

FAYETTE COUNTY COMMISSION'

SPECIAL SESSION

JANUARY 31, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 31st day of January 2008.

Commissioner Eskew called the Board of Equalization and Review hearing to order at 9:12 a.m. Since there were no hearings scheduled, Commissioner Eskew asked that the Board of Equalization and Review be adjourned at 9:20 a.m.

Commissioners Eskew convened the County Commission meeting at 9:20 a.m.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing of the pledged securities that will not be available for pledge as of February 1, 2008.

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

Order signed.

Ms. Holly informed the Commissioners that the Division of Culture and History did not approve record shelf storage for the jail but approved \$3,600.00 for the County Clerk to continue the map preservation project and to purchase map sleeves for the map cabinet in the records room.

Commissioner Wender asked Ms. Holly to ask for a reason why they

did not approve the record's shelf storage.

Ms. Holly presented a letter for the Commissioners to sign informing the Division of Culture and History that it is their intent to proceed with the map preservation project and to purchase map sleeves for the map cabinet in the records room at the reduced funding level. The Commissioners signed the letter.

Commissioner Wender informed the Commissioners that Arbuckle Public Service District had received a citation from the Division of Environmental Protection.

Discussion was held, and the Commission asked Dave Pollard, County Resource Coordinator to talk to other Public Service District's regarding Arbuckle Public Service District situations.

Ms. Holly presented to the Commissioners an Order designating the number and type of election boards for the various precincts for the Presidential Primary Election being held May 13, 2008.

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

Commissioner Wender offered a motion to go into Executive Session to discuss personnel matter (9:50 a.m.). Commissioner Lopez seconded.

Upon returning from the Executive Session, Commissioner Eskew reconvened the County Commission meeting at 10:30 a.m.

Commissioner Eskew informed the Executive Session was to discuss a personnel matter no decision was made.

Mary Kees appeared before the Commission to discuss the

Collinsdale-Burnwell/Mossy Water Project.

Attached is a list of everyone who attended.

Dave Pollard, County Resource Coordinator informed the Commissioners that he talked to Angela Chestnut with AML. Ms. Chestnut informed him that AML is putting the project out for bids for engineering soon (\$300,000) plus. Mr. Pollard told the Commissioners there would probably be an additional cost of \$30,000 to \$40,000 additional cost for legal, account, and easements.

Mr. Pollard told the Commissioners that WV American Water has a tank about 2½ miles away that serves Cabin Creek they are willing to participate in this discussion. Mr. Pollard told the Commissioners he has not talked with the National Park Service.

Amy Swann with the West Virginia Public Service Commission informed the Commissioners they should urge AML to talk to the Department of Public Health and should look at existing entry.

The Commissioners asked Mr. Pollard to keep in touch with AML and e-mail updates with Lannie.

The Commissioners asked Dave Pollard to copy Ms. Kees on any correspondences he might receive.

Ms. Swann told the Commissioners that through the summer and past it would probably take up to one year for engineering study.

Commissioner Eskew informed, he hopes the group that has gathered here can solve the problem.

Commissioner Eskew informed, he appreciated the group for coming. Commissioner Wender thanked Dave Pollard for his information.

Angie Groves with Region 4 Planning and Development Council

01-31-08

(1)

10:00 - Mary Kees Appointment
~~Barron Hill~~

LANNY JONES

Ethel Lucas

Kenneth Hayes NHPSS

Rosna Lively

W D Smith Regim 4 PAC

Angie Groves - R4PDC

Amy Swann - PSC

Steve Pilato - Governor's Office

presented a Memorandum of Understanding for the Danese Public Service District to the Commissioners.

Commissioner Wender offered a motion that the Administration of the Danese Public Service District Project be under the direction of Region 4 Planning and Development Council. Commissioner Lopez seconded. Unanimous.

Ms. Groves told the Commissioners that the Letter of Understanding Agreement is saying that this is going to be used for the Danese Public Service District. The Commissioners approved and signed Agreement.

The Commissioners signed a letter approving the use of the Memorial Building for Doug Arbogast, WV Sustainable Communities Project for a one-day workshop for local residents on conserving energy and water and reducing waste in the home and business.

The Commissioners signed a letter approving the use of the Memorial Building for Craig Lee Loy, Principal Valley High School, to play two (2) A sectional boys' basketball tournament games.

The Commissioners signed renewal invoice for Sam's Club Business Member.

Ms. Holly reminded the Commissioners that they have scheduled a meeting on February 21 at 10:00 a.m. to met with Ed Harper, Economic Development Council to discuss the Fayette County Weatherization Program and to remind them that they have scheduled a Board of Equalization and Review hearing for 1:00 p. m. if necessary.

The Commissioners received and reviewed a letter from Debbie Tate, 4-H Agent County Program Coordinator requesting a transfer of

funds in the WVU Extension Service 2007/2008 Budget.

Ms. Tate is requesting that \$1,040.00 be transferred from travel to temporary help.

Commissioner Lopez offered a motion to approve this transfer contingent upon a receipt of the written approval of the Extension Service Board. Commissioner Wender seconded. Unanimous.

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

Commissioner Wender asked Ms. Holly to send him an e-mail to remind him of the date and time the Commission will discuss the election officials pay rate on February 12, 2008 at 9:00 a.m.

Commissioner Wender offered a motion to write a letter to our legislators informing them that Fayette County Commission needs to go on record that they oppose to splitting districts, needs to be kept as a whole 3-Delegate District. Commissioner Lopez seconded. Unanimous.

Tom Hughes, Sheriff William Laird, Steve Cruikshank, David Neal and Mike Bates appeared before the Commission to discuss the radio bid.

Mr. Hughes told the Commissioners he was not pleased with the issue of Steve Cruikshank's letter of recommendation. Mr. Hughes questioned why should they stay with Motorola ADP encryption. The AES only encryption the Homeland Security recommends.

Mike Bates told the Commissioners that the Sheriff Office purchased back in 2004, 30-35 portable radios several standards.

Mr. Bates told the Commissioners that the Governor's Office must be a part of the interoperability radio project and it's not a

requirement to have encryption to operate on IRP system, everything the Sheriff has is interoperable.

The ADP cost would be \$10 optional must be a digital trunk to be an IRP System.

Mr. Bates told the Commissioners that Motorola pricing comes from Harrison County prices.

Commissioner Eskew suggested getting together and talk about some of these issues, but the contract has been awarded.

Steve Cruikshank told Mr. Hughes if he won't to make things compatible in the future they can discuss.

Tom Hughes commented that he just won't bid anymore.

Sheriff Laird told the Commissioners the grant expires the end of March.

The Commissioners received/reviewed and signed the order for the Petition of Stephanie A. Dravenstott Gouge Waugh to abandon an unnamed and unused street.

The Commissioners received and reviewed a letter from the Office of the State Auditor enclosing a copy of the Report on Applying-Upon Procedures of the Fayette County magistrate Court for the period ending December 31, 2006.

The Commissioners received and reviewed an invoice from Patricia Spangler for January through March Project Administrator's quarterly allocation, amount \$2,500.00.

The Commissioners approved to pay invoice for \$2,500.00 from Patricia Spangler to the Fayette County Solid Waste Authority and direct the Fayette County Solid Waste Authority to notify Ms. Spangler

that this is a one-time contribution.

The Commissioners received and reviewed a letter from the Public Service Commission enclosing an Order regarding interest to be paid on customer deposits by electric, gas, sewer, telephone and water utilities.

The Commissioners received and reviewed Statement of Actual and Estimated Revenues for Hotel Occupancy Tax as of October 2007 for the New River Convention and Visitor's Bureau 50% allocation, amount \$20,162.64 for the period October, November and December 2007.

The Commissioners received/reviewed and signed the Division of Homeland Security and Emergency Management Sub-Grant Award.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds for the December Limited Video lottery will be directly deposited on January 28, 2008, amount \$6,858.63.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the 25% of the coal severance tax will be directly deposited on January 29, 2008, amount \$27,638.68

The Commissioners received and reviewed copies of letters from the Prosecuting Attorney to Debbie Aliff, Payroll Clerk informing that Tina Carter's last day will be February 4, 2008 and he has hired Annita Lanham as a receptionist effective February 4, 2008 starting salary \$18,000.00 with benefits.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that the Homeland Security sub-grant is currently delinquent for submitting

November and December 2007 monthly reports. Original forwarded to Sheriff William Laird.

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

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of January 22, 2008.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning officer responding to Appalachian Fuels, LLC request for bond release.

The Commissioners received and reviewed a telephone message from Larry Ballenger informing that Russell Parker, Dog Warden came down to investigate horses at Page, 20 horses underfed needs to have a warrant issued to take horses.

The Commissioners received and reviewed a letter from the United States Department of Agriculture Rural Development enclosing a copy of their Fiscal Year 2007 Annual Report and a copy of the January 2008 edition of their quarterly newsletter.

