residents.

Considerations for future meetings:

Chief Deputy Perdue appears regarding a quote for the shooting range from Steve Giannini. The Commission will research to see if this project needs a formal bid process.

The meeting is adjourned at adjourn at 10:28 a.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 18, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON TAYLOR

The Fayette County Commission met this 18th day of January, 2023 in a regularly scheduled meeting. Commissioner Louisos called the meeting to order at 9:00 a.m.

Assessor Eddie Young led the Pledge of Allegiance.

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Exonerations, Orders to Combine or Divide Land, Refunds- Eddie Young: Tara Tyree presents a real property exoneration for Deborah A. Holliday \$157.34. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Ms. Tyree presents two refunds for PMT \$8.28; and JCP Enterprises \$8.28. Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve 2nd Half January Payroll: President Louisos motions to approve 2nd half January payroll, payable on January 27. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices: President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes: Commissioner Taylor would like time to review and make edits. Tabled until February 1.

Approve Estate Settlements: President Louisos motions to approve estate settlements for Naomi Virginia Backus; John Allen Bishop; Margaret Ellen Falbo; James Leon Harrah; Edward Eugene Kessler; Diana Gaye Naylor; Thomas Lee Toney, Jr.; James Eugene Workman. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Appointment of Delmas Roberts to the Gauley River PSD Board to fill a vacancy left by the resignation of Nathan Ramsey, term to end December 31, 2027. Commissioner Brenemen motions to approve the appointment, term to expire December 31, 2023. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Order increasing Mileage Reimbursement to 65.5¢ per the IRS for 2023 Commissioner Taylor motions to approve and sign. President Louisos seconds. Unanimous decision.

Discussion & Decision: Contract with ADP Discussion about statement in contract regarding using 3rd party associates, but they must notify the Commission before that happens. Commissioner Taylor motions to approve and sign the contract. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Closing Agreement for Building Purchase President Louisos explains the need for the former Fayetteville Police Department building at 204 Church Street. The Probation department is expanding and already out of office space and needs better ADA accessibility. The Circuit Judges and Sheriff are in agreement with moving Probation into the current Detective Bureau and moving the detectives into the new building. Commission staff will move into the current Probation space. President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision. Sheriff Fridley

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asks about a timeline. County Administrator Ruth Lanier will arrange a meeting between all parties.

Discussion & Decision: Dilapidated Buildings: Zoning Officer Angela Gerald presented the following dilapidated cases from the Beautification Committee: *Case 1 -1352 Scarbro Rd. Scarbro; Case 10 - 6285 Midland Trail. Charlton Heights; Case 26 - 96 Holcomb Loop- Lookout; Case 117 - 120 Holcomb Loop- Lookout; Case 30 Clara Penn- 525 Packs Branch Rd. Mount Hope; Case 116 -4031 Deepwater Mtn. Rd. Fayetteville; Case 136 - 16 Price Hill. Mount Hope; Case 114 - Legends Hwy Oak Hill; Case 115 - 5522 Legends Hwy Oak Hill.*

Commissioner Taylor motions to enter into an executive session at 9:21 a.m.

Reconvene at 9:28 a.m. No decision made.

Discussion of Case #10 and if it is in need of demolition. Prosecuting Attorney suggests sending a letter to the owner requesting they transfer ownership to the county. Commissioner Taylor would like to have a demolition company under contract for such properties, however this might conflict with the requirements to bid. Commissioner Brenemen motioned to approve sending certified letters to all cases except Case #10, notifying of a March 1 hearing and requesting a response. Commissioner Taylor seconded. Unanimous decision.

Presentation: Stacy Thomas, WV HUBCAP: Ms. Thomas presents about HUBCAP projects in 3 Fayette County communities, Oak Hill, Smithers and Montgomery. They have worked in over 60 WV communities in the last 12 years. The program is funded by USDA and works with the HIVE and New River Gorge Regional Development Authority (NRGRDA). This is a grassroots community led initiative. Teams are made up of community members. The program provides some financial assistance and provides a vista. Commissioner Taylor asks if this is just for municipalities. Ms. Thomas says yes. There are free tools on their website for communities to access and use. Commissioner Taylor asks about a letter the FCC can send to Mayors to notify them of the project, and Ms. Thomas has one and will provide a copy.

Discussion & Decision: Shooting Range Sheriff Mike Fridley gives a history of the range and issues. His deputies have to qualify twice a year in both day and low light per state code. For those concerned about noise, this will not be going on every day. The cost of ammunition prohibits that. Other counties have ranges at their county parks, but they have to travel and schedule around other departments. The Summit Bechtel Reserve requires a lot of red tape to access their property. The deputies have to qualify on various kinds of firearms. Using public ranges are not feasible due to use and the need to access them at night. Sheriff Fridley states he called the Park Board, never gave a call back. He wants to work together about the possibility of building a shooting range and how the Park can benefit financially. Member of the public Gene Kistler asks about the measurements of the

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range. Chief Deputy Perdue says it depends on the weapon. 25 yds for handgun, 100 yds for sharpshooter and that will be set up as needed. 90% of time will be just handgun. Chief Perdue says there is a red flag raised when the range is "hot". They first do a perimeter walk around then raises the flag. There is a natural berm in place with no ricochet due to the design. Mr. Kistler asks about conversations with Mr. Boardwine who lives nearby. The discussion hasn't gone that far because they were not sure where the project stood. Chief Perdue proposes cleaning up the property, adding gates and a gravel road, and eventually pave the road. They would like this facility to allow other departments to use it to qualify. Mr. Kistler asks about the shooting range in place behind the animal shelter. Sheriff Fridley says it is just for skeet. Andrew Sullivan, Disc Golf Course developer at the County Park, is concerned about all of the use the park gets and safety of those users. What considerations will be taken? Chief Perdue states there will be scheduled days and notifications made. Mr. Sullivan says his users just assume if the park is open, they can use the disc golf course. Chief Perdue reiterates that they will be shooting into a hillside, ricocheting will be suppressed, and spotters are involved. They can post notices at the entrance bulletin board about the Hot Zone flag status. They can also use social media. Park Director Abbie Newell understands the frustration of being without a range for 10 years, and agrees with the need for collaboration. She wants to be informed and involved and work with the Sheriff's Department so they can inform visitors. Commissioner Taylor said the County Commission states the commission hadn't heard about the range until it was mentioned at the end of the January 4, 2022 meeting, which was in error to discuss before the meeting was adjourned. The Commission is only discussing RFPs at this point and mentions they need to use the award from the Senate.

All municipal Law Enforcement has to leave Fayette County to qualify. Complaints aren't about the range itself, just the location. Discussion is held about the Stinnett Farm. President Louisos says he asked Ms. Lanier to obtain information about an enclosed building. There is also an issue with it being "out of sight out of mind" because that allows vandalism. Steve Cruikshank, Interim Fire Coordinator, mentions the only issue with the fire training location was from residents. Resounding no. Park Board Chair Diane Callison says this meeting addressed a lot of the issues the Park Board had. Maura Kistler appreciates the conversations and working together to share the space and ask for a ballpark of hours a week the deputies would be active. Sheriff Fridley can't answer that at this point. He's just trying to find a space. Ms. Kistler thinks that once there is an established schedule and everyone knows, there shouldn't be any issues. Commissioner Brenemen motions for Chief Perdue to write a Request for Bids and submit to Ms. Lanier to run for 2 weeks in the paper and schedule a bid opening for February 17. Commissioner Taylor asks about the Girl Scout Camp. There is no access road large enough to remove trees. Commissioner Brenemen withdraws his motion and asks to postpone this discussion until February 1 to make a firm decision. President Louisos and Commissioner Taylor would like to bid the Girl

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Scout and Park locations. Commissioner Taylor asks Ms. Newell about the Girl Scout Camp properties. Ms. Newell said trails are planned there but could be potentially moved. President Louisos calls for a break.

The Commission took a break at 10:52 a.m.

President Louisos motions to postpone this discussion until February 1. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Paint Creek Area Spill Testing & Funding The Commission allocated \$10,000.00 towards test development at their December 14, 2022 meeting. The cost is \$15,000.00 and the Kanawha County Commission (KCC) will split the cost evenly at \$7,500.00. This area will hopefully get city water services by Spring 2023. Commissioner Brenemen motions to approve to split the expense with KCC. Commissioner Taylor mentions that the \$10,000.00 allocation should cover the \$7,500.00 portion of testing as well as 6 Fayette County residences at \$200.00 per test. This will all be covered by the amount approved at a prior meeting. Commissioner Brenemen withdraws the motion.

Discussion & Decision: Letter to DOH Commissioner Taylor motions to approve letters to the WVDOH; one concerning the north side of the bridge on US Rt. 19 and the other concerning Cafego Rd., and authorizes to stamp names when ready. President Louisos seconds. Unanimous decision.

Discussion & Decision: Quality Management Plan for Brownfield Assessment Grant for Approval and Signature President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Letter to the WV State Tax Property Division extending permission to make adjustments after January 15, 2023 Commissioner Taylor motions. President Louisos seconds. Unanimous decision.

Commissioner Taylor motions a standing approval to send this letter annually and empower County Administrator Ruth Lanier to handle the letter until further notice.

Discussion & Decision: Request from Sheriff Mike Fridley regarding AED Defibrillators for the 1st Floor of the Annex. And Questions regarding pay for Support Staff Maintenance Worker Sheriff Fridley is requesting an AED for the first floor of the Annex. Magistrate court, the main Courthouse and Sheriff's office all have one. The first floor of the Annex sees a lot of public traffic. Sheriff Fridley is working with Kevin Walker, OEM Director regarding prices and grant availability. Discussion is held about also installing them in other buildings and offices. Sheriff Fridley will return once he has pricing and other information.

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Sheriff Fridley then speaks about pay for his support staff. Commissioner Brenemen asks about the timing with budget in February, and why not ask then. Sheriff Fridley has questions regarding the letter he sent in October which he needs answered in order to prepare his budget. There is an issue with paying for a maintenance worker, since there are no records of the June 1, 2017 hiring of Debra Thompson. She is the cleaner at the Valley Sheriff Detachment. Ms. Thompson started coming to clean at the courthouse when there were staffing issues with courthouse maintenance. Sheriff Fridley wants to make adjustments in his budget due to the elimination of land sale extra help and use that amount to give his 10 support staff members raises. Commissioner Brenemen asks about performance reviews. Sheriff Fridley says they occur. The maintenance worker in question is currently on medical.

Commissioner Taylor motions to go into executive session at 11:17 a.m. The Commission reconvenes at 11:39 a.m. with no decisions made.

Commissioner Taylor motions to make a line-item revision for the Sheriff, provided the money is in the budget and not currently allocated. President Louisos seconds. Unanimous decision.

Commissioner Brenemen verifies that the Request for Bids for February 1 will be for a pistol building, park shooting range and Girl Scout shooting range. The Commission will reach out to Fire Association about their land and include this in the request if approved.

Commissioner Brenemen would like to know the status of the climbing wall for Memorial Building. He would like an update from the Park Advisory Board as soon as possible.

The meeting is adjourned at adjourn at 11:47 a.m.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

February 1, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 1st day of February, 2023 in a regularly scheduled meeting. President Louisos called the meeting to order at 9:00 a.m.

Ansted Mayor Steve Pridemore led the Pledge of Allegiance.

President Louisos convened the Board of Equalization and Review

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No one appeared to present a petition. President Louisos motions to recess as BOER until 9:00 Commissioner Brenemen seconds. Unanimous decision.

Exonerations, Orders to Combine or Divide Land, Refunds- Eddie

Young: Tara Tyree presents a real property exoneration for Toney Properties \$18.38. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous Decision.

Ms. Tyree presented an order to Combine, Divide or Segregate Land for Cooper M. Varney. President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Brenemen motions to approve correction for Toney Properties. Commissioner Taylor seconds. Unanimous decision.

Approve 2nd Half January Payroll: Commissioner Louisos motions to approve first half January payroll, payable on January 27. Commissioner Brenemen seconds. Unanimous Decision.

Approve Vouchers and Invoices: Commissioner Taylor mentions invoice for special prosecutor hired by prior commission for a flat fee. Resolution drafted by PAO AC to be filed to explain this contract. Commissioner Louisos motions to approve. Commissioner Brenemen seconds. Unanimous Decision.

Commissioner Taylor motions to approve the resolution as written. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes: Commissioner Taylor motions to approve minutes form January 4, 20234. Commissioner Brenemen seconds. Unanimous Decision.

Approve Estate Settlements and Request to Appoint Brian Parsons as Special Fiduciary Commissioner in the Estate of Nancy Lee Johnson James due to multiple conflicts of interests:

Commissioner Brenemen motions to approve estate settlements for Harold Lester Blake Jr.; Thu Thanh Elswick; Frank Dewey Foster; Karen Spake Gardener; Lonnie Willard Gunnoe jr.; Wilma Margarett Gunnoe; Paul Stanley Pomery; and Rebecca Ann Shuff. Commissioner Taylor seconds. Unanimous Decision.

President Louisos motions to appoint Brian Parsons as a Special Fiduciary Commissioner. Commissioner Taylor seconds. Unanimous decision.

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Mr. Ciliberti updates that Mr. Parsons has time commitment conflicts and asks that the appointment be set aside. Commissioner Taylor asks that Ms. Holly check with another county's Fiduciary Commissioner to take this case.

Discussion: New Haven PSD The citizens from certain areas of New Haven PSD have a spokesperson: Cindy Bennett. Ms. Bennet presents that Sunday & Saturday Road received funding to complete waterlines. They've been working to get water for 30 years. Testing has found contaminants and they have to haul water and buy bottled water. A family of 5 means 5 loads of water per week. The water filling station is unreliable especially in cold weather. They have to use laundromats and can't get a reduction on fire insurance because of lack of hydrants. They've asked WVAW for water filling stations at the end of lines. Asked PSD to go on ride-alongs to view issues. Ramsey residents were promised service but it was diverted down Horseshoe. No consistency on how the PSD makes decisions. Not sure of how lines will connect, or of timelines.

States they are at their wits end. Have been patient and have done everything in their control. They are asking the FCC to earmark infrastructure funds. They've been passed by and passed back and forth by state and county agencies. They are also asking for a written response 10 days before March 22, while the FCC is in Budget Session, so they can make decisions for their next steps in the process. Distributed packets to FCC and Kenny Hayes, NHPSD Chair.

Ms. Bennett states the first meeting she attended was in late 1970s at Midland Trail High School and they were told it wouldn't take long to get Hico water from Ansted, and they would get a discount as being the first to fight for the service. Lesley Taylor, Region 4 presents the procedure for the current projects and states that she serves as Project Administrator for NHPSD.

Contract 18 will extend water service to 67 households on Springtown Road and Clifty Road from Sunday Rd. to the Confluence. It will go out to bid in April of 2023. 30 day bid timeline for publications. If a bid is chosen, proceed to closing with a 90-day bid hold. Notice to proceed after that and contractor starts ordering materials. Projected

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construction time of 12 months. Could be completed by end of 2024.

Contract 19 will extend water to 75 new customers in the Ramsey and Dotson Ridge area. Currently working on easements with attorneys and landowners. Hoping to file a Certificate of Necessity with PSC in April 2024. They have 180 days to respond. FCC can write a letter requesting to expedite, but there usually isn't anything that can be done to speed them up.

There is a loan component for both of the projects which comes with a \$2.00 surcharge, bringing bills above \$80/month. Region 4 submitted an application for Economic Enhancement Grant *Fund* (EEGF) can help with the surcharge. Projects with these funds get priority. The FCC gave \$40,000.00 each to 3 projects and these are with WVIDJC.

Cane's Branch is on Contract 19 and has 12-14 residents. Residents asked about this since it's so far away and why Ramsey was moved from 18 to 19. Ms. Taylor said 50% of user agreements weren't signed. Ms. Bennett says that's false. Mr. Hayes says the original user agreements were researched - only 50% of people at that time signed.

They are revisiting the Ramsey area; took names of original decliners and got nearly all of them to sign this time. Ms. Bennett says of 18, only 4 people didn't sign and that's not 50%.

Ms. Taylor explains the numbering sequences with WVIJDC. The numbering doesn't affect priority. It's just how it was entered into the system.

A gentleman in the audience states that in 2018 he contacted the Governors' office and was told the funds were used for another emergency reason. Ms. Taylor says this isn't possible. Any fund that is expended has multiple people signing off and there are invoices for every expenditure.

Questions asked about why it is taking 6 years. Ms. Taylor states it's like a house closing. The pandemic slowed the project down. A question was asked about the terminated contract. Ms. Taylor: funding isn't a truck showing up with cash. Until bids are approved, no money is available to spend.

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They have to have all permits, property easements, agreements with attorneys, in order before anything can start. 6 years to get paperwork ready is hard to believe and Ms. Taylor understands their frustrations, but there are many moving parts and people/entities involved.

Commissioner Taylor states that the Federal Agencies are listening. Ansted received an earmark to start an extension. Ms. Bennett says that's what they were told in the 1970s. They were approved then, and now approved again. She believes they will be back at the bottom again.

NHPSD is using residual contributions from WVAM from prior projects on Contract 18. If EEFG funds don't come through, they will go to drinking water revolving fund for additional funding. Question was asked about if no bids come in within in the budget Ms. Taylor: They will go back to funding agencies and ask for more.

Contract 19: The FCC made a contribution. NHPSD, Army Corps of Engineers, WVAW, Drinking Water Treatment Revolving Fund, Principal Forgiveness Grant, WVIJDC and EEFG applications have been submitted. To get paid, the contractor, engineer, accountant, etc.. submit invoices to Region 4. They double check and submit to the PSD and then to the Funding Agency. Then checks are written to vendors. It goes on an invoice by invoice basis.

Question about where to get more funding. Ms. Taylor: states that all the projects have tapped into all funding options at this point. Loan element is where the surcharge comes in. Contract 19 is \$7,048,013. Contract 18 is \$4,620,265 and will be out for bid in April 2023, and hopefully shovel ready in in November 2023.

Jordan Manning on Zoom: how do projects get terminated and reconfigured? Mr. Hayes says they haven't been terminated. Ms. Manning said infrastructure website had it on but now it's gone. Ms. Taylor will look on her side.

Diane Kincaid on Zoom: Asked about Chestnutburg. Ms. Taylor: Ansted is upgrading their sewer to Chestnutburg. Water is already coming up.

Governor's office tells callers the county has the money to fund

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all projects. \$7.1 million is left from ARPA. All of Fayette County is supposed to benefit from an amount which won't even cover one of the water projects. The County intends to use it for grant matches to benefit the entire county. Just engineering was \$200,000.00. \$7 million doesn't touch all of the projects in the county.

Question about Contract 18: how far out past Elliot Cutoff? Mr. Hayes says to Eddie Ramsey's.

Question about another filling station. People offering their porches for safety. Mr. Hayes says Governor's office and WVAW combined to put the one in at Piggly Wiggly. Modeled after bulk water station in Huntington. Never had any success getting another one. President Louisos asks how much it was and Mr. Hayes isn't sure. Could one be coin operated or metered? President Louisos asks Mr. Hayes to get numbers together.

Ms. Taylor states the surcharge is based on the loan amount. If a project needs a bigger loan, surcharge can be higher. EEFG funding will help to lessen the surcharge, if received. Ms. Bennett restates they are frustrated but thankful for the FCC to listen. Commissioner Taylor says infrastructure is their priority. The FCC funded 5 different project studies in New Haven alone. \$7.1 million sounds like a lot of money, but not for the problems in Fayette County. And they are not funding municipalities.

Discussion & Decision: Request from John Stump to Sign a Resolution Scheduling a Public Hearing to end the Boy Scouts of America Bonds, Related to Exiting their Bankruptcy Mr. Stump, Steptoe & Johnson, appears with Kristine Wallace, Chief Operations Officer from Summit. Previous public hearing under IRS rules is only good for 1 year, so it must be updated. JP Morgan holds the bond and agrees with the extension. No liability to FCC if not extended. JP Morgan and BSA would need to renegotiate if not signed. Questions about remaining balance. Bankruptcy froze any payments towards principal. President Louisos would like to know a ballpark interest rate. Mr. Stump will get it for him. President Louisos motions to adopt and sign resolution for 2/17 public hearing. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Funding Request, Greg Ingram, Vice Chair of the Strategic Initiative Council Presentation: States they absolutely don't want to compete for water and sewer dollars. The original request was for \$61,000.00, but Mayor Ingram can obtain those funds from the Governor's office. If there are other funds for trails, they could still use the help. They amended the project to reduce costs: took out lights, made the trail gravel and not paved. Could use additional funds to put those amenities back.

Budget Presentation: Abigail Newell, Park and Garage Ms. Newell gives an update on the Park since she took over in October 2022. The park needs a comprehensive strategic plan. We had October in the Park and the Winter Wonderland in 2022. This year, we are working on Movie Nights, GN Fay Co, Youth Sports, BBQ events, Wizarding weekend, Vintage In the Ville... Working on finding a new credit card company with lower fees. Working on solution to pool issue. Looking for the leak with dye tracking, and RFP for new pool. Clearing up old vehicles and tires. Received a BeActive Grant for portable pickleball grant for FCMB. Disc Golf 4-H tournament, 7-week long camps booked, 5 weddings and a waiting list, plus other rec hall events...

Discussion of Garage budget - Park employee was moved from Garage budget to Park budget, and now there is only one employee on Garage budget. Increase in materials & supplies due to costs increasing, so extra funds are requested. Commissioner Taylor asks about the cost of contracting out the Garage services. Ms. Newell states this was reviewed in 2019 and the costs and turnaround times were not effective. Commissioner Brenemen says moving from quarts to barrels of oil saved \$9,400. Commissioner Taylor would like an RFP for contract service with written in turnaround times for deputy vehicles.

Discussion of Park budget: Not asking for raises due to knowledge of healthcare increase. Lifeguards are not included. Overtime is included because of support to other departments (emergency car repair, salt/snow removal...) Cost savings for pool supplies and maintenance. Pool revenue is typically \$22,000.00-32,000.00 Expenses are \$15,000.00 for pool supplies \$10,000.00-15,000.00 in staff. No pool savings equal \$40,000.00. Not including fringe income from shelters etc..

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Increase in maintenance, repairs, supplies, cost of materials and we need to make repairs and update our looks due to neglected maintenance. Parks & Recreation Advisory Board (PRAB) has a maintenance survey out asking for input on what users think. We are looking into getting Rec Hall on the National Historic Register, and want to upgrade the Christmas light display, which is already bringing in more users. Invest in marketing, website...

PRAB ideas: working with Heath Department and Board of Education for SOAR – Summer Outside Arts and Recreation. Energy Express in morning and BOE would bus them to park in afternoon. Partner with WVU Tech and Fayette Institute of Technology with recreation programs. Can attend one or all weeks. Friday would be a partnership with local companies. Focused on Valley & New River Elementaries. Identify at risk kids first then open it up. Fee to attend and scholarship opportunities. Asking FCC for in-kind payroll and Ms. Newell's skills and county equipment. Purchase new equipment and then rent to park users after the camp. \$11,000.00-15,000.00 for cash and up to \$40,000.00 with in-kind amount.

Would like to have roundtable with the FCC to prioritize. The following:

1. Pool
2. Mini Golf
3. Tennis to pickle
4. Multi use trail development and events
5. Rental equipment
6. Stage
7. Christmas Upgrades
8. Septic at Canteen
9. Rec Hall Additions (bridal rooms...)
10. Shower House
11. Horse ring to soccer field
12. Winterize cabins
13. County Fair Return
14. Additional Playground Equipment
15. Increased signage

Would also like to work with the County Administrator for new credit card machine.

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Commissioner Taylor asks about the Memorial Building (FCMB). Ms. Newell said it brought in \$7,000.00 in December 2022. January 2023 there was a wrestling tournament which was well attended (included out-of-staters.) Recently there was a youth basketball league and a Falcon event.

Commissioner Brenemen asks about climbing wall. Ms. Newell says it is around \$60,000.00 for a mobile wall. Difficult to disassemble and reassemble. Commissioner Brenemen suggests removing broken bleachers for wintertime climbing. Gene Kistler, climber, sees the potential.

Commissioner Brenemen asks about ponds and adding fish to make it a pay pond. And also, about simulated golf. Ms. Newell says Oak Hill is getting a course. There is need for a softball batting cage in the area. Other ideas/plans: food truck show; BBQ based event in July; October in Park; Winter Farmers market in FCMB. Commissioner Taylor would still like the cost benefit analysis to see if the pool is necessary. Ms. Newell: 2020 and 2022 were non-pool years but they were unexpected. But 2023 will be the first known non-pool year. Hasn't yet affected summer camps. Community comments are they are disappointed in the lack of pool. Ideas to have a bubble over pool for year-round pool use.

Next volunteer trail day is February 12 10:00 a.m.-2:00pm. Last event had 30+ volunteers. Comments overheard that day were that the visitors should come to the park more.

Discussion and Decision: Petition to Declare Appointment of Estate of Jackie Less Argabright Void No assets to the estate which did not transfer to the spouse by right of survivorship. Sheriff has to expend tax payer funds for counsel to only benefit the spouse. This is needs to be dealt without the Sheriff. Circuit Judges have no power. Commissioner Taylor motions to void. President Louisos seconds. Unanimous decision.

Ruth Lanier - Exhibit Items:

- 1. Discussion & Decision: Request from Zenda Vance, Fayetteville Town Recorder, to use two county voting machines for the town election.** Prosecuting Attorney Anthony Ciliberti drew up a contract between FCC, FC Clerk and Town of Fayetteville. Will not need the FCMB to run reports. If another municipality wants the same option, it

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will be available. Commissioner Taylor asks for the municipalities to detail how they will keep the machines secure. Commissioner Taylor motions to approve as explained. President Louisos seconds. Unanimous decision.

2. Discussion & Decision: Shooting Range RFPs for Approval

Discussions held. Will put out the RFP and put an ad out on 2/13 with specs. President Louisos motions. Commissioner Taylor seconds. Unanimous decision.

3. Discussion & Decision: Administration Agreement with Region 4 for Costs Incurred as a Result of the August 2022 Flooding

President Louisos motions to approve. Commissioner Brenemen 2nd. Unanimous decision.

4. Discussion & Decision: Naming NRGRDA as Certified

Development Community Partner Commissioner Brenemen motions. Commissioner Taylor seconds. Unanimous decision.

Motion to adjourn at 11:18 a.m.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

February 7, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 7th day of February, 2023.

President Louisos and Commissioner Taylor attended the meeting via Zoom due to attending WVACO Conference in Charleston.

President Louisos called the meeting to order at 9:00 a.m.

Commissioner Brenemen led the Pledge of Allegiance.

President Louisos convened the Board of Equalization and Review for Mineral and Industrial Hearings. Eagle Land Company canceled, and no one appeared to present a petition. President Louisos motions to recess as Board of Equalization & Review until 9:00 Commissioner Taylor seconds. Unanimous decision.

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Exonerations, Orders to Combine or Divide Land, Refunds- Eddie Young: None were presented.

Approve 1st Half February Payroll: Commissioner Louisos motions to approve 1st half February payroll for 2/10. Commissioner Brenemen seconds. Unanimous Decision.

Approve Vouchers and Invoices: Tabled till 2/13.

Approve Prior Meeting Minutes: None

Estate Settlements: None

Ruth Lanier - Exhibit Items:

Discussion & Decision: West Virginia Department of Environmental Protection Reclamation of Abandoned and Dilapidated Properties Program FY2023 RADPP pilot Project Subgrant Application.

President Louisos motions to approve and will sign when in person. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: West Virginia Department of Environmental Protection Environmental Advocate Office Rehabilitation Environmental Action Plan 2022 PPOD Sub Grant 2023-03 Award Contract Approval. Commissioner Taylor motions to approve and President Louisos will sign when in person. Commissioner Louisos seconds. Unanimous decision.

Appointment of Special Fiduciary Commissioner Gavin Ward in the Estate of Nancy Lee Johnson James due to multiple conflicts of interests: Commissioner Taylor motions to approve Gavin Ward. Commissioner Brenemen seconds. Unanimous decision.

The Commission recessed at 9:08 a.m.

The Commission reconvened at 10:00 a.m.

Public Hearing: RV Park Ordinance Angela Gerald, Zoning Official, explains changes made by the Planning Commission at their meeting held February 6, 2023. Commissioner Brenemen added that all existing RV Parks will be grandfathered in and be considered non-conforming.

Commissioner Brenemen would also like to allow seasonal workers to apply for a variance for longer than the stated 30 consecutive days. Variances will go through the Board of Zoning Appeals. Mainly for summer workers.

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Commissioner Taylor motions to approve and adopt the ordinance.
President Louisos seconds. Unanimous decision.

Motion to adjourn at 10:05 a.m.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
February 13, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 13th day of February, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Assessor Eddie Young led the Pledge of Allegiance.

Board of Equalization & Review - no one petitioned. President Louisos
Commissioner Taylor

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve: Mr. Young presents a real property exoneration for Danny A. Naylor \$256.20. Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Mr. Young presents an Order to Combine or Divide & Segregate Land for Benny & Kristian Blake (combining land). Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Mr. Young presents a refund request for Joyce Smith. A building was incorrectly assessed as being on Ms. Smith's for 34 years. The state advises to stay consistent with credits and refunds and, in the past, the Commission has only gone back 5 years. Mr. Young will send Prosecuting Attorney Anthony Ciliberti the state code for review and will return later in the meeting.

Approve Vouchers and Invoices: President Louisos motions to approve all vouchers & invoices except Gauley River Fire Department invoices, held for further review. Commissioner Brenemen seconds. Unanimous decision.

President Louisos motions to approve vouchers & invoices from February 7 except invoices from Smither Fire Department for further review. Commissioner Taylor seconds. Unanimous decision.

Approve Prior Meeting Minutes: None presented

Approve Estate Settlements: None presented

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Discussion and Decision: Approval to Purchase Water Buffalo The Commission was informed that the Boy Scouts (BSA) had a water buffalo and was willing to loan it had everyone been aware. Also discovered that they are not prohibitively expensive, and just need specialized cleaning, maintenance and oversight. This could be done by the PSD workers. BSA looking into the cost since they can do a bulk purchase. The Commission is interested in purchasing one for each PSD to have their own. A company in Beckley manufactured them for BSA and they are checking prices there; should be around \$3,000 each. Asking Kevin Walker, OEM Director, to see about coordinating and managing these. There are questions about where to store them. Commissioner Brenemen motion to activate the process of pricing and procuring water buffaloes for the county PSDs. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Roger Chapman: Change of Scope on Meadow River Rail Trail Project: This was canceled. Matt Ford is checking with WVDOT about using TDAPP funds for surveying costs.

Budget Presentations:

County Clerk Michelle Holly

Presented Elections budget first. Would like to get more express votes. Possibility of HAVA grant funding becoming available again for the state. County Clerk Budget - Increased requested salaries due to PEIA change and small raises for each employee. Would like to make the temporary part-time Elections position permanent. Ms. Holly asked about getting access to Arc GIS, the Commission will set up an agenda item for that discussion/presentation. Ms. Holly stated the computer in Elections office is 13 years old. Would also like to replace the 2 copiers in her office with 1 newer, reducing maintenance costs.