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

The Commissioners received and reviewed a letter from the WorkForce WV regarding unemployment Compensation.

The Commissioners received and reviewed checks for 911 Fees from Spectrotel, Inc., amount \$42.00, One Communications, amount \$2,060.28, IDT Corporation, amount \$36.00 and AT&T Communications of WV, amount \$664.00; WV Courthouse Facilities Improvement Authority-Courthouse Improvement Grant-Roof Replacement, amount \$9,955.00; and Franchise

Fee-Bradley Communications, Inc., amount \$849.62.

The Commissioners received and reviewed an e-mail from Ray Birkholz, CSX Real Property regarding Prince Train Station.

The Commissioners received and reviewed an e-mail from Amber Marstiller reminding the Commissioners about the rescheduled Y/FIC meeting this Thursday, January 31, 2008.

The meeting was adjourned at 12:45 p.m. The next scheduled meeting is February 6, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 7, 2008
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 7th day of April 2008.

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

Mary K. Weatherford from the Assessor's office presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property for Jack L. and Carol J. Wygal, Charles Buckland, Donna J. McCoy, Drema F. Taylor, Jessie Smith and Tillman and Stephanie Mooney. Commissioner Wender seconded.

Unanimous.

Commissioner Wender offered a motion to approve and sign exonerations for real property for Carmen Leigh Walton and Margaret Jacqueline Humphrey. Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender offered a motion to approve minutes of February 19 and March 10, 2008. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Aletha Stolar be appointed a member of the Fayette County Beautification Committee. Commissioner Lopez seconded. Unanimous. Order and Appointment Letter

to Serve signed.

The Commissioners signed invoice to the Fayette County Board of Education for rental of the Fayette County Soldiers and Sailors Memorial Building, amounted \$2,916.66 for the month of April.

Commissioner Lopez asked about the Fayette County Board of Education sharing the expenses for the election since they are including their continuation of additional Fayette County Board of Education Levy on the ballot.

The Commissioners asked Ms. Holly to send a letter to the Fayette County Board of Education asking that they share in the costs associated with the conduct of the Primary Election for payment of all janitorial services in school facilities, payment of printing levy ballots, payment of legal publication of levy ballot, and any other applicable cost.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that Governor Mencken has proclaimed April 2008 as Fair Housing Month for the State of West Virginia.

Commissioner Lopez offered a motion that the Fayette County Commission proclaims April 2008 as Fair Housing Month. Commissioner Wender seconded. Unanimous. Proclamation signed.

Ms. Holly informed the Commissioners she received the Community Participation Grant for the New River Humane Society (\$5,000) and the Mountain View Church (\$5,000).

Commissioner Lopez offered a motion to approve and authorize the adoption of the Resolutions for the New River Humane Society and the

Mountain View Church of God. Commissioner Wender seconded.

Unanimous. Resolutions signed.

The Commissioners received and reviewed a letter from the Mountain Transit authority asking if the Commission approved their request for local commitment in the amount of \$3,000 for Fiscal Year 2000.

The Commissioners signed a letter to the Mountain Transit Authority (MTA) informing that the Commissioners have completed their budget for the fiscal year beginning July 1, 2008 and have approved \$1,000.00 for their organization.

Mike Gasper with Mountain RCD appeared before the Commissioners to discuss the upcoming rail corridor abandonment in Greenbrier and Fayette Counties.

Mr. Gasper told the Commissioners that CSX Transportation filed for the abandonment of 16.7 miles of track within Greenbrier and Fayette Counties.

Mr. Gasper told the Commissioners he is here today to provide them with this information so they may take advantage of this opportunity to develop a real regional asset-a multi use trail that can accommodate hikers, bikers, equestrians and other appropriate uses.

Mr. Gasper told the Commissioners that a draft of a letter of interest is filed with the Surface Transportation Board (STB) which is attached.

Mr. Gasper told the Commissioners that filing this letter does not commit them to acquire this corridor, it gives the Commission time

to develop a rail-trail proposal and undertake negotiations with the railroad.

Mr. Gasper told the Commissioners the letter is good for 30 to 40 days.

Commissioner Wender suggested forwarding all the information to Carl Thompson. Mr. Gasper told the Commissioner he would work with Mr. Thompson.

Commissioner Wender offered a motion that Fayette County Commission makes a request to hold the upcoming rail corridor abandonment in Greenbrier and Fayette Counties. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed he would notify Carl Thompson to contact Mike Gasper regarding this matter.

Carol Smith presented the ballot box keys to the Commissioners.

Commissioner Wender offered a motion to approve Oak Hill permission to plant trees along the Oak Hill Rail Trail at their discretion. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented Quarterly Sales Tax Report for the Fayette County Park to the Commissioners to sign.

The Commissioners received and signed from the Fayette County Health Department the Application for a Permit to Operate the pool at the Fayette County Park.

The Commissioner received/reviewed and signed request from John David requesting letters of support for the Housing Counseling Assistance and a Rural Housing and Economic Development Project.

Angie Groves, Region 4 Planning and Development Counsel and

Kenneth Hayes, Chairman New Haven Public Service District appeared before the Commission to continue the discussion of the Small Cities Block Grant (SCBG) applications.

The Commissioners informed that since the Kanawha Falls Public Service District does not have their project ready for construction, the Commission decided to approve the New Haven Public Service District to make application for the Small Cities Block Grant (SCBG).

Dave Pollard, County Resource Coordinator read a letter addressed to the Kanawha Falls Public Service District informing that the Fayette County Commission is interested in helping them move forward in providing water to the communities of Kanawha Falls and Boonesborough as outlined in their recent submittal for a Small Cities Block Grant (SCBG) consideration. The Commission asked the Kanawha Falls Public Service District to schedule a meeting at their office to discuss in the very near future.

Commissioner Wender offered a motion that the Fayette County Commission will give its priority to the water project to the New Haven Public Service District, and this will include Stringtown Road area for the Small Cities Block Grant (SCBG) application. Commissioner Lopez seconded. Unanimous.

Kenneth Hayes, Chairman, New Haven Public Service District thanked the Commission for their support.

The Commissioners received and reviewed a letter from the Ben Argento Basketball League requesting use of the Memorial Building for two (2) nights per week in July and August for their youth summer program.

Commissioner Wender offered a motion to approve same as last year request for the use of the Memorial Building for the Ben Argento Basketball League. Commissioner Lopez seconded. Unanimous. A letter signed.

The Commissioners received and reviewed a letter from the Fayette County Volunteers requesting a discounted rental rate for the Fayette County Park on behalf of Camp Kismet. The Commissioners asked to hold to discuss with Earl Pauley, Park Superintendent at his scheduled appointment.

The Commissioners received and reviewed a letter from Amber L. L. Marstiller, SPF-SIG Project Director for the Fayette County Prevention Partnership.

Ms. Marstiller informed the Commissioners that the SPF-SIG prevention funds include \$2500.00 in administrative costs. Ms. Marstiller asked the Commissioners if they would like to collect the administrative cost.

Commissioner Wender offered a motion to wave the administrative fee for the current year for the SPF-SIG grant. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed the Commission meeting at 10:25 a.m. for a five (5) minute break.

The Commissioners reconvened the Commission meeting at 10:45 a.m. Larry Rogers and Alfred Skaggs appeared before the Commission to discuss the rezoning of Route 60 and Stringtown Road.

Commissioner Wender informed the Commissioners that Mr. Rogers called him and he suggested that he come before the Commission.

Also, present was Tim Richardson, Zoning Officer.

Mr. Rogers told the Commissioners that Alfred Skaggs owns C & D Industrial building at Route 60, Stringtown Road. Mr. Rogers told the Commissioner this building needs to be rezoned to house Appalachian Power equipment. The building is 36 hundred square feet.

Mr. Rogers told the Commissioners in the Fayette County Unified Development Code the minimum acres required for Heavy Industry is 5 acres.

Commissioner Wender asked Mr. Richardson if they could revise the Heavy Industrial Ordinance.

Carl Harris, Prosecuting Attorney informed the Commissioners that this would have to go to the Planning Commission.

The Commissioners asked to postpone hearing until Tim Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator is present.

Terrell Ellis, 4C Consultant appeared before the Commission to help think through how to develop an internal marketing strategic plan. Mr. Ellis told the Commissioners that this is a courtesy call.

Mr. Ellis told the Commissioners that 4-C Region is to be branded and New River Gorge Region is the brand.

Mr. Ellis told the Commissioners he hope the Commission can put a logo on their website and link website to the New River Gorge or consider putting on their stationery.

Commissioner Wender asked Mr. Ellis if the Fayette County Chamber of Commerce going to use the logo.