The Commission recessed from 9:20 a.m. to 9:32 a.m.

Sheriff Mike Fridley presented budgets for:

Law Enforcement: requesting raises for officers and 1 civilian employee: increase in overtime; increase in training; increase in uniforms; increase in capital outlay; K9 will stay the same once a new K9 is purchased; vehicle purchases; technical equipment (body cams, leased taser packages for 5 years, fingerprinting system) and tactical equipment and firearms, and increases in benefits. Sheriff Fridley presented that Fayette County is 15 out of 17 for starting pay for Class 1 counties. He isn't asking for an increase in starting salary, but would like to offer an increase after 1 year of service.

Treasurer: No changes

Law Levy: 23 deputies on the Levy. Currently 6 deputies short due to National Guard, vacancies and academy participation.

Dog Warden: Two positions are funded but is having issues filling a vacancy. Discussion of canceling that position.

Jail Transport: Overtime can be adjusted due to decrease in jail bill; mental hygienes and feeding prisoners. Commissioner Taylor asks who qualifies for overtime - Deputies and transport officers only.

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Presented schedule and personnel for upcoming training and classes.

Assessor Eddie Young presented budget. Only asking for salaries, benefits, subscriptions and travel expenses. President Louisos asks if Mr. Young thinks property assessed values will increase next year. Mr. Young says yes for FY 24 and that will be addressed starting in July 2023. President Louisos will ask the Commission to consider a tax rate reduction next year.

Mr. Young presents WV Code 11.3.27 and says it is not clear. The refund is entirely up to the Commission. The 5-year refund was his recommendation.

Presentation of Certificate of Honor for Jewell Phillips' retirement from 911 Center retiring this month. The Commission signed the certificate and will present it in person.

Executive Session: Bond Advice at 10:08 a.m. to consult with legal counsel regarding the Boy Scouts of America Bond Amendment.

The Commission exited the Executive Session at 12:11 p.m. with no decisions made. Commissioner Taylor states a letter was drafted to the Secretary of the WV Department of Economic Development, Secretary of Tourism, Secretary of Commerce and NRGDA. Commissioner Taylor motions to approve the letter. Commissioner Brenemen seconded. Unanimous decision.

President Louisos motions to approve the Assessor's recommendation for the refund, Joyce Smith for \$312.04 maintaining the 5-year precedent. Commissioner Taylor seconded. Unanimous decision.

President Louisos motioned to approve the Gauley River Fire Department invoice. Commissioner Brenemen seconded.

Motion to adjourn at 12:15 p.m.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

February 17, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 17th day of February, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Damita Johnson led the Pledge of Allegiance.

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Board of Equalization & Review - no one petitioned. President Louisos motions to adjourn sine die and sign the order. Commissioner Brenemen seconds.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Tara Tyree presents exonerations for 4-Way Trucking \$173.76. Commissioner Brenemen motions. President Louisos seconds. Unanimous decision.

President Louisos motions to approve 2nd half payroll for February 24. Commissioner Brenemen seconds. Unanimous decision.

Mr. Young advises that the State needs an updated letter giving them permission to review and make changes as deemed necessary to correct mineral and industrial values after February 17, 2023. On a previous meeting, the Commission voted to empower County Administrator the ability to send these letters.

Approve Vouchers and Invoices President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve the minutes for January 18, February 1, 7 and 13. President Louisos seconds. Unanimous decision.

Approve Estate Settlements Commissioner President Louisos motions to approve settlements for Patricia Lou Armstrong; Mable Irene Callison; Margaret Ann Coffman; James Woodrow Copley, Sr.; John Hughart Crookshanks, Jr.; Neva Pearl Dixon; Jo Ann Hall; Doris Christine Robertson; Rickey Lee Scott; Sandra Kay Tinnel; and Charles Vanover. Commissioner Taylor seconds. Unanimous decision.

Discussion and Decision: Request from City of Oak Hill to borrow four electronic voting machines for their municipal election. Commissioner Brenemen asks if they have an agreement ready. They do have a draft of the same agreement Fayetteville will use. Damita Johnson has a meeting with County Clerk Michelle Holly later today. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Ms. Johnson asks about the other agenda item to have municipal election in conjunction with the county ballot. Commissioner Brenemen asks about timeframes for terms. Ms. Johnson stated the council on the current ballot would only be a 3-year term. This will go on March 1st agenda.

Discussion and Decision: Request from BridgeValley for CDL program for Support Letter Russell Saunders Dean of Workforce Development was in attendance. Commissioner Taylor motions to approve support letter President Louisos 2nds Unanimous decision.

Discussion and Decision: Smithers Annexation Order for Signature

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Discussion and Decision: Letters from WVDOH for review. WVDOH will conduct a study on 19. President Louisos asks if Kenney's creek is now open, why is there still a closed sign. Responded to Cafego Rd. All concerns are already address and signed. Commissioner Brenemen says the signage is covered with vegetation during the growing season.

Budget Presentation: Teresa Gregory, Community Corrections Savings of nearly \$1 million. GPS monitoring down. More use of the actual center and hopefully that is because of the services offered. Reimbursements, cash and collections went up. Anticipates it surpassing \$100,000 next year. Asking state grant for funding for a new vehicle. That is due next month. Commissioner Taylor asks her to meet with Katie Johnson with Health Department Prevention Coalition to use the van for Teen Court transport in the evening. Community service hours were slightly lower. Not all participants are eligible for community service. Increase in salaries and benefits, contracted services (lab services and drug testing supplies).

Commissioner Taylor asks about the possibility of a site in Montgomery. Ms. Gregory suggest a letter of support from FCC. The Community Corrections grant will request working with Kanawha County due to proximity. Driver does 2 runs a day including the Valley. Participation is there. Commissioner Taylor suggests President Louisos reach out to Kanawha and Clay County Commissions about working together. Ms. Gregory will draft a support letter for the grant. The Board needs to be involved as well.

Bid Opening: New Pool Abbie Newell had 7 companies respond to the pre-bid and only 1 submit. Another company out of Roanoke Virginia was interested in bidding, but did not get the proposal submitted in time. Dan Hill - \$2.89 million. This was based on the RFP. There are other options outside of the RFP but it wouldn't be Olympic size and not sure of the actual cost savings. Discussion of re-publishing a new RFP entertaining option. Discussion about Olympic sized portable pools like they use at the BSA. They are interested in giving the county one of their 2 from the jamboree. Commissioner Brenemen motions to pursue other options for the pool. President Louisos seconds. Unanimous decision.

The Commission took a break at 9:45.

The Commission reconvened at 10:00 a.m.

Public Hearing: Boy Scouts Bond Agreement and Discussion and Decision.: Approval and Signature of Resolution Mr. Stump explained the bond amendment. President Louisos asks about the organization of the BSA and Arrow. Mr. Stumps says Arrow is a nonprofit WV organization. Both organizations are tax exempt and 501C3. Why is it a commercial revenue bond? Mr. Stump states that's just how the statute names them for the bond. Both are corporations and the statute says any corporation must use this same code section. Includes non-profit hospitals. President Louisos asks why is it held by Arrow and leased

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to BSA? Mr. Stump states it's leased for \$1. Arrow is a holding company, like an LLC. Collateral on Bond? Mr. Stump - it is a pledge. There is no deed of trust. President Louisos asks about the Exhibit A 1 and 2 and if there is an amortization schedule. Mr. Stump - there is not. President Louisos asks for clarification that BSA is paying the bond and Arrow is not obligated to pay. Mr. Stump says that's correct. Commissioner Taylor how are the bonds pledged. It's a revenue pledge as well as donations and contributions. Commissioner Taylor asks the property isn't securing it in any way? Stump: no. Under the tax code anything outside of 501C3 is unrelated business income. F asks about bankruptcy. Mr. Stump is not sure when the judge will enter an order, which will be the final step in the bankruptcy proceedings. BSA would like to emerge a few days later. That will trigger the ability to make payments to victims from victim's funds. In Delaware Circuit Court.

Commissioner Taylor asks for a recess at 10:15 a.m.
The Commission reconvened at 10:28 a.m.

Commissioner Louisos motions to table the vote to a future date.
Commissioner Taylor seconds. Unanimous decision.

Budget Presentation: Anthony Ciliberti, Prosecuting Attorney Presents about the reduction in jail bill accomplished by his staff. Last FY the average was \$87,000 per month and it is now \$86,000. Budgeted \$1.36 million last FY year and would suggest budgeting \$1.2 million, which is \$100,000 a month and allow for a buffer. Biggest savings is reviewing the bill and finding mistakes of when the state should be billed after a conviction. Having staff review bills as far back as 2018 when the law changed. Not asking for raises this year since they were granted last year. Not distributing the overage of losing Ms. Crane to the rest of the office, so his salary line item is decreasing. Travel is increased from training & education. Travel pays for extraditions (airfare, hotel, food... for law enforcement and prisoner) and for similar witness travel. Professional services and Investigation Services increased for expert witnesses.

Mr. Ciliberti presents about the Asset Forfeiture, currently around \$38,000, primarily drug cases. Law Enforcement receives 90% and the Prosecutor receives 10%. One case last year netted \$17,000 alone for the Prosecutor's Asset Forfeiture Fund. Mr. Ciliberti has been using this to pay for parking for 6 employees. Will also use it to replace 5 laptops for staff and courtroom technology (upgrading outdated and neglected Supreme Court equipment).

Commissioner Taylor compliments Mr. Ciliberti on explaining how he uses Asset Forfeiture and using it responsibly to save the County funds.

Discussion and Decision: Public Defender Board vacancy: Commissioner Taylor presents Jerry Willoughby, COO at Rainelle Medical Center and former CPS worker and Chief Probation Officer. This board oversees the

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Public Defender budget and employees. Commissioner Taylor motions to appoint Jerry Willoughby to the vacancy left by the passing of Howard Scott. Commissioner Brenemen seconds. Unanimous decision.

Motion to adjourn at 10:50 a.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 1, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 1st day of March, 2023.

President Louisos calls the meeting to order at 9:00 a.m.

County Clerk Michelle Holly leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Tara Tyree presents one Correction of Assessment for Linda Grimmatt Aguilar from \$413.52 to \$78.58. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices Commissioner Brenemen asks about Howell Rescue System and Pax invoice and Accountant Gia Tyree explains those invoices. President Louisos motions to postpone approving Oak Hill Fire Department invoices until 3/8 and approve invoices including Smithers from 2/17. Commissioner Taylor seconds. Unanimous decision.

Approve Prior Meeting Minutes President Louisos motions to approve the minutes for February 17. Commissioner Brenemen seconds. Unanimous decision.

Approve Estate Settlements Commissioner Taylor motions to approve settlements for Charles Edwin Isaacs; Earl Dwight Kennedy; Bobby Ernest Kessler; Joshua Adam Phillips, Jr.; Annabelle Rose Skaggs; Joanne Sorrell; Clementine Thornton; and Michael Dale Underwood. President Louisos seconds. Unanimous decision.

Approve Estate Settlements & Fiduciary Commissioner recommendations for the Estate of Larry Ray Davis Prosecutor Anthony Ciliberti recommends the FCC approves Fiduciary Commissioner Paul Clay's recommendation. Commissioner Taylor motions to approve and sign. Commissioner Brenemen seconds. Unanimous decision.

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Discussion & Decision: Purchase of New Law Enforcement Vehicle Chief Rod Perdue discusses the difficulties getting cruisers. President Louisos wants to approve 2 now and discuss 2 more during budget session for next FY. He's researched mileage on existing cruisers. Chief Perdue said the cost is \$45,000.00 before being outfitted. President Louisos motions to approve purchasing 2 vehicles now. Commissioner Taylor seconds. Unanimous decision.

Discussion and Decision: Approve Oak Hill to hold elections with the county. Commissioner Taylor asks about voters inside and outside of city limits while voting on a county ballot. County Clerk Michelle Holly will need to separate those out for their ballots. This will affect 1100 voters in 2 precincts. Will need to make a new precinct for out of city voters and combine another Oak Hill precinct to keep the same number of county precincts. There will be some work ahead of the election but not much change for the election process. Will take effect in the 2026 election. Precinct 13 will move into 5, and Precinct 9 will go to 14. The remaining voters will go into a new precinct, most likely at the Nazarene church. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision. Ronda Falk and Damita Johnson present the documents for Oak Hill to borrow electronic voting equipment for their municipal election this summer.

Discussion & Decision: Parking Contract with Tom Rist - There are 3 spots behind the Prosecutor's office and old detective bureau. The FCC has questions about the contract writer collecting attorney's fees for himself. Commissioner Taylor motions to approve contingent upon removing the attorney's fees. Mr. Ciliberti will reach out. President Louisos seconds. Unanimous decision.

Discussion & Decision: Election and Release Forms for final settlement agreements with Teva, Allergan, Rite Aid, CVS, Walmart and Walgreens in Opioid Litigation Wes Toney, Assistant Prosecutor, doesn't see any concerns. Mentions the agreements are drafted broadly. All fall under Mike Farrell as pharmacies and not under the State Attorney General. President Louisos motions to approve and sign. Commissioner Brenemen seconds. Unanimous decision.

The FCC took a break from 9:30 to 9:45 a.m.

Discussion & Decision: Earmark Focus President Louisos states focus is still Rt. 60. Commissioner Taylor mentions Boonesborough Bridge and infrastructure for flooding from August Cannelton Hollow. Lesley Taylor, Region 4 Planning & Development, was on the call and explained the process for the flooding with FEMA. Three site visits are scheduled for March. FEMA might be able to use their finds to move the lines. The governor's contingency fund usually covers the 25% non-federal match for FEMA funds. It will be \$15 million for all repairs estimated for KFPSD. Commissioner Brenemen asks about reusing

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pipings and Ms. Taylor states that will be determined during site inspections.

Commissioner Taylor asks about Armstrong Creek. Ms. Taylor says that this award wouldn't help them due to the timing of the funding and their immediate needs. They are exploring more timely funding opportunities.

Discussion & Decision: Request from Kevin Walker, OEM Director, Approve and Sign EMPG 2020 Grant Drawdown Commissioner Taylor motions to approve and sign. President Louisos seconds. Unanimous decision.

Discussion & Decision: RFP for Logo President Louisos motions to approve and publish. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Request from Region 4 for Appropriation Support Letters Commissioner Taylor motions to approve all except the Ansted letter which will be revised. President Louisos seconds. Unanimous decision.

Discussion & Decision: Request from Smithers for Appropriation Support Letter Commissioner Taylor motions to approve and sign. President Louisos seconds. Unanimous decision.

Discussion & Decision: Partnership with Boy Scouts of America President Louisos motioned for an executive session at 10:20 a.m. for legal counsel.

The FCC exited Executive Session at 12:15 p.m. with no decisions made. Only sought legal counsel.

Commissioner Taylor motions to approve the revised Ansted Congressional Directed Spending support letter. Commissioner Brenemen seconds. Unanimous decision.

The meeting was recessed from 12:17 p.m. to 12:30 p.m.

A Budget Work Session was held beginning at 12:30 p.m.

The meeting was adjourned at 4:40 p.m.

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FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN

On Zoom: ALLISON R. TAYLOR

The Fayette County Commission met this 8th day of March, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Tim Richardson led the Pledge of Allegiance.

Public Hearing - Amendment to UDC - Frederick and Amanda Rutledge Request to Change Land Classification for R-R (Rural Residential) to B-3 (Business, tourism District) on property legally described as 16.16 AC SUR White Oak Mr. Rutledge presents his request.

Commissioner Brenemen is familiar with the area and agrees it is a good site. Mr. Rutledge restated portions for Commissioners Taylor due to technical issues on her end. President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Tara Tyree presents exonerations for a real property exonerations for Linda Aguliar \$78.58. Commissioner Brenemen motions to approve. Commissioner Louisos seconds. Unanimous decision.

Ms. Tyree motions to approve personal property exonerations for Larry & Tina Propps \$350.06; Joseph B & Cynthia M. Newhouse \$788.54; Crystal or Dennis Morgan \$364.70; Susan A. or Brian D. rakes \$255.90; Arnise Joy & Thomas R. Murray Jr. \$448.12; Lynn Aycock Laurel Crk Retreat \$168.56; Coty W. & Cassandra L. Pierson \$373.32; George E. Hazel M. Callison \$1,101.72; Franklin J. & Billie J. Calvert \$193.70; Curtis A. Stover \$280.16; James David Estep Jr. \$68.78; Gina Malago \$317.38 & 251.52; Freddie L. & Rebecca N. Legg \$86.06; Della M. & Robert Persinger \$9.18; Thomas R. Campbell \$554.96; Scott C. & Kelly L. Hamrick \$263.60 Commissioner Brenemen motions to approve. Commissioner Louisos seconds. Unanimous decision.

Payroll - President Louisos motions to approve 1st half payroll for March 10th. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve the minutes for March 1st. President Louisos seconds. Unanimous decision.

Approve Estate Settlements Commissioner None to present.

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Discussion and Decision: Support Letter to Grant Committee for DRC Location in the Valley Commissioner Taylor motions to postpone till March 15th. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Request from Kevin Walker, OEM Director, to sign Conditions and Assurances for 2021 WV Emergency Management Performance Grant (EMPG) Commissioner Taylor motions to approve and authorize President Louisos to sign. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Dilapidated Lien on Property Redemption Prosecuting Attorney Anthony Ciliberti presents a property with a county lien due to demolition fees. The property was sold at the State Tax Sale and the lien expires after 10 years, which is April 11, 2023. The only option for the county is to pay the taxes to redeem the property which will revert ownership back to the original owner and preserve the county's lien. The amount of the lien is \$9,000.00 and it is another \$1,260.19 to redeem the property. The appraised value of the property is valued at far less than \$9,000. There is a question about setting a precedent. Mr. Ciliberti believes the county has the authority to enforce the sale of the property to enforce the lien. Commissioner Brenemen motions to propone till March 15th to gather more information and reach out to the current owner. President Louisos seconds. Unanimous decision.

Discussion and Decision: Beautification Committee on Dilapidated Houses and Amendment to Ordinance. Mr. Ciliberti presents the change proposed in the ordinance, to assess a daily civil penalty if people fail to abide by the Commission order. The current ordinance does not specify a dollar amount. Mr. Ciliberti recommends a graduated system on a case-by-case basis with a maximum amount set in the ordinance. Commissioner Taylor motions to set a maximum amount of \$200 per day. Commissioner Brenemen seconds. Unanimous decision.

Case #1 1352 Scarbro Rd. Scarbro, WV 25917- Plateau District- Tax Map 29R- Parcel 263: Commissioner Brenemen motions to accept the recommendation of the Enforcement Agency and after 30 days of noncompliance of demolition and disposal, \$50 per day, not to exceed cost of mitigating the property (demolition, disposal and legal fees.) President Louisos seconds. Unanimous decision.

Case #10 6285 Midland Trail. Charlton Heights, WV 25040-Valley District- Tax Map 38N- Parcel 176: Commissioner Brenemen motions to accept the recommendation of the Agency and after 30 days of noncompliance of demolition and disposal, \$50 per day, not to exceed cost of mitigating the property (demolition, disposal and legal fees.) Commissioner Taylor seconds. Unanimous decision.

Case #26 96 Holcomb Loop. Lookout, WV 25868- New Haven District- Tax Map 52R- Parcel 29: The homeowner, Juanita Brown, intends to return to

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live in the property. The Agency recommended 60 days to remove trash and board up/replace windows. Ms. Brown is present and explains she moved 5 years ago to be closer to her husband in CAMC. Homeless people moved into her home and destroyed the property. She's been working to cleaning it up since September and she's been living with friends while renovating. By summer it should be livable. Commissioner Brenemen asked if 60 days is enough time to remove the trash. The next-door property is also hers and had the same problem. Litter Control Officer (LCO) Dan Helton will work with her with the Golden Ticket Program and other resources to assist with the trash. Commissioner Taylor commends her for showing up and says they will work with her as long as there is progress. Commissioner Taylor motions to defer action 60 days to give Ms. Brown time to mitigate the property & work with LCO. President Louisos seconds. Unanimous decision.

Case #117120 Holcomb Loop. Lookout, WV 25868- New Haven District- Tax Map 52R- Parcel 31: Agency recommends demolition. Ms. Brown states she's not demolishing, she needs it for storage. Only had doors and windows kicked out. Commissioner Taylor would like to know the exact plans. Commissioner Taylor would like to see if the Agency would reconsider the plans for the trailer just be used for storage. Commissioner Taylor motions to defer decision on this property pending reconsideration of the Agency for it to be used for storage. President Louisos seconds. Unanimous decision.

Discussion was held regarding that property owners were not historically invited to show up before the FCC and this is a welcomed new procedure.

Case #30 525 Packs Branch Rd. Mount Hope, WV 25880- Plateau District- Tax Map 43- Parcel 86: Agency recommends demolition. The owner is deceased and heirs are involved. Commissioner Taylor motions to defer action for 30 days to give the Prosecutor time to research ownership. President Louisos seconds. Unanimous decision.

Case #114 5538 Legends Hwy Oak Hill, WV 25901- Plateau District- Tax Map 37H- Parcel 86: Agency recommends demolition. Commissioner Taylor motions to accept the recommendation of the Enforcement Agency and after 60 days of noncompliance of demolition and disposal, \$50 per day, not to exceed cost of mitigating the property (demolition, disposal and legal fees.) Commissioner Brenemen seconds. Unanimous decision.

Case #115 5522 Legends Hwy Oak Hill, WV 25901- Plateau District- Tax Map 37H- Parcel 85: Agency recommends demolition. Commissioner Taylor motions to accept the recommendation of the Enforcement Agency and after 60 days of noncompliance of demolition and disposal, \$50 per day, not to exceed cost of mitigating the property (demolition,

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disposal and legal fees.) President Louisos seconds. Unanimous decision.

Case #116 4031 Deepwater Mtn. Rd. Fayetteville, WV 25880-Valley District- Tax Map 65-Parcel 30: Agency recommends demolition. Commissioner Brenemen motions to accept the recommendation of the Enforcement Agency and after 30 days of noncompliance of demolition and disposal, \$50 per day, not to exceed cost of mitigating the property (demolition, disposal and legal fees.) President Louisos seconds. Unanimous decision.

Case #136 16 Price Hill. Mount Hope, WV 25880- Plateau District- Tax Map 53N- Parcel 3: Agency recommends demolition. The owner is believed to be deceased. Commissioner Taylor motions to defer action for 30 days to give the Prosecutor time to research ownership. President Louisos seconds. Unanimous decision.

Discussion & Decision: Litter Control Officer Pay Commissioners Brenemen & Taylor commend LCO Dan Helton on the work being accomplished in the county. AC states that to give Mr. Helton the ability to write citations, it needs to be on an agenda. Commissioner Taylor motions to increase his salary to \$40,000.00 beginning the 2nd pay period in March. President Louisos seconds. Unanimous decision.

Discussion & Decision: resignation of Jim Elmore. Commissioner Taylor motions to accept the resignation. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: NRGDA Support Letter for Site Development Commissioner Taylor motions to approve the letter in concept and authorize stamping signatures when the letter is ready. President Louisos seconds. Unanimous decision.

Discussion & Decision: Park Improvements The Commission increased the FY 23 budget by \$100,000 and Commissioner Taylor asks how Abigail Newell, Park Director, plans to use that increase. Discussion about the funding the 2023 camp. The camp has to be split between FY 23 and 24 budgets. There are plenty of funds in the budget for the camp and proposed upgrades to Park facilities. Ms. Newell presented a list of proposed park Facilities upgrades totaling \$25,484.88. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion & Decision: Application to Request for Public Assistance from WV Emergency Management Division for August 2022 Flooding Commissioner Taylor motions to approve and authorize President Louisos to sign. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Building Commission Appointments Commissioner Taylor motions to appoint Jo Re using application on file. Commissioner Brenemen seconds. Unanimous decision. Commissioner Brenemen will reach out to Dan Hill, Commissioner Taylor to Steve

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Eades. These vacancies will be on the March 15th agenda, pending other interested parties.

Motion to adjourn at 10:39 a.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 15, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 15th day of March, 2023.

President Louisos calls the meeting to order at 9:00 a.m.

Ami Dangerfield leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve None presented.

Approve 2nd Half Payroll for March 24th President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve the minutes for March 8th. President Louisos seconds. Unanimous decision.

Approve Estate Settlements Commissioner Taylor motions to approve settlements for Richard Marshall Bradley; Mary Ashburn Crook; Audwin Wade Fruit; Herbert Henry Lane, Jr.; Brenda Bonita McVey; and Janet Lynn Miller. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Letter to the WVDOH Re: Stormwater Drain in Falls View Morris Bounds came into the office about a culvert/stormwater issue on his property in Charlton Heights. President Louisos motions to approve and send a letter to the WV Division of Highways asking them to address the situation. Commissioner Taylor seconds. Unanimous decision.

Discussion and Decision: Approval & Signature of FY 24 Community Corrections Grant Application Commissioner Taylor motions to approve President Louisos' signature nunc pro tunc. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Support Letter to Grant Committee for DRC Location in the Valley postponed from March 8th This letter is not necessary after speaking with Teresa Gregory, DRC Director. President Louisos spoke with Montgomery Mayor Greg Ingram and he and Ms. Gregory will meet today to discuss Valley options. The FCC will revisit this after their conversation.

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Discussion & Decision: Dilapidated Lien on Property Redemption postponed from March 8th Prosecuting Attorney Anthony Ciliberti sent the letter March 14, 2023. Commissioner Taylor motions to postpone until April 5th to give the owner time to respond. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Building Commission Appointments Commissioner postponed from March 8th Commissioner Brenemen motions to appoint Dan Hill. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Citation Writing Ability for Litter Control Officer (LCO) Prosecutor Anthony Ciliberti states that currently the LCO reaches out to a Sheriff's Deputy to issue the citation. Under WV State Code LCO can issue citations if they have completed the certification course. Dan Helton, LCO, has completed the course and will need a citation book similar to what the deputies use. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Revisit Broadband Engineering Decision. Meeting on Monday with New River/S&S Engineering and Gigabeam. After discussion, New River/S&S understands Gigabeam and the FCC are in charge of the project design. Commissioner Taylor motions to postpone until June to see how things are progressing until June 7th. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: ISP Agreement and Contract This will be revisited when the document is available.

Budget Approval County Administrator Ruth Lanier presented the budget estimate. The delinquencies, collections, and exonerations amount raised from 8-9% and Mr. Young anticipates an increase in exonerations requests. Law Enforcement - \$5,000 raises across the board for deputies and uniform allowance will be combined with regular pay. Discussion of rank schedule will happen in July. Capital outlay requests are suspended. No outside funding requests awarded. Water, sewer and broadband for the entire county will be funding priorities. 911 Budget - \$3,500 raises to dispatchers. Supervisors exempt status and salaried. Added a dispatch training position. Part time position for county clerk elections. Commissioner Taylor motions to approve budget. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos calls for Steve Cruikshank, Interim Fire Coordinator, to appear to discuss Fire Department visits and their invoices. President Louisos asks about Ansted's multiple power bills. Commissioner Taylor says they have two locations. FCC asks for a deadline for forms for April 5. President Louisos asks about tax charges. Mr. Cruikshank states he's discussed this with them - some are smaller purchases or online. Mr. Cruikshank suggests denying reimbursing taxes. Non-standard and emergency

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purchases are understandable. President Louisos mentions the inconsistencies of budget spending from last year to this year. Mr. Cruikshank says some departments are saving their carryovers for upgrades to the station. President Louisos asks if they are maybe stockpiling their state money (\$16,000/year) and using their state money. Both departments in question (Gauley Bridge & Gauley River) have new engines which accounts for more spending and a time lag in payments. President Louisos mentions the discussed spreadsheet for categorized invoices. Mr. Cruikshank says there is a form which can be used.

Ms. Lanier presents two invoices for the Assessor to trade in two vehicles. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor mentions the Russellville Bridge expenditures. Wants Chapman and Ford on April 18 for an update. They are getting close to the spending limit set by the FCC. President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

Delegate Erik Brooks was present for introduction.

Discussion & Decision: Wolf Creek Park TIF

Discussion & Decision: URA Board, Funding and Wolf Creek Park

Commissioner Taylor motions to postpone this agenda item until the Commission reconvenes after the URA meeting scheduled at 4:00. Commissioner Brenemen seconds. Unanimous decision.

Bid Opening: Fire Association Mr. Cruikshank appeared to present the one bid received - Extreme Concrete, Summersville, WV - \$54,687.00. This will be for a propane training area at the Training Center. Plans are to tear out existing foundations and install new concrete pad, where the old maintenance building was located. Commissioner Taylor motions to approve the bid. President Louisos seconds. Unanimous decision.

The commission took a break at 10:02 a.m.

Reconvened at 10:30.

Discussion & Decision: Building Commission Appointments Commissioner postponed from March 8th Commissioner Taylor motions to appoint Bill Wells. President Louisos seconds. Unanimous decision

Discussion & Decision: Request for Appointment via Resolution of Kirk Tracy, Esq. as Assistant Fayette County Prosecutor in Johnson Fork Litigation; and Request for Payment of Attorney Fees to Neely & Callaghan Commissioner Taylor motions to approve and sign the resolution for Kirk Tracy. Commissioner Brenemen seconds. Unanimous decision. Request for attorney fees for the Paint Creek Spill Event in

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the amount of \$37,315.00. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Commissioner Taylor motions to recess at 10:40 a.m. until 4:00 p.m. for the URA meeting.

Fayette County Commission reconvened at 4:00 p.m. in conjunctions with the Fayette County Urban Renewal Authority meeting

Present:

Commissioners Louisos, Brenemen and Taylor

Anthony Ciliberti, Prosecuting Attorney, Michael Taylor, Commission Counsel

URA Members: Jeff Proctor, Will Thornton, Jenna Grayson, Matt Wender, Steve Eades, Tom Louisos

Corey Bonasso, URA Counsel

Blue Water: Emily Demarco, Jessica Lewis, Carl Kruelle, George Cunningham (Gebhart & Smith, Counsel) Josh Jarrell (Spillman, Thomas and Battle, local Counsel)

City of Oak Hill: Damita Johnson, City Manager, Tyler Bragg GIS, Allison Ibarra, Director of Economic Development

New River Gorge Regional Development Authority: Jina Belcher, Executive Director, Allison Smith and Andy Davis

WV Housing Development Fund: Erica Boggess, Executive Director, Kristen Shaffer, Counsel

Others: Rick Johnson, Brad Woolf

Blue Water asked to amend the purchase agreement for 3 60-day extensions for due diligence, however 1 period has ended and they would like to have 2 additional 60-day extensions.

Discussion was held about the time and money invested in this transaction to date. Discussion was held regarding due diligence and acquisition of legal documents. Discussion of campsites versus residential sites - ED says it's in phases and they haven't gotten to the housing component yet. TL asks what is left to be done. Finalize survey to give adequate endorsements to financiers and title company. Issues with clouds on title and parts of the property subject to litigation.

President Louisos asks if the amendment is negotiable. Asks for amendment - take 10% of sale price (\$120,000) to put into an account. Property not purchased, money goes to URA, if purchase, it goes to the purchase price. Mr. Cunningham says BW has never agreed to and he has never encountered a 10% no-refundable deposit. 90-120 is their normal

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due diligence period for existing, smaller campgrounds. 900 acres is significantly larger; 10-100 is normal for them.

Ms. Belcher says 3 months is normal and the information has been upfront about City of Oak Hill sewer, and the need for infrastructure was disclosed 5 years ago. The City of Ok Hill has made it clear that will be on the developer and the cost is roughly \$10-15 million. It doesn't usually take this long to determine if a property is usable or not. Ms. Belcher states Blue Water isn't the first company to be interested in the property in 20 years and all of this information existed before. Mr. Krulle said there was no survey it was their understanding that there was plenty of sewer capacity. Everyone was aware from the beginning the projected size of the project and no one raised an issue with insufficient sewer capacity. Damita asked where he got that information. President Louisos said CEC was the engineer and they knew about the sewer issue. Commissioner Brenemen said NRGDA assessed the property and knew there wasn't sewer capacity and discontinued marketing WCP as a developable project. Ms. Belcher knew this a year before the purchase agreement was signed and CEC was told by NRGDA and they offered to pay for a Preliminary Engineering Report to identify that WCP didn't have sufficient sewer capacity and they never exercised that offer. A year before the purchase agreement. Without a considerable 3 year 10 million upgrade. 2019 assessment showed 85-100 single family homes.

Mr. Krulle asked why this wasn't disclosed. The URA was assured that Blue Water had the resources to put the infrastructure in WCP. The conversations happened with Jim Cristie, CEC. It was communicated to CEC. Steve Eased said it was one of the initial questions he asked - regarding sewage.

Mr. Cunningham brought up a concept plan to develop the plan. Ms. Grayson said the plan was designed by CEC. He states the limitation of 85-100 sites was never conveyed to them. And the infrastructure being discussed is City of Oak Hill and outside of infrastructure needed on the site. It was conveyed to CEC a year before with 2 URA members and a County Commissioner. Blue Water states they were never notified of these limitations. Despite the fact that CEC, the engineering firm who devised the concept plan was well aware.

Mr. Taylor states the FCC is not going to engage in discussion about prior discussions. Mr. Bonasso, URA counsel, concurs for the URA.

Commissioner Taylor states that the counsels for the URA and Blue Water need to further flesh out a more specific terminology for the amendment, possibly including an indemnification agreement if legally allowable.

Mr. Wender calls for an Executive Session to discuss renewal and fees as pertains to the Blue Water Extension. Mr. Eades seconded. Unanimous decision.

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Discussion continued about if there were further question before the executive session commenced. Concerns over the number of extensions, close to a year's worth. Commission Taylor asks for clarification of Executive session. Mr. Wender motions to enter into an Executive Session to discuss the matter of renewal and renewal fee as pertains to the Blue Water Extension. Mr. Proctor seconds. Unanimous decision. Mr. Wender asks for a brief break before entering into the Executive Session. Ms. Bogess asks about the necessity of the WVHF during the executive session. Mr. Bonasso will let Ms. Bogess know the conclusion after the meeting. Ms. Bogess asks if there any questions before she leaves. Mr. Taylor asks if the Fund has any position on whether the extension should be granted or not. Ms. Bogess says they are a co-lender and shares a first lien with the Infrastructure Counsel and is not speaking on their behalf. As for the WVHF they are not opposed due to the length of time. President Louisos asks if it is extended and the purchase isn't completed what does that mean. Ms. Bogess says she will need to ponder that first and discuss that with the other lender. Ms. Grayson states that since they are discussing non-Executive Session business, they should probably notify those waiting in the hall and discussion is held whether this is actually an Executive Session. The members then go into the official Executive Session after a roll call from Ms. Grayson that the relevant parties are the only ones present in person and via Zoom.

The URA exited the executive session at 6:02 p.m.

Mr. Wender states for the record he believes the deposit amount should be greater.

Ms. Grayson recounts the motions made: Mr. Proctor motioned to approve the amendment 2 more 60-day extensions with non-refundable deposits of \$10,000 for each. Which changes the amount from \$5,000 to \$6,000. Commissioner Taylor asks about the issue about right of first refusal to the purchaser's satisfaction. Mr. Proctor says Mr. Bonasso has a plan to address this at a later time. Commissioner Taylor states its in the amendment. Mr. Bonasso says the Blue Water attorney put that in the amendment but the roper exception is included in the purchase agreement and that was in the amendment to spell it out. Commissioner Taylor is still concerned about the "satisfaction" terminology. Mr. Bonasso counsels that the URA could strike those words as part of their amendment to the proposal. Mr. Proctor accepts that amendment to his motion. Mr. Wender accepts as a second. All in favor.

Mr. Thornton motions to adjourn the URA meeting.

President Louisos motions to adjourn the FCC meeting at 6:21 p.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 5, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 5th day of April, 2023.

President Louisos calls the meeting to order at 9:00 a.m.

Prosecuting Attorney Anthony Ciliberti leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Tara Tyree presented personal property exonerations for James E. or Clara M. Jackson \$58.12; Robert F. & sylvia Fink \$166.78; Laura Spadaro \$213.26; Robert F. Lilly III \$230.82; Susan A. Rakes \$182.14; David G. Gigg \$9.18 & \$9.18; James M. or Traci Akers \$899.68; Anthony Braxton \$108.74; William Thomas Louisos III \$553.90, \$284.30, \$255.82, \$470.76; Paul A. & Bettie A. Foster \$158.62; Matthew L. & Courtney A. Bailey \$331.22; Larry S. Boggs \$305.80; Joseph E. Miller \$38.80; \$7.64; Joyce Jacqueline Dooley \$270.54; PNC Equipment Finance LLC \$855.12; Travis A. Evans \$462.76; Ricky Brian Williams \$616.82; Aaron Jones \$573.52; Keith or Rebecca R. Elswick \$7.68; Benjamin F. & tina A. Weikle \$138.56; Tianna Clay Bowers \$59.94. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. President Louisos abstained due to son being listed.

Ms. Tyree presented real property exonerations for Todd Gerald Perry \$308.98; James Spade \$295.00; Robert A. Ruffner \$335.00; Ralph Doell \$90.00. Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve 1st Half Payroll for April 7th President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Taylor motions to approve the minutes for March 15th. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to approve vouchers and invoices. Commissioner Brenemen seconds. Unanimous decision.

Approve Estate Settlements Commissioner Brenemen motions to approve settlements for Margaret V. Adkins; Jackie Lou Campbell; Larry Delbert Canterbury; Kimberly Ann Cline; Andrew Jackson McNeely; Mable Evelyn Price; Charles H. Shumaker; Betty Lou Waters; Laura Jean Wood; and Dana G. Wriston; President Louisos seconds. Unanimous decision.

Discussion & Decision: Women's Resource Center/AWAY MOU for approval and signature of President Louisos Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

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Discussion & Decision: Request for Change in Scope for CDBG 18SCBG004 for Armstrong PSD Lesley Taylor, Region 4 Planning & Development presents changing to only address changing issues with Powellton Tank. Commissioner Taylor asks for update on other issues. IDJC approved up to \$36,000 in Critical Needs Funding to monitor telemetry and repair the booster pump. Commissioner Taylor motions to approve change in scope. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Approval & Signature DOJ grant award Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Budget information letter for signature Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Request for Bids for CFIA Grant Sheriff's Dept President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: REAP Grant Documents for Signature Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Proclamation for Fair Housing Month Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Foremost Insurance Co. Flood Insurance Policies renewals for 461 Laurel Creek Cut Off Rd, Fayetteville; 469 Laurel Creek Cut Off Rd, Fayetteville; and 547 Shelter Rd., Fayetteville. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Request to appoint Jim McCartney to the Page Kincaid PSD Board, unexpired term to end October 1, 2025 Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Bid Opening: Fire Association Steve Cruikshank presented 2 bids received:

Dan Hill Construction \$880,000
GSC General Steele Corporation Littleton Co \$331,800

Fire Association will check on specifications. Commissioner Brenemen motions to approve low bid as long as it meets the specs. Commissioner Taylor seconds. Unanimous decision.

Angela Gerald, Zoning Officer & Houseal Lavigne: Presentation of Comprehensive Plan from Planning Commission to County Commission and

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Vote to Hold Public Hearing Prior to Adoption of Comprehensive Plan

Nik Davis, Houseal Lavigne appeared via Zoom to review public comments received from the in-person community meetings in Smithers, Meadow Bridge, Ansted and Fayetteville. President Louisos asks that Mammoth Preserve be included; portions do lie in Fayette County. Questions asked about short-term rentals and what other places have done. Commissioner Taylor would like Houseal Lavigne to use the Economic Development data over the FCC data currently being used. Discussion about leaving the tourism development to the CVB, and challenges with hunting, and non-snow activities. Discussion about community centers and having more throughout the county. That improvements should be made to all centers, rather than one or two. The Commission reviewed the public comments. Commissioner Taylor asks about this being a 10-year plan versus a 20-year plan. Mr. Davis says they typically give 5, 10, 15 and 20-year benchmarks despite the state requiring a 10-year update. Commissioner Taylor asked about the lack of childcare issue comments. Mr. Davis speculates that people may not have considered that as an issue to be address in the comprehensive plan. Commissioner Taylor asks about wireless. Mr. Davis noted his own issues with wireless access. President Louisos questions the proposed protected land along 19 which would prevent water and sewer infrastructure development in the area where the Commission would like to see development. Commissioner Taylor asks about cooperating with neighboring counties for economic development, due to being a smaller state and needing to partner for funds. Needs to be more of a regional focus. Mr. Davis mentions Kanawha, but Commissioner Taylor mentions that's actually the one county we don't work with as much. Jina Belcher, New River Gorge Regional Development Authority appeared and explained potential and existing partnerships with adjoining counties and how to address those in the comprehensive plan. The Rt. 19 Corridor should be a focal point. Ms. Belcher asks Mr. Davis for a cost estimate for a corridor plan. Mr. Davis will, but that will need to be an amendment and would not be included in the finalized comprehensive plan.

Discussion & Decision: Clarification of County Work Week Commissioner Taylor motions to postpone this till April 18. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Boy Scout Bond Resolution President Louisos motioned to go into executive session to speak with legal counsel at 10:31.

The Commission reconvened from the Executive Session at 11:19 a.m. No decisions were made.

Commissioner Taylor motions to approve the Boy Scouts of America bond resolution. Commissioner Brenemen seconds. Unanimous decision.

The meeting was adjourned at 11:20 a.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 18, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR (on Zoom)

The Fayette County Commission met this 18th day of April, 2023.

President Louisos calls the meeting to order at 9:00 a.m.

Assessor Eddie Young leads the Pledge of Allegiance.

County Administrator Ruth Lanier presents the FY 2024 Levy.

Commissioner Brenemen motions to set levy rates. President Louisos seconds. Unanimous decision.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Mr. Young presented real property exonerations for Laurel Creek Road Associates LLC \$3,791.42, \$1,267.38, \$456.34. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Mr. Young presented refunds for Laurel Creek Road Associates LLC \$1,895.71, \$633.69 and \$228.17. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Mr. Young presents about the Oak Hill TIF. Plateau Medical Center was purchase by Charleston Area Medical Center and is now not-for-profit, which voids the TIF. The TIF is currently \$5 million dollars in the hole and Oak Hill cannot front that money. TIFs cause a lot of extra work for County departments. Recommends dissolving the TIF. The Commission requests John Stump to attend a future meeting for discussion. Mr. Young also expects CAMC to fight the tax ticket for PMC from last year.

Approve 2nd Half Payroll for April 21st President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve the minutes for April 5th. Commissioner Taylor seconds. Unanimous decision.

Approve Estate Settlements Commissioner Taylor motions to approve settlements for Bessie Elizabeth Bibbs; Ronnie Lee Cole AKA Ronnie Lee Cole Sr; Hazel Marie Dickens; Robert John Frazier; Norma Carol Isaacs; Billie Francis O'Dell; Roger John Olson; Billy L. Reece; Brenda K. Reece AKA Brenda K. Reese; Robin Leanne Sinkhorn; David Keith Welcher, Jr.; and the recommendation by the Fiduciary Commissioner to remove

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the Executrix in the estate of Phyllis Jean Waddell. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Update all Bridge Day Commission terms to expire on April 30th of the year the term expires; Review and approve Bridge Day Commission appointments for the following advisory seats; vendor/community at large, rappel coordinator, emergency services, National Park Service and BASE advisor; and Presentation of NRG CVB annual report and updates: Becky Sullivan, Bridge Day Chair, presents the reappointments: Petra J. Stevenson (Vendor), Benjy Simpson III (replacing Benjy Simpson Jr. for Rappel), Frank Sellars (NPS), Jerry Long (Emergency Services) and Marcus Ellison (BASE). President Louisos and Commissioner Taylor both have issues with Mr. Ellison's reappointment. Commissioner Taylor motions to approve all nominees except Marcus Ellison. President Louisos seconds. Unanimous decision. Ms. Sullivan will readvertise the BASE seat.

Ms. Sullivan presents the New River Gorge Convention & Visitors Bureau's 2022 Annual Report.

Leadership Fayette County with Judges and Elected Officials

Geoff Heeter (director) and Alex Richardson (mentor) appeared with 2023 Leadership Fayette County Class: William Meredith, Bryson Cain, Alyssa Higginbotham, Graclin Tabit, Olivia Honaker, Lily Zukowski, Amelia Bennett, Katherine Dyer and Katie Feazell all of Oak Hill HS; Joseph Pories, Homeschooled; (absent: Gavin Morris, OHHS and Ryle Shockey, Midland Trail HS) The elected officials introduced themselves and explained their roles in the county. Discussion was held about being in the career now that you went to school for:

Questions asked by the students included: **Why is the younger generation not as invested in voting as the older generation:**

Commissioner Taylor suggests it's just individual preference but not voting is silencing yourself. And younger generations are disenfranchised with the national level disagreement. On the local level, it's not as much about political party, but doing what is right for the citizens. County Clerk Michelle Holly suggests kids who move away from college don't think about home as much. And younger generations may not have the same responsibilities as older generations and don't realize the importance of elections to their everyday lives. **What is one major change for the county the commission would like to see:** President Louisos states running water and sewer for the entire county. Infrastructure is the commission's priority. Without larger development in areas, utilities are not affordable or possible in certain areas. **Why did they decided to get into government?** Commissioner Brenemen saw problems with infrastructure inequalities and questioned them, and was encouraged to run by business associates. Commissioner Taylor was also worried about water issues in Page-Kincaid and had encouraged others to run in the past, so she took her own advice. President Louisos was always encouraged to run and follow in hi father's footsteps but did not want to. But eventually relented when he saw areas needing change. **Advice for those**

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wanting to go into government, law or politics: Prosecuting Attorney Ciliberti says to be prepared for a lot of work. Law means several years of course work and multiple degrees, then working for others before working for yourself. **Question about working during Covid and how that changed the way we work:** Explained our process of restricted entrance to the courthouse, added Zoom which allows more involvement for everyone even beyond the pandemic.

Discussion & Decision: Mike Kessinger, Appalachian Heights Water

Extension: Mr. Kessinger presents that the project has already received \$2 million from the state legislature, Raleigh County contributed \$2 million (they will benefit from this project) and the developer contributed \$250,000. Asking the Fayette County Commission for \$250,000. Mount Hope took a considerable loss in taxes due to the flood buyout (106 houses and 1/3 of the revenue.) Had to raise water rates due to the loss of customers. Some of the poorest customers in the state ended up paying the highest water rates. The City of Mount Hope just needs this small investment to get them over the finish line. Cites that Mount Hope doesn't usually come to the commission for assistance. They've explored and exhausted all other funding avenues for this project which will secure the utility. This utility serves the Summit. Commissioner Brenemen says this request meets the FCC's priorities. Commissioner Taylor asks for clarification that this may benefit a rate decrease and encourage development along Rt. 19. Mr. Kessinger hopes the PSC through Rule 42 will assist with offsetting the costs to the customers. Commissioner Taylor asks if there are customers outside of city limits. Kilsyth area does and there was a recent annexation in Park Heights, which were formerly out of limits customers. Hoping to bring Kilsyth in through annexation soon. Commissioner Taylor motions to approve the \$250,000.00. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Angela Gerald, Beautification Recommendations

Case #198- 5945 Okey L. Patteson Rd Scarbro, WV 25917- Plateau District- Tax Map 29- Parcel 5 - Beautification recommends demolition and disposal within 30 days. Owner C.A. (Drew) Johnson is present. There is a land contract. Commissioner Brenemen saw that the windows were boarded up as of yesterday. Mr. Ciliberti asks who the property is deeded to and Mr. Johnson says it is him. Land contract people were paying on it since 2019 and they never did anything. Original contract was just to get the 6 acres of land and weren't interest in the house but took it and then defaulted. Mr. Johnson needs to cancel the original contract before the he can contract with an interested party. Mr. Ciliberti states Mr. Johnson is the owner and until there is a contract with another name, he is responsible for the property. Mr. Ciliberti speculates a land contract usually means there is a good chance the buyer doesn't have the means or ability to pass a credit check or make repairs. Mr. Johnson says the buyer is Mr. Howington and is being proactive. Mr. Ciliberti says that as long as the deed is in his name, it is his responsibility. Says he will either work out an agreement with Mr. Howington to change ownership or will deed that

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parcel to the county because he doesn't have the funds to upgrade the house. Says he can maintain the outward appearance keeping the grass, trash and windows secured. Suggested looking into funding avenues for renovations, turning it over to the county for demo, or coming up with a plan and return. Commissioner Taylor motions to postpone till May 17. Commissioner Brenemen seconds. Unanimous decision.

Bridge Day and New River CVB Continued: Ms. Sullivan reappeared to finish presenting the New River Gorge Convention & Visitors Bureau's 2022 Annual Report to the County Commission.

Ms. Sullivan also asked that all seats renewed today will expire April 30, 2025. The commission agrees that, moving forward, all seats will expire on April 30th of the relevant year. Commissioner Taylor motions to approve the expiration date. Commissioner Brenemen seconds. Unanimous decision.

The FCC took a break at 10:37 a.m.

Beautification Continued:

Case #117- 120 Holcomb Loop. Lookout, WV 25868- New Haven District- Tax Map 52R- Parcel 31 - *Beautification recommends demolition and disposal within 30 days.* Ms. Gerald states there is a dumpster at the property previously discussed so there is movement. Commissioner Brenemen motions to accept the recommendation and give 30 days for demolition. Failure to meet the deadline will assess a fee of \$50 a day for noncompliance. Commissioner Taylor seconds. Unanimous decision.

Case #91- 7620 Okey L. Patteson Rd. Scarbro, WV 25917- Plateau District- Tax Map 29G- Parcel 126 - *Beautification recommends demolition and disposal within 30 days.* It does not appear to have any utilities. There have been 12 fires at the property, and the sheriff says there have been several 911 calls. It appears to have people living there and they are using burn barrels inside the home. The card sent with the letter was returned signed. The taxes are sent to the property next door. The house was deeded to relatives when the owner passed away. They did not pay 2022 taxes and now shows as sold to state. Commissioner Brenemen motions to accept the recommendation and give 30 days for demolition. Failure to meet the deadline will assess a fee of \$50 a day for noncompliance. President Louisos seconds. Unanimous decision.

Case #151- 50 Prudence Rd Oak Hill, WV 25901- Plateau District- Tax Map 30N- Parcel 45 - *Beautification recommends demolition and disposal within 30 days.* Property owner (lives in Scarbro) says his son is moving from Florida to reside in the home. Ms. Gerald says it has been in this state of disrepair for 10 years. Commissioner Brenemen motions to accept the recommendation and give 30 days for demolition. Failure

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to meet the deadline will assess a fee of \$50 a day for noncompliance. Commissioner Taylor seconds. Unanimous decision.

Case #152 - 1072 Pea Ridge Rd Oak Hill, WV 25901- Plateau District-Tax Map 22R- Parcel 51 - *Beautification recommends demolition and disposal within 30 days.* Recently sold to a realtor in Beckley for \$100 over a year ago. Commissioner Brenemen motions to accept the recommendation and give 30 days for demolition. Failure to meet the deadline will assess a fee of \$50 a day for noncompliance. Commissioner Taylor seconds. Unanimous decision.

Case #195- Deepwater Station Rd. Deepwater, WV 25057- Valley District-Tax Map 37R- Parcel 27 - *Beautification recommends demolition and disposal within 30 days.* Unusable as a business and covered in vines and vegetation. Letters to Armstrong PSD have been picked up at PO with no response. Commissioner Brenemen motions to accept the recommendation and give 30 days for demolition. Failure to meet the deadline will assess a fee of \$50 a day for noncompliance. Commissioner Taylor seconds. Unanimous decision.

Case #196- 4161 Armstrong Creek Rd. Powellton, WV 25118- Valley District- Tax Map 37A- Parcel 2 - *Beautification recommends obtaining a building permit and begin repairs within 60 days.* New owner (lives in North Carolina) responded and left a voicemail stating they had just purchased and needs time. Commissioner Brenemen motions obtaining a building permit and begin repairs within 60 days. President Louisos seconds. Unanimous decision.

Case #199- 8 Gladiola Ln- Charlton Heights, WV 25040- Valley District-Tax Map 37S- Parcel 43 - *Beautification recommends obtaining a building permit and begin repairs within 60 days.* Needles and graffiti on property and covered in vegetation. Locals say it has sat in this state for years. Owner is in Maryland and changes the business name. Commissioner Brenemen motions that Mr. Ciliberti write a letter asking for contact within 60 days and discussing the implications of non-compliance. Commissioner Taylor seconds. Unanimous decision.

Ms. Gerald will include the Zoom link for meetings in future letters.

Discussion & Decision: Howington Property Tax Lien Mr. Ciliberti met with Mr. Howington and he signed the agreement. The property can be redeemed up until April 24 and if not redeemed it will be deeded to Mr. Howington. There will be a voluntary lien and the proceeds will split 50/50 up to the amount of the lien (\$9,000 capped for the FCC lien for a sale price of \$18,000 or more.) Mr. Howington gave Mr. Ciliberti permission to sell. Once the deed is in hand, Mr. Ciliberti will send letters to surrounding property owners asking for an offer. The Assessor does not have it assessed very high, so Mr. Ciliberti does not expect to satisfy the lien. Commissioner Taylor motions to approve the agreement. President Louisos seconds. Unanimous decision.

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Discussion and Decision: Pax abandoned car issue Kevin Walker presents about a car left on an FCC Hazard Mitigation property across from the Pax Fire Department. A Deputy found that it hasn't had registration for several years. Asking the FCC how to handle the issue. Owner only listed with a PO Box in Pax. Car is inoperable and it's unclear if it was involved in recent flooding. Commissioner Taylor suggests have AC send a certified letter to PO Box. RL asks about towing and AC says recouping the money is an issue. KW will send vehicle and owner information to AC. RL asks about having a standardized policy for HM property for abandoned vehicles and trash. Commissioner Brenemen motions to approve AC sending letter to owner giving 2 weeks to remove the vehicle. Commissioner Taylor seconds. Unanimous decision. Discussion was held later that there are state imposed criminal whatever and we are giving 2 weeks to avoid criminal... after 30 days, the FCC will remove the car.

Discussion and Decision: Request from County Clerk Michelle Holly for Approval & Signature to Apply for 2023 HAVA Grant Funds for Electronic Voting Equipment Ms. Holly presents various options for how to proceed with the grant, dependent on matching funds. Commissioner Brenemen asks about the need for more machines. Ms. Holly says we are running at full capacity with only 1 spare DS 200 and no spare express votes. We had spares before the addition of precincts due to redistricting. This would also allow all satellite Early Voting locations to have a DS 200. And there is a possibility of having to create more precincts due to complaints to the Secretary of State of current drive times. This grant will also add E-poll books for early voting. President Louisos motions to approve the \$14,909.50 option. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Clarify and standardize county work week Commissioner Taylor wrote a policy addressing that everyone will have a 40 hour vs. 35-hour work week with a 1 hour paid lunch. Commissioner Taylor Approve effective Sunday **April 16, 2023** and employees will be able acknowledge receipt of this policy electronically through ADP. Commissioner Brenemen? seconds. Unanimous decision.

Discussion & Decision: Floodplain CRS for Approval and Signature Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Discussion and Decision: Broadband funding through Lead Round 2 President Louisos motions to postpone until more information is available. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices Steve Cruikshank, Interim Fire Coordinator, appears via phone to answer questions about invoice from the Fire Departments and Training Center. Commissioner Brenemen asks about the bids from the prior meeting due to one of the bids not meeting the criteria of bulldozing and concrete work. Asks if they plan to rebid or go with the full bid. Mr. Cruikshank said they are

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still looking at them to decide if they will rebid. Commissioner Brenemen will not approve the expense until the bid is done correctly. Commissioner Brenemen states for the record that he no longer works for Dan Hill and his job as Commissioner is to make sure bids are done correctly. Question about the cost of testing equipment inhouse. Mr. Cruikshank said it's too difficult to test inhouse. President Louisos says if we have a state-of-the-art fire facility, we should be able to test the equipment and save tax payer's money. Discussion of having the equipment and training of an employee to do these tests inhouse. President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

The FCC enters into executive session at 11:54 a.m. for legal counsel on various MOUs.

The FCC reconvenes 12:31 p.m.

Discussion and Decision: Animal Shelter MOU President Louisos motions to approves. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Boy Scout Visitor Center Lease and MOU

Michael Taylor explains the utilization of the Ruby welcome center for county purposes. The Boy Scouts of America has expressed interest in an MOU and Lease for sub-letting the facility to other entities for the betterment of the county. This lease will allow the visitors center to become a Hub right off of Rt. 19 to promote the county. President Louisos motions to approve the lease with the BSA. Commissioner Taylor seconds. Unanimous decision.

Mr. Taylor addresses the MOU. The FCC will work with the BSA to create a working group of local leaders and the Scouts of how they can mutually assist each other for economic development for the County through land a BSA connections to grow the county. To make this discussion a reality, the MOU was created to set the parameters for the group. This is for the benefit for all of Fayette County, only using the knowledge and connections of the BSA to support Economic Development. President Louisos motions Commissioner Brenemen seconds. Unanimous decision.

Motion to adjourn 12:41 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 3, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 3rd day of May, 2023.

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President Louisos calls the meeting to order at 9:00 a.m.

Marion Tanner leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve None presented.

Approve 2nd Half Payroll for May 5 President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Vouchers and Invoices Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve minutes from the 4/18 meeting. President Louisos seconds. Unanimous decision.

Approve Estate Settlements Commissioner Brenemen motions to approve estate settlements for: Bessie Elizabeth Bibbs; Charles Russell Cushman; Frances Jean Dobbins; Dennis Michael Hill; Steven Chase Mullins; Theodore Garfield Sorrell; and Lucy Rice Wilkins. President Louisos seconds. Unanimous decision.

Discussion and Decision: Minutes Responsibility County Clerk Michelle Holly submitted a letter about her responsibility of the minutes. Clerk Holly states that it is traditionally the Clerk Office's responsibility but due to some other responsibilities in her office, throughout the year. The minutes also need to be recorded in the Clerk's office. The Administrator's office will work with the Clerk's office to record the signed copies in the records room. Ms. Holly's office can fill in as needed. Commissioner Taylor motioned that the Commission Administrative staff resume the minutes responsibilities and signed copies of the minutes will be recorded in the Clerk's Office. President Louisos seconded. Unanimous decision.

Discussion and Decision: Approval of FY 2024 WVCoRP Insurance Policy President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Reappoint Dan Hill to Kanawha Falls PSD, term to expire September 1, 2028. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion and Decision: Request from Fayetteville PreK-8 Principal Melissa Harrah for FCC to sign MOU for the BOE to use the Memorial Building as an Emergency Evacuation Shelter Discussion of making this an automatic renewed MOU. Prosecuting Attorney Anthony Ciliberti adds language at the bottom of the MOU stating it will now automatically renew annually unless either party give a 30-day notice to terminate. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Discussion and Decision: Septic Tank Replacement for Animal Shelter HAA unit less than the amount requiring a bid. \$16,990.90 removal and

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replacement by Rock Solid Excavating & Lawn Service. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Discussion and Decision: Prosecuting Attorney copier upgrades and maintenance agreements Mr. Ciliberti presents about the age and set-up of the copier and desktop printers and supplies in his office. Proposes replacing existing printer and purchasing a main printer for the 2nd floor. Will phase out desktop printers. Would like to use Asset Forfeiture funds to purchase the 2 color copiers. Annual maintenance contract is funded by the county (no line item in his budget for this) at \$1,300 a year. This will increase to \$1,465. Will also need ethernet and phone port and asking FCC to pay for those expenses. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Sue Wood Re: Vape Store Ordinance Ms. Wood presents about the Fayette Prevention Coalition and how they work with the county and schools for physical wellbeing of the students. In February a Vape Shop opened 1/3 of a mile and within a few hundred feet from the Community Center. 3 new shops have opened in less than one year and another about to open across from an existing shop. A Fayette County Sheriff Deputy told Ms. Wood a parent informed him that their student came into possession with \$300 of vape and paraphernalia. Used a 16-year-old youth inspector and 2 of the 6 shops (33%) inspected sold to the underage inspector. A 2022 survey of students shows 15% of middle schoolers and 22% high schoolers admitted to using vaping. Asking for ordinance to define vape shops and set a limit based on population and also set parameters for distance to schools. Feels that if the county adopts an ordinance, municipalities will also adopt their ordinance. Commissioner Brenemen saw 15 places just in Oak Hill which sells vape and paraphilia including grocery stores and convenience stores. Question of how to regulate. Questions from Commissioner Taylor about penalties. County Physician Anita Stewart says code already exists for prohibiting entry of minors into the shop. Mr. Ciliberti reminds that the county can't adopt a policy which is higher than what is already state imposed. Commissioner Brenemen: suggests sending letters to Senate and House of Delegates to have them possibly run a bill to change the state code. Sue Wood says the City of Charleston has an ordinance which limits distance to a school. Carrie Strunk says other Counties are looking to Fayette to see how this process goes so they can do the same. Commissioner Taylor asks for a draft ordinance and to have Mr. Ciliberti's office review and return on a future agenda.

Discussion & Decision: Recommendation from Planning Commission to Adopt Comprehensive Plan Update Final Draft Angela Gerald presents that the Planning Commission approved the draft at their meeting on May 1, 2023. One member of the public was present to ask for their properties to reflect the same zoning as adjacent properties on the map and the Planning Commissioner agreed. Nik Davis presented the revisions made from the last meeting. Smithers and Montgomery added

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to the Gateway area. Revised Broadband data. Revised Land Use plan. Mineral extraction map corrected. Added WVU Extension as a key partner. Adding discussion on pg. 67 about Rt. 19 and suggests conducting a more thorough study. Leaving the Land Use Plan vague. Commissioner Brenemen asks if there are members of the public in person or on Zoom who would like to comment. None. Commissioner Brenemen motions to approve the recommendation of the planning committee, Commissioner Taylor seconds. Unanimous decision.

Break at 9:40 - 9:56 a.m.