Commissioner Wender offered a motion that when the Commission needs stationery to incorporate the New River Gorge Region brand logo. Commissioner Lopez seconded. Unanimous.

Dave Pollard, County Resource Coordinator, Tim Richardson, Zoning Officer, and Carl Harris, Prosecuting Attorney appeared before the Commission to continue discussion regarding the rezoning of route 60 Stringtown Road.

Commissioner Eskew asked Mr. Pollard if they could accommodate without restricting the possibility of a various for the 3.6 acre site. Commissioner Wender informed that Appalachian Electric Power maintains the facility, 12-15 property owners okay with the rezoning.

Dave Pollard suggested to the Commissioners to request a various permit to the Board of Zoning Appeals. Heavy Industrial requires a minimum of 5 acres for a various permit.

Mr. Pollard informed the Commissioners he would have to review.

Commissioner Wender asked Dave Pollard if the Ordinance can be changed and asked Mr. Pollard if he would give some thought to this as well.

Commissioner Eskew asked Mr. Pollard if they could get together what they can do and prepare something for the Commission to review.

Commissioner Eskew asked Mr. Pollard if they could have a recommendation based on the ordinance procedures and reschedule this hearing for April 15 at 10:00 a.m.

Earl Pauley, Park Superintendent appeared before the Commission to discuss the waterline extension for the pool.

Mr. Pauley informed the Commissioners that the 4-H had made a

request to bring shot guns, etc. to the camp.

Commissioner Wender offered a motion to deny the request of the 4-H for the use of firearms in all areas open to the public within the Fayette County Park is absolutely prohibited. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested to the Commission to inform Debbie Tate that she needs to meet with her counselors prior to camp and inform them of the damages.

The Commissioners suggested sending a letter to Debbie Tate to inform her that the Commission is concerned over damage done to the Fayette County Park for the past two years.

The Commissioners asked Ms. Tate to review the attached list and they expect every effort to be made by her and the camp counselors to take care of the Fayette County Park.

Ms. Holly informed the Commissioners that last year they waived the camp fee and also gave the 4-H Leaders Association \$1,700.00 for the 4-H Camp.

Ms. Holly told the Commissioners that for the 2008 Fiscal Year Budget they are requesting: camp rental fee-\$750.00, 2-Volunteer camping assistants travel stipends-\$400.00 (\$200.00 each), 2-Camp cooks-\$750.00 (\$375.00 each), Medical Supplies requested to operate camp-\$100.00, total \$2,000.00.

Commissioner Wender offered a motion to grant \$2,000.00 for operation of 4-H Camp in accordance with their request dated March 13, 2008. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding a discount on rental rate for Camp

Kismet.

Peggy Bennett informed the Commissioners that last year Kelvin Holliday did not take care of the request. Ms. Bennett told the Commissioners they received a check from the Fayette County Volunteers last week for last year.

The Commissioners received and reviewed a letter from the Fayette County Volunteers requesting a discount on the rental rate for the Fayette County Park on behalf of Camp Kismet.

Discussion was held the Commissioners decided to charge the same as last year a \$300.00 deduction.

Commissioner Wender offered a motion to discount the camp fee to \$300.00 for Camp Kismet. Commissioner Lopez seconded. Unanimous.

Earl Pauley explained to the Commissioners they need a waterline to the pool and a meter to Shelter #3 the meter to be put in ground on the side of the pool, the meter tap will cost \$300.00 and to run the line it would cost \$260.00, total \$560.00.

Commissioner Lopez offered a motion to approve \$560.00 for the waterline extension and meter from Shelter #3 to the pool. Commissioner Wender seconded. Unanimous.

Mr. Pauley told the Commissioners that the poll will be open Memorial Day weekend.

Mr. Pauley told the Commissioners they have a 40-year-old trash truck that's a hazard to be on the road. Mr. Pauley told the Commissioner he would like to go shopping for another truck cost would about \$4,000.00 to \$5,000.00.

Commissioner Wender offered a motion for Earl Pauley to go

shopping for another garbage truck and asked to hold until the Commission review. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Mr. Pauley had sent up a list of vehicles to be auctioned off.

Mr. Pauley told the Commissioners that the estimated cost to replace two (2) sets of windows at the Recreation Hall by the pool cost would be \$6,000.00.

Commissioner Wender asked Mr. Pauley to get an estimate from AAA Glass.

Discussion was held regarding the West Virginia Civil War Trail interpretive signage program. The division of Tourism has agreed to pay for the first 150 interpretive sites in West Virginia; the community would be responsible for the cost of the sign \$2,000.00 per sign. A community-based organization or agency will be responsible for an annual \$200 maintenance commitment.

The Commissioners received a request from the Historic Fayetteville Convention and Visitors Museum asking if they could place one marker on the Courthouse property.

Commissioner Wender offered a motion to approve placing one (1) marker on the Courthouse property for the West Virginia Civil War Trails. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew offered a motion for Commissioner Wender to participate in the meeting commemorator honoring Congress Rahall in Washington, D.C. Commissioner Wender will pay the travel expense if Fayette County Commission pay the hotel expense. Commissioner Lopez seconded. Unanimous.

The Commissioners asked that a letter be sent to Ann Cavalier expressing their appreciation and thanks for the time she spent serving as a member of the 4-C Board of Directors and as a member of the Upper Kanawha Valley Enterprise Community Board.

The Commissioners received and reviewed a letter from SELF (Strength through Education, Leadership and Family) inviting the Commissioners to an Award Ceremony on April 24, 2008.

The Commissioners received and reviewed a letter from Rapid Communications informing they will introduce some new rate adjustments of 5% to 7% to their Basic and Expanded Basic services on or soon after May 1, 2008.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Gerri Jones request to have water extended to "Beauty Mountain."

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for contacting his office about an economic stimulus bill.

The Commissioners received and reviewed from Richard Kinder, an Official Oath of Office as a member of the Danese Public Service District.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing funds for the February Limited Video Lottery proceeds will be directly deposited on March 26, 2008, amount \$6,489.39.

The Commissioners received and reviewed a letter from the State Department informing they reviewed the reserve coal values for the

account(s) Faye Martin for possible appraisal error(s) for Tax Year 2008. There review indicated that a clerical error occurred and recommended an appraisal change for this account.

The Commissioners received and reviewed a letter from the Friends of the Lewis House requesting that their organization receive the \$500 approved for fiscal year beginning July 1, 2007.

Ms. Holly told the Commissioners that the request for the \$500 for Fiscal Year 2007 was paid on July 20, 2007.

The Commissioners received and reviewed a letter from Governor Joe Manchin regarding the New River Gorge Bridge Cat Walk Project.

The Commissioners received and reviewed from the 911 Center a Status Report of calls made from January through March 2008.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List for the month of March, 2008.

The Commissioners received and reviewed an Audit Report from the Gauley River Volunteer Fire Department for Fiscal Year ended June 30, 2007.

The Commissioners received and reviewed from the Fayette County Animal Control/NRHS Activity Report, Monthly Revenue Reports for the month of March, New River Humane Society allotment, amount \$13,207.33 for the month of April and Weekly fees Collected for the week of March 21 to March 27, 2008, amount \$331.62, the week of March 28 to March 31, 2008, amount \$0.00, and the week of April 1 to April 3, 2008, amount \$225.00.

The Commissioners received and reviewed a letter from Appalachian Fuels, LLC regarding Permit #S-3002-96, Increment I. Original

forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer informing that he received the Appalachian Fuel letter, and he is certain that the county isn't a property holder as suggested, we were notified as the letter states "planning agencies."

The Commissioners received and reviewed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the TRIDENT grant, amount \$1,330.35.

The Commissioners received and reviewed a letter from Appalachian Power informing they are preparing to relicense its London/Marmet (FERC No. 1175) and Winfield (FERC No. 1290) Hydroelectric Projects located on its Kanawha River in Kanawha, Fayette, and Putnam Counties, West Virginia.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that the Homeland Security sub-grant to the Fayette County Commission is currently delinquent for submitting January and February 2008 monthly reports.

The Commissioners signed letters to several manufacturing companies in Fayette County informing that the Robert C. Byrd Institute (RCBI) is now considering southern West Virginia for the location of a new center. The RCBI is conducting industry focus group meetings in Raleigh and Mercer Counties. A meeting has been scheduled to be held at Tamarack on April 10, 2008 from 11:30 to 1:30 p.m.

The Commissioners reviewed a letter to the West Virginia Division of Criminal Justice Services enclosing a grant application requesting funding assistance for the continued operation of the Fayette County Community Corrections Program.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of the application for Fiscal Year 2008 Justice Assistance Grant Program funds.

The Commissioners received and reviewed from the Fayette County Board of Education a list of the custodians designated to open and close buildings for the Primary Election.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk giving a list of workers who will be working in the early voting office for the Primary Election (Carol Smith, Janet McClung, Fran Fuller, Rebecca Hudson and David Bennett at an hourly rate of \$7.50).