Discussion & Decision: Probation Space and Discussion and Decision: Court Internet & Security Grant Jerrod White presented about the renovations to the old detective bureau. Officials from the Supreme Court were here last week and gave a diagram of what is still needed. Suggested applying for a Court Security Grant to help with funding which is due May 10th. Officer Jim Sizemore and Mr. White have put together the application over the weekend and it just needs signatures from FCC and will be in conjunction with the Sheriff's department, who is responsible for Courthouse Security.

For the record, Commissioner Taylor states that the FCC wholeheartedly supports "all" of the Supreme Court programs and proactively purchased a building to support the expansion of the Supreme Court Programs. Asks that County Administrator Ruth Lanier would be the primary point of contact between the FCC and Supreme Court. Commissioner Taylor motions to approve the grant and authorize President Louisos to sign. President Louisos seconds. Unanimous decision.

Ms. Lanier asks about the letter to Judge Blake due by the 10th. Commissioner Taylor asks Mr. White to let Judge Blake know that will be on the 17th agenda and they need the Judge's letter first.

Discussion and Decision: Community Corrections change in the job classification for Dalton Kincaid and approve hiring two case managers. Teresa Gregory was in attendance with Mr. Ciliberti who presents the changes approved by the Community Corrections Board. Dalton Kincaid is now Deputy Director and second in command with salary increased to \$44,000 (within budget). Kelly Hinte was offered position of Case Manager (BIPS program) at \$39,000. Jerry Walton was also offered the other Case Manager position at \$37,000. Commissioner Taylor motions to approve Dalton Kincaid as Deputy Director at \$44,000 effective today. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor motions to approve Kelly Hinte as BIPS Case Manager at \$39,000 effective today. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor motions to approve Jerry Walton as Case Manager at \$37,000.00, Commissioner Brenemen seconds. Unanimous decision. Mr.

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Walton's effective as of a date to be determined by Ms. Gregory and Mr. Walton.

Ms. Gregory gives an update on the proposed Valley Detachment. She has meetings scheduled with Montgomery Mayor Greg Ingram and will put together a budget. President Louisos asks about working with Kanawha County. Ms. Gregory is still trying to set up discussions with them; Commissioner Taylor suggests sending letters to all Kanawha County judges once the detachment is in place to offer their services. Kevin Walker, OEM Director, will offer assistance with obtaining additional transport vans.

Discussion and Decision: URA Board Member Appointments Commissioner Taylor motions to postpone until 6/14. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Request from Tonja McMullen and Kevin Walker for the Commission to pass a Resolution to Become Participating Employer of WV Emergency Medical Service Retirement System (WVEMRS)

Kevin Walker and Tonja Meadows introduced Dean Meadows, E911 Council Executive Director, John Rutherford, Kanawha County Metro 911 Executive Director and Russell Emrick, Kanawha County Metro 911 Deputy Director. The new retirement system is mandatory for all new 911 employees hired after July 1. Asking all county 911 departments to sign the resolution to assist with passing the bill to allow participation in this system for existing employees. Question about funding the increase. The .5% should be more than covered by the proposed increase in wireless fees which are expected to pass soon. Commissioner Taylor asks about staff acceptance of this new system. Phillip Pack says all employees are interested in participating, they are happy with the improvements and hope to participate after approval. Acknowledges this will assist with retention and longevity. Vesting period is 5 years and transitioned employees will not have an additional vesting period. Commissioner Brenemen motions to sign the resolution and have all new 911 employees participate. Commissioner Taylor seconds. Unanimous decision.

Discussion and Decision: FOIA Letter Re: Flooding Funds Commissioner Taylor presents that the City of Smithers collected funds for the August flooding and the FCC has not been updated about these funds and disbursement of funds. Qualifications, addresses of recipients since some are county residents Commissioner Taylor Commissioner motions to FOIA the City of Smithers concerning the flood funds. President Louisos seconds. Unanimous decision. Commissioner Taylor asks that Brian Parsons is sent a copy since he is their attorney.

The meeting was adjourned at 10:59 p.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

MAY 17, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 17th day of May, 2023.

President Louisos calls the meeting to order at 9:00 a.m.

Sheriff Mike Fridley leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young

Approve Tara Tyree presents a refund (\$835.57) and real property exoneration (\$856.98) for Alyssa L. Kincaid & Ryan Nottingham.

Commissioner Taylor motions to approve. President Louisos seconds.

Unanimous decision.

Approve 2nd Half Payroll for May 19th and First Half June 2nd President

Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Vouchers and Invoices Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Taylor motions to approve minutes from the 5/3 meeting. Commissioner Brenemen seconds.

Unanimous decision.

Approve Estate Settlements Commissioner Brenemen motions to approve estate settlements for: Stephen Bowen; Clifford Edward Brandstetter; Rodney Keith Fox; Maxine Lucille Gibson; Audrey Marie Martin; and Josephine O'Dell. President Louisos seconds. Unanimous decision.

Discussion and Decision: Sheriff Approval of May Publication List

Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

County Administrator Ruth Lanier presents thank you notes from Leadership Fayette County and Friends of Old Time Music and Dance (FOOTMAD).

Ms. Lanier presented a letter from the Department of Transportation in response to a letter from the Commission asking for crash analysis on Rt. 19. The DOT says Rt. 19 isn't any higher than the rest of the state. Commissioner Taylor asks for another letter about inspections at Fayette Town Center and Hinkle Rd. Sheriff Fridley says 911 can pull CAD records. Discussion of timing of lights for a pause between red and green lights.

Discussion and Decision: Appoint Diana Kincaid New Haven PSD. Kenny Hayes, Chairman, stated the NHPD supports this appointment.

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Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Letter from DOT Re: Animal Shelter Bridge The DOT has funds to study and replace the bridge and sent agreements for the project. Commissioner Taylor motions to approve and sign the agreements. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Letters to Public Service Commission Opposing West Virginia American Water, Appalachian Power Company and Mountaineer Gas Company Request Rate Increases Commissioner Taylor stated the combined increases are in excess of \$40.00 a month for residents. Commissioner Taylor motions to approve the letters. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Logo RFP Response The received RFPS were not clear and had wide-ranging costs. Commissioner Taylor motions to authorize Ami Dangerfield to send the RFP to local providers asking for proposals. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Records Management Preservation Grant Award Contract Commissioner Taylor motions to approve and sign the contract. President Louisos seconds. Unanimous decision.

Discussion and Decision: Continuation of legal counsel retainer with Michael Taylor Mr. Taylor is moving to a new firm and accepts the current agreed upon fees. The FCC could stay with Bailey and Wyant or follow Mr. Taylor. Commissioner Brenemen motions to retain Michael Taylor's services through new firm. Commissioner Taylor seconds. Unanimous decision.

Discussion and Decision: Finalizing 911 Director and Deputy Director positions - Commissioner Taylor motions to appoint Tonja McMullen, permeant 911 Director and Phillip Pack as Deputy Director. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Approve Copy of Will to be Admitted for Probate in the Estate of Forrest Ladean McFarland Ms. Stevens Notification was sent to beneficiaries in March (only to living siblings per will). No spouse and no children. Anthony Ciliberti states that since this hearing is asking to admit a copy, they will still need to notify the children of the deceased siblings and publish in paper. This is to protect the beneficiaries, not to hinder the process. Commissioner Taylor asks the Clerk's office to help Ms. Stevens with the necessary process.

Discussion & Decision: Angela Gerald, Beautification Recommendations and Locating Owners

Case #49- 536 Mount Olive Branch Rd. Cannelton, WV 25059- Valley District- Tax Map 4 Parcel 81 Ms. Holmes. Understands she could sign a promissory note and could pay upto \$100 a month. Would like to keep

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the property. Commissioner Taylor motions to prepare promissory note and work with Ms. Holmes to assist with demo. President Louisos seconds. Unanimous decision.

Commissioner Taylor asks Ms. Holmes about water service and sewer smell in Cannelton after the August flood. Water has been restored and sewer smell is still bad and gets worse with warm weather.

Case # 21- 1535 Sanger Rd. Oak Hill, WV 25901 Plateau District- Tax Map 30 Parcel 126 Commissioner Taylor motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demolition and make this the normal process. Commissioner Brenemen seconds. Unanimous decision.

Case #22- 163 Keeneys Creek Rd. Winona, WV 25942 New Haven District- Tax Map 62H Parcel 98 Commissioner Taylor motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo and make this the normal process. President Louisos seconds. Unanimous decision.

Case #110- 3754 Laurel Creek Rd. Fayetteville, WV 25840- New Haven District- Tax Map 47 Parcel 44 Commissioner Taylor motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. President Louisos seconds. Unanimous decision.

Case #116- 4031 Deepwater Mtn. Rd. Fayetteville, WV 25880- Valley District- Tax Map 65- Parcel 30 Commissioner Taylor motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.

Case #128- 1369 Wallace Dr. Kimberly, WV 25118- Valley District- Tax Map 36K Parcel 12 President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Taylor seconds. Unanimous decision.

Case #149- 1077 Armstrong Creek Rd. Kimberly, WV 25118- Valley District- Tax Map 36F- Parcel 31 President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Taylor seconds. Unanimous decision.

Case #154- 6 Powellton R #1- Valley District- Tax Map 41S- Parcel 92 President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.

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Case #204- 283 Stover Hollow Rd. Scarbro, WV 25917- Plateau District-Tax Map 29R- Parcel 232 BC recommends removing the single wide and sent litter issues to litter control. President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.

Case #207- 2244 Deepwater Mtn. Rd Fayetteville, WV 25840- Plateau District- Tax Map 12D- Parcel 1.3 President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Brenemen asks about the house on 612. Ms. Gerald says the property owner in Fayette County was served. Pennsylvania owner not yet served.

The FCC took a break from 10:00 - 10:09.

Discussion & Decision: John Stump Re: Oak Hill TIF Mr. Stump agrees that the TIF is underwater. Suggests adopting a 1-page resolution disbanding the TIF. Commissioner Taylor asked Alison Ibarra, City of Oak Hill economic developer, to ask Oak Hill to do the same. Oak Hill can use the remaining funds in the TIF for city properties. Commissioner Taylor asks Oak Hill to provide their plan to use the money so the FCC can approve that on 6/14 then too. Anna Frost asks which year will it end. Mr. Stump will have to research and will let her know.

Discussion & Decision: Amanda Smarr Regarding USDA Broadband

Related Grant - Ms. Smarr presents that the second round of GigReady is for implementation of shovel ready projects with a 25% and due in July. USDA Community Connect: 6/20 due date with a 15% match. Max is \$5 million and geared toward rural areas that are difficult for ISPs to access. President Louisos asks if the FCC would need to work with an ISP (Gigabeam) to apply. Ms. Smarr says yes. Will need financials etc.. from ISPs. GigReady is funded through ARPA. USDA says ARPA is an allowable match. Region 4 believes GigReady allows ARPA funds as a match. Would need to confirm. FCC location availability challenge study and survey (updating Broadband maps to submit discrepancies) New map is available. Commissioner Taylor asks about the process for application. Ms. Smarr asks about shovel ready projects. FCC will ask Gigabeam where they are in their process and Region 4 can help with application. Discussion about speed test survey challenge and consistency of time of day and speed. Will ask residents what they are paying for vs. what they are getting.

Vivian Parsons, WVCORP update - Ms. Parsons states the Risk Pool is doing well. This is the 3rd year in a row they can provide a discount. Opened to municipalities in 2020 and cover anything covered by local governments: SWA, VFDs and more. Includes Cyber Risk coverage, property valuations, web portal for claims, add and remove property

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and obtain certification. Training for employees including Law Enforcement, either web based or in person. The new feature is GatherGuard. Insurance for special use 3rd party coverage used for rental of picnic shelters and other facilities.

Discussion & Decision: Design RFP for Pool and Feasibility Study for Park and Memorial Building President Louisos started the conversation about the plan for the park development. Park Director Abbie Newell said this was about the soft-surface trail plan and left a spot for cabins to assess a plan for cabins later. Cabins are not on the priority list recently presented. President Louisos is asking about a plan to better develop the property but Ms. Newell said the specialists were only there for the soft surface trail and didn't have the credentials to develop cabin plans. Ms. Newell has developed a priority list but does not have plans for cabins at this time. President Louisos wants cabins there for non-Fayette County visitors to stay on site. President Louisos mentions a \$1,000 commitment towards the trail study, and they would probably be interested in a similar commitment to study cabins. Discussion about open lines of communications and asking for more conversations. Commissioner Taylor asks about priorities list and lack of mention of the Memorial Building. Park Board President Diane Callison clarifies that list was just the Park proper. Probably needs to have it studied too and coordinate with Town of Fayetteville.

Discussion of the pool estimates and that they are coming in too high. Suggests advertising more broadly and targeting pool companies rather than construction companies.

Will get 3 quotes for geotechnical evaluation work and Ms. Newell will develop an RFQ for developers and feasibility studies for the park, pool and FCMB.

Commissioner Brenemen asks about the camp funded in part by the FCC. Ms. Newell says they just need more campers. Advertising through schools and the media. Also need junior counselors.

The Commission entered into an Executive Session at 11:30 a.m.

Return at 12:15 p.m.

Discussion and Decision: Letter in response to Judge Blake regarding Probation Space Commissioner Taylor motions to approve the letter with changes. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Employee update on PEIA- County pays for Plan A only. If employee opts for a different plan, they pay the difference. PEIA - plan A cost is paid in addition to employee among. Difference is paid by employee. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

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Discussion and Decision: Personnel changes These changes were proposed by the Ms. Lanier. Commissioner Taylor motions to create the position of Deputy County Administrator and promote Gia Tyree from Staff and raise her salary to \$50,000.00. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor motions to raise Wilbert Lively's salary to \$36,000 due to additional responsibilities. Commissioner Brenemen seconds. Unanimous decision.

The meeting was adjourned at 12:21 p.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 14, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 14th day of June, 2023. President Louisos calls the meeting to order at 9:00 a.m. County Administrator Ruth Lanier leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds and Presentation of Land Books - Eddie Young presents the personal property and real estate land books for approval and signature. President Louisos motions to accept the books and sign. Commissioner Brenemen seconds. Unanimous decision.

Approve 2nd Half Payroll for Second Half June 16: President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to approve. President Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve minutes from the 5/17 meeting. President Louisos seconds. Unanimous decision.

Approve Estate Settlements Commissioner Taylor motions to approve estate settlements for: Diane Gay Beaver; James Malcom Black; Frank Richardson Brown; Paul Edward Cummings; Jacqueline Sue Dodd; Eugene Easterling; Brenda Kay Norvell; Irma Hortence Parrish; Mable Evelyn Price; Freddie Gene Roat; Faye Yvonne Roche'; Doris Jean Small; Mary Elizabeth Smith; Ralph Leroy Spralding; Carol Jean Vanover; Harry Dickerson Waugh, Sr. President Louisos seconds. Unanimous decision.

Resignation of James C Blankenship as Fiduciary Commissioner of the Estate of Robert Russell Sloan Estate # 3359 Due to services no longer needed. Commissioner Taylor motions to accept resignation. President Louisos seconds. Unanimous decision.

Ruth Lanier Exhibit A

Discussion and Decision: Request from Prosecuting Attorney Anthony Ciliberti for hire of Carol Tincher. Commissioner Taylor motions to approve hire as of June 8, 2023. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Request from City of Montgomery to place municipal election on county ballot. Mayor Greg Ingram is present to request the mayor, council and recorder be placed on the May 2024 Primary Ballot. The city amended their charter to allow this. Kanawha County has already approved their request. Commissioner Taylor asks about special elections. County Clerk Michelle Holly states special elections were removed by legislation 2 years ago but gave provisions to allow for one more special to sync timelines for measure expirations before the next election. Code allows for the FCC to charge a reasonable fee for placement of these races on the county ballot. The Commission will address this if a ballot incurs additional costs due to municipal races. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Request from City of Montgomery for WV DOT Transportation Alternative Grant Application Support Letter. Montgomery has the match covered. \$68,000 grant with a \$12,000 match. The Tech trail is very steep. This is a design grant to lengthen and regrade the trail so it can be used by more people. Will use the property as the in-kind match for the construction phase and grant application. Commissioner Taylor motions to approve the support letter. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Myra Stevens Approve copy of will for Estate of McFarland Commissioner Taylor motions to approve and allow the will be admitted. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Declaration of Juneteenth holiday. Commissioner Taylor motions to declare Monday June 19th as a

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holiday. The Courthouse will be closed. President Louisos seconds. Unanimous decision.

Discussion and Decision: Potential Rescinding of 911 Retirement Resolution pending more information. Ms. Lanier explains that there was miscommunication about the ability of existing employees being able to participate. Existing employees will need to pay the difference to change retirement systems and this will be cost prohibitive. Also, legislation has not been passed yet to allow existing employees to opt in. Employees hired after June 1, 2023 will still be required to use the new system. The Commission will revisit this when more information is available.

Discussion & Decision: Resolution to Dissolve TIF Oak Hill Resolution disbanding the TIF and approving use of Funds by Oak Hill. Alison Ibarra presents that Oak Hill city council passed their resolution Monday. They will use the remaining funds to assist with structural engineering reports for vacant buildings before being sold and redeveloped. President Louisos motions to approve and sign the resolution. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Community Corrections Grant Acceptance. Commissioner Taylor motions to approve and authorize President Louisos to sign. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: HAVA Subgrant Agreement This document is needed to execute the HAVA Security Fund subgrant accompanies this letter of approval for County Clerk. Received most of the request. Instead of denying any applications they changed the match amount so that everyone received a grant. Match is now 50%. They will receive \$20,000. President Louisos motions to approve and sign. Commissioner Brenemen. Unanimous decision.

Discussion and Decision: Request from Debby Campbell to reappoint Selina Vickers as Fayette County EnAct Board Member for 2023. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Discussion and Decision: Request from Becky Kellum, Library Director, to reappoint Joseph Urbanski, term to expire June 30, 2028. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion and Decision: Approval of letters and Public Service District Board Member Roster to Secretary of State and Public

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Service Commission. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion and Decision: Election and Release and Settlement Agreement Forms for Opioid Litigation for Amneal and Mylan

President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion and Decision: Nunc pro tunc approval of letter to Erica L. Boggess, WV. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion and Decision: Letters to Governor et al regarding Cannelton Hollow and to PSC regarding Armstrong Creek

Commissioner Taylor states we need to readdress the sewer issue and reference the initial letters sent. Updates are available from Commissioner Brenemen and Kevin Walker. Commissioner Brenemen states there are still customers without consistent water service for days and this continues for weeks. Commissioner Brenemen feels the PSC needs to step in. The Armstrong PSD cannot serve its customers. Commissioner Taylor states it needs a State of Emergency like Raleigh County had in January. President Louisos motions to approve letters in concept and Commissioner Taylor will send a draft to the commissioners. Commissioner Brenemen seconds. Unanimous decision.

The State Emergency Office contacted Kevin Walker just last week due to another letter which was sent from Delegate Pritt. Asking Delegate Brooks (present) to do the same. They've been without continuous water service since before Thanksgiving. Funds for repairs are frozen due to WVAW placing a distressed utilities claim with the PSC. Mr. Walker comments from Zoom. There is an open case with APSD to supply water to customers as needed. He talks with the PSD every other day and they said they are pumping water, but citizens report low or no water. Commissioner Taylor asks for updates every other day during the week and on the weekends if there is an issue

Discussion and Decision: Approval of Creek Dredging in Smithers. This was handled by Smithers.

Discussion & Decision: Budget Revision for General County (3) and Coal Severance (2). President Louisos motions to approve the budget revisions. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Z-537-23-1: Request of Ashley Grennor and Vince Girolami (Owners) to change land classification from R-R

(Rural-Residential District) to B-3 (Business, Tourism District) on property legally described as Surf 17.80 AC New River Cliff R/S By Survey 2-297, New Haven District. Angela Gerald presents that the Planning Commission met Monday June 5, 2023 at 2:00 p.m. Ms. Gerald reads that Kevin Willis motioned to deny citing it was spot zoning and not off a state-maintained road. James Tucker seconded with a unanimous vote.

Ms. Grennor (on Zoom) presented the plan and answered questions about the road and water service. Brittany Chaber spoke for the residents. She and her husband bought their property to be in a rural area and away from a lot of neighbors. Residents Walter and Kristen Personius spoke. Pointed out that all owners in opposition were at the Planning meeting and are here today. Ms. Personius spoke about concerns of extra dust, traffic, and campfire smoke. Check-in will be all online without 24/7 staff which would put any burdens on the neighbors. Ms. Grennor replied that they offered to pave and widen the driveway but the neighbors don't want that.

Commissioner Taylor motions to accept Planning Commission's recommendation. Commissioner Brenemen seconds. Unanimous decision.

The Commission entered into an executive session at 10:30 a.m.

The Commission exited the executive session at 10:45 a.m. with no decisions made.

Discussion & Decision: Dilapidated Houses

Case #174- 2612 Lochgelly Rd. Oak Hill, WV 25901-Plateau - Tax

Map 13H - Parcel 86 The dwelling situate on the above parcel appears unusable and unsafe for human habitation. Roof of dwelling or structure is compromised. The dwelling or structure appears to be in a general state of disrepair. Structure is partially or completely collapsed. Fire. Owner is recently deceased but it has been like this for 10 years. Grass is being maintained. Part of an estate. Question about whether there is power. Ms. Gerald sent a letter and has not heard back. **The Beautification Committee recommended structure situate on property be demolished and legally disposed of within 30 days.**

President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commission Taylor seconds. Unanimous decision.

Case #209- 4078 Dempsey Rd. Fayetteville, WV 25840- Plateau District- Tax Map 5L Parcel 4 Property is abandoned and is not being used as a residence or business. The dwelling situate on the above parcel appears unusable and unsafe for human habitation. Dwelling is partially covered with vines and vegetation. The dwelling or structure appears to be in a general state of disrepair. The dwelling or structure does not appear to be connected to any utility services. Windows missing. Taxes are being paid. Owner passed away and property is in a trust. Son lives on Gatewood. **The Beautification Committee recommended structure situate on property be demolished and legally disposed of within 30 days** Lives in Fayette County and hasn't responded to any President Louisos to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconded.

The other property to be presented was sold so the process will need to restart.

Discussion & Discussion: Dallas Vance - Dilapidated Hearing Case #91- 7620 Okey L. Patterson Rd. Scarbro, WV 25917- Plateau District- Tax Map 29G- Parcel 126 The Commission upheld the Beautification Committee's recommendation to demolish. Both owners were served and Mr Vance requested this hearing but did not appear. Dale Hayden was served in Allegheny County, PA June 2nd. Will need to give him 10 business days to respond, which with the upcoming holiday, will be June 21. Commissioner Taylor motion to postpone until the 28th. Commissioner Brenemen seconds. Unanimous decision. Commissioner Brenemen will ask the sheriff and Oak Hill police to be available at that hearing.

Discussion and Decision: Park Director and Operations Manager Brian Goode recommended as Park Director at an entry level of \$42,000 for 6 months based on qualifications and performance. Effective 6/21. Jerry Adkins recommended as Operations Manager. He is a current employee at salary will be the same as the former Operations Manager. Effective immediately. Commissioner Taylor motions to approve both hirings. President Louisos seconds. Unanimous decision.

Recognition of Dr. Stewart is postponed until July 26.

The meeting was adjourned at 10:56 a.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 28, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 28th day of June, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Sheriff Mike Fridley led the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Tara Tyree presents real property exonerations for: Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Payroll No. 3 for June 30 President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve minutes from June 14, 2023. Commissioner Taylor seconds. Unanimous decision.

Approve Estate Settlements None

Discussion & Decision: Approval of Transport Officer Hire: Lyle Leshner \$30,500 on July 1, 2023. President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision. Sheriff Fridley reports that Gia Tyree and Wilbert Lively took care of a medical emergency incident with an employee at the courthouse on Tuesday and commends them for their assistance.

Discussion & Decision: Brian Good, Park Director Introduction Mr. Good appears and is introduced.

Discussion & Decision: Request from Anthony Ciliberti, Prosecuting Attorney to Hire a Summer Intern and Approval of Hire Mr. Ciliberti would like to hire Alyssa Burdette at \$14.00, no benefits, start date of July 5 for 2.5 months as an intern. This is within his budget. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Approval & Signature on Notice of Intent to Bid CDBG 18SCBG004 Armstrong PSD Powellton Water Tank Replacement Lesly Taylor, Region 4 Planning & Development,

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appears via Zoom and explains the project. Commissioner Taylor motions to approve and authorize President Louisos to sign. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Letter to WV Alcoholic Beverage Commission acknowledging Spartan Race Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion & Decision: Appoint Commission Designee for Southern Regional Jail Lawsuit Commissioner Taylor has been coordinating with Chuck Baily with Bailey and Wyant and he asked for a single point of contact. Commissioner Brenemen motions to appoint Commissioner Taylor. President Louisos seconds. Commissioner Taylor abstains.

Discussion & Decision: General School, Worthless Check, Magistrate and Existing County Levies Transfer Orders President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Budget Statement and Line-item Revisions President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Encova Workers Compensation Renewal Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion & Decision: Approval of Sales Agreements with ES&S for Voting Equipment with 2023 HAVA Funds Discussion & Decision: FY 23-24 Contract with Greenbrier Environmental Group Inc for MRRT Trail Work Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion & Decision: Request to Create 3 New Funds for County Clerk Explained purposed for funds created by SB522: **061** County Clerk Election Administration - WV Code §11-22-2 (c); **062** County Clerk Real Property E-Recording Act - WV Code §11-22-2 (c) and WV Code §39A-4-1; **060** Deed Recording Fund WV Code §59-1-10 (a). There are new county transfers allowed (from former state transfers) to fund election security equipment and elections administration. 3rd account would be a "lis pendens" roll-over account. Used for county clerk office items. Realizes that the FCC currently pays for whatever they need. Would just be better for accounting. Ms. Lanier says it can tracked be in another account in the GL rather than a new bank account. President

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Louisos motions to approve creating accounts 061 and 062.
Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Smithers Flood Donation Letter President Louisos motions to approve and send the letter. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Shared Cost Purchase of Pictometry Among County Departments Assessor Eddie Young explained Pictometry is ariel photography. Current images are only a straight down shot of roof and outline of homes and buildings. New photography will allow for directional, oblique and higher resolution images. The county used to have Pictometry but canceled due to price and the quality diminished. Pictometry assists with all daily tasks in the Assessor's office and can assist with other departments. There is a history option allowing you to see the old photography to show changes at the property, including color changes which will assist with property location. President Louisos would like to split the cost with 911 and Assessor. Tyler Bragg, Oak Hill GIS, presented that this is a great product and asset, and can be access on mobiles and offers unlimited users. Blue Mountain in 2020 was the last capture. Best to recapture every 3-5 years and during leaf-off season. Would take a year or so to get this scheduled so this is the prime time to sign on. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

9:30 Bid Openings: Fire Association Building President Louisos calls for the bid opening. Commissioner Taylor opens a bid from Dan Hill \$850,000. Commissioner Brenemen opened a bid from Prime Contracting in Macarthur \$768,000. The Commission will make an official decision on July 12 after architect/engineer reviews for specs.

9:45 Discussion & Decision: Revisit Vaping Ordinance - Sue Wood presents for Fayette Commission Coalition. Youth Empowerment Summitt students Rykard Wood, Maren Boblits and Jaelynn Surface are present along with Heather Green, Katie Johnson and Carrie Strunk. Ms. Wood suggested striking Section D until there is a policy in place. Commissioner Taylor motions to approve with the exception of Section D. Commissioner Brenemen seconds. Unanimous decision.

The Commission took a break from 9:52 until 10:00

10:00 Discussion & Decision: David Altizer with White Oak PSD Larry Bledsoe; and New Haven PSD Kenny Hayes David Altizer presents that Mr. Bledsoe is unavailable today due to a family

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emergency. Mr. Hayes speaks for NHPSD regarding funds in a holding pattern for preliminary engineering reports (PER) \$40K for each of 4. 3 projects have moved forward but Whispering Pines was eliminated from the process due to excessive amount to customers deemed by the funding agency (\$125,000 per house for 6 houses.) Contract 19 may be able to pick up this group of houses as an add alternate, but the Critical needs funding denied that part of the project. Mr. Hayes is here to give back the \$40K PER funding for the Whispering Pines project due to lack of funding source. It is now in a holding pattern and the Commission's funding can be used elsewhere. Commissioner Taylor thanks them for being responsible with tax payer money.

Discussion & Decision: FY 23-24 Contract with Greenbrier Environmental Group Inc for MRRT Trail Work Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Approve Support Letter WVU Law: West Virginia Chapter of the American Planning Association's Grant Application to the Claude Worthington Benedum Foundation nunc pro tunc Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Request from City of Oak Hill to Renew Building Inspector Agreement for 6 months. Commissioner Taylor amended that this is renewable at the option of City of Oak Hill in 30-day increments from December 31, 2023 July 1, 2024. Commissioner Taylor motions to approve as amended. Commissioner Brenemen seconds. Unanimous decision.

The Commission went into executive session to discuss personnel matters with their attorney. 10:18 a.m. to 10:46 a.m. No decisions made.

Discussion & Decision: Maintenance Reorganization and Personnel Discussion County Administrator Ruth Lanier advises that all county maintenance personnel should fall under Sonny Milam, Maintenance Supervisor, and with this organization, should be reclassified as Maintenance Director with a salary of \$42,000 as of this pay period, June 30. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Ms. Lanier presents that maintenance schedules should be adjusting for trials and after-hours meetings rather than having overtime. Asks Mr. Milam to adjust schedules based on after hours events. It will be up to him if this is permeant or as needed.

Discussion & Decision: Opioid Settlement Vote for Representative- Municipality Letter for Proxy President Louisos would like for our representative be Assistant Prosecuting Attorney Wes Toney. He has knowledge of the opioid settlement and was working at the senate when the legislation was being developed. The FCC nomination will be Dr. Anita Stewart. Commissioner Taylor would like a letter to the municipalities to offer him as voting proxy as well. President Louisos motions, Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Armstrong Creek PSD Letter to PSC and Governor 67 notarized customer complaints will be included with the letter to the PSC. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Mullens Presentation Commissioner Taylor presented to the family of Cody Mullens, WV State Forester who gave his life fighting the Armstrong Creek, Tucker Hollow Forest Fire on April 13, 2023. The commission presented the family with a certificate of honor for his service. Members of the WV Department of Forestry were also in attendance. Mr. Ciliberti presented that they've identified and arrested an arson suspect. He's been charged in magistrate court and there is a question of his competency.

Commissioner Brenemen then speaks about the fire bid opening earlier in the meeting. The first advertisement was not done correctly. The second was but the commission is not responsible for who bids. It's the commission's responsibility to oversee the taxpayers' funds.

11:00 Discussion & Decision: Danny's Body Shop - Changes in Wrecker Rotation. Danny Young presents that he doesn't like the newer north/south division line. Discussion about response times and what is in the updated rotation policy. Mr. Young says when it was changed, the valley got his entire jurisdiction, including Meadow Bridge. Kevin Willis speaks to the restrictions and rules for storing vehicles and states they are reasonable. Says that the Deputy 911 director historically was the one who inspected the wrecker company sites. Mr. Young states he's never been inspected. Phillip Pack, Deputy 911 Director, was on the call. He and Tonja McMullen, 911 Director, will develop and implement a policy for a trial starting July 1 and track it for 90 days. They will maintain the rotation and remove the boundaries. 911 System should be able to track those times. Discussion about how drivers will report response times. Drivers should call in and report arrival times.

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There is an issue with Montgomery firefighters working for an out-of-county service and arriving on scene in Montgomery first despite another company being dispatched. President Louisos asks what other county has a rotation. Mr. Willis says Raleigh County is very political and rogue but they do have similar requirements for onsite storage, mainly for seized vehicles. There are specific rules for these vehicles and only investigating officer can enter that bay. All wrecker companies must notify the 911 call center when they arrive at the tow. Commissioner Taylor motions to remove the boundaries for a 90-day period, at that time the wrecker calls numbers will be evaluated. President Louisos seconds. Commissioner Brenemen is opposed.

Motion to adjourn at 11:42 a.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 12, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 12th day of July, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Sheriff Mike Fridley leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve None presented.

Approve First Half Payroll for July 14 President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve minutes from June 28, 2023. Commissioner Taylor seconds. Unanimous decision.

Approve Estate Settlements Commissioner Taylor motions to approve estate settlements for: Margie Cleo Blake; Alan James Burruss; Donna Gail Burruss; Joretta Lynn Cummings; and Naomi Jane Whipkey. Commissioner Brenemen seconds. Unanimous decision.

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Discussion & Decision: MTR & Jason Davis Electrical Inspector Renewal Commissioner Brenemen motions to approve and authorize President Louisos to sign both agreements. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Building Inspector Agreement Town of Fayetteville Commissioner Taylor suggests that we build in a clause to allow the Town of Fayetteville to renew this agreement annually until it deems otherwise. Commissioner Taylor motions to approve with this clause. President Louisos seconds. Unanimous decision.

Discussion & Decision: Request from Teri Harlan to reappoint Terra Basham to the Board of Health, term to expire June 30, 2028 Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Response to GST Contract for Website Maintenance and Upkeep Commissioner Taylor states that GST is in breach of contract as we do not yet have the website and have not been updated in several months. Asks Assistant Prosecuting Attorney Wes Toney to write a letter to GST.

Discussion & Decision: CFIA Update and RFP after Structural Engineer Report Ami Dangerfield, Executive Assistant, presents that after the pre-bid for the Sheriff's masonry repairs, the contractors suggested that there were mor issues than originally thought and suggested a structural engineering report. The engineer was here on July 5, but the report is not yet available. Ms. Dangerfield would like permission to re-advertise the RFP once the structural engineer report is available. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion & Decision: Coal Severance Budget Revision President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Kevin Walker Additional Duties and Compensation related to Animal Shelter County Administrator Ruth Lanier presents that Mr. Walker has been tasked with helping the Animal Shelter - getting things in order, running board meetings and searching for volunteers. Ms. Lanier would like to institute a temporary increase of his hourly rate when he is performing duties for the Animal Shelter. This will be paid out of their Coal Severance allotment. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Response Letter to SWA President Louisos motions to approve the response letter with Commissioner Taylor's recommended changes. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Boy Scout Lease President Louisos presents this is to use the Ruby Welcome Center as a county visitors' center and business center. There will be a ribbon cutting scheduled later. Not all users have been identified at this time. The cost of the annual lease is \$1.00. This is to promote economic growth and tourism for the county and is a sign of the BSA's willingness to assist the county. President Louisos motions to approve and sign the lease. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Dallas Vance Dilapidated House Angela Gerald, Zoning Officer, presents that the owner residing in Pennsylvania was served on June 2nd. The Fayette County resident was served at end of May, but was in a rehab center and scheduled to appear today via Zoom. Ms. Gerald called yesterday to give him the Zoom information and was told he was discharged and did not appear today. The other owner has not contacted the office either. Commissioner Taylor motions to order the demolition at 7620 Okey L. Patteson Rd. in Scarbro per the recommendation of the Beautification Committee, citing the efforts made to reach out to the owners with no response. Commissioner Brenemen seconds. Unanimous decision. Commissioner Brenemen mentions that Oak Hill Fire and Police Departments and the Fayette County Sheriff's Department have had many dealings with this property.

Discussion & Decision: Pool RFP for Architecture and Engineer for Pool Design Options from Engineering Report were to completely demolish, reconfigured or redesign the existing pool. The Commission will release the Engineering Report with the RFP. President Louisos states they will request a completion date of Memorial Day weekend 2024. President Louisos motions to approve and publish. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Brownfield Inventory List Ms. Dangerfield presents about the need for an inventory of potential Brownfields sites. The Commission agrees with moving forward on asbestos testing for dilapidated houses if allowable by the grant and then perform Phase 1 for the pool. Ms. Dangerfield will research the potential of a Phase 1 at the Memorial

Building FCMB and a trial extension request from President Louisos.

Discussion & Decision: Fire Association Bid and RFP for design

Attorney Michael Taylor presents about the two opened bids from Prime Constructing & Dan Hill Construction. They were reviewed by Prosecutor Ciliberti and Mr. Taylor, an architect and commissioners. Prime did not have a bid bond. This is a public entity requesting work over \$25,000 which per WV State Code 5-22-1i, invokes a mandatory bid bond. This was passed by the legislature to ensue competitive bidding and to preserve tax payer dollars. Prime did not satisfy the minimum bid requirements by not supplying a bid bond. This requirement may not be waived by any public entity, per law. This is a mandatory requirement. Mr. Taylor informs that anyone who signs off on an improper bid can be subject to fines and jail time. The commission must prepare a document outlining the rejection of any low bid and this must be kept in the bid file as public record. This document was prepared by Mr. Taylor and the official signed copy was handed to Ms. Lanier in the meeting. Also, there is a clause saying that the FCC has the discretion to reject all bids and readvertise. Commissioner Taylor reminds that the RFP didn't ask for the bid bond but this is ultimately irrelevant because the omission does not waive the statutory requirement outlined by the law. Furthermore, the bid bond was addressed and communicated that it was a requirement during the mandatory pre-bid meeting. This fact will be added to a letter and a new copy sent to Ms. Lanier.

President Louisos asked Shannon Estep and Steve Cruikshank to make sure the specifications were approved by the state Fire Marshal. President Louisos is asking for an RFP for design work, which would then be reviewed by the State Fire Marshal. Tim Richardson asked about the plans being submitted through the permitting process. And reminds that this is a pre-engineered building. Ms. Gerald states that is the responsibility of the property owner to obtain the permits. President Louisos states there weren't official plans, just a hand drawing. John John McGinnis states that the State Fire Marshal said the need for a sprinkler system is by square footage. Discussion about if since it's a fire structure, whether it has to have a sprinkler system. Mr. McGinnis said that's just for fire stations. They will need to see if this facility would fall under a fire station. It will be used for storage and classrooms. There are

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issues with water lines: not enough tanks/wells and would have to run lines. There is a WVAW discharge at Cane Branch which is not collected and the Association asked about tying into that to fill their tanks but were denied. President Louisos asks about having two separate buildings. One for people, one for storage/vehicles. If there is the possibility that someday it will be a full-fledged fire station, why not do it now. President Louisos asks the Association to have the State Fire Marshal review the current design. Commissioner Taylor says that since Dan Hill Construction is the only surviving bid, couldn't he then go to State Fire Marshal for approval? Ms. Gerald says it's up to the property owner to check with the State Fire Marshal. Her office will not supply a building permit without the State Fire Marshal's approval. Commissioner Taylor motions to postpone till July 26th to give the Association time to check with the State Fire Marshal. President Louisos seconded. Unanimous decision.

Motion to adjourn at 10:05 a.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 26, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 26th day of July, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Assessor Eddie Young leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Assessor Eddie Young presented real property exonerations for Dale A. Fox \$306.20; Dortha L. & Leonard Rhodes \$3.84; Debra L. Hatcher \$306.20; Dale A. Fox \$305.84; Kevin L. Bennett \$68.00; Corey McMannaway \$721.68; Johnny P. Dodson \$306.20; Jerry A. Wright & Ada Legg \$306.20; Drema R. Wykle \$441.86; Willian & Lisa Madey \$400.00 & 406.58; Rose Mary Adkins \$28.44 & 13.84. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Mr. Young presents that two of the cancellations (Wykle and Adkins) were Corrections of Assessments because they were not

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paying enough. One was the incorrect class, and one was missing a house. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Mr. Young presents two Orders to Consolidate or Divide and Segregate Land for Gerald W. & Eva M. Pate (consolidate) and William & Pamela Elswick (divide.) Commission Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Payroll for July 28 Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motioned to approve minutes from July 12, 2023. Commissioner Taylor Unanimous decision.

Approve Estate Settlement: Settlements were presented for Charles Jason Tincher; Deborah Kay Richmond; Linda Lou Whipkey; and Mary Sue Wilkins. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

Letter to PSC Re: NHPSD Hearing: Kenny Hayes appeared regarding a letter to the PSC. Mr. Hayes will draft a letter and send to Commissioner Taylor for revisions. Commissioner Taylor asks for Thompson Litton to assist.

Discussion & Decision: Funding and Support Letter Request from Gauley Bridge Mayor Bob Scott appeared. \$83,000 is needed for a project to install solar panels at town hall. Autumn Long with Solar Holler was also present.

Mr. Scott also presented about Backroads Cruising tourism and stated they would also like to install a boat dock. Commissioner Brenemen asked about the need to include the Army Corps of Engineers. Mayor Scott said they are not needed because it will be pinned on the bank, no poles/anchors in the river. It will be a floating structure close to the bridge near Auxier's Machine Shop. One side will be ADA complaint. Mr. Corley spoke about how this will spur economic development for flatwater rafting/kayaking. The current problem is getting out of the river and the dock will assist. Says that they will only have to purchase the materials. Volunteers will install. President Louisos motions to approve \$125,000 to Gauley Bridge projects and anything not used will be returned to the county.

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Commissioner Brenemen seconds. This will come from the ARPA funds set aside for the Valley. Unanimous decision.

Discussion & Decision: Katie Johnson, Abigail Newell - Camp Soar

Update: Katie Johnson presented about Camp Soar. Staff members include: Shelby Wolfe, Emma Workman, Liz Rahall. Counselors have recruited kids who really needed to be in attendance and assisted with transportation and applications. The camp visits ACE on Thursdays and transportation is provided. County Park was a perfect setting for the camp, and they used 70% of the park. A pool will allow the camp to grow in the future. Originally concerned about low numbers 13 first week. Now at 29. The mentor organization for the camp is POPARC from Morgantown. Says this is a great turnout for a first year, and they are building clout and reputation. Prevention means for every dollar spent \$18-20 are saved. Counselors are even benefitting by maturing. Hopes the people of Fayette County understand and see the contribution the commission has made with this camp. Building stronger kids. Commissioner Taylor asks about the need for scholarships. The cost of camp is \$70 a week. Ms. Johnson states 40 were full scholarships, some were 90% or 50%. Some kids only paid \$10. Some kids weren't aware that scholarships were available and did not attend due to the cost. Commissioner Taylor would like the FCC to sponsor some kids. Warned about making it free because then there is no accountability or buy-in. Ms. Johnson thinks that the kid communication of talking about what they did at camp will help with numbers too. NPS had the kids searching for invertebrates in the creek. Something other generations take for granted. Ms. Johnson is appreciative of the BOE providing transportation. Commissioner Taylor has spoken with who don't mind the longer bus rides to attend a camp like this. Ms. Johnson suggests a year-round position for the camp director. Looking for funding. Looks forward to next steps for next year and growing the camp.

Discussion & Decision: City of Oak Hill Deed correction Russell

E Matthews Park Tyler Bragg, Oak Hill GIS, appeared about Harlem Heights Park. Formerly owned by the FCC and deeded to Oak Hill. Larger tract was missed when deeded over. They were not aware of this omission when they installed the walking trail. Requesting that the discrepancy be dealt with by the appropriate action. Asst. Prosecuting Attorney Wes Toney says that they can

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convey the missing parcel. President Louisos motions to correct the deed and re-approve. Commissioner Brenemen seconds. Unanimous decision.

Dr. Stewart presentation is canceled for today and will be rescheduled at a later date.

Discussion & Decision: Kroger Opioid Settlement Mr. Toney has reviewed and this is standard advice. The release is expansive and there is no other legal action to be taken. Commissioner Taylor motions to approve and sign. Commissioner Brenemen seconds. Unanimous decision. Commissioner Brenemen asks about percentages. Mr. Toney explains it has to do with cases served in the counties/municipalities. Disfavors rural communities. State level adopted the national level.

Discussion & Decision: Logo RFP Agree that only one of the 3 three proposals met the expectations. Commissioner Taylor motions to work with Corporal Sifers. President Louisos seconds. Unanimous decision.

Discussion & Decision: Letter to Courthouse Facilities Improvement Authority Requesting a Change of Scope to Cycle 20 Grant for Masonry Work at the Sheriff's Department Ami Dangerfield, County Commission Executive Assistant, explained the need for a change of scope. The structural engineering report showed that the lintels need to be replaced above the windows and the scope of the work is greater than expected. CFIA requires a letter signed by the commission president requesting the change of scope for approval. Commissioner Taylor motions to approve and authorize President Louisos to sign. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Budget Revision Ms. Lanier presents the need for a budget revision. Concessions for PEIA increases. Discussion about changing health insurance providers. Several vehicles will need to be replaced this year so there are changes to capital outlay. Commissioner Brenemen motions to approve and sign. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Request from Prosecuting Attorney Anthony Ciliberti regarding Wes Toney & Jessica Shockey Mr. Ciliberti requested a budget adjustment for Mr. Toney and Ms. Shockey. Commissioner Taylor spoke with Mr. Ciliberti and he has moved other salary surpluses to other line items. Commissioner Brenemen states jail bill has been cut in half. Commissioner Brenemen motions to approve the request. Commissioner Taylor seconds. Unanimous decision.

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The meeting was adjourned at 10:19 a.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 9, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 9th day of August, 2023.
President Louisos called the meeting to order at 9:00 a.m.
Sheriff Mike Fridley leads the Pledge of Allegiance.

Deputy Recognition Sheriff Fridley recognized Corporal Cory Pierson from a car fire rescue of 4 lives (adult female, child and two dogs) on July 31, 2023. Commissioner Taylor described the event of Corporal Pierson noticing a car on fire while driving, turning around to notify the driver

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Assessor Eddie Young presented personal property refund for military exempt for Cchristopher J. Kirk \$289.36. Commissioner Taylor motions to approve. President Louisos seconded. Unanimous decision.

Mr. Young presents real property exonerations for Erin Larsen \$81.84; Benny D. & Lofton Bradford \$256.20; Heavy Tuck Repair LLC \$1,028.84; Charles & Tamara Miller \$3,345.72; Hunting Woods LLC \$336.00; Margaret E. & Larry Jarrell \$32.52 & \$30.86; Bessie Thompson \$270.00; Enervest Operating LLC \$7.70 & \$7.70; Joseph O. Minter \$7.70; FCBR Properties LLC \$7,078.82; Sharon Smith \$214.00; Bethia H. & Kelly Austin \$256.20; Larry Allen Dietz \$7.70; AED LLC \$7.70; Edward E. Casto \$494.20; and George Callison \$5,566.26. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Mr. Young presented CODS for Rexall M. & Brenda Stump; Frank Denoff ETUX; Dwight & Karen Sue Gwinn; and Gary L. & Karin McGraw. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision

Approve Payroll for August 11 President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motioned to approve minutes from July 26, 2023. President Louisos seconds. Unanimous decision.

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Approve Estate Settlement: Settlements were presented for Fred O'Dell Berry; Geraldine Helen Cole; Elizabeth Yvonne Gillman; Joan Frances Goode; Clarence Samuel Miller; Martha Ann Minor; Philip Wayne Moore; Cody John Mullens; Freda Bell Nickell; Bubbie Lee Smith. Commissioner Taylor motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Discussion & Decision: Request from New Haven PSD to reappoint Charles Andrew Small, term to expire July 31, 2029. Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision

Discussion & Decision: Region 4 Request for Fayette County GigReady Round 2 Broadband Application Consideration Amanda Smarr presented the application. Total amount being requested from GigReady is \$10.8 million. \$4 million from Fayette County ARPA funds and Gigabeam allocated a \$500,000 match. Application is due August 17. This will provide service to Rt. 19 and Rt. 60 on the north side of the New River Gorge Bridge. Another meeting will be held on 8/16 to discuss the matches. Commissioner Taylor motions to postpone until a special meeting on August 16. President Louisos seconds. Unanimous decision.

Discussion & Decision: United Way Flood Donation Commissioner Taylor proposed making a donation for flooding assistance for past and ongoing flooding events to be managed and distributed by the United way. Kevin Walker spoke with the United Way Executive Director about working with case managers for the Valley residents with unmet needs from last year's flooding. Discussion of a long-term recovery committee for larger issues. Commissioner Taylor asks for more information to be supplied to Ms. Lanier. President Louisos motions to allocate \$40,000. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Region 4CDBG Grant Related to the Armstrong PSD Powellton Water Tank Project Grant Amendment - Extension to the period of performance, which will allow the Powellton Water Tank Replacement project to continue moving forward. Lesley Taylor states the project will be extended to June 20, 2024. It will go out to bid the first week of September. Reasonable extension. Commissioner Taylor asks about the implications for this project from the emergency order from the PSC and PSD hearing with WVAW. Ms. Taylor says it's still going forward because it's an urgent need. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Wastewater Treatment System Service Contract Animal Shelter Assistant Prosecuting Attorney Wes Toney reviewed the contract. Found no issues. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Vehicle Purchases Ms. Lanier gave the FCC a list of top vehicle needs. Including 2 law enforcement vehicles and another van for the DRC. Their smaller van is not big enough. Tera Gregory, DRC Directory, found one and there is a potential use for the

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smaller van. The Animal Control truck is using 5 quarts of oil every 2 weeks. Ms. Lanier says we also need a mapping vehicle as they are using a personal; vehicle. There is \$50K left from an allocation from last year. Commissioner Taylor motions to approve the County Administrator's recommendations. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Eagleview Master Services Contract Mr. Toney reviewed the contract. This will be good for dilapidated, mapping, 911.. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

The Commission took a break from 9:30 to 9:45 a.m.

Discussion & Decision: Responses to RFP Pool Design

New River Engineering and Chapman Technical submitted design proposals. President Louisos motions to select approve New River Engineering. Preferred their design options. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Beautification Demolition Orders for:

- 1352 Scarbro Rd. Scarbro, WV; Plateau District Tax Map 29R Parcel 263
- 7620 Okey L. Patteson Rd. Scarbro, WV; Plateau District Tax Map 29G Parcel 126
- 1072 Pea Ridge Rd. Oak Hill, WV; Plateau District Tax Map 22R Parcel 51
- 536 Mount Olive Branch Rd. Cannelton, WV; Valley District Tax Map 4 Parcel 79

Prosecuting Attorney Anthony Ciliberti presents that the process has been slow but should be picking up. He and Mr. Toney met with Zoning Officer Angela Gerald earlier this week to formalize the process. Today is to finalize demo orders. These four have not asked for a hearing and haven't done anything to remedy the problem. Orders to compel them to comply. Otherwise, it goes to Circuit Clerk. First property discussion of letting it go for back taxes. Asked if they will just sign it over to the FCC. Sent two deeds with no response. Final property allowed the county to take it. Anthony will draw up documents. Commission needs to issue order to compel them to comply with demo and disposal within 30 days. Then file civil suit with order from circuit clerk. Can attach the lien on subject property and judgement on any property owned by owner in Fayette County. Has orders prepared for first 3 properties. County Clerk will record and mail to property owners. None have participated in the process so far. Doubts they will start now. Anthony Ciliberti presented 3 orders for signatures. The 4th is cooperating and Mr. Ciliberti will draw up those papers later. Commissioner Taylor motions to approve the order for the three and for the other ahead of the preparation. President Louisos seconds. Unanimous decision. Ms. Gerald asks if she can get

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bids now. Yes and the prosecutor will review. Main problem in this process is locating the owners to serve them.

The Commission took a break from 10:11 a.m. to 10:30 a.m.

Presentation to Dr. Anita Stewart Commissioner Taylor presents to Dr. Stewart about her leadership during Covid, Paint Creek Chemical Spill, and Opioid crisis. We are all lamenting that she'll be leaving but take solace in that she'll be in the neighboring county. Commissioner Taylor read the certificate prepared and signed by the FCC.

The meeting was adjourned at 10:32 a.m.

FAYETTE COUNTY COMMISSION

EMERGENCY SESSION

AUGUST 9, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

The Fayette County Commission met for an emergency meeting this 9th day of August, 2023.

President Louisos called the meeting to order at 12:15 p.m.

Discussion & Decision: Animal Shelter MOU

OEM Director Kevin Walker, Prosecutor Anthony Ciliberti, Sheriff Mike Fridley and Counsel Michael Taylor were present.

Commissioner Taylor states there are concerns of violations of the MOU between the Fayette County Commission and Fayette County Humane Society with the operation and staff of the Fayette County Animal Shelter.

Commissioner Taylor motions to enter into an Executive Session at 12:17 p.m. for legal advice.

The Commission reconvened at 1:09 p.m.

President Louisos stated that they obtained legal advice, and no decisions were made.

Commissioner Taylor motions to seize managerial control of the day-to-day operations of the Fayette County Animal Control Center. Pursuant to West Virginia Code § 19-20-7, West Virginia Code § 19-20-6a, and the *Memorandum of Understanding*, the Fayette County Commission has a duty to operate and maintain the animal shelter. It has come to our attention that certain employee(s) of the Fayette County Humane Society (FCHS) have engaged in conduct that is inconsistent with the County's statutory obligations, as well as the *Memorandum of Understanding*.

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As a result, the Fayette County Commission is exercising its statutory and contractual rights to seize managerial control of the day-to-day operations until such time that a full and fair investigation into the allegations is complete. Effective immediately, Kevin Walker will manage the day-to-day operations of the Fayette County Animal Control Shelter, all employees and current director of the Fayette County Humane Society will report to him. Commissioner Taylor further motions to appoint Kevin Walker as Interim Director of Fayette County Animal Control Center. Any and all decisions of the safe and lawful management of the center, including temporary closure or staffing will be under Mr. Walker until issues with FCHS can be resolved. Commissioner Brenemen seconds. Unanimous decision.

Sheriff Fridley agrees to detail the Humane Officer under Kevin Walker's supervision. All employees whom he chooses to keep will be under his supervision.

Motion to adjourn at 1:12 p.m.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

AUGUST 16, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR (On Zoom)

The Fayette County Commission met this 16th day of August, 2023 in a special session.

President Louisos called the meeting to order at 9:00 a.m.

Mayor Stephen Pridemore leads the Pledge of Allegiance.

Discussion & Decision: Region 4 Request for Fayette County GigReady Round 2 Broadband Application Consideration postponed from 8/9/23 and match from ARPA Funds

The Commission entered an executive session at 9:01 a.m. for legal counsel. The Commission exited executive session at 9:18 a.m. with no decisions made.

President Louisos asks for questions about the resolution for the GigReady Round 2 Application. Jeff Proctor asks to see the resolution and President Louisos explains it is \$16,488,402.29 grant with a \$4,130,000.00 match from the Commission and Gigabeam. (Hoping to be awarded \$12,358,402.29.) Jeff Proctor asks about the previous idea for \$20 million and is this the most we can get. This is our best opportunity. President Louisos says this is just for unserved areas. Jeff Proctor explains underserved was less than 10-25mg and unserved was nothing. Now unserved means 24mg and underserved is less than

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100mg connection. Just wants the FCC to get their best amount of money from this opportunity. Some of this decision is based on the amount of the match available for unserved rather than underserved. Amanda Smarr was on Zoom and explained. Mayor Stephen Pridemore and Commissioner Taylor ask to see the map again. Map is viewed and areas chosen were discussed and explained. Montgomery has higher speeds than Ansted and areas north of the bridge. Discussion of branching off of this infrastructure once it's there and work with the ISP to expand. This is not the end of the project for Fayette County, just a first step. There are additional broadband funds available. Discussion about a previous conversation about going for \$50 million and being told that was too large of an amount to be successful. President Louisos motions to submit the application. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Member Appointment to Fayette County Humane Society Board Lorette Munique is willing and has already been attending meetings. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Pool Design Contract with New River Engineering Commissioner Taylor motions to postpone till August 23. President Louisos seconds. Unanimous decision

The meeting was adjourned at 9:40 a.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 23, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 23rd day of August, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Prosecuting Attorney Anthony Ciliberti leads the Pledge of Allegiance.

Deputy Recognition Sheriff Fridley recognized Corporal Korey D.M. Spears, Deputy Sheriff Josh M. Wickline, Deputy Sheriff Niko G. Burgess, and Deputy Sheriff Dustin M. Bell (along with Oak Hill Officer Seargent Jones) for going above and beyond during their duties on July 6, 2023. Quick and courageous actions saved a life. Commissioner Taylor and Sheriff Fridley watched the body camera footage and it was bone chilling. The commissioners are appreciative of their service.

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Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Tara Tyree presents a Correction of Assessment for Brian J. Wall. New assessment amount is \$1,319.68. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Ms. Tyree presents real property exonerations for Joseph O. Minter \$7.70, \$7.70, \$7.70; David Crowe \$880.00; Brain J. Wall \$432.72; Gwendolyn L. Blankenship \$273.62; Gary Fox (1/2 Int) & Ed Maynor \$21.54; John & Mary Pino \$104.72; and Shellie N. Oden \$289.76 Check motions. Commissioner Brenemen motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Ms. Tyree presents Orders to Combine or Divide Land for Breyanna G. Stone; Jessa A. Goebel; Gary Price; and Leonard W. Burks. Commissioner Taylor motions to approve Commissioner Brenemen seconds. Unanimous decision.

Approve Payroll for August 11 President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve minutes from August 9, Emergency Meeting August 9, Special Meeting August 16, 2023. President Louisos seconds. Unanimous decision.

Approve Estate Settlement: Settlements were presented for Wallace Velman Amick Jr.; Larry Gene Cox; Peggy lee Grubb; Teresa Carol Maddy; Alfred Wayne Milam; and Jeannie Gay Smith. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Partial Settlement. They were requested to do an accounting update every year until estate is settled. Objection was filed and this is how it was settled. Prosecuting Attorney Anthony Ciliberti will review. Parties involved requesting their payout for this transaction. Phil Tissue brought it in. Commissioner Taylor motions to postpone until Sept 6, pending notification of service. Mr. Ciliberti will check with Mr. Tissue. Commissioner Brenemen seconds. Unanimous decision.

Petition/Order to appoint the Sheriff as the Administrator over the Estate of Carl Delbert Richards: Commissioner Taylor states there are several heirs listed in both Fayette County and out of state. There are several errors in the order. Mr. Ciliberti suggests approving the petition pending counsel correcting clients name throughout the document. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Request from Gauley River PSD to appoint Robert A. Hill to fill vacancy left by resignation of Delmas Roberts, term to

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expire December 31, 2027. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Request from Craggin Classic Event to be held September 22-24, 2023 for acknowledgement letter to WV ABCA. Letter to be approved nunc pro tunc. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Fayette County Dilapidated Building and Beautification Committee Findings and Recommendations

Angela Gerald, Zoning Officer presented:

- **Case #218- 18659 Stanford Rd. Danese, WV 25831- New Haven district- Tax Map 102 Parcel 19 The Beautification Committee recommended structure situate on property be demolished and legally disposed of within 30 days.** Ms. Dixon was on the phone and agrees that the property is dilapidated. Ms. Dixon has a contractor who will tear it down but there is no time frame. She would like to have 30 days. Commissioner Taylor motions to postpone until October 4. Commissioner Brenemen seconds. Unanimous decision.
- **Case #42- 2 F. St. Boomer, WV 25031- Valley district- Tax Map 28M Parcel 168**

Case #43- 2868 Midland Trail. Boomer, WV 25031- Valley district- Tax Map 28M Parcel 153

The Beautification Committee recommended structures situate on property be demolished and legally disposed of within 30 days.

Mark Fizer on behalf of Webber Development. Josh Conway and Andrew Webber were present. He is here for Case # 43 as well. The quotes presented are for both properties. Owner concedes that it was neglected for some time. Making efforts this spring to clean it up. Has spent \$8,000 so far in remediating both properties. Has estimates from lawn care, roofing and interior reconstruction. Postponed all work once notice was received. Webber Development is near insolvency. The company has had the property since 2011. Partially occupied when purchased. Mountain State Home Properties interested in purchasing as a short sale for \$160,000 as they sit today. Commissioner Taylor calls for this to be voted on after an executive session is held for legal once all other cases are heard.

- **Case #216- 1970 Packs Branch Rd. Mount Hope, WV 25880- Plateau district- Tax Map 44 Parcel 108: The Beautification Committee recommended structure situate on property be demolished and legally disposed of within 30 days.** President Louisos motions to

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uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.

- **Case #219- 19439 Stanaford Rd. Danese, WV 25831- New Haven district- Tax Map 95 Parcel 100:** Ms. Gerlad observed yesterday the structure was demolished and removed. No action needed.
- **Case #217- 13 Harvey Prudence /CB Salvage Rd- Oak Hill, WV 25901- Plateau district- Tax Map 38F Parcel 64: The Beautification Committee recommended structure situate on property be demolished and legally disposed of within 30 days.** Property owner forgot they owned the property. Has been cleaned up a bit but still vacant. New "For Sale" sign as of this morning. President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.
- **Case #220- Lot 27-28 Clara Heights Loop. Danese, WV 25831- New Haven district- Tax Map 95L Parcel 5. The Beautification Committee recommended structure situate on property be demolished and legally disposed of within 30 days.** President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.

The Commission entered into an Executive Session at 9:32 a.m. for legal counsel on Cases 42 and 43 and the Land Banking Ordinance.

The Commission exited the Executive Session at 10:26 a.m. Only sought legal counsel. No decisions made.

Continued discussion of Cases 42 and 43. President Louisos asks about a purchase agreement. If the FCC foregoes the demo, there is a plan in place. President Louisos asks how much time is needed for due diligence. Mr. Coney said 2 weeks to get a closing date and he has contractors ready to go. President Louisos asks how much could be completed in 90 days. R. Coney says they can get the exterior completed and probably could get the interior completed at 1 unit per week. Mr. Ciliberti suggests the principals communicate with Ms. Gerald to update and she will update at subsequent FCC meetings monthly. Commissioner Taylor states showing up shows good faith. Just want to see progress on the property. Mr. Ciliberti requests that they keep Ms. Gerald updated. Mr. Fizer will do that. Commissioner Taylor motions postpone till November 15. President Louisos seconds. Unanimous decision.

Discussion & Decision: Sheriff Fridley Request for Deputy First Class, Corporal, Tax Office & Support Pay Individual in Tax Office resigned. Sheriff Fridley would like to eliminate that position and spread the salaries across the tax deputies and sheriff secretaries. Sheriff

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Fridley explains this will cut the costs in the end due to insurance and benefits. If this isn't approved, he will just replace the position. President Louisos would like to postpone the staff raises discussion so they can speak with Sheriff Fridley more about the numbers. Commissioner Taylor motions to postpone. Commissioner Brenemen seconds. Unanimous decision.