The Commissioners received and reviewed from the West Virginia Conservation Agency a land Rights Permit for Stream Protection and Restoration Program for the purpose of repairing flood damage on Laura Creek.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer regarding the Maple Coal Company.

The Commissioners received and reviewed a letter from Matt Darphi, Owner Bridge Climb USA, LLC regarding the status of his Bridge Climb USA project.

The Commissioners received and reviewed a Work Related Injury

Report on Kim Neff (Linzy) from James Perdue, Maintenance Supervisor.

The Commissioners received and reviewed a letter to the State Auditor's Office regarding March 27, 2008 Notice of Conditional Approval of the Levy Estimates.

The Commissioners received and reviewed resignation of Phil Raney as Chairman of the Fayette County Beautification Committee.

The Commissioners signed the Rental Agreement for the Soldiers and Sailors Memorial Building from the WVWA (WV Wrestling Association, Inc.).

The Commissioners received and reviewed a letter from Governor Joe Manchin announcing a Records Management and Preservation Board county grant award of \$3,600.00 to provide records management improvements for the Fayette County Clerk's Office.

The Commissioners received and reviewed from the Engineering Consulting Services, Inc. enclosing a complete copy of the Community Impact Statement for the Frasure Creek Mining, LLC/Taylor Branch Surface Mine SMA #S-3038-07, Fayette County.

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

The Commissioners received and reviewed from Liberty Mutual Certificate of Insurance for the Student Conservation Association, Inc.

The Commissioners received and reviewed from Branch Banking and trust Company informing that as of March 31, 2008 a list of securities held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the Division of Highways an Agreement dated January 18, 2008 between the Fayette County Commission and the West Virginia Department of Transportation regarding State Project S5310-15-980 East Kingston Arch Bridge, Fayette County.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, a list of vehicles to be auctioned off.

The Commissioners received and reviewed a letter from Create WV inviting them to attend the New River Gorge Create WV Summit being held Thursday, May 1, 2008 at the Tamarack Conference Center.

The Commissioners received and reviewed a letter from the Insurance Services Office (ISO) regarding a Building Code Effectiveness Grading Schedule for Fayette County.

The Commissioners received and reviewed a letter from ACS regarding important information regarding IBM OS/400 Operating System Support.

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

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

The Commissioners received and reviewed from the Circuit Court of Kanawha County a lawsuit regarding George Harrison et al v. Centre Equities, Inc. Civil Action #07-C-2108.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communication, amount \$45.82, Public Service Commission,

amount \$152,279.80, CityNet Holdings, LLC, amount \$152.61, ClearTel Communications, ME, amount \$12.00, Cequel Communications Holdings, ME, amount \$1,208.00, Level 3 Communications, LLC, amount \$138, Granite Telecommunications, LLC, amount \$146.00 and IDT Corporation, amount \$24.00; Franchise Fee-Bradley Communications, amount \$848.04; Human Service-FRN, amount \$10,000.00; Fayette County Board of Education rent, amount 2,916.66; Homeland Security-FEMA Hazard Mitigation, amount \$70,333.00; criminal Justice-Just For Kids/SPF-SIG, amount \$9,366.09, and TRIDENT, amount \$2,178.78; City of Beckley, amount \$1,550.61; Travelers, amount \$1,595.84 and Soldiers and Sailors Wall of Honor, amount \$50.00.

The Commissioners received and reviewed an e-mail from Mike Gasper regarding the upcoming rail corridor abandonment in Greenbrier and Fayette Counties.

The Commissioners received and reviewed an e-mail from Tom Oxley, City Manager of Oak Hill asking permission to plant trees on the Rail-Trail Right-of-Way.

The Commissioners received and reviewed an e-mail from Patricia Spangler informing that the Board of Education voted to support countywide school recycling.

The Commissioners received and reviewed an e-mail from Amber Marstiller regarding a meet the candidates' night.

The Commissioners received and reviewed an e-mail from Cindy Dragan, Fayette County Chamber of commerce regarding Meet the Candidates Night.

The Commissioners received and reviewed an e-mail from Amber

Marstiller regarding Underage Drinking Town Hall Meeting being held on March 25 at the Lewis Community Center.

The Commissioners received and reviewed an e-mail from Sandra Squire Public Service Commission regarding West Virginia Public Service Commission General Order No. 239.2-To all electric, gas sewer and water utilities operating in the State of West Virginia.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing the next Y/FIC meeting is on Thursday, May 15 from 12:00 to 2:00 p.m. at the Department of Health and Human Resources (DHHR).

The Commissioners received and reviewed an e-mail from John David regarding housing Christian Endeavor volunteers at the Fayette County Memorial Building.

The Commissioners received and reviewed an e-mail Lucinda A. Potter, Senior Lecturer, Department of Political Science informing that a block of rooms at the Hotel Morgan will be available through March 28th for the Local Government Leadership Academy Spring 2008.

The meeting was adjourned at 1:25 p.m. The next scheduled meeting is April 15, 2008.



FAYETTE COUNTY COMMISSION
APRIL 15, 2008
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present:

Kenneth L. Eskew, Matthew D. Wender

The Fayette County Commission met in a regular session on this 15th day of April 2008.

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

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

Commissioner Wender offered a motion to approve refund for Margaret Jacqueline Humphrey (\$43.90). Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve vouchers, invoices and the second half payrolls, payrolls to be released on April 25, 2008. Commissioner Eskew seconded. Unanimous.

Denis Scalph, Calentha Quesenberry and Jeanette Woodrum members of the Historic Fayetteville Convention and Visitors Bureau appeared before the Commission to express their gratitude and appreciation for their assistance to the Historic Fayetteville Convention and Visitors Bureau. Ms. Scalph asked the Commission for their continued support.

Ms. Holly informed the Commissioners they are here today to consider any objections and to officially adopt the levy rates for property taxation for the fiscal year beginning July 1, 2008.

Ms. Holly told the Commissioners she submitted the Budget to the State Auditor's Office on March 21, 2008.

Ms. Holly told the Commissioners she received one letter from the

State Auditor's office sending a Notice of Conditional Approval of the Levy Estimate (Budget).

Ms. Holly told the Commissioners that the State Auditor's Office did not have the revisions.

Ms. Holly presented another letter she received from the State Auditor's Office giving a Notice of Approval of the Levy Estimate (Budget) to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission on this day approves the County Commission Levy Order and Rate Sheet for Fiscal year 2008-2009. Commissioner Eskew seconded. Unanimous. The Commissioners signed the Order laying the Levy to be used in Fayette County for Fiscal Year 2008-2009. Kelvin Holliday, County Clerk signed the Levy Rate Sheet.

The Commissioners signed letters to the outside agencies regarding their contributions for Fiscal Year 2008-2009 budget.

Larry Rogers, Tim Richardson, Zoning Officer, Alfred Skaggs, Paul Wright with APCO, Carl Harris, Prosecuting Attorney, and Dave Pollard, County Resource Coordinator appeared before the Commission to continue the discussion regarding rezoning on Route 60.

Tim Richardson, Zoning Officer informed the Commissioners that he had talked with Carl Harris, Prosecuting Attorney and he recommend an amendment to the Unified Development Code do not recommend changing the industrial heavy use.

Mr. Richardson recommends to the Commissioners to add another special use permit under Section 3101, B-1 Business Neighborhood District and Section 3102, B-2 Business, Local District to be heard by

the Board of Zoning Appeals. The Board of Zoning Appeals could add special conditions.

Mr. Richardson informed the Commissioners that Carl Harris did review.

The Commissioners offered a motion to recommend to the Planning Commission that an amendment to the Fayette County Unified Development Code to add the special use permit descriptions for Section 3101-B-1, Business Neighborhood District and Section 3102-B-2, Business, Local District.

The Commissioners approved to set zoning hearing for June 6, 2008 at 10:00 a.m.

Commissioner Wender offered a motion that Fayette County Commission request that the Fayette County Planning Commission review for approval a Special Use Permit for Section 3101-B-1 and Section 3102-B-2. Commissioner Eskew seconded. Unanimous. (See attached Public Notice for dates and times)

Dave Pollard, County Resource Coordinator informed the Commissioners that the meeting with Kanawha Falls Public Service District has been scheduled for May 23 at 8:00 a.m. The meeting will take place at the Kanawha Falls Office in Gauley Bridge.

The Commissioners recessed the County Commission meeting at 10:30 a.m. to test paper and Ivotronics devices for the Early Voting.

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

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for DLR Properties, George M. and Delores A. Tyree, Timothy and Martha Garrison, Lowell D.

FAYETTE COUNTY ZONING OFFICE

COURT HOUSE ANNEX
FAYETTEVILLE, WEST VIRGINIA 25840

TIM RICHARDSON
Zoning Officer
574-4273

Public Notice

DAVE POLLARD
Resource Coordinator
574-4258

Please Take Notice That on the 27th day of May 2008. At a regular meeting of the Planning Commission of Fayette County, West Virginia, to be held in the County Commission meeting room, 1st floor of the courthouse, Fayetteville, West Virginia at 3:00 pm or as soon thereafter as the matter may be heard, the planning commission will hold a public hearing on the following amendments (change in land classification) to the Unified Development Code referred by the County Commission to the Planning commission for a recommendation.

Also Please Take Notice That on the 6th of June 2008. At a regular meeting of the County Commission of Fayette County, West Virginia to be held at the courthouse, thereof, at 10 9:00 am or as soon thereafter as the matter may be heard, the county commission will hold a public hearing on the following amendments (change in land classifications) to the Unified Development Code of Fayette County, West Virginia. Copies of the proposed amendments may be examined in the zoning office, courthouse annex, Fayetteville, West Virginia.

On the County Court's own motion an amendment to the Fayette County Unified Development Code to add the following special use permit descriptions

Section 3101, B-1, Business, Neighborhood District

"Special Use Permits" Subsection III, C;

"Electric, gas, oil, water and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for the distribution of local service and owned and operated by a public utility that directly or indirectly benefits the general public."

Section 3102, B-2, Business, Local District

"Special Use Permit" Subsection, III, MM;

"Electric, gas, oil, water and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for the distribution of local service and owned and operated by a public utility that directly or indirectly benefits the general public."

and Anna L. Wriston, and Mary Elizabeth Hornsby. Commissioner Eskew seconded. Unanimous.

The Commissioners signed letters to the West Virginia Development Office requesting first and final drawdowns for Armstrong Creek Volunteer Fire Department (\$1,500) and Mount Hope Lions Club (\$1,499.97).

The Commissioners signed a letter to the White Oak Public Service District enclosing a Community Participation Program application for Fiscal Year 2008 for their project (\$3,000) asking that they complete the application and return it to this office no later than April 30, 2008.

The Commissioners signed a letter to Ann Cavalier expressing their appreciation and thanks for the time she spent serving as a member of the 4-C Board of Directors and as a member of the Upper Kanawha Valley Enterprise Community Board.

The Commissioners signed a letter to Lieutenant Gary W. Reed informing they have been advised of his resignation from employment as a Fayette County Deputy effective April 1, 2008. The Commissioners offered their sincere appreciation for his 24 years of service to Fayette County and our citizens.

The Commissioners signed a letter to Aletha Stolar, FRN Coordinator informing that the Commission received her request regarding permission for use of the Courthouse lawn for a ceremony on Friday, April 25, 2008 from 12:00-noon to 1:00 p.m. for the purpose of acknowledging Children's Memorial Flag Day. The Commissioners approved.

The Commissioners signed a letter to the West Virginia State Agency for Surplus Property informing that Pax Volunteer Fire Department provides an essential public service to the citizens of Fayette County and they support the Pax Volunteer Fire Department in their efforts to participate in the Federal Surplus Property Program administered by their office.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$4,065.08.

The Commissioners signed a Proposal Application to the West Virginia Community Corrections for the Fayette County Community Corrections Program.

Ms. Holly told the Commissioners she called Okey Skidmore regarding the use of the Memorial Building on April 20 for the Earth Day Celebration in case of rain. No. One from the Earth Day Committee has contacted Mr. Skidmore.

Commissioner Wender asked Ms. Holly to send an e-mail to Kara and Sue informing them that the use of the building has been approved but no one had contacted Okey.

The Commissioners approved the use of the old chairs from the Memorial Building for Earth Day. The chairs are to be picked up and dropped back off by their volunteers. The Commissioners asked that they contact Okey Skidmore to arrange for the chairs.

The Commissioners received a request from Danny Wright, Circuit Clerk requesting that \$1,213.00 be transferred from the travel budget in order to purchase a needed copier for the front office.

Commissioner Wender offered a motion to approve budget revision as requested by the Circuit Clerk. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that she received an invoice from Kelvin Holliday, County Clerk requesting reimbursement to Carl Smith for the purchase of stamps for the 2008 election (\$494.48) and two invoices from Danny Wright, Circuit Clerk for purchase of an oak table and Magnetic Shelf Tag Package (\$415.00).

Ms. Holly told the Commissioners that Mr. Holliday should have gotten permission for Debbie Berry to write a check for the stamps and Mr. Wright did not request a purchase order for his purchases.

The Commissioners asked Ms. Holly to talk with both of them and remind them of the policy for purchasing items.

The Commissioners received a letter from Kelvin Holliday informing that the Fayette County Democratic Executive Committee submitted Curtis Dotson (Democrat) as the replacement for the late William McGraw and David Bennett (Republican) for the emergency election day commissioners.

Commissioner Wender offered a motion to approve Curtis Dotson and David Bennet as the Emergency Absentee Voting Commissioners. Commissioner Eskew seconded. Unanimous. Order signed.

Commissioner Wender asked Ms. Holly to send him an e-mail reminding to remind him that May 13th is the day to test tabulators. Commissioner Wender informed the Commissioners he has to appear in court that day as a witness.

Commissioner Wender suggested to contact Doug Arbogast for low

energy lights and outline for courthouse for Christmas.

David Neal, E911 Coordinator wants to know if he could have something to recognize employees for National Telecommunication for the Month of May.

The Commissioners received and reviewed the current Workers' Compensation rating worksheet from the National Council on Compensation Insurance, Inc.

The Commissioners schedule the following County Commission meetings for June 6, June 27, July 11 and July 25, 2007.

The Commissioners signed the Quarterly Sales Tax Report for the Fayette County Park, amount \$137.62.

The Commissioners received and reviewed letters from Stafford Consultant Incorporated regarding New Haven Public Service District-Contract #16A/16B-Stringtown Clifty Waterline, and New Haven Public Service District-Beauty Mountain/Power Plant/Shawver Bridge Road Status Report and New Haven Public Service District Contract #16A/16B status Report.

The Commissioners received and reviewed Accident Report of Deputy Steven L. Yarber.

The Commissioners received and reviewed a letter of support from The Ritz Carlton for Matt Darpli, Owner of Bridge Climb USA, LLC.

The Commissioners received and reviewed a letter from Wells Fargo informing that Claim #01-119644-00065 (Steven Yarber) has been forwarded to their insurance carrier.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that the March Table Games will be

directly deposited on April 15, 2008, amount \$3,376.04 and the Wine, Liquor, and Private Club Taxes will be directly deposited on April 10, 2008, amount \$298.95.

The Commissioners received and reviewed a thank-you card from the High Country Garden Club thanking the Commission for their donation of \$2,500.00.

The Commissioners received and reviewed a letter from LaFayette Post 149 The American Legion informing that Know Your County Government Day is scheduled for Friday, May 2, 2008.

The Commissioners received and reviewed from the Bank of New York a Cash Statement and Asset List as of March 31, 2008.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank giving a list of securities pledged as of March 31, 2008.

The Commissioners received and reviewed from the Fayette Animal Control Center/NRHS Weekly Fees Collected for the week of April 4 to April 10, 2008, amount \$1,738.00.

The Commissioners received and reviewed a notice from the Fayette County Chambers of Commerce inviting the Commissioners to attend Meet the Candidates, Tuesday, April 15, 2008.

The Commissioners received and reviewed a Remittance by the County Assessor to the State Treasurer's Office Courthouse Facilities Improvement Fund, amount \$123.00.

The Commissioners received and reviewed Monthly Statement of Charges from the West Virginia Regional Jail and Correctional Facility Authority.

The Commissioners received and reviewed a copy of a letter to the

Governor's Office from Matt Darpli, Owner, Bridge Climb USA regarding the status of his project Bridge Climb USA.

The Commissioners received and reviewed from the Circuit Court of Kanawha County lawsuit of George Harrison, et al v. Centre Equities, Inc. et al, Civil Action 07-C-2108.

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

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

The Commissioners received and reviewed several checks for 911 Fees from Citizens Communications Company, amount \$50.49, Verizon, amount \$30,720.31, and AT&T, amount \$582.00; Supreme Courts-FLM Rent, amount \$2,025.00; WV Development Office-Glen Jean Lights Grant, amount \$1,110.74; and the City of Beckley reimbursement, amount \$1,172.70.

The Commissioners received and reviewed an e-mail from Phil Wright to Commissioner Wender regarding the zoning scheduled for April 15, 2008 at 10:00 a.m.

The Commissioners received and reviewed an e-mail from the Fayette County Chambers of Commerce reminding of the Meet the Candidate Night, Tuesday, April 15, 2008.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing of the first SPF-SIG all-star Celebration being held April 18, 2008 at the Meadow Bridge Elementary School.