Sheriff Fridley presents a plan for deputy first class rank raises. Corporal wouldn't be a tested position any longer. These rank increases assist with morale and retention. It is a fairly young force so he doesn't expect many rank increases for a few more years. Commissioner Taylor motions to approve the plan. Sheriff Fridley asks for an effective date. Next pay period September 3. President Louisos seconds. Unanimous decision.

President Louisos asks about the vehicles authorized for purchase. Sheriff Fridley hasn't had any luck procuring the cruisers. President Louisos states the commission plans to allot for 2-3 vehicles every year in the budget. State bid is slowing down the process. No State bid for cruisers currently.

Discussion & Decision: EMS Survey President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Pool Design Contract with New River Engineering Chris Burford is present to explain the work needed for a preliminary concept. Three concepts will be presented for the commission to choose or pick parts to combine and then go back to the design team. Commissioner Taylor motions to approve first phase. President Louisos seconds. Unanimous decision.

The Commission entered into an Executive Session at 11:00 a.m. for further legal counsel on the Land Banking Ordinance.

The Commission exited the Executive Session at 11:15 a.m. Only sought legal counsel. No decisions made.

Discussion & Decision: Michael Taylor Re: Land Banking/Reuse Ordinance Attorney Michael Taylor states this ordinance sets the process to acquire and develop properties. Benefits: it will allow the county to purchase directly from the land owners and have first refusal from the delinquent tax list. Commissioner Taylor states this will assist with blight remediation and housing shortage issues, as most of these properties have existing infrastructure. Commissioner Taylor motions to create and sign the Ordinance. Commissioner Brenemen seconds. Unanimous decision.

Mr. Taylor presents that a board can now meet and by statute appointments were required as part of the ordinance creation. Initial board members are: Terry Sizemore, public, President Louisos,

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Commission, Jina Belcher, NRGRDA, Shannon Estep, Fire Chief & Beatification, and Eddie Young, Assessor. 1-year initial terms.

Discussion & Decision: Atlas Mapping Agreement This mapping will assist with adding layers to existing maps in conjunction with Beautification and Land Bank Committees for redevelopment. Commissioner Taylor motions to approve. President Louisos seconds.

Motion to adjourn at 11:28.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 23, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 23rd day of August, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Prosecuting Attorney Anthony Ciliberti leads the Pledge of Allegiance.

Deputy Recognition Sheriff Fridley recognized Corporal Corey D.M. Spears, Deputy Sheriff Josh M. Wickline, Deputy Sheriff Niko G. Burgess, and Deputy Sheriff Dustin M. Bell (along with Oak Hill Officer Seargent Jones) for going above and beyond during their duties on July 6, 2023. Quick and courageous actions saved a life. Commissioner Taylor and Sheriff Fridley watched the body camera footage and it was bone chilling. The commissioners are appreciative of their service.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Tara Tyree presents a Correction of Assessment for Brian J. Wall. New assessment amount is \$1,319.68. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Ms. Tyree presents real property exonerations for Joseph O. Minter \$7.70, \$7.70, \$7.70; David Crowe \$880.00; Brain J. Wall \$432.72; Gwendolyn L. Blankenship \$273.62; Gary Fox (1/2 Int) & Ed Maynor \$21.54; John & Mary Pino \$104.72; and Shellie N. Oden \$289.76 Check motions. Commissioner Brenemen motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Ms. Tyree presents Orders to Combine or Divide Land for Breyanna G. Stone; Jessa A. Goebel; Gary Price; and Leonard W. Burks. Commissioner

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Taylor motions to approve Commissioner Brenemen seconds. Unanimous decision.

Approve Payroll for August 11 President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve minutes from August 9, Emergency Meeting August 9, Special Meeting August 16, 2023. President Louisos seconds. Unanimous decision.

Approve Estate Settlement: Settlements were presented for Wallace Velman Amick Jr.; Larry Gene Cox; Peggy lee Grubb; Teresa Carol Maddy; Alfred Wayne Milam; and Jeannie Gay Smith. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Partial Settlement. They were requested to do an accounting update every year until estate is settled. Objection was filed and this is how it was settled. Prosecuting Attorney Anthony Ciliberti will review. Parties involved requesting their payout for this transaction. Phil Tissue brought it in. Commissioner Taylor motions to postpone until Sept 6, pending notification of service. Mr. Ciliberti will check with Mr. Tissue. Commissioner Brenemen seconds. Unanimous decision.

Petition/Order to appoint the Sheriff as the Administrator over the Estate of Carl Delbert Richards: Commissioner Taylor states there are several heirs listed in both Fayette County and out of state. There are several errors in the order. Mr. Ciliberti suggests approving the petition pending counsel correcting clients name throughout the document. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Request from Gauley River PSD to appoint Robert A. Hill to fill vacancy left by resignation of Delmas Roberts, term to expire December 31, 2027. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Request from Craggin Classic Event to be held September 22-24, 2023 for acknowledgement letter to WV ABCA. Letter to be approved nunc pro tunc. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Fayette County Dilapidated Building and Beautification Committee Findings and Recommendations

Angela Gerald, Zoning Officer presented:

- **Case #218- 18659 Stanford Rd. Danese, WV 25831- New Haven district- Tax Map 102 Parcel 19 The Beautification Committee**

recommended structure situate on property be demolished and legally disposed of within 30 days. Ms. Dixon was on the phone and agrees that the property is dilapidated. Ms. Dixon has a contractor who will tear it down but there is no time frame. She would like to have 30 days. Commissioner Taylor motions to postpone until October 4. Commissioner Brenemen seconds. Unanimous decision.

- **Case #42- 2 F. St. Boomer, WV 25031- Valley district- Tax Map 28M Parcel 168**

Case #43- 2868 Midland Trail. Boomer, WV 25031- Valley district- Tax Map 28M Parcel 153

The Beautification Committee recommended structures situate on property be demolished and legally disposed of within 30 days.

Mark Fizer on behalf of Webber Development. Josh Conway and Andrew Webber were present. He is here for Case # 43 as well. The quotes presented are for both properties. Owner concedes that it was neglected for some time. Making efforts this spring to clean it up. Has spent \$8,000 so far in remediating both properties. Has estimates from lawn care, roofing and interior reconstruction. Postponed all work once notice was received. Webber Development is near insolvency. The company has had the property since 2011. Partially occupied when purchased. Mountain State Home Properties interested in purchasing as a short sale for \$160,000 as they sit today. Commissioner Taylor calls for this to be voted on after an executive session is held for legal once all other cases are heard.

- **Case #216- 1970 Packs Branch Rd. Mount Hope, WV 25880- Plateau district- Tax Map 44 Parcel 108: The Beautification Committee recommended structure situate on property be demolished and legally disposed of within 30 days.** President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.
- **Case #219- 19439 Stanaford Rd. Danese, WV 25831- New Haven district- Tax Map 95 Parcel 100:** Ms. Gerlad observed yesterday the structure was demolished and removed. No action needed.
- **Case #217- 13 Harvey Prudence /CB Salvage Rd- Oak Hill, WV 25901- Plateau district- Tax Map 38F Parcel 64: The Beautification Committee recommended structure situate on property be demolished and legally disposed of within 30 days.** Property owner forgot they owned the property. Has been cleaned up a bit but still vacant. New "For Sale" sign as of this morning. President Louisos

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motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.

- **Case #220- Lot 27-28 Clara Heights Loop. Danese, WV 25831- New Haven district- Tax Map 95L Parcel 5. The Beautification Committee recommended structure situate on property be demolished and legally disposed of within 30 days.** President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.

The Commission entered into an Executive Session at 9:32 a.m. for legal counsel on Cases 42 and 43 and the Land Banking Ordinance.

The Commission exited the Executive Session at 10:26 a.m. Only sought legal counsel. No decisions made.

Continued discussion of Cases 42 and 43. President Louisos asks about a purchase agreement. If the FCC foregoes the demo, there is a plan in place. President Louisos asks how much time is needed for due diligence. Mr. Coney said 2 weeks to get a closing date and he has contractors ready to go. President Louisos asks how much could be completed in 90 days. R. Coney says they can get the exterior completed and probably could get the interior completed at 1 unit per week. Mr. Ciliberti suggests the principals communicate with Ms. Gerald to update and she will update at subsequent FCC meetings monthly. Commissioner Taylor states showing up shows good faith. Just want to see progress on the property. Mr. Ciliberti requests that they keep Ms. Gerald updated. Mr. Fizer will do that. Commissioner Taylor motions postpone till November 15. President Louisos seconds. Unanimous decision.

Discussion & Decision: Sheriff Fridley Request for Deputy First Class, Corporal, Tax Office & Support Pay Individual in Tax Office resigned. Sheriff Fridley would like to eliminate that position and spread the salaries across the tax deputies and sheriff secretaries. Sheriff Fridley explains this will cut the costs in the end due to insurance and benefits. If this isn't approved, he will just replace the position. President Louisos would like to postpone the staff raises discussion so they can speak with Sheriff Fridley more about the numbers. Commissioner Taylor motions to postpone. Commissioner Brenemen seconds. Unanimous decision.

Sheriff Fridley presents a plan for deputy first class rank raises. Corporal wouldn't be a tested position any longer. These rank increases assist with morale and retention. It is a fairly young force so he doesn't expect many rank increases for a few more years. Commissioner Taylor motions to approve the plan. Sheriff Fridley asks for an effective date. Next pay period September 3. President Louisos seconds. Unanimous decision.

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President Louisos asks about the vehicles authorized for purchase. Sheriff Fridley hasn't had any luck procuring the cruisers. President Louisos states the commission plans to allot for 2-3 vehicles every year in the budget. State bid is slowing down the process. No State bid for cruisers currently.

Discussion & Decision: EMS Survey President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Pool Design Contract with New River Engineering Chris Burford is present to explain the work needed for a preliminary concept. Three concepts will be presented for the commission to choose or pick parts to combine and then go back to the design team. Commissioner Taylor motions to approve first phase. President Louisos seconds. Unanimous decision.

The Commission entered into an Executive Session at 11:00 a.m. for further legal counsel on the Land Banking Ordinance.

The Commission exited the Executive Session at 11:15 a.m. Only sought legal counsel. No decisions made.

Discussion & Decision: Michael Taylor Re: Land Banking/Reuse Ordinance Attorney Michael Taylor states this ordinance sets the process to acquire and develop properties. Benefits: it will allow the county to purchase directly from the land owners and have first refusal from the delinquent tax list. Commissioner Taylor states this will assist with blight remediation and housing shortage issues, as most of these properties have existing infrastructure. Commissioner Taylor motions to create and sign the Ordinance. Commissioner Brenemen seconds. Unanimous decision.

Mr. Taylor presents that a board can now meet and by statute appointments were required as part of the ordinance creation. Initial board members are: Terry Sizemore, public, President Louisos, Commissioner, Jina Belcher, NRGDA, Shannon Estep, Fire Chief & Beautification, and Eddie Young, Assessor. 1-year initial terms.

Discussion & Decision: Atlas Mapping Agreement This mapping will assist with adding layers to existing maps in conjunction with Beautification and Land Bank Committees for redevelopment. Commissioner Taylor motions to approve. President Louisos seconds.

Motion to adjourn at 11:28.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 6, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 6th day of September, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Commissioner Brenemen leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve- Tara Tyree presented real property exonerations for New River Ledges Association LLC \$2,227.10; Helen Lafferty Heirs \$204.96; Roland & Loretta Munique \$54.56, \$89.16; Reid Jr. & Vicki L. Smith \$346.64; PMT LLC \$7.70; Michael Anthony & Lisa Nelson \$173.70; Doug & Vinta Ball \$100.00; Lillian Bee \$343.56; Lawson H. & Cindy L. Shaffer \$798.96; Christopher S. Rogers \$54.58; and John A. Humphry \$80.54. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Payroll for September 8. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes 8/23 minutes Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Estate Settlement: Final settlements were presented for: Shelba Gaynell Carrico; Earl Roy Wayne Dahmer; Bobby Jean Fair; Roy Thomas Kincaid; Thomas Burke Koontz; Alfred Wendell Martin; Eulah Louis Spaulding; and Betty Lou Waters. Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Partial Settlement from previous meeting of Robert Russell Sloan County Clerk Michelle Holley stated that all notices have been mailed out to heirs. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Exhibit Items

1. Discussion & Decision: Lesley Taylor, Region 4, Drawdown request for funds allocated by the Commission in 2015 for the NHPSD Contract 19 water extension. President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

2. Discussion & Decision: Department of Justice Edward Byrne Memorial Justice Assistance Grant Program FY 2023 Local Solicitation Certifications and Assurances by the Chief Executive of the Applicant and Government for approval nunc pro nunc due to their deadline for submission. Commissioner Taylor wants to ensure that documents are not late anymore and motions to approve. President Louisos seconds. Unanimous decision.

3. Discussion & Decision: Offer to Nuttall Group for Land Purchase to Extend Meadow River Rail Trail- President Louisos discussed with the commission to write up offer to purchase 5 miles of trails in the Nallen area to Gauley River recreation area. He wants to have 2 acres of property for a parking lot and to be able to extend the trail to the Gauley Bridge/Gauley River area. President Louisos is proposing to offer \$40,000. The Commission will come back to this after an executive session later in the meeting.

4. Discussion & Decision: Software Systems Contract Update- Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

5. Discussion & Decision: Potential Special Meeting President Louisos wants to set a special meeting to present a fire levy budget, fire coordinator and other fire issues as well as the possibility of Advisory Council. Special meeting will be Wednesday September 27th, 2023 at 6:00pm at the Fayette County 911 Center pending room availability.

AGENDA

9:15 Bid Opening: REAP Demolition Grant, Bid opening. Angela Gerald presented 2 Bids. Reclaim Co bid was totaling \$45,425. Empire Salvage bid was totaling \$33,825. Commissioner Taylor motions to award demolition bid to Empire Salvage. Commissioner Brenemen seconds. Unanimous decision.

9:30 Introduction and Discussion: Annie Norrod, New Executive Director for EnAct. Annie Norrod introduced herself as the new Executive Director. She has been on the job for about 5 weeks. She is looking for a new board member that represents the private sector in Fayette County. Commissioner Brenemen

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discussed meeting space availability in the Fayette County area. Possibility of reaching out to municipalities i.e., Ansted, Gauley Bridge... She will reach out to those people to see what they can offer.

9:45 Discussion & Decision: Sheriff Fridley Request Tax Office & Support Pay postponed from August 23, 2023. Sheriff Fridley presents adjusted request of \$25,975 for pay increase. Sheriff Fridley took out the benefit package amount. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Sheriff Fridley gave an update on the Animal Control Officer who was injured on the job. She is still out of work. That department is overwhelmed with calls. Kevin Walker spoke with Sheriff Fridley about hiring Jameson Shuff and he will speak with him regarding working part time. Sheriff Fridley will offer him \$12.00/hour dollars part time for 3 days a week. Commissioner Taylor request that if he does offer him employment to get back on the agenda.

Executive Session. Commissioner Taylor motions to enter executive session to discuss offer to Nuttall Group at 9:35 a.m. to seek legal advice. Commissioner Brenemen seconds. Unanimous decision.

The Commission returned from executive session 10:02 a.m.

President Louisos stated they received legal advice from attorneys. Commissioner Taylor stated that after advice from legal counsel, the commission changed some language of the offer letter. Commissioner Taylor motions to sign offer letter to enter into negotiations with Nuttall Group for Meadow River Rail Trail project. Commissioner Brenemen seconds. Unanimous decision.

10:00 AEP Transmission Line Update - Ronn Robinson and team will be on Zoom. Mr. Robinson spoke regarding introduce a project that will be in the Mollys Creek and Layland area. It will be 4 miles of transmission line. Replacement of a new substation and half mile 138kv transmission lines to the Dun Glen substation. Wanting to start in October 2024 or later of next year. Jessica Lemons from AEP presented a PowerPoint presentation. Graham Hundley, project manager, Alison Fisher, and other members from Project team are on call. Mr. Hundley gave an update and PowerPoint presentation on the project area. They are looking for the best option for the land owners to be as considerate as

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possible. Public notice will be after meet with Park Service in the next couple of weeks. Commissioner Taylor asked about the meeting with Park Service and is interested in hearing what the Park Service thinks of the project. Mr. Hundley stated that the Park Service is aware of what is going on.

Commissioner Brenemen asked about regulations regarding EV auto and current regulations. Concerning upgrading power system to meet current regulations. Commissioner Brenemen stated a local auto dealership (Stephens Automotive) has concerns about the regulations. Commissioner Brenemen will get contact information to Mr. Robinson.

10:15 Discussion & Decision: James Birt, Presentation & Support Letter for Housing. James Birt, founder of Housed-Up INC. appears to present and request a support letter. The goal of organization is to end homelessness through housing and services. Mr. Birt presented a PowerPoint presentation. He is working on a Fayette/Raleigh County single room occupancy permanent supportive housing project. The project focuses on mental health and substance use disorder. It will be a combination of housing and counseling.

Mr. Birt has applied for an ARC Inspire Planning grant for \$50,000 which is currently under review. Award announcement will be in October. This grant will be working on a feasibility study and acquire property and training under the grant.

Letter of Support is not a requirement of the Planning Grant. However, when they move through implementation of the grant, they may want support from Commissioners and City Council.

Working in Oak Hill area for a site. Commissioner Taylor mentioned the Montgomery area and homelessness needs in the Valley. President Louisos motions to approve the support letter. Commissioner Brenemen seconds. Unanimous decision.

10:30 Discussion & Decision: Request from Fayette County Land Reuse Agency for Start-Up Funding. President Louisos motions to postpone till October 18th. Commissioner Taylor seconds. Unanimous decision.

10:45 Discussion & Decision: Appoint Commissioner Taylor for Commission Mediation Representative. This is for Hazmat Spill for Paint Creek area of Kanawha/Fayette line. She will be attending on behalf of Commission for mediation, this will be

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for settlement to company that was responsible for spill along Paint Creek. President Louisos motions to approve. Commissioner Brenemen seconds. Commissioner Taylor abstained from vote. Unanimous decision.

The meeting was adjourned at 10:42 a.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 27, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR joined via Zoom

The Fayette County Commission met this 27th day of September 2023.

President Louisos called the meeting to order at 9:00 a.m.

Prosecuting Attorney Anthony Ciliberti leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young

Commissioner Brenemen motions to approve Orders to Combine or Divide and Segregate Land for Willian R. Jr. & Stephen Barton; Carl E. & Judy Williams; and Kristen F. & Robert Mullins. President Louisos seconds. Unanimous decision.

Commissioner Brenemen motions to approve real property Jeffrey Allan Kerr \$200.00 & \$200.00; Keith H. & Carol Ewing \$907.70; Kelly L. Hamilton \$7.70, \$7.70, \$7.70, \$7.70, \$7.70, \$7.70 \$7.70, \$7.70, 540.08, \$7.70, \$540.08, \$591.32; John Schoolcraft \$191.38; James Andreq Shelton \$38.89; The Hillman Group \$294.86; Linton O. Boley \$0.14; Crystal R. Cool \$26.18; Mary Erma Burks \$181.98; Ashland Oil Inc. \$47.40, \$27.16, \$50.22, \$7.70, \$7070, \$7.70, \$141.62; EVEP Eastern Cutback Co. \$23.32, \$7.70, \$7.70; Arch Bridge Cottage Rental LLC \$141.62; William A. Worrell \$236.00; The Fox & Houd Boutique \$54.98, \$53.90; Richard T. & Sonja \$223.58; Eric Jenkins \$803.00; Keith H. & Carol Ewing \$446.54. President Louisos seconds. Unanimous decision.

Commissioner Brenemen motions to approve personal exonerations for Jess R. & Brandi McMullen \$1,004.72; Rollie Allen & Beulah J. Runyon \$288.58; Levi A. Blevins & Katherine F. Deel \$645.56 &

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\$591.84; Attorney John H. Shumate \$399.76; Shawn & Linda Laugherty & Brittany Rice \$1,674.36; Timothy C. & Tiffany Ortiz \$145.64; Curtis D. Jr. & Danielle H. Wykle \$944.90; Xerox Corporation \$131.54; Sylvia Royal \$95.70; Bobby J. Jr. & Violet M. Adkins \$802.88; Kenneth H. Jr. & Valeria Carte \$1,162.22; Teddy O. or Lisa R. Lawless \$7.68; Mary A. (dec) Ward & Haley L. Coleman \$640.24; Cab East LLC \$1,230.54; Crystal R. Cool \$26.18; Ernest Flaim \$281.28; The Hillman Group Inc. \$294.86; Carl D. & Tressa S. Murdock \$889.82; Lori Jo & Jeffrey Andrew Withrow \$748.24; John H. & Nannie M. Brown \$62.56; Roger Dale & Edith M. Harris \$471.38; Jessica Dodd \$100.30; Monica Tolley \$18.82; James Andrew Shelton \$137.78; John Luther Barnhouse \$48.80; Thomas H. Barber III \$94.90; Jerry R. Sr. & Patricia Johnson \$7.68; Dayton E. Jor & Sheila Donnally \$387.74; Stephen G. Slockett \$563.74; Obert H. Jr. & Beverly J. Hundley \$445.98; The Bridge Café \$445.98; Richard D. (Dick) Ramsey \$376.20; Charles D. & Shannon M. Prather \$239.16; and Shirley E. & Joann Treadway \$274.78. President Louisos second. Unanimous decision.

Approve Payroll for September 22 President Louisos motions to approve nunc pro tunc. Commissioner Taylor seconds. Unanimous decision.

Approve Vouchers and Invoices President Louisos motions to postpone the fire invoices on 10/4 after fire presentation and would like to approve all other besides fire prevention. Commissioner Brenemen seconds. Commissioner Taylor asks if the invoices will be affected by the presentation and President Louisos says they will. Unanimous decision.

Approve Prior Meeting Minutes 9/6 minutes Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Approve Estate Settlement: Final settlements were presented for: Clarence Shirley Blake; Eddie Ray Bowling, Jr.; Thomas Nelson Broach, Jr.; Sophia Bush; Bettie Less Carlson; Phyllis Evelyn Kessler; James Michael Rowe; James Scott Rowe; Justine L. Sampson; Geneva Mae Thomas. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Exhibit Items

Discussion & Decision: Approval of Part-time Animal Control Officer Jameson Shuff \$12.00 per hour Mr. Shuff started over a week ago. Currently a kennel tech for the shelter and working as Animal Control Officer while the permanent Officer is on sick

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leave. Commissioner Taylor motions to approve the hiring nunc pro tunc. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Courthouse Facilities Improvement

Authority Grant Documents for Signatures. Commissioner Taylor motions to approve and authorize President Louisos to sign. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: DOJ grant for probation space security

alarms: President Louisos motions to approve and sign. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Resignation of Shannon Estep from Land Reuse Authority and Amendment to Ordinance

Commissioner Taylor motions to change the language in the ordinance to "like entity or individual" to avoid restriction of membership. President Louisos seconds. Unanimous decision.

Discussion & Decision: Richard Canterbury Response to

Dilapidated Complaint Mr. Canterbury appeared for his hearing and presented photos taken yesterday. Explained he's had the property since 2007 and put a new roof on in 2010. Tenants for several years tore up the house. The neighbor wanted to purchase it and he wouldn't sell it. Figures that is the complainer. Ms. Gerald clarifies it's not a new complaint. It's been in our system since 2007 with contact again in 2012 and 2014. It's just part of the process of catching up our records and is still dilapidated. President Louisos asks what his plan is to fix it up. Still looks the same as 2014 photos. The original letter says it was abandoned and partially covered with vines and vegetation. Foundation and roof compromised, and no utilities attached. Discussion of roof complaint - small droop and leaves may have contributed to the code official's assessment. Mr. Canterbury states the old vehicle is there as security.

Commissioner Brenemen would like to give 30 days for the outside, 60 days to show progress on inside, and 90 days complete. Mr. Canterbury can agree to the first 2 but sees 90 days for complete as probably impossible. Commissioner Brenemen motions 30 days for outside, and 60 days show progress on inside, 90 days to be livable. Would like Mr. Canterbury to check in every 30 days. All services need to be included and working for human habitation. Has sewer and public water hookups. Commissioner Brenemen withdrew his motion. Commissioner Taylor motions to postpone this until 10/4 to give time to draw up the terms and have the building inspector out to

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the property to have everyone on the same page. Commissioner Brenemen seconds. Unanimous decision.

New Beautification Complaints. Commissioner Taylor motions to move these till 10/4 in the essence of time. Commissioner Brenemen seconds. Unanimous decision.

Presentation: Kent Walker, Re: USDA Rural Network Mr. Walkers's region is Monroe to Wayne Mercer to Fayette. Covers 12 counties, he has 7. They are the gateway between 29+ federal agencies and 20+ other agencies and the counties or capital and technical resources. Commissioner Taylor asks about working with NRGRDA. Mr. Walker states they work with the NRGRDA and the Hive daily. He can assist with finding the correct funding and resources for an established project. Commissioner Taylor asks about LRA collaboration. Mr. Walker states that are an appropriate collaboration.

9:55 break. To 10:04

Financial statement: Commissioner Taylor motions to approve and authorize President Louisos to sign the financial statement for publication. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Request from Farmland Protection Board for James Goad Conservation Easement: Bill Hauer and Joy Marr are present. President Louisos asks first if there is a way to undo an easement. Easy answer is no.

Mr. Goad's farm is 78 acres. Farmland board is responsible for paying closing costs for easement. State authority does not allow recouping those costs from property owner. There is already water and sewer so it shouldn't affect an expansion project. Ms. Marr states the statute includes conveyances for utilities easements. Commissioner Brenemen motions to grant the easement. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Lesley Taylor, Region 4 Planning & Development, Approve Request for WV Department of Economic Development for additional CDBG funds to address bid overrun for Armstrong PSD Powellton Water Storage Tank Replacement Project Opened bids on 9/5 which showed an overrun of over \$1 million. Checked with various funding agencies, including WDF but the WVAW takeover precludes them from those funding sources. Asking for increase in funds form CDBG. CFBG is receptive to the request. Ok with awarding additional funds but they would need to amend their action plan. Needs a formal letter requesting

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additional funds, then there will be a 30-day comment period. But this keeps the project moving forward. Commissioner Brenemen motions to approve the request to the WVED for the increase of CDBG funds. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Matt Ford, Re: Meadow River Rail Trail Notification to Adjacent Landowners, AMLER Grant Covenant for Approval; Final Update Mr. Ford gives a project Final Update. The trail will open to the public on Friday October 13, 2023, with an invitation only (due to parking) ribbon cutting on October 12. Phase 3 is the end of Phase 1 upriver of Nallen Post office towards Rainelle. Phase 2 is the Russellville Bridge.

Greenbrier County received an AMLER grant, and the DEP now wants a covenant of Purpose, Use and Ownership for the co-owned property. Greenbrier county is the recipient of the grant with a partnership with Fayette County. President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Mr. Ford presents a letter to notify adjacent landowners of the impending opening. Greenbrier County approved a similar letter. President Louisos motions to approve the letter. Commissioner Brenemen seconds. Unanimous decision.

The meeting was adjourned at 10:27 a.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 4, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 4th day of October, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Greg Fernett leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve None presented

Approve Payroll for September 27 President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

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Approve Vouchers and Invoices: President Louisos motions to postpone the Oak Hill Fire Department Thrasher invoice for \$54,000 till the 10/18 meeting. Commissioner Taylor seconds. Unanimous decision. President Louisos motions to approve all other invoices including the fire invoices postponed from 9/27. Commissioner Taylor seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve the minutes from 9/27. Commissioner Taylor seconds. Unanimous decision.

Approve Estate Settlement: Commissioner Taylor motions to approve settlements for Troy O'Dare Bass; John Lester Cox; Carl Walton; Margie Wilson; and Thomas Scott Wriston. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Approval of Resolution #5 for CDBG 18SCBG0004 for the Armstrong PSD Powellton Water Storage Plant Replacement: Lesley Taylor presents that the previous funding increase request from the 9/27 meeting was received and it's out for a 30-day period. Commissioner Brenemen motions to approve the resolution. President Louisos seconds. Unanimous decision.

Discussion & Decision: HMGP application Ms. Taylor presents about the Hazard Mitigation Grant Program application for a FEMA buyout for floodway homes in the Valley. Held a public meeting on 9/22. No public attended. Well publicized. Received 4 applications from unincorporated areas to be acquired and demolished. 3 are just outside of Smithers in Cannelton and the other in Deepwater. Application deadline is today at 4:00. Next step will be a resolution for the FCC to pass because after demolition, the FCC would then own the property. There is a 75/25 cost share. Would also need to hire an appraiser. Can apply for assistance but it is not guaranteed. The commission is then responsible for property but it can no longer be developed.

Discussion & Decision: Animal Shelter Septic Tank Permit Commissioner Taylor motions to approve and sign. President Louisos seconds. Unanimous decision.

Discussion & Decision: Discussion of November and December Meeting Dates Commissioner Taylor motions to cancel the November 15th and December 20th meeting and only hold the November 1st and December 6th meetings. Commissioner Brenemen seconds. Unanimous decision.

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Discussion & Decision: Appointing Brian Helton to the LRA board to replace Shannon Estep Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion & Decision: Funding for grant match for trail work at the Fayette County Park Damita Johnson from Oak Hill is present. FCC would have to match 50%, \$294,000, and would ask Oak Hill to increase their portion from \$30,000 to \$50,000. Asks Ms. Johnson about Oak Hill's project priority as they've requested financial assistance for playground equipment. She knows the playground equipment is council's priority and will most likely pay the playground grant match. President Louisos reminds that this process has been going on for 2 years to develop these areas. Commissioner Taylor motions to approve \$294,000 contingent upon Oak Hill donating the \$50,000 for soft costs. President Louisos seconds. Unanimous decision.

Discussion & Decision: Richard Canterbury Response to Dilapidated Complaint Postponed from 9/27 The commission gave Mr. Canterbury a chance to review the Building Inspector's findings. Will return to this item later.

Discussion & Decision: Dilapidated House, Celestial Lafferty (Wife of Joey Lafferty) Commissioner Taylor motions to postpone till the December 6th meeting due to Mr. Lafferty's hospitalization. President Louisos seconds. Unanimous decision.

Discussion & Decision: New Beautification Complaints postponed from 9/27

Case #218- 21 Lee Rd. Fayetteville, WV 25840- New Haven District

Property is abandoned and is not being used as a residence or business. The dwelling situate on the above parcel appears unusable and unsafe for human habitation. The dwelling or structure appears to be in a general state of disrepair. The dwelling or structure does not appear to be connected to any utility services. Windows are not intact allowing weather to intrude into dwelling or structure.

The recommendation of the Enforcement Agency to correct the above listed problems is as follows: That the structure situate on property be demolished and legally disposed of within 30 days. Owners duly notified. Property owner has had it for 1 year and working on it. President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day

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civil penalty not to exceed the cost of demo. Commissioner Brenemen seconds. Unanimous decision.