The Commissioners received and reviewed an e-mail from Tom Oxley, Manager City of Oak Hill to Robert Hannah, Urban Forestry Coordinator

regarding the Mountaineer Treeways disappointment.

The meeting was adjourned at 12:25 p.m. The next scheduled meeting is April 18, 2008.

Kenneth H. Eshel

FAYETTE COUNTY COMMISSION

APRIL 18, 2008

REGULAR SESSION

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 18th day of April 2008.

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

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

Commissioner Lopez offered a motion to approve and sign personal property tickets for Richards M. and Judy F. Peck, Tina M. or Gene Pullin, Lovell or Tammy Truman, Kerbie B. (Settle) Dixon and Greg or Jennifer Hewitt. Commissioner Wender seconded. Unanimous.

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

Commissioner Wender offered a motion to approve minutes of February 6, February 12, March 7, March 14, and March 21, 2008. Commissioner Lopez seconded. Unanimous.

The Commissioners signed order appointing Curtis Dotson (Democrat) and David Bennett (Republican) as the Emergency Absentee Voting Commissioners for the upcoming Presidential Primary Election.

The Commissioners signed a letter to Gary W. Reed informing they had been advised of his resignation from employment as a Fayette County Deputy effective April 1, 2008. The Commissioners offered their sincere appreciation for 24 years of service to Fayette County

and our citizen.

The Commissioners signed letters to the Elected officials and department heads regarding their Fiscal Year 2008-2009 budgets.

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

Commissioner Lopez offered a motion to go into Executive Session to discuss a personal matter. Commissioner Wender seconded. Unanimous.

The Commissioners reconvened the County Commission meeting at 9:48 a.m.

Commissioner Eskew informed the personal matter has been taken care of.

Attorney Graydon Ooten, Mayor Jim Akers, Bill Lanham and Pat Tygrett appeared before the Commission to conduct a public hearing regarding the application of the Town of Fayetteville to Annex Property by Minor Boundary Adjustment.

Mr. Ooten told the Commissioners the procedural aspects have been signed, the original order, posted in five (5) locations and advertised.

Mr. Ooten told the Commissioners that this request does not involve any properties owned by any individuals or business. It's for the road only.

Mr. Ooten told the Commissioners they are in the process of WV America Water Company purchasing the water.

Bill Lanham commented and explained the area that would be

involved.

Discussion was held, after the discussion Commissioner Wender informed for the reasons discussed he request that the Town withdraw this request today.

Commissioner Eskew asked if there were anyone opposing this annexation. No opposition. Margie and Levy Stanley told the Commissioners they were present to just ask for general information.

Commissioner Eskew asked if there were any other comments and suggested a recess at 10:35 a.m. for Mr. Ooten to discuss Bill Lanham Jim Akers and Pat Tygrett.

Ms. Holly presented bids for the 9-1-1 mapping software to the Commissioners. Present were David Neal, E911 Coordinator and Kevin White, Addressing Coordinator.

Ms. Holly told the Commissioners that at their previous meeting they approved advertising for the mapping software. Ms. Holly told the Commissioners she received one (1) from PTS Solutions, Inc., amount \$39,000.00.

Commissioner Lopez offered a motion to approve bid as presented, pending the review by David Neal and Kevin White. Commissioner Wender seconded. Unanimous.

Attorney Graydon Ooten returned with decision on the Annexation.

Attorney Ooten orally moved the Court for permission to withdraw the instant application for annexation pending future developments and considerations.

Upon due consideration and motion duly made and seconded, the County Commission hereby approves said motion to withdraw the

Application to annex property and said Petition for annexation is hereby withdrawn.

The Commissioners recessed the County Commission meeting at 10:45 a.m.

Commissioner Eskew reconvened the County Commission at 11:00 a.m.

Brian Logan appeared before the Commission to ask permission to house a trophy case at the Memorial Building.

Commissioner Eskew informed Mr. Logan that he needs to check with the American Legion members. Commissioner Eskew informed the American Legion will meet on April 21st and suggested that he stop in and get feed back from the American Legion.

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

Mr. Raney presented a Memorandum of Understanding from the Raleigh County Solid Waste Authority to sign to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission approves provided the Commission has the approval of the Prosecuting Attorney, to sign for the Fayette County Beautification Committee, the Memorandum of Understanding Agreement from the Raleigh County Solid Waste Authority. Commissioner Lopez seconded.

Unanimous.

The Commissioners authorized Commission Eskew to sign Agreement once the Prosecuting Attorney has reviewed. The Commissioners will honor the Agreement on a year to year basis.

Commissioner Wender asked the Committee how are they doing in getting a VISTA worker and Brownsfield Loan. Mr. Raney replied Aletha

Stolar is working on they are in her hands.

Commissioner Wender suggested getting together with Aletha Stolar and John Raney to discuss further the dilapidated properties, VISTA worker, and the Brownsfield loan. Commissioner Wender suggested to Mr. Raney to pick a date.

Commissioner Wender asked Ms. Holly to send him an e-mail once the meeting is set.

Mr. Raney presented a copy of the job description for the Fayette County Dilapidated to the Commissioners.

The Commissioners signed a letter to Senator Robert Byrd, thanking him for all the work he's done for our National Parks and for the New River Gorge National River and requesting his support for an analysis of the need for a boundary adjustment to further protect the New River Gorge National River for future generation.

Earl Pauley, Park Superintendent and Peggy Bennett appeared before the Commission to present bids for the Recreation Hall windows and the price on a trash truck for the Fayette County Park.

Mr. Pauley presented a quote he received from Bob's Truck and Car Repairs, amount \$5,500.00 and the bid he received on the Recreation Hall windows to the Commissioners: Crown Vinyl Products, amount \$4,776.00 and Fayette Awning, amount \$6,000.00

Commissioner Wender offered a motion that the Fayette County Commission will allocate \$4,800.00 for the Recreation Hall new windows and request that Earl Pauley obtain a second quote from St. Albans Windows in Nitro and AAA Glass in Oak Hill. If either are lower, Mr. Pauley would have to make the best decision. Commissioner Lopez

seconded. Unanimous.

Commissioner Lopez offered a motion that Fayette County Commission purchase truck for \$5,500.00 for th Fayette County Park. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed Application for a permit to operate a Food Establishment for the Fayette County Park.

The Commissioners returned telephone call to Chris Perkins, Superintendent Fayette County Board of Education.

Mr. Perkins told the Commissioners he needs to get a heads up on the request before he take it to the Board.

Commissioner Wender told Mr. Perkins the Commission wants to know if the Board will share the cost associated with the conduct of the election, janitorial cost, printing of the ballot, legal publication and other cost.

Mr. Perkins asked the Commission for the dollar amount to report to the Board. The Commissioners recommended \$20,000.00.

Ms. Holly told Mr. Perkins that the janitorial bill is paid after the election, needs actual cost of the levy ballot, election day and canvass day expenses, needs a contribution toward any cost of the election.

Mr. Perkins told the Commissioners he would take this information to the Board.

The Commissioners signed a letter to the West Virginia Development Office requesting second and final drawdown for the Fayette County Sportsman's Recreation Center, amount \$9,599.92.

The Commissioners signed a letter to Michael Proops, Controller,

Family Law Masters requesting reimbursement for rent in the amount of 2,025.00 for the month of May, amount \$2,025.00.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting a purchase order to purchase laptop computers for use by deputy sheriffs in the performance of their assigned duties and responsibilities.

Sheriff Laird told the Commissioners that the total purchase price of the laptops is \$8,080.74. The amount of \$808.74 beyond the amount of the award from the Southern Regional Highway Safety Program will be reimbursed or paid from the Sheriff's Concealed Weapons Fund.

Commissioner Lopez offered a motion to approve purchase of five (5) laptop computers, the difference (\$808.74) to be paid from the Concealed Weapons Fund and the \$7,200.00 is paid out of the grant. Commissioner Wender seconded. Unanimous.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for just For Kids, amount \$1,712.99.

The Commissioners received and reviewed the Hotel Occupancy Tax 50% allocation to the New River Convention and Visitors Bureau for First Quarter January thru March 2008, amount \$9,021.84.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties informing of the Senate Bill 492.

The Commissioners received and reviewed a letter from Ann Skaggs regarding the dilapidated houses on Route 60 the National Scenic Byway. The Commissioners asked that this be forwarded to Aletha Stolar.

The Commissioners received and reviewed Certificate of Insurance from the Fayette County Farmers Market.

The Commissioners received and reviewed an Accident Report informing that while weedeating a rock hit the right rear window of Sandra Tucker's jeep.

The Commissioners received and reviewed from Eastern Kentucky University Justice and Safety Center informing they have been selected to receive the Training Needs Assessment: Rural Domestic Preparedness Survey. The original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed Statement of Expenditures as of March 2008 for the Fayette County Park and Central Garage.

The Commissioners received and reviewed Pledge Security Release Notification from the Wachovia Bank.

The Commissioners received and reviewed a copy of a letter to the Surface Transportation Board from the Greenbrier County Commission regarding CSXT Transportation, Inc. Abandoned Exemption-Greenbrier and Fayette Counties, WV-AB (sub-no 682X).

The Commissioners received and reviewed checks from the Criminal Justice Services for the Community Corrections Grant, amount \$9,724.39; Supreme Court-reimbursement, amount \$3,373.07 and Bridge Day reimbursement, amount \$5,636.76.

The meeting was adjourned at 12:30 p.m. The next scheduled meeting is May 6, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 8, 2008
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 8th day of August 2008.

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

Commissioner Wender offered a motion that any equipment that was not sold at the auction is taken to the landfill. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices to be released today, approve first half payrolls, will discuss a date to release with Carl Harris, Prosecuting Attorney. Commissioner Wender seconded to approve and release vouchers and invoices today.

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

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

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

Commissioner Wender offered a motion to approve refunds s presented by the Assessor. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve requests of property owners to Combine or Divide and Segregate Land for James C.

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
 MONTH OF August 8, 2008

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6330605	25561	LANDQUEST LLC	August 4, 2008	S/B CLASS 2		X		\$23.06	3
6170047	39282	MANSOUR; SCOTT W	August 4, 2008	S/B HOMESTEAD		X		\$331.20	11
6317773	25562	LANDQUEST LLC	August 4, 2008	S/B CLASS 2		X		\$614.88	3
*6176201	*11912	ANDREWS, MARY M	August 4, 2008	S/B CLASS 2		X		\$139.12	2
6176201	11971	ANDREWS, MARY M	August 4, 2008	S/B CLASS 2		X		\$142.18	2
*6223320	*16978	LEFTWICH, CLARA	August 4, 2008	ERRONEOUS VALUE		X		\$84.54	2
6223320	17078	LEFTWICH, CLARA	August 4, 2008	ERRONEOUS VALUE		X		\$84.54	2
6254402	11620	WYSONG, CHARITY LYNN GILKERSON	August 4, 2008	ERRONEOUS VALUE		X		\$147.08	1
6240409	36885	MOORE, MARGUERITE D	August 4, 2008	S/B HOMESTEAD		X		\$306.20	9
6015778	163	AGUILAR, LINDA G & FOX, RODNEY	August 4, 2008	ERRONEOUS VALUE		X		\$285.92	1
6041936	30451	BROWN, MARY MAGDELINE	August 4, 2008	S/B HOMESTEAD		X		\$306.20	5
6247064	21249	WATKINS, SONA L	August 4, 2008	S/B CLASS 2		X		\$244.28	2
*6286388	*21993	ABBOTT, DEBORAH L & TERRY	August 5, 2008	ERRONEOUS VALUE		X		\$104.52	3
6286388	22135	ABBOTT, DEBORAH L & TERRY	August 5, 2008	ERRONEOUS VALUE		X		\$104.52	3
6289731	23613	COLEMAN, JONATHAN RAY & JONATHAN	August 5, 2008	ERRONEOUS VALUE		X		\$77.62	3
6112958	33188	AIDE, GENEVA	August 5, 2008	ERRONEOUS VALUE		X		\$73.54	8
6275684	26260	NEAL, BARBARA J	August 5, 2008	S/B CLASS 2		X		\$270.54	3

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
 MONTH OF August 8, 2008

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
*8120295	*19234	RODES, TOM & JUDY	August 5, 2008	S/B HOMESTEAD		X		\$256.20	2
8120295	19372	RODES, TOM & JUDY	August 5, 2008	S/B HOMESTEAD		X		\$256.20	2
6309461	24982	HOPKINS, VINCENT E & STEPHANIE	August 5, 2008	ERRONEOUS VALUE		X		\$164.10	3
*6309461	*22890	BRANCH BANKING & TRUST CO	August 5, 2008	S/B CLASS 2		X		\$321.28	3
6209426	4783	HEAB LAND LLC	August 5, 2008	ERRONEOUS VALUE		X		\$158.74	1
6178441	11779	ADKINS, EARL C & DEBRA D	August 5, 2008	ERRONEOUS VALUE		X		\$160.94	2
8039516	6542	MATHEWS, CLAYBON & EUGENE	August 5, 2008	OWNED BY FAYETTE COUNTY COMM	X			\$126.06	1
9002848	3579	FISHER, MARY A	August 6, 2008	DOES NOT EXIST BY SURVEY	X			\$32.28	1
9002848	3626	FISHER, MARY A	August 6, 2008	DOES NOT EXIST BY SURVEY		X		\$29.22	1
6194806	16759	KEEL, GRETCHEN	August 6, 2008	ERRONEOUS VALUE		X		\$228.62	2
9004192	134	ADKINS, ROBERT G & KAREN A	August 6, 2008	S/B CLASS 2		X		\$475.00	1
9323285	23749	CRAZE, GUY J & MARY E	August 6, 2008	S/B HOMESTEAD		X		\$225.98	3
6188109	15401	FRYE, BILLY W & MARIE HELEN	August 6, 2008	DOES NOT EXIST	X			\$580.56	2
6234933	18786	PENNOCK, THEODORA GAIL	August 6, 2008	ERRONEOUS VALUE		X		\$64.04	2
6234933	18785	PENNOCK, THEODORA GAIL	August 6, 2008	ERRONEOUS VALUE		X		\$371.48	2
6261635	12347	BENNETT, STEVEN D ETAL	August 6, 2008	ERRONEOUS VALUE		X		\$19.22	2
6160478	15842	HAMMONTREE, HOWARD C SR	August 6, 2008	ERRONEOUS VALUE		X		\$33.04	2

and Sarah Blankenship, III, Gladys Smith, J. R. and Elizabeth Ann Pelkey, Theodora Pennock, Sona L. Watkins, Charles Bennett and Elmer Calloway, Ruda Ann Tolbert, Percy Edwards and Arvella Fruit.

Commissioner Lopez seconded.

Commissioner Wender offered a motion to approve minutes of June 27, 2008. Commissioner Lopez seconded. Unanimous.

Aletha Stolar a member of the Fayette County Beautification Committee appeared before the Commission to request to use some of the \$25,000.00 allocation to the Beautification Committee for Bryan Kurzyna for three (3) months part-time at \$416.50 a month at the same rate he would be paid as a VISTA employee. If paid as a PSO, this would not apply.

Commissioner Wender informed that he's concerned about disqualification of Bryan as a VISTA employee if paid by County until VISTA position opened.

Commissioner Wender offered a motion to hire Bryan Kurzyna part-time at \$416.50 a month for 3-months effective August 29, 2008. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew informed the Commissioners that 2-Crown Victorian vehicles did not sell.

Commissioner Lopez offered a motion to authorize Earl Pauley, Park Superintendent to dispose of as junk cars. Commissioner Wender seconded. Unanimous.

Ms. Holly told the Commissioners the total amount made from the auction receipts is \$4,671.00.

Commissioner Eskew suggested discussing the appointment of the

Planning Commission members.

Discussion was held regarding replacing Gene Kistler, Leon Cooper and Wanda Dickinson.

Commissioner Lopez offered a motion to appoint George Becker to replace Gene Kistler, Dr. Bobby Green to replace Leon Cooper, and Jennifer Salvatore to replace Wanda Dickinson as members of the Fayette County Planning Commission. Commissioner Wender seconded. Unanimous.

Commissioner Wender asked Tim Richardson, Zoning Officer if he would ask the Planning Commission to discuss reduction in the number of members.

Mr. Richardson told the Commissioners the Planning Commission is asking the Commission to watch regarding reducing the number of Board members needs to consider death, resignation, members not attending, etc.

Commissioner Eskew called the 10:00 a. m. meeting to order.

The Commissioners met with the Elected Officials to discuss a 4-day work week for the employees.

Commissioner Wender told the elected officials that the employees in the Circuit Clerk's Office had made the request. The Commissioner asked Carl Harris to review and advise.

Danny Wright, Circuit Clerk told the Commissioners that several of his employees had asked if the office could do this.

Mr. Wright told the Commissioners he had sent a schedule to Commissioner Wender, since then two (2) of his employees wanted their names removed. He has five (5) interested.

Mr. Wright told the Commissioners he has a back-up plan in place if required to be in court.

Carl Harris, Prosecuting Attorney told the Commissioners he's not for it but he's not against it.

Mr. Harris told the Commissioners that this had come up in the Prosecuting Attorney's meeting, and some Prosecuting Attorney offices in the State are currently doing.

Mr. Harris told the Commissioners this would only work in his office for the secretaries.