Case #219A- Midland Trail Rd. Glen Ferris, WV 25090- Valley

District - The owner called and advised they didn't know they owned it. Will demolish. Has permit

Case #221- 102 Armstrong Creek Rd. Kimberly, WV 25118- Valley

District - Property is abandoned and is not being used as a residence or business. Dwelling is partially covered with vines and vegetation. The dwelling or structure appears to be in a general state of disrepair. The dwelling or structure does not appear to be connected to any utility services

The recommendation of the Enforcement Agency to correct the above listed problems is as follows: That the structure situate on property be demolished and legally disposed of within 30 days Owners duly notified, however the neighbor taking care of the mail advised that the owner died. No family. Letting it go for taxes. Ms. Gerald has it on the Land Reuse Authority purchase list. County Clerk Michelle Holly will call North Carolina where the owner passed away to search for heirs. Ms. Gerald will send info to Ms. Holly and Mr. Ciliberti. Mr. Ciliberti will put it back on the agenda when ready.

Commissioner Taylor asks for building inspection in and out prior to a contested hearing moving forward.

Case #222- 106 Armstrong Creek Rd. Kimberly, WV 25118- Valley

District Property is abandoned and is not being used as a residence or business. Dwelling is partially covered with vines and vegetation. The dwelling or structure appears to be in a general state of disrepair. The dwelling or structure does not appear to be connected to any utility services. The recommendation of the Enforcement Agency to correct the above listed problems is as follows: That the structure situate on property be demolished and legally disposed of within 30 days. Owners duly notified.

This property has the same owner as Case #221. Actions are the same.

Case #223- 800 Armstrong Creek Rd. Kimberly, WV 25118- Valley

District Property is abandoned and is not being used as a residence or business. Dwelling is partially covered with vines and vegetation. The dwelling or structure appears to be in a general state of disrepair. The dwelling or structure does not appear to be connected to any utility services.

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The recommendation of the Enforcement Agency to correct the above listed problems is as follows: That the structure situate on property be demolished and legally disposed of within 30 days Owners duly notified. President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Taylor seconds. Unanimous decision.

Case #224- 475 Armstrong Creek Rd. Kimberly, WV 25118- Valley District Property is abandoned and is not being used as a residence or business. The dwelling situate on the above parcel appears unusable and unsafe for human habitation Dwelling is partially covered with vines and vegetation. The dwelling or structure appears to be in a general state of disrepair. The dwelling or structure does not appear to be connected to any utility services.

The recommendation of the Enforcement Agency to correct the above listed problems is as follows: That the structure situate on property be demolished and legally disposed of within 30 days Owners duly notified. President Louisos motions to uphold the Beautification recommendation of 30 days with a \$50 dollar a day civil penalty not to exceed the cost of demo. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Richard Canterbury Response to Dilapidated Complaint Postponed from 9/27- continued from earlier in the meeting.

The commission entered an executive session at 9:30 a.m. for legal counsel and exited at 9:48 with no decisions made.

President Louisos wants to postpone this hearing till November 1st. President Louisos recommends not spending any further money until after this hearing. The Building Inspector is not present and they want him to be available. Don't want to blindside Mr. Canterbury, but the commission wants the Building Inspector to inspect the inside of the house. Then he can re-inspect what Mr. Canterbury had already completed on the exterior of the home. He is allowed to make renovations on his own, but the commission is not requiring it and there is the understanding that they may still vote to demolish. He can speak with a contractor on his own. Not sure of the extent of the inside. Giving him the 30 days to speak with Allen and other professionals to be fair. Allen will be present at the meeting on November 1. Commissioner Taylor motions to postpone till 11/1. President Louisos seconds. Unanimous decision.

Discussion & Decision: Dilapidated House, April Elkins (Dallas Elkins) Ms. Elkins is on Zoom. 3754 Laurel Creek Rd. Mr. Elkins was on the phone as well and was unaware of the condition. Put it on his backburner. Only found out on September 9. If he knew sooner, he would have taken care of it. Would like to tear it down and clean it up. Lives in the western part of Kentucky so he will need some time. Holds a WV Contractor's license. Sister was living on the back part of the property and she passed away and most of the stuff there was hers. President Louisos would like to know how much time he needs. Mr. Elkins asks for 6 months. Mr. Ciliberti explains options of conveyance to county. Estimate for FCC and we place a lien with a deed of trust for repayment. 3rd option is for the homeowner to take care of it. 4th. Last resort - judicial route.

Mr. Elkins plans to clean it up and build another house. Can definitely check in every 30 days. Commissioner Taylor motions to give 6 months with 30-day reviews. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: NREI Broadband and Pool Contracts: Chris Burford appears to present the Broadband contract. Commissioner Brenemen asks about the funding. \$1,540,000 without grant verification. Mr. Burford says this is a phased payment. RPR (resident project representative) costs could be pared down. Amendments can be made. Commissioner Taylor motions to approve and sign. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Brenemen asks about the \$160,000 lump sum to be paid. Mr. Burford says all payments are contingent on grant. If the grant isn't obtained, the project doesn't move forward.

Commissioner Taylor brings up the pool. Estimates were from \$4-11 million for the 3 options. Discussion of a special meeting to return with a pared down version, called 2b-1. Getting it to \$2-3 million with no bells or whistles. Discussions of phasing to add to the project later. Will return on 10/18 to wait for the new numbers to come in.

The commission took a break at 10:20 till 10:30 a.m.

Discussion & Decision: Fire Budget Presentation and Fire Coordinator/Deputy Director

President Louisos read a statement about the Fire Levy contract signed in 2022 and the reception which labeled him as wanting to defund the fire departments. Clarifying that the commission is

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responsible for the tax payer money and the purpose of budgets from the auditor's office and their request for fire departments to have open books. Realizes it costs to be a volunteer. Hard to volunteers. Wants to create a budget to recruit and retain fire service personnel. And needs to show where money is being spent. The Fire Levy brought in \$1.5 million last year. Fire departments owe \$750 -1 million on fire trucks. Not sure of the cost of the fire training center.

Created a spreadsheet breaking down square miles, 5 years of 911 call (fire, MVA and other) and response data. State funding is \$60,000 annually if they file their reports. Used this as a starting point to pay firemen per call based on 4 firemen per call. The city of Oak Hill pays firefighters \$26 per call and the Town of Fayetteville pays \$25 per call per person. Would like to pay \$50 to \$100 per fireman per call.

Firehouse expenses are based on random invoices from different fire departments. They have a bank account for each funding source and randomly pay bills from different accounts. Not standardized.

Basing all of this on bits and pieces. Over budgeted \$20-30,000 for each department. \$421,500 for over budgeting for 16 departments. Will put the pay per call in the chiefs' hands. FCC has only the responsibility to oversee the levy and the public's money.

Levy reimbursement: Paid on a regular payment schedule. No invoices needed for reimbursement. This cuts out time consuming work for chiefs and staff. Chiefs will have to come up with an accountability process and schedule.

Departments could test own equipment. Equipment is between \$100-200,000. Wants the fire association to investigate this. Work together as departments to buy equipment together for better prices. The people need to know where their money is going rather than where it went. Budget requests outside of the normal budget will be requested through a meeting so the public can see.

Could have been more detailed if more departments participated. Asks that departments now wanting to show documentation to change their budget can do so within the next 30 days.

Opens the floor for questions. Clarification if this cut in stone. President Louisos is giving 30 days to prove his numbers wrong.

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Provision about not paying volunteers was part of Attachment D. But that can be changed if the association wants it. The county would be reimbursing the fire departments for these services, rather than paying the firemen directly.

This is all to assist the fire association with retention and safety and public transparency.

Oak Hill Chief Tim Richardson asked about the noticed Fire Coordinator position. Commissioner Taylor is not convinced that the position is necessary. Mostly a numbers job and if they change to a fee schedule rather than invoice reimbursement, it wouldn't be needed. Question: who would manage testing and maintenance? Answer: Should be the association. Question: where is the Fire Coordinator paid from and what would happen to that funding? Answer: from the Fire Levy and it could go to paying the volunteers.

Discussion of how much Oak Hill gets from the levy. \$38,000 based on the information he got from the tax department.

President Louisos asks about the Thrasher invoice. Oak Hill was aware of the expense; it was presented to their council. President Louisos states it should be noticed to us too. Mr. Richardson said it was an Oak Hill project. Wasn't sure that they needed to ask the FCC. It was an allowable expense from the levy. President Louisos asks what would happen if each of the 16 fire departments submitted \$54,000 invoices without checking. Not a way to manage budget. Mr. Richardson asks has this ever been addressed to the firemen. Commissioner Taylor states this is the same process for anyone asking for county money. This is why we have budget hearings in the spring to weigh them all against each other and not have surprises or shortfalls.

Fayetteville Chief John Vernon asks about engine and truck replacement. Is it in the budgets presented? President Louisos says that will be from the remaining budget per need and priority.

The training center still needs water. They are 250 feet from the line. There is runoff from WVAW and they've asked to have access to it but it's not allowed. The commission will ask Kenny Hayes from New Haven PSD to attend the October 18th meeting.

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More discussion of Fire Coordinated/Deputy Director. Questions about how much time is needed for each position. Commissioner Taylor not convinced there is enough work for a full time Fire Coordinator.

Discussion of pumper replacements. The disbursements to the departments make up about \$600,000 of the levy. That leaves \$900,000 for other expenses like the truck replacements.

Commissioner Brenemen suggests we create a blank form for each department to create a 1-year financial overview. Have it back for the December 6th meeting.

Commissioner Brenemen asks if the Fire Association could choose one person for each magisterial district to coordinate the job of the fire coordinator for each area.

Commissioner Taylor motions to postpone everything until the 12/6 meeting.

Motion to adjourn at 11:58 a.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 18, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 18th day of October, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Brian Good leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie

Young: Tara Tyree presents Real property exonerations.

Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Payroll for October 20: President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices: President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

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Approve Prior Meeting Minutes Commissioner Brenemen motions to approve the minutes from 10/4 and 10/16. Commissioner Taylor seconds. Unanimous decision.

Approve Estate Settlements: Sidney Earl Anderson; Charles Maxwell Bobbitt; Delancey Horton Caldwell; Ella Mae Comer; Guy Smith Dooley, Jr.; David Baxter Griffith; Helen Virginia Hought; William Gordon Morris; Judith Ann Seletyn Webb; Etta Simpson; Louisos W. Warden; James Mitchell Webb, Jr. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Exhibit A:

Discussion & Decision: Request from Prosecuting Attorney to Eliminate Probation Period in Respect to Earing Leave and Retaining Years of Service for Key Employee Rehire and Personnel; and Possible Rehire of Jennifer Crane

Prosecuting Attorney Anthony Ciliberti thanks the Commission for this opportunity and impressed upon the FCC that Ms. Crane worked in Fayette County as an Assistant Prosecuting Attorney for a long time. Resigned last summer to take a position in Kanawha County. Her vacancy posting received minimal response. Another resignation in the department. 2 resumes for that posting. Not great candidates. Ms. Crane entertained the possibility of coming back. Mr. Ciliberti is able to meet all but two stipulations for returning. She has requested being allowed to waive the probation period and start accruing vacation and sick time immediately. This would be beneficial on a whole to adopt as a policy to allow an employee who left in good standing to return without a probationary period for benefits. The other is her requested compensation. Would like to maintain salary of \$87,000.00. Mr. Ciliberti feels her experience and lack of need to be trained or supervised makes this a bargain. At this point, Mr. Ciliberti is the only one with experience to lead criminal (including murder) trials. Ms. Crane will free up time for Mr. Ciliberti to attend better to the needs of the FCC. It's been difficult in his office since she left. Ms. Crane could return 11/13. Mr. Ciliberti states there should be a \$15,000.00 surplus by then from another vacancy, however he still needs \$19,000.00 extra to move the position from \$68,000.00 to \$87,000.00. This will save the FCC money in the long run if Mr. Ciliberti can take back some responsibilities Michael Taylor has been handling. Will restructure the office to better use each attorney's skill sets. Ms. Crane will also take over as deputy Prosecuting Attorney.

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Commissioner Taylor mentions they will make a change in the policy across the board at a later date. Commissioner Taylor motions to make an exception to the accrued leave policy and rehire Ms. Crane. President Louisos seconds. Unanimous decision.

Discussion & Decision: Oak Hill Fire Department Expense

Reimbursement for Fire Department Building President Louisos presents about the building plans. Tried to work with the fire departments to offer better options. Considers Oak Hill as a select department. Thought Oak Hill was planning for the future when redeveloping, but doesn't see the upgrades showing a move towards career firemen rather than volunteer (no bunk rooms). Would like to see Oak Hill be a full-time fire department. Disappointed. Would like to request Chief Tim Richardson and someone from the municipality to come speak with the commission about offering better services to the Oak Hill district as a full-time fire department. President Louisos motions to postpone a decision on the reimbursement until that conversation can happen. Commissioner Taylor seconds for a potential return date of November 1. President Louisos clarifies that Oak Hill has fine service now, would just like to see them increased to their full potential. Unanimous decision.

Discussion & Decision: Procuring Legal Services for the Fayette County GigReady Project

Amanda Smarr, Region 4, is on Zoom. Explains this puts the county in a better position if the contract is awarded. Ms. Smarr will run an ad for legal services. President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Wrecker Rotation Update

Tonja McMullen, 911 Director, presents and the wrecker service owners are also present. Numbers used were from January to the end of June. Haven't seen a lot of changes. Not a big difference in the numbers. There have been a couple of complaints from Law Enforcement about a wrecker from the valley going to Oak Hill. Reminded if someone requests a certain company, they send them. Hasn't heard from any of the wrecker services. Fosters is no longer on the rotation. One owner likes it. Another doesn't. Bill Evans from B&M went to the 911 center yesterday and got a confusing report. Stated Earl Manely wasn't listed on the report, B&M only showed as 1 call, Anthony's had 63 and said Chad's was listed. Ms. McMullen says that's not a correct report. Mr. Evans mentions Chad's had many calls on the list and Ms. McMullen states that it might be an old report because

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Chad's is no longer on the rotation. Anthony's and T&C can take care of bigger wrecks so that's why they are listed so much. Question about town law enforcement using these rotations. They are supposed to but when there are DUIs, there is a problem when waiting on a rotation truck from far away, so they will request a closer tow truck to clear the scene. Discussion about travel time but also the population centers and busiest areas. Question about snow storms. Discussion of price of having a vehicle towed across the county from an accident scene and/or where someone lives, adding to the cost. Not right to pass that onto customers in need of assistance. Commissioner Taylor asks Ms. McMullen to meet with the wrecker owners and come up with some recommendations. This is not the appropriate setting for this discussion. They will leave it as-is for now and will return once they have their discussion. Ms. McMullen will request it on the agenda when ready.

Discussion & Decision: DHHR Crisis Response Grant Drawdown

Document This is a \$300,000.00 **grant for** salary enhancement. based off the 911 toned calls from last year, and \$18,000.00 for a Regional Crisis Response Team. It will fund 10 people to go to training. Commissioner Brenemen motions to approve and sign. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Hattie Davis Hearing for Dilapidated Home

Ms. Davis was not able to log onto Zoom due to technical difficulties. Commissioner Taylor motions to postpone till November 1. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Hazard Mitigation Program Grant

Application Deadline and Requirements for Grant Submission Have not gotten guidance from Governor's office about non-federal share (25%). Have not received any other applications. Counties would have to foot the bill for the appraisals which could be reimbursable. Could apply for the bank's assistance but not guaranteed. Commissioner Taylor asks about why we aren't considering municipal shares, because Smithers collected money on their behalf and put it towards a ballfield. Clarification about contributing a match and not acquiring the property. Previously if we acquired the land, we would then turn it over to the city. Need to solicit an appraiser to determine fair market value for the properties. Residents can pull out and not obligated nor the county beyond the cost of the appraisal. If the county agrees to file the application, they cannot pull out

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after that. Only the property owners. Commissioner Taylor and President Louisos would like legal advice on this.

The commission entered into an executive session to discuss URA Board Member Expired Terms and receive legal advice and the Hazard Mitigation grant application at 9:54 a.m. and returned 10:43 a.m. with no decisions made. Only received legal counsel.

Commissioner Taylor presents that the commission is in agreement that the Hazard Mitigation 25% match will be too much to cover for only 4 residents, rather than all 9. Commissioner Taylor motions to not approve the grant application. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Records Management & Preservation Board Grant Application Prioritization and Authorization

Ami Dangerfield presents two applications for prioritization: The Assessor for scanners and overtime of current employees; and the Sheriff for track shelving for the Tax Office. Commissioner Taylor motions to prioritize the Assessor's application as first and submit both applications. President Louisos seconds. Unanimous decision.

Discussion & Decision: Response Letter to Judge Blake

Requesting update on the Probation space. Commissioner Taylor wrote the letter and had the other commissioners review it. Commissioner Taylor motions to sign and approve the letter. President Louisos seconds. Unanimous decision.

Discussion & Decision: Letter to Non-Exempt Employees Re: Payroll System Classification Setting

Ms. Lanier presents that this change will now allow paychecks to reflect actual hours worked and include overtime for non-exempt employees. This will start with the second pay period in November to give employees adequate notice. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: URA Board Member Expired Terms

Commissioner Taylor motions to strike this from the agenda. President Louisos seconds. Unanimous decision.

Discussion & Decision: Outside Funding Request

Commissioner Taylor details the requests: City of Montgomery for Playground \$10,000.00; Ansted VFW building Repairs \$20,000.00; SALS Housing Program \$25,000.00; LRA for land acquisition \$250,000.000; Food Pantry, 37,000.000; Just for Kids \$40,000.00. Commissioner

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Taylor motions to approve all requests except for SALS and the LRA. President Louisos seconds. The total is \$182,000.00 and this includes the \$75,000.00 for the pool designs (previously allocated.) Unanimous decision.

The meeting was adjourned at 10:52 a.m.

FAYETTE COUNTY COMMISSION

EMERGENCY SESSION

OCTOBER 19, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 19th day of October, 2023 for an emergency meeting.

President Louisos called the meeting to order at 10:00 a.m.

Discussion and Decision: Wolf Creek Park Property

President Louisos states that they received notice last night that Bluewater has terminated the purchase agreement for the property at Wolf Creek Park. As a result, due to outstanding loans and a pre-foreclosure notice, the URA, a public agency, faces an imminent financial crisis. As a result, we called this meeting to discuss the issue.

President Louisos calls for an executive session and the commission enters at 10:01 a.m. and returns at 10:28 a.m. with no decision made. Only legal counsel.

President Louisos calls for comments from Commissioner Brenemen and Taylor. Commissioner Taylor states that they only consulted with their lawyers. Commissioner Taylor motions to pay the outstanding debt, interest, and fees on URA's behalf and they will notify the state of their intentions. President Louisos seconds. Unanimous decision.

The meeting was adjourned at 10:30 a.m.

FAYETTE COUNTY COMMISSION

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REGULAR SESSION

NOVEMBER 1, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 1st day of November, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Kevin Walker leads the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young: Tara Tyree presents Real & Personal Property exonerations for Jackson Hole Properties \$603.74, \$569.54; Mark Bolen \$254.16; Thomas J.L. Belcher \$20.66; Naoma S. Ennis \$613.32; Lois A. Hogan \$7.70; Jessica Brugnoli \$174.46, \$174.46; John Emory Arthur \$973.24; Ronald & Robin Shawver \$246.40; and Joshua Crist \$1,060.06, \$1,022.40. Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Commissioner Brenemen motions to approve presented refunds for Ronald & Robin Shawver \$262.09 and John E. Schoolcraft \$93.30. Commissioner Taylor seconds. Unanimous decision.

There was a question about Joshua S. Crist's refunds. 2020 was not his tax ticket, it wasn't in his name then. Commissioner Brenemen motions to approve the refunds for Joshua S. Crist in the amounts of \$1,033.56, \$996.84 and \$521.09.23. Commissioner Taylor seconds. Unanimous decision.

Approve Payroll for November 3, 17 and December 1: President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices: Commissioner Brenemen motions to approve. President Louisos seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve the minutes from 10/18 and special 10/19. Commissioner Taylor seconds. Unanimous decision.

Approve Estate Settlements: Patricia Ann Morrison; Junior Connell Moss; and Richard Gene Worlledge, Jr. Commissioner Brenemen President Louisos Unanimous decision. *Phyliss Jean Waddell was erroneously listed on the signed document. This is estate is still with the Fiduciary Commissioner.*

Exhibit:

Discussion & Decision: Family Resource Network Payroll

Services and Office Location Commissioner Taylor presents that the FRN was awarded a grant to add 4 more people and provide payroll services. Commissioner Taylor states there is not enough office space and payroll services for 4 additional employees. Gia presents that establishing a new employee is time consuming. Once set up it isn't as much time. 4 new employees start on the 6th and a 5th when the position is filled. Commissioner Taylor states that since FRN is growing. Which is a good thing, but they should move out from under the county. DC asks what a transition would look like. To her, this is an unusual situation. Understands it is traditional, but shouldn't be the norm and long-term moving forward. Commissioner Taylor motions to continuing support for 1 year and review next fall. All are in agreement that it would a good situation. President Louisos seconds. Unanimous decision.

Discussion & Decision: Sheriff Fridley New Hire Request for Tax

Office Sheriff Fridley introduces Tina Cavendish as new tax deputy. Starting today. Commissioner Taylor approves. Commissioner Brenemen seconds. Unanimous decision. Derrick McDowell form Fayetteville will be hired as a deputy on 11/6. Will be on 12/6 agenda for official approval.

Discussion & Decision: City of Oak Hill Annexation Request for

Parcel 27, Tax Map 30A Damita Johnson presents that the city has owned the property since 1992 and was never annexed in. States the property is adjacent to a recent annexation along 19. Mr. Ciliberti has reviewed and everything is ok. Commissioner Brenemen approves. President Louisos seconds. Unanimous decision.

Oak Hill Fire Department Reimbursement Request for Building

Engineering President Louisos asks about a bond on the FD. DJ says there was never a bond issued. Process was started city council accepted bid and that's all. Met with FD and explained process and they decided not to move forward at this time. Repayment of bond would come from fire levy funding and weren't ready to move forward with the uncertainty of the levy funding. Unsure of fire levy funding which would be the source of the bond repayment. President Louisos reiterates that without fire department budgets for 16 departments, the levy would be bankrupt. DJ states that they always received their funding without a reimbursement, as a lump sum. So they know how much they were getting. President Louisos reiterates a budget is still helpful for our planning. President Louisos mentions more

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funding is received directly from the state insurance - \$29K. As long as they submit their reports, they get their funding. Delegate Eric Brooks, states that there is 12 mil implemented into state budget from now on. How it is distributed to the fire departments is not something he knows. Benny Filiaggi was told its distributed quarterly. Was told it has to be approved by legislature annually. Brooks said it was never planned as a 1-time payment. Intends for it to be in the annual budget as a line item. BF 12 mill and 427 departments says that divided equally, it would be \$14K each. Brooks says that it isn't divided that way. Commissioner Taylor asks that in the future, to have advanced notice for an expenditure of this size so we can budget. Ms. Johnson states they understand that now. Commissioner Taylor motions to approve reimbursement. President Louisos seconds. Unanimous decision.

Mr. Ciliberti mentions Mr. Canterbury is supposed to be here today about his dilapidated property, but it is not on agenda. Mr. Ballard hasn't been to the property and his attorney isn't her either. (His return was contingent on property review by Mr. Ballard.) He will return on 12/6 agenda.

Discussion & Decision: Swift Water Rescue Life Jacket Request

Josh Davis presents about the need for child sized life vests. Discussion about keeping them at volunteer departments. The teams don't currently have all they need and are growing. President Louisos mentions funding special ops teams. Commissioner Taylor states that the Swiftwater team should come back to the FCC when they need more equipment. Mike Gray gives story about infant rescue where no infant jacket was available. They put an adult jacket on the car seat. Commissioner Taylor motions to approve the funding request. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Bid Opening CFIA Sheriff Masonry Project Post Engineering Report

3 sealed bids were received by the 10/27 3:00 p.m. deadline. Opened and documented during the meeting:
Pullman SST - \$157,400
Keystone Masonry - \$176,092
Trisco - \$273,639
Bids were announced and will be reviewed for compliance and specifics.
Will be back on 12/6 agenda.

Discussion & Decision: Potential Preservation Alliance of West Virginia Grant Application for Memorial Building Masonry Repair President Louisos motions to approve. Commissioner

Brenemen seconds Unanimous decision.

Discussion & Decision: Probation Relocation The last letter from Judge Blake was disturbing. The FCC feels he didn't understand the grant process with reimbursement and that the FCC can't spend prior to the grant award. Mr. Ciliberti offered to mediate because that would speed up the process and make it more efficient. Judge Blake took it as a deterioration of communication. Judge Blake ordered that we move immediately, between November 27 and December 1, 2023. The court doesn't really have the authority to order this, but the FCC will take steps to honor this request. The movers are available. The FCC had to wait on the Supreme Court to do their installations of security equipment. KTS could not order equipment until the grant was awarded and is now having supply chain issues obtaining the equipment. Commissioner Taylor will draft a letter and send it to the other commissioners for review. The deterioration isn't felt on our end and is one sided. The FCC has done everything asked, including purchasing a building, to facilitate this project. Commissioner Taylor motions to approve to draft a letter and send it to the other commissioners for approval and then sending it to the Judge. President Louisos seconds. Unanimous decision. President Louisos clarifies the building was purchased to move the detectives out of their building to make way for the probation department.

Discussion & Decision: Dilapidated Building Grant Discussion Mr. Ciliberti states that this grant money is from the DEP. It's there to demolish and dispose of buildings. If we don't use it, we lose it. Other counties are either only asking for 50% back or for no reimbursement. The current process with the liens is time prohibitive. If an owner is willing to have it taken down, and has limited income, that's the point of this money. Evaluate the finances of the property owner and make a decision based on that. Ms. Holmes is a prime example. She can spend \$100 a month and it would take 7 years to pay it back. This would take all of her disposable monthly income. We can still proceed with the ordinance process in conjunction with this proposed process. President Louisos agrees this goes along with the LRA. More flexibility to work with property owners. But Ms. Holmes will maintain ownership. Mr. Ciliberti is just asking for the FCC to evaluate the property owner's finances to participate in the grant program. Commissioner Taylor agrees. Needs guidelines and it needs to be decided who will be making the guidelines (Beatification, LRA, FCC...) Commissioner Taylor asks Mr. Ciliberti who should decide who makes the calls on the grant funding. Mr. Ciliberti states Beautification but suggests allowing the FCC to approve Ms. Holmes situation and consider

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Ms. Davis. Ms. Gerald mentions another homeowner in Crawley who is a good candidate. Ms. Gerald, Mr. Ciliberti and Assistant Prosecuting Attorney Wes Toney will develop a policy for 12/6. Commissioner Brenemen motions to demolish the Holmes property using grant funding, with no expectation of repayment. Commissioner Taylor seconds. Unanimous decision.

Ms. Gerald presents the Hattie Davis property. Commissioner Brenemen motions use the grant funding to demolish the Davis property with no expectation of repayment. President Louisos seconds. Unanimous decision.

Discussion & Decision: LaFayette Post 149 Memorial Building

Discussion Elmer Pritt presents Bob Bohn (Commander), Russell Compton, Milt Dotterweich, and Judge Blake. Garland Burke couldn't attend. Mr. Pritt gave a brief history of the Memorial Building. There are 800 names of veterans in the lobby. From WV, in WWI 147 killed or missing in action and WWII 87; 47 in Korea and 22 in Vietnam. 3,326 veterans living in Fayette County now. WV has the highest participation in the military of any state. Concerned with the long term needs of the exterior. Brick façade, water infiltration. Dire need of proper maintenance as well as to ensure it continues into perpetuity. Not meaning the cleanliness or daily maintenance. Okey Skidmore (manager) does a fine job with what he has to work with. Mr. Pritt means the long-term needs. Knows the FCC is aware of the problems with the building. A lot of blood, sweat, tears and donations went into the building. The building is aging and needs attention. Too big and too important for it to fall into disrepair. Mentions the Post was here in 2016 and asked for assistance. Previously the building need handrails on the front and the post provided those. Mr. Compton adds he's from a long line of military people and the building is very important to him. Has a Compton in every skirmish from Revolutionary war to his son who is currently serving. Asks for any and all help they can get to preserve the building. Mr. Dotterweich states he's been here since 1977. Is not a not a native but had 2 sons play basketball in that building and he used to coach. Used to have wonderful entertainment (Charlie McCoy, circuses...) which could not be done now because seats are falling apart, and other parts are falling apart. Nicest thing in there is the floor. It is a Fayette County memorial building even though it's located in Fayetteville. Represents the county. Mr. Bohn states it was a wonderful building at one time. Used to attend country music shows with his wife. Not sure why those events stopped, possibly maintenance. It's about all veteran and should be preserved. Should be used and maintained. Would like to get

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better events to help pay for the maintenance of the building. Mr. Pritt asks what the FCC's plans are for the FCC. President Louisos mentions he's had many generations of veterans in his family. Agrees with Mr. Pritt. States we are going for grants. Mr. Pritt says it goes beyond grants. The building has to survive. Concerned about inflation and cost of repairs. Wants the building to reflect the value, morals of the county. Mr. Pritt recognizes that many of the commissioners are newer and he's been enlightened to some projects. Commission staff describe projects such as a new roof, repairs to the flame and plans for the future. Commissioner Brenemen asks that we keep the American Legion updated and in the loop. Brian Good, Park Director, will reach out about collaboration.

Discussion & Decision: Pool Plan Design Options

President Louisos presents he's been working with Chris Burford, New River Engineering, Inc. and Mr. Good for about a month. Mr. Burford presents that we can get the pool and baby pool back up and running right at \$1 million. Plumbing will need to be upgraded to avoid the problematic areas. And they are hoping the filtration system still works. 5 phases: Zero entry and slides would mean intermediate phases to do mechanical upgrades to support the water flow. President Louisos asks about phases 3 and 4 flipping. Mr. Burford states it depends on if the existing system will support bypassing phase 2. Will need to have the designer (Matt) meet with the FCC to pare down the needs vs. wants. Will assist with writing grants to fund the phases. \$5.6 million is the total cost, but due to phasing it out means redundant works (ex. concrete replacement) but that's the way to do it to make the cost more manageable in phases. If the FCC approves phase 1, agreement could be executed quickly. Opening for Memorial Weekend 2024 will be tight, though. Commissioner Brenemen question about just starting a completely new pool. Would it be cheaper? Mr. Burford says it wouldn't be because the shell and electric work are already in place. The cost is by square foot so it wouldn't change the cost. Commissioner Brenemen asks from approval, when could a plan be ready. Mr. Burford says he hopes 4-8 weeks but could be an 8-12-week design plan. Hopefully by February though.

Discussion & Decision: Shooting Range Lease Kevin Walker and Fallyn Wakefield, Shelter Employee, are here from Animal Shelter. There is a problem with bird shot raining down on the kennels. Commissioner Brenemen says that when they shoot clay pigeons, they shoot right to left, right in line with the shelter. One worker had a BB hit them in the neck last week. Mr. Ciliberti states the lease hasn't been updated since it was signed in 2009. Two options - terminate or dictate times and

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direction of shooting. Mr. Walker says if it was being utilized in the way it was designed, shooting left to right, this wouldn't be a problem. Staff, animals, buildings and vehicles have shot raining down on them. Mr. Ciliberti states they are in violation of the lease and there was destruction of property (cracked window in a car.) A deputy was called down, and that deputy is part of the gun club and nothing was done (he was off duty.) Lease has to be terminated on the last day of the lease period which is June 30. But a letter can be immediately sent asking for a correction of actions within 30 days, to change the shooting from right to left to left to right. Ms. Wakefield states this has been going on for years. She was hit in the leg and hair and another employee was hit in neck. The FCC asks that the sheriff be advised of this issue. Commissioner Taylor asks if it doesn't stop what are our options. Mr. Ciliberti will have to research what the options are as this would be breach of contract. May have to take action against the recreation club in Circuit Court for an injunction. Commissioner Taylor asks for a cease and desist and notice of lease termination and warning to seek immediate lease termination if no compliance. Commissioner Taylor motions to send letter. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: 911 Dispatcher and Supervisors Pay Tonja McMullen and Phillip Pack are present. Supervisors have automatically been paid 40 for their short week and that will change due to the new payroll system and they will lose money. Mr. Pack proposes changing the hourly rate to make up for this adjustment. President Louisos motions to change the rate of pay to make up for the adjustment and to increase Charles Williams' salary by \$2,000.00 due to his longevity and experience. Commissioner Taylor seconds. Unanimous decision. It will take effect next pay period.

Discussion & Decision: Establish Two New Funds

Received a letter from the state auditor's office requesting that two new funds are established due to new legislation. These are interest bearing accounts.

- o **Fund 40 Opioid Settlement**
- o **Fund 41 County Fire Protection Fund**

Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Discussion & Decision: URA Board Member Expired Terms

3 terms are expired since March 1, 2022 but were maintained per they by-laws to finish the sale of Wolf Creek Park. Matt

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Wender, Gene Kistler and Jeff Proctor have been serving. This sale fell through.

Commissioner Taylor motions to appoint Steve Pridemore to term of Matt Wender, to expire March 1, 2027. President Louisos seconds. Unanimous decision.

Commissioner Taylor motions to appoint Mike Kessinger to term of Gene Kistler to expire March 1, 2027. President Louisos seconds. Unanimous decision.

Jeff Proctor will stay in place for the time being. No motion but all are in agreement.

The meeting was adjourned at 11:33 a.m.

FAYETTE COUNTY COMMISSION
EMERGENCY SESSION
NOVEMBER 14, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

The Fayette County Commission met in an emergency session this 14th day of November, 2023.

President Louisos calls the meeting to order at 11:00 a.m.

Commissioner Brenemen and Taylor were on via Zoom.

Discussion & Decision: Wolf Creek Park Memorandum of Understanding. President Louisos asks if there are any questions regarding the MOU. There are not. President Louisos motions to approve and sign the MOU. Commissioner Taylor seconds. Unanimous decision.

The meeting was adjourned at adjourn 11:01 a.m.

FAYETTE COUNTY COMMISSION
EMERGENCY SESSION
November 27, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR

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The Fayette County Commission met this 27th day of November, 2023.

President Louisos called the meeting to order at 1:00 p.m.

Commissioner Taylor explained that they are meeting to approve a letter to the Twelfth Circuit Court judges and WV Supreme Court regarding the ongoing process to move probation to the former detective's bureau. There were some questions and issues during the Thanksgiving holiday which created the need for an emergency meeting prior to the scheduled move this week, which is before the next regularly scheduled meeting.

President Louisos motions to approve the letter addressed to Chief Judge Blake and the court regarding the probation move.

Carbon copied: Hon. Thomas H. Ewing, 12th Judicial Circuit, Jerrod White, Chief, Fayette County Probation Department, Anthony Ciliberti, Jr., Fayette County Prosecuting Attorney and Joseph Armstrong, Administrative Director, WV Supreme Court of Appeals and Kimberly Fields, WV Supreme Court of Appeals, due to their previous involvement and statements that the WV Supreme Court cannot fund renovations of the law library or the move.

Commissioner Brenemen seconded. Unanimous decision.

The meeting was adjourned at 1:02 p.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

DECEMBER 6, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 6th day of December, 2023.

President Louisos called the meeting to order at 9:00 a.m.

Brian Good led the Pledge of Allegiance.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie

Young: Tara Tyree presents Real Property exonerations for: Rosarita McCormick \$60.70; Nathan Withrow \$226.32 & \$668.46; Christopher Kirk \$\$173.62; Lois A. Hogan \$7.70; Walter G. &

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Peggy Holdren \$918.86; Tracey L. Mullens \$345.48; Donald S. & Angela Wills \$114.43; Deja M. Jones \$185.22. Commissioner Taylor motions to approve. President Louisos seconds. Unanimous decision.

Ms. Tyree presents orders to Combine or Divide and Segregate Land for Floyd R. & Sherry Keeney and Timothy & Chessie Belcher, respectively. Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Ms. Tyree asks about help with scenic overlooks signage and clean up. This will be on the next agenda.

Approve Payroll for December 15th and 29th: President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices for: President Louisos asks about \$34K for Giannini at the Fire Training. It was included to show all bids. President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brenemen motions to approve the minutes from November 1, 14 and 27. President Louisos seconds. Unanimous decision.

Approve Estate Settlements: Elza Ezra Cooper, Jr.; Mary Catherine Garrett; William Herman Goodson; Belinda Gray; Hilda Mae Hornsby; Linda Lou Huffer; Hilda Jane Legg; Sandra Lee Miller; Jeanette Marie Morrison; John Randall Murphy, Sr.; Cheyenne Matthew Pemberton; Sonja Maria Terry; Robert Lawson Tucker; and Keith Wayne Williams. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Affidavit to List the Real Estate Certified to the Auditor from the 2022 Land Sale President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: New Employees: Circuit Clerk and Maintenance Travis Prince is present to introduce Jessica Rakes who started last week. Ms. Lanier presents new hires Loretta Ratliff, custodial, Danny Smith, maintenance and Amy Evans, floating in both areas. Commissioner Taylor motions to approve

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their hires retroactively. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Approval of Fund 042 EMS Fund

Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Letter regarding Commission approving new hires and background checks

Prosecuting Attorney Anthony Ciliberti has written the letter. It will go to the Elected Officials. Will include a reminder about background check with the understanding that background checks should come back before an offer is made and applications should be filled out. Approval for time sensitive employees can be made nunc pro tunc. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: 2024 Meeting Calendar Approval

Discussion to remove January 17th and June 18th. Commissioner Taylor motions to approve the calendar with these amendments. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: 2024 Holiday List Memo Approval

Commissioner Taylor motions to approve as presented along with any other last-minute holidays called by governor. President Louisos seconds. Unanimous decision.

Discussion & Decision: Paint Creek Spill Settlement Commissioner

Taylor explains there was a \$1 million insurance policy from trucking company. Driver was the company owner and is out of business now. State and private plaintiff got half of the policy. The other half divided between Kanawha and Fayette Commissions. Kanawha initially asked of an 80/20 split. Litigation will continue to use the funds. Special Counsel Mike Callaghan submitted an invoice from the \$250,000 for attorney fees, testing, cleanup and \$22,000 for expert Scott Simonton. Remaining funds after the other expenses will go into a new fund and continue to test the water for the residents. DEP has tested and the levels are non-detectable in the water and soil. Watershed group says the residents still see bubbling when it rains, though. Wants to set up a fund with the Health Department for water testing countywide. Mr. Callaghan adds that the WV DEP

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states no further remedial actions are necessary. No threat to the environment or human health. Fayette County prioritized remediation of the spill ahead of a settlement. Mr. Ciliberti presents that this is above the expertise of his staff and Mr. Callaghan has greatly reduced his fee. Mr. Ciliberti says the FCC previously established a sub-fund, so we are ready to accept the settlement. President Louisos motions to approve and sign the agreement. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: WV Courthouse Facilities Improvement Authority Funding Award Commissioner Taylor motions to approve and authorize President Louisos to sign. President Louisos seconds. Unanimous decision.

Discussion & Decision: Award of bid for Sheriff Department Masonry Ms. Lanier presents that after review by architect Dan Snead, Pullman was lowest but it did not include and amount for the bid bond. Clause says it's a mutually exclusive contract which negates the need for a bid. Considered an incomplete bid. Keystone was the next lowest bid at \$176,092. Commissioner Taylor motions to accept Keystone's bid. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Pool Design Chris Burford with New River Engineering, Inc. sent in Task Order 2. Phase 1 is \$1 million for a fix to get a functioning pool. Question about it being approved on November 1. Mr. Burford says that was misworded. President Louisos asks what was the \$75,000 for if it wasn't for a design. Mr. Burford said it was for Task 1 for the geotech. President Louisos said he thought we should have an architectural design at this point. Mr. Burford said that was just for the RFP. Task Order 2 will get it up and running. Commissioner Brenemen asks we've paid \$75,000 and were just given preliminary designs, but now they need another \$100,000 to get an actual design. Mr. Burford said part of the \$75,000 was to find the void under the pool and they gave 5 preliminary designs instead of the 3 requested. This was put on hold for the public hearing.

Discussion & Decision: Public Hearing- Precinct Changes County Clerk Michelle Holley presents that previous redistricting due to the new legislative lines now needs adjusting. There are 6 in question.

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1. Precinct 31 - move southern border from along the river to along the railroad tracks to encompass campsites along the river. They are addressed and currently 3 have full time residents. Only access to the properties is by boat from Gauley Bridge.
2. Precinct 60 (Hopewell Rd) - move line back from creek from Rt 60 to Chestnutburg Rd to ensure all of Hopewell Rd is inside of Precinct 60. Number of voters effected: approximately 6.
3. Precinct 74/72/68 - Move lines near Sewell Creek Rd and Loops Rd to remove a strange triangular piece of 74. Number of voters effected: approximately 24.
4. Combine Precinct 11 and 12. Number of voters effected: approximately 850. Would not change polling place, both precincts currently vote at the Lewis Center.
5. Create NEW Precinct 41 - Will encompass those voters near Deepwater/Boonesborough/Kanawha Falls that currently must drive to Montgomery and back the other side of the river to Falls View to vote. Polling location would be Page HeadStart in Precinct 42. Number of voters effected: approximately 250.

Mount Hope would also like to go on the county ballot which will affect precincts 23 and 19 to follow city lines. That will need to be a separate public hearing. Other municipalities that haven't requested to be on the county ballot will not be addressed for the 2024 elections. Commissioner Taylor motions to approve the proposed changes to the precinct line. President Louisos seconds. Unanimous decision.

Discussion & Decision: Demolition Bid Opening

Empire: Kimberly \$13,000; Charlton Heights \$9,000; Danese \$8,000

Total: \$30,000

Aster Oilfield: Kimberly \$9,200; Charlton Heights \$8,000; Danese \$9,000 **Total: \$26,200**

Smokey Joe: Kimberly \$26,585; Charlton Heights \$14,650; Danese \$16,450 **Total: \$55,658**

Reclaim: Kimberly \$22,800; Charlton Heights \$14,980; Danese \$21,980; **Total: \$59,760**

Astar: Kimberly \$37,800; Charlton Heights \$43,600; Danese \$29,700 **Total: \$111,100**

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Commissioner Taylor motions to approve the lowest bid from Aster Oilfield at \$25,200. President Louisos seconds. Unanimous decision.

The commission entered into Executive Session at 9:58 a.m. for legal counsel for the 10:00 item.

The commission exited the Executive Session at 10:25 a.m. No decisions made.

Discussion & Decision: Dilapidated Building Hearing Canterbury

Mr. Canterbury is in attendance and recording the FCC. Had counsel and decided to retain other counsel due to potential conflicts. Commissioner Taylor asks if he intends to retain other counsel. Depending on how this goes. Commissioner Taylor asks if the building inspector can visit the house. He says no. Has been there for 60 days and no one showed up. Allen Ballard, Building Inspector, has called several times since November. Mr. Canterbury claims he is currently having a panic attack or heart attack as he's very stressed over this situation. Medical attention was offered and declined - he will visit the VA after this hearing. He is not willing to let Mr. Ballard inspect at any time. Says it doesn't need inspected. Original complaint was for 3 things and they've been corrected. Commissioner Taylor asks about his GoFundMe claiming we profit from these demolitions, which we do not. Mr. Canterbury states someone is profiting. Commissioner Taylor clarifies we are not making any money and we are expending funds to clean up the county. Commissioner Taylor states there are no criminal penalties, he is not going to jail which he also states in his GoFundMe. Discussion about if he is living at the residence now. He has turned on utilities and no longer lives in Beckley. There was a leak adjustment on a home he owns in Pax. Says he doesn't live there. Refuses to answer more questions. The FCC doesn't have enough information to make a decision either in his favor or against it. Mr. Canterbury states he's certain it will not go in his favor. Commissioner Taylor asks if he would like to retain an attorney. He just wants to go to the VA. Commissioner Taylor motions to postpone till January 3rd meeting so he can go seek medical attention. President Louisos seconds. Unanimous decision.

Discussion & Decision: Voluntary Demolition Candidates for REAP Grant Funds - Angela Gerald

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- **Case #116- 4031 Deepwater Mtn Rd. Fayetteville, WV 25840- Valley District- Tax Map 65 Parcel 30** Question about the incorrect address. Owner has been noticed - he volunteered. Will keep property and sign a form. Commissioner Brenemen asks that we restrict that it cannot be a vacation home built on the land once demolished; this is not something we can dictate. Commissioner Taylor motions to approve the voluntary remediation using REAP grant funds. President Louisos seconds. Unanimous decision.
- **Case #173- 18659 Stanaford Rd. Danese, WV 25831- New Haven District- Tax Map 102 Parcel 19** Commissioner Taylor motions to approve the voluntary remediation using REAP grant funds. President Louisos seconds. Unanimous decision.
- **Case #180- 3170 Dempsey Rd. Fayetteville, WV 25840- Plateau District- Tax Map 6 Parcel** President Louisos motions to approve the voluntary remediation using REAP grant funds. Commissioner Brenemen seconds. Unanimous decision.
- **Case #209- 4078 Dempsey Rd. Fayetteville, WV 25840- Plateau District- Tax Map 5L Parcel** President Louisos motions to approve the voluntary remediation using REAP grant funds. Commissioner Taylor seconds. Unanimous decision.
- **Case #246- 2083 Gauley River Rd. Belva, WV 26656- Valley District- Tax Map 16N Parcel 4** Commissioner Taylor motions to approve the voluntary remediation using REAP grant funds. Commissioner Brenemen seconds. Unanimous decision.
- **Case #10 6285 Midland Trail. Charlton Heights, WV 25040 Valley District Tax Map 38N Parcel 176** Will convey to the LRA. Commissioner Taylor motions to approve the demo once a deed is in hand. President Louisos seconds. Unanimous decision.

Mr. Ciliberti will have the owners to sign the demo orders in preparations for the bids.

Ms. Gerald presents that the dilapidated properties website now has 350 properties listed.

Discussion & Decision: Evelyn Stevens Estate Hearing Clerk

Holly asks that the Sheriff be appointed as the administrator. 3 siblings and a stepfather are involved and present. Possibly

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a common-law marriage in Cleveland, Ohio. Not legally married in WV. Together 44 years. 1979 - 1996 in Ohio.

Present: Deborah and William Fannin - Daughter; Tammy Dunn - Daughter James Roberts - Son; James Nathan Roberts - Grandson; Thomas Stevens - Domestic Partner

Mr. Ciliberti asked if there is a will. Ms. Dunn has papers and lawyer who drew them up of durable power of attorney in Ohio. Attorney was contacted and states there is not a will because he doesn't have a copy of it. Lawyer checked with county clerk and it wasn't there. The family is in conflict but is in agreement that the Sheriff should handle it. Clerk has concerns that any family members being administrators will cause bias.

Commissioner Taylor motions to appoint the administrator of the Evelyn Stevens. Mr. Ciliberti will need to research common law marriages in other states and if WV will reciprocate. They do not recognize a marriage here. Mr. Nathan Roberts asks why they handle it together and is not sure of the conflict. The FCC cannot partake in these discussions, just can agree to appoint the Sheriff to assess the validity of her marriage and administer the estates. Commissioner Taylor motions to appoint the Sheriff as administrator. President Louisos seconds.

Unanimous decision.

The FCC took a break at 11:05 a.m. and returned at 11:28 a.m.

Continued Pool Discussion: Commissioner Brenemen says that they first needed to see what was under the pool before plans could be drawn. Had to explore and do preliminary work and that was part of the \$75,000 previously authorized.

Mr. Burford says that the \$75,000 was for Preliminary Engineering Report (PER) and part of the \$1 million fix. Then next task is final design, bid package etc... and it will be \$109,000. But again, part of the \$1 million. \$42,500 was for the Ground Penetrating Radar(GPR). Commissioner Taylor states part of the confusion was that some of the designs weren't in line with our financial constraints and what was originally requested. President Louisos states that he was always clear that it would need to be phased out.

Discussion about going after an earmark for \$1 million with the PER and design. Commissioner Taylor motions to engage NREI and NRGRDA to submit phase one for an earmark. Commissioner Brenemen seconds. Unanimous decision.

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Mr. Burford mentions a senior citizens center in Meadow Bridge. They received \$540K from USDA. Mr. Burford is working with Region 4 for more funding. They will need an emergency generator system. And the area doesn't have a warming center or space for oxygen.

The meeting was adjourned at 11:51 a.m.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

DECEMBER 6, 2023

FAYETTE COUNTY COURTHOUSE

PRESENT: TOM LOUISOS, JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met in a special session this 6th day of December, 2023.

President Louisos called the meeting to order at 1:00 p.m.

Discussion & Decision: Page Kincaid PSD Financial Update

James McCartney Chairman appeared. He's been on the board since April. Since WVAW took over in February, the PSD has lost 80% of their income. WVAW has not paid the remaining \$250,000 it is due to PKPSD. The PSD is in deficit for spending every month. WVAW does not acknowledge that they owe any money. Disgruntled customers are paying with change and yelling at staff. Thrasher is on hold for the Robson sewer project. Commissioner Taylor does clarify that they weren't great before WVAW took over. Mr. McCartney said they were working on a filter replacement. Commissioner Taylor states the FCC can't represent PKPSD to recoup the money. Phill Tissue is their attorney. FCC is sending a letter requesting the money. We can complain for them in our letter. Can't sue for them. McCartney isn't asking them to sue just pressure them. Commissioner Taylor asks for the exact amount of money owed. McCartney - meeting Tuesday. He'll get it then. Amy Bennet, PSD secretary, will contact County Administrator Ruth Lanier.

Commissioner Brenemen has questions: What was the October bill out on the current sewer system. Mr. McCartney doesn't have specifics but they had a negative amount of \$21,000.

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Commissioner Brenemen: were they using their water account to supplement their sewer? Mr. McCartney: not sure but 70% of their income was water. Commissioner Brenemen asks about a truck for the sewer company. Why a new one was purchased rather than repairing the old one. Also, when they went from two systems to one, did everyone retain the same pay? The truck driver is using the truck for Armstrong Creek and is Page Kincaid paying for the gas? Commissioner Brenemen clarifies the FCC can't tell them what to do. Just making suggestions.

Commissioner Taylor asks about vacancy and if they have seen the two applications. He has not. Commissioner Taylor gives Mr. McCartney the applications to review.

1:30 Discussion & Decision: Potential Merger of KFPSD with GRPSD

Jonathan Grose, Kanawha Falls PSD Chairman, presents that WVAW, through a request from the PSC contacted KFPSD about a O&M agreement. KFPSD countered and hasn't heard back. WVAW refuses to negotiate. Grose suggests KFPSD and Gauley River PSD merge. Armstrong Creek PSD was taken over by WVAW and is extending a 24 inch water line from Smithers to Boomer to make a connection across the river to Armstrong Creek PSD. Mr. Grose feels this is a step towards a hostile takeover. Commissioner Taylor agrees. President Louisos asks if KFPSD and GRPSD have met. They have not yet. Wanted to speak with the FCC first. They both agreed a united front against WVAW with the FCC's support was the best course of action. Commissioner Brenemen asks about Summersville PSD, since they have representation here today. Summersville along with KFPSD help supply water to Mt. Olive Correctional Facility. Mr. Grose says it helps to fill the tank, but it's not a fix all.

Commissioner Taylor asks if we go to the PSC and say how can they allow a take over of 2 other PSDs here when they haven't followed through on PKPSD take over. President Louisos clarifies that grant activity has prevented the sewer take over at PKPSD.

President Louisos doesn't think there would be a problem with the FCC supporting this merger, but they need to agree to something first. Jonathan Gross thinks the FCC could mandate that discussion.

Commissioner Brenemen asks Gauley River PSD attorney Jim Kelsch and Kanawha Falls PSD Attorney Todd Swanson to give their input. Mr. Swanson said they filed an injunction and WVAW ignored and

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then "played dumb" about the construction and said they were just trying to do what they were ordered to do by the PSC and get water over to Armstrong Creek PSD. The PSC hasn't responded.

Mr. Kelsch used to work at PSC. Agrees with Mr. Swanson that an injunction usually nets a quick response and that hasn't happened. No clear path here for anyone. Asked to order a corrective plan for GRPSD and let them become compliant. PSC said no, they were distressed. Has filed an O&M agreement for management oversight for corrective order for 3 years. GRPSD will pay \$2,000 a month for that service. Redundancy from Summersville to keep the prison supplied. Since March 2023 no other issues has happened to the water going to the prison.

Commissioner Taylor asks how long an O&M for a distressed utility last. O&M agreements can be part of the remediation. PSC can't pinpoint the actual cause of the failure at the prison. Combination of issues from KF and GRPSDs. Speculates this was a one-off incident resulting from KFPSD manager being sick from Covid. Upgrades have been performed and there is now redundancy.

GRPSD has 1,200 customers \$7 million outstanding USDA debt which WVAW would have to repay at 6%. KFPSD doesn't have that level of USDA debt.

Mr. Kelsch thinks a merger would cause issues with GRPSD deal with Summersville.

The only way a sale can be forced is if the FCC approves it. But the PSC can force an unwanted O&M.

Commissioner Brenemen asks what would happen if they lost their ability to supply the prison. Mr. Kelsch doesn't see how that would happen. But they could stay in business without the prison. Commissioner Brenemen asks what stops them from taking a line from Smithers to the prison since they put one in from Smithers to Boomer. \$6 million for water company to put a line from McDonalds to prison.

Commissioner Taylor asks about coming out of distressed status. Mr. Swanson has never seen one resolved. Says all these cases do is make the attorneys rich. Commissioner Taylor asks what the FCC can do to bring their influence to bear besides letters. Mr. Kelsch says telling them the FCC has no intention of approving a sale or O&M agreement.

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Mr. Swanson says that part of the distressed utilities act allows a merger as a fix. Loans and grants are in their golden era for these districts and funding. Could make the board 5 members.

Commissioner Brenemen asks if it's possible for KF and GRPSDs to meet and work out something. They are facing a company wanting to take over the whole state and customers won't be able to afford it. Mr. Kelsch thinks GRPSD isn't in as dire situation as other recent takeovers. WVAW isn't the only solution here. Thinks GRPSD is nearly out of the woods. Concerned a merger would complicate these things. Swanson is more than happy to sit down and talk. Combining would be nothing but beneficial for both. Both KF and GR are currently distressed. Swanson has seen mergers cause a stronger operation.

Dan Hill, KFPSD board member, states KFPSD has a low debt, but can't get low interest loans. Thinks the debt can be merged and paid off. No problems there either except the prison failure. Disagrees with the distressed assessment. WVAW uses this new mechanism to take out functioning PSDs. Mr. Grose states that WVAW takes over and creates paper PSDs and uses the FCC appointed boards to get grant funding and low interest loans that the big companies can't get.

President Louisos asks if the PSDs have discussed a merger. KFPSD is on board and GRPSD hasn't formally discussed it.

Mr. Kelsch still thinks it's a waste of time and effort since PSC still has to approve after FCC.

GRPSD members were present: Ralph Arthur - Chairman, Vivian Carroll - secretary, Robert A. Hill - treasurer, and are not in favor of a merger. Don't want to take on other problems. Would rather have their own plant instead of buying water from two other PSDs. KFPSD has too many problems and an old system. GRPSD has newer upgrades. PSC overstepped by calling GRPSD a distressed PSD. No PSC employees would say they were distressed. They are now going through the O&M steps to get through it. Mr. Kelsch says a final order hasn't been filed yet. If never filed, they'll just do the O&M for 3 years and get out of it.

A GRPSD member said that if WVAW took over the prison it would ruin them despite Mr. Kelsch saying they could "not" survive not having the prison as a customer.

The FCC took a break 2:13 p.m. to 2:21 p.m.

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Commissioner Taylor sees there is a stalemate. Mr. Grose asks about having common counsel since KFPSD produces the water. Commissioner Taylor states they are separate entities and need separate counsel.

The best that can be done is to articulate their views to the FCC after consulting with their counsel. The FCC can at least say they aren't going to support a takeover or O&M.

Mr. Grose suggests redistricting a new PSD. Everything would start over. Commissioner Taylor states there is more to a merger than that.

President Louisos asks how Mr. Kelsch will stop a WVAW pipeline to the prison. Mr. Kelsch will involve bondholders and file a complaint of provider on provider. PSC has final decision. Mr. Kelsch does not see that as a viable line extension.

Mr. Grose addresses and informs the FCC about sewer side Armstrong PSD. They are having problems. Armstrong sewer goes to KFPSD. They had a special meeting this morning. Will be filing a failing utilities report for spillage.

Board Member Appointment

Mr. McCartney returned for the PKPSD member appointment. Mr. Arbaugh and Mr. Fugate both are present. Mr. McCartney doesn't think that either applicant would be beneficial. Both have been adversarial. Mr. Fugate is the one who paid with pennies. Mr. Arbaugh admits he went in irate but it's because they held his check for 3 months then cashed it after asking them to inform him if they found it, and they did not. Mr. McCartney states this was a personal problem with his billing and it was straightened out.

Commissioner Taylor asks that both candidates promise not to cause a ruckus and be professional. Both agree.

Commissioner Taylor motions to appoint Ronald Arbaugh, Jr. President Louisos seconds. Unanimous decision.

Letter to WVAW regarding outstanding debt will be written by PA Ciliberti.

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The meeting was adjourned at 2:37 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 20, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: TOM LOUISOS, JOHN G. BRENNEMEN, ALLISON R. TAYLOR via
Zoom

The Fayette County Commission met this 20th day of December 2023.

President Louisos called the meeting to order at 9:00 a.m.

County Clerk Michelle Holly leads the Pledge of Allegiance.

Lieutenant Jess McMullen, Retirement Recognition Fridley presented that Jess McMullen is retiring tomorrow and will run for sheriff next year. Sheriff Fridley introduced two new deputies Dustin Smith and Thomas Ferris who just completed the academy. Kory Spears will take over for Lt. McMullen as the PRO officer at Oak Hill High School. The new K9 Officer is Joshua Wickline. Commissioner Taylor reads a Certificate and Commissioner Brennen and President Louisos present to Lt. McMullen

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young Approve Commissioner Brennen motions to approve a real property exoneration for Mountaineer Estates \$574.08. President Louisos seconds. Unanimous decision.

Approve Vouchers and Invoices Commissioner Brennen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Prior Meeting Minutes Commissioner Brennen motions to approve minutes from December 6, 2023, 9:00 a.m. and 1:00 p.m. meetings. Commissioner Taylor seconds. Unanimous decision.

Approve Estate Settlements Irene Bendy; Charles Frank Campbell; Joan Marie Dickerson; and Glen Eric Martin Commissioner Brennen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: EMP Grant approval for \$49,400. Commissioner Brennen motions to approve. President Louisos seconds. Unanimous decision.

Discussion & Decision: PPOD Grant Application Approval nunc pro tunc Asking for \$27,510 to assist with Litter Control salary, hauling and dump fees for cleanups. Application was due December 15, 2023. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Final Logo Approval President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: General School Transfer President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Letter to WVDOH Re: Signs at Overlooks on Rt. 60 President Louisos motions states the letter asks the DOH to upkeep the overlooks or remove the signs. Residents have complained. Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Fire Coordinator and Deputy OEM Director President Louisos motions to post a job description for Deputy OEM Director once developed. Commissioner Taylor seconds. Unanimous decision. Will modify Kevin Walker's job description.

Letter to Interim Fire Coordinator Steve Cruikshank: Ms. Lanier reads the letter. President Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Brenemen asks for impact to smaller fire departments from Josh Davis.

Discussion & Decision: Appoint CVB Park Representative President Louisos motions to approve Brian Good. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Brian Good, Park Director, 6-month Probationary Period Expiration Expires tomorrow. Commissioner Taylor motions to increase salary from \$42,000 to \$45,000 starting next pay period. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Letter to GST Regarding Website President Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

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Discussion & Decision HIDTA Grant Approval: Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Tax Map 5L Parcel 4 Plateau District Dilapidated Property Issue Prosecuting attorney Anthony Ciliberti explained ownership of the property passed by will to a trust. Joey Lafferty is the trustee who has authorization under the trust to maintain or sell the property.

The trust was established for the benefit of the brothers of the trustee. If the property is sold, the sale proceeds are to be used for the benefit of siblings.

One brother passed away without a will, without children, and he was unmarried at the time of death. As such, any interest in the property held by the deceased would pass equally to the surviving brothers. The second brother is living but lacks competency.

Mr. Lafferty's wife advised that her husband was also not competent. Ms. Lafferty advised she had a power of attorney that would allow her to act on behalf of her husband. However, when reviewed, the document was a medical surrogate appointment which does not give her any authority to act on behalf of her husband in any areas other than medical decisions.

A civil suit could be filed under our ordinance, and under the statute concerning the sale of real property owned by an incompetent person. However, the Court will need to appoint a Guardian ad Litem for both Joey Lafferty and the surviving brother, given that both are incompetent.

There is no state funding to pay a Guardian ad Litem in these types of cases. If the commission proceeds, the Court will almost certainly order Fayette County to pay the Guardian ad Litem fees. It's hard to predict the amount of such fees, but it should only be three or four hours of work which may mean GAL legal fees of \$600 to \$800. (Estimate.)

The Commission should give its approval given that the County will most likely be responsible for the GAL legal fees.

We can move forward with the civil suit. However, there is no shortage of other eligible houses.

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There is the possibility that Ms. Lafferty will be appointed Guardian Conservator. Mr. Ciliberti has given her the proper documents to be appointed and this would be of no expense to anyone. Mr. Ciliberti states they would still need to go before the civil court due to lack of competency of the heirs. Her appointment would make it easier. He suggests delaying seeing the outcome and focusing on other homes.

Discussion of the consent to enter properties for evaluation of dilapidated properties. Mr. Ciliberti will post on his FB page to be shared to invite people to apply. Discussion about working with municipalities and needing an MOU or resolution to demolish properties in municipalities. Would need to be invited.

Mr. Ciliberti gave updates on the owner of the property located on 612. A private detective has checked 5 or more addresses and cannot find him. He did not appear at his civil hearing in Oak Hill. If he doesn't show up the next time, they will issue a bench warrant. The other owner missed the deadline to respond. Neighbors have Mr. Ciliberti's cell number to inform if the owner shows up at the property and can be served.

The meeting was adjourned at 9:42 a.m.

End of 2023