Commissioner Eskew informed the Courthouse has to be open five days a week by statute.

Eddie Young, Assessor told the Commissioners he's not sure his office could operate well with two (2) people at the window, field worker's struggle to get annual work done.

Carl Harris told the Commissioners they would have to make an amendment to the personal handbook to leave up to the officeholders to work in office will increase cost to County, i.e., utilities.

Eddie Young told the Commissioners he had some questions regarding working 5 days/5 hours lunch, 4 days/4 hours lunch and vacation time 8 hours/10 hours work day.

Commissioner Lopez suggested letting the Commission study issue.

After brief discussion, Commissioner Wender offered a motion to reject the notion of a 4-day work week at this time. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Town of Meadow Bridge certifying that the members of the Fayette County Commission approved

an allocation in the amount of \$5,000.00 for maintenance to the town's water and sewer system contingent upon the total sum of \$48,500.00 for the project being raised.

Commissioner Eskew called the meeting of the City of Oak Hill Annexation to order.

Bill Hannabass, Mayor City of Oak Hill was present.

Commissioner Eskew read several points to be addressed regarding the annexation request by the City of Oak Hill.

Commissioner Eskew informed that the Urban Renewal Authority opposes the annexation.

Commissioner Lopez informed he asked previously to have the request set aside for 1-year but could not.

Commissioner Lopez informed he had no comments, but is going to abstain from voting on the annexation.

Commissioner Wender offered a motion to decline the City of Oak Hill Annexation of 654.18 acres in Wolf Creek Park Petition. Commissioner Eskew seconded. Commissioner Wender read his comments on the Annexation. The vote passed 2-0 with 1 abstention.

Commissioner Eskew adjourned the annexation hearing.

Ms. Holly told the Commissioners that she's waiting to hear back from the Department of labor regarding payrolls.

Commissioner Wender offered a motion that overtime for the office staff that work for the Fayette County Commission be previously authorized by the County Administrator. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia

Development Office requesting first and final drawdown for the New River Health Center, amount \$5,000.00.

Commissioner Wender offered a motion to increase mileage to fifty-eight and a half cent (.585¢) effective August 1, 2008. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for SPF-SIG Grant for the month of July, amount \$6,526.72.

The Commissioners signed Inspection Agreement for Robbie Stone (Stone Inspection Services).

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT, amount \$1,870.51.

The Commissioners received and reviewed a letter from Peggy Day of Meadow Bridge requesting funding of \$4,000.00 for the purchase of band uniforms.

Commissioner Wender offered a motion to t^un down the request from Peggy Day for \$4,000.00 to purchase band uniforms for the Meadow Bridge High School. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Federal Subrecipient Disbursement for Polling Place Accessibility Form for the \$10,000.00 Polling Place Grant for the Secretary of State Office.

The Commissioners signed from Jim Lively Insurance the Statement of Values on the building for the Courthouse for the coming year.

The Commissioners signed Fire Levy Protection Agreements for Armstrong Creek Volunteer Fire Department, Boomer Volunteer Fire

Department, Danese Volunteer Fire Department, Gauley Bridge Volunteer Fire Department, Mount Hope Volunteer Fire Department, Nuttall Volunteer Fire Department and oak Hill Volunteer Fire Department for the period from July 1, 2008 to June 30, 2009.

Ms. Holly informed the Commissioners she received an e-mail from Earl Pauley, Park Superintendent regarding the truck at the Animal Shelter.

Commissioner Wender offered a motion that the Purchasing Agent (John Lopez) be authorized to spend up to \$10,000.00 to replace the vehicle for the Animal Shelter. Commissioner Lopez seconded.

Unanimous.

The Commissioners received a message from Mr. Pauley informing that there was a break-in at the Animal Shelter. Animal Control does not have a damage report. Mr. Pauley informed he will be boarding up windows. Mr. Pauley informed he will call Commissioner Eskew to check on what to do about repairs.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator requesting purchase of a laptop for the VISTA worker, estimated cost \$1,500.00. The Commissioners approved.

Commissioner Eskew asked Ms. Holly to check with Dave regarding his computer. Ms. Holly told the Commissioners that Mr. Pollard okay with his current computer since laptop was bought for the VISTA worker.

Carl Harris, Prosecuting Attorney told the Commissioners he had talked with the Deputy Commission of the Labor Division regarding the

payroll schedule.

Mr. Harris told the Commissioners they could put a letter in the payroll checks explaining, issue check for hours actually worked then issue a check for the remaining days, or extend 1 or 2 days over next 2 months.

The Commissioners recessed the County Commission meeting for lunch at 12:15 p.m.

The Commissioners reconvened the County Commission meeting at 1:10 p. m.

The Commissioners met with the West Virginia Public Service Commission to discuss Arbuckle Public Service District.

Attached is a list of the individuals who attended the meeting.

Meyishi Blair, attorney for the Public Service Commission told the Commissioners the best interest is for a receivership to be put in place for the Arbuckle Public Service District.

Ms. Blair told the Commissioners she is here today asking for the Fayette County Commission support of the receivership for Arbuckle.

Gary Call, Assistant U. S. Attorney told the Commissioners that Arbuckle Public Service District has two (2) outstanding loans, one for water and one for sewer.

Mr. Call told the Commissioners they owe Nine Hundred Thousand plus outstanding.

Mr. Call told the Commissioners he is in support of the receivership.

Commissioner Wender asked what would be Arbuckle's option

Attorney William Wooton told the Commissioners that Arbuckle

08-08-08

WV Public Service Com / Arbuckle PSC

	<u>Name</u>	<u>Company</u>
1.	GARY CALL, ASSISTANT U.S. ATTORNEY	US ATTORNEY'S OFFICE
2.	William R. Wooten, counsel,	Arbuckle PSC
3.	MARVIN R. Zimmermann III - General Manager.	
4.	Meyishi Blair (Legal)	PSC
5.	Joe Marakovits (Engineering)	PSC
6.	DAVID HATTEN (FINANCIAL)	PSC
7.	Beth Smith	White Oak PSD
8.	Fred Pace	The Register-Herald
9.	Linda Bouvette	WAWC
10.	Dan Bickerton	WAWC
11.	Curtis Dotson	
12.	David Duncan	
13.	Earl Woodson	
14.		
15.		

Public Service District hired Smith, Cochran and Hicks to take care accounts and correct the financial situation.

Mr. Wooton told the Commissioners he believe that since the Public Service District recommended a rate increase this will take care to make improvements combined with better collection.

Commissioner Wender informed the Fayette County Commission met with Fred Hypes, Michael Griffith to discuss the scope of work for a qualified individual to undertake for the evaluation of Arbuckle Public Service District.

Commissioner Wender informed they had asked Michael Griffith to draft and submit a proposed scope of work.

Commissioner Wender informed that they didn't hear from Arbuckle Public Service District or Mr. Griffith regarding the matter.

Commissioner Wender suggested to Arbuckle Public Service District to approach the New Haven Public Service District to see if they can assist with this matter.

Commissioner Wender offered a motion that the Fayette County Commission would commit \$3,000.00 toward the cost of obtaining a full financial audit and analysis cost for upgrading the Arbuckle Public Service District. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a copy of a letter from Region 4 Planning and Development Council to John David regarding the SALS dormitory project.

The Commissioners received and reviewed a letter from SALS responding to Region 4 Planning Development Council letter.

The Commissioners received and reviewed a letter from Eddie

Young, Assessor asking the Commission to rescind their order of April 26, 1989 asking that the Assessor's office charge a \$2.00 fee for a mobile home permit.

Mr. Young told the Commissioners that since the Zoning Office is now charging a substantial fee to install a mobile home, he thinks they should consider rescinding the previous order, so that the taxpayer doesn't feel like they are paying twice.

Commissioner Lopez offered a motion to eliminate the \$2.00 fee for a mobile home permit by the Assessor's Office. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Janette Woodrum, Chief Probation Officer requesting purchase of three (3) chairs for the Probation Department.

The Commissioners approved but Commissioner Wender asked that they check with the West Virginia Correctional Industries regarding purchase of chairs for the probation department, if not a better price order chairs as requested.

Ms. Holly informed the Commissioners she has been working with Verizon to get telephone maintenance renewal.

Ms. Holly told the Commissioners she receive a quote for a 1-year plan, Cost \$10,180, 2-year plan, cost \$20,360, and a 3-year plan, cost \$30,540.

The Commissioners asked Ms. Holly to talk with Verizon regarding coverage and whether prepaid.

Carl Harris, Prosecuting Attorney informed the Commissioners he had talked with the Division of Labor regarding scheduled pay periods.

The Commissioners asked Mr. Harris to draft a letter to put with employees payroll check to inform them of scheduled pay periods.

Commissioner Wender offered a motion that the Commission release payroll checks on August 11, 2008 with letter advising each employee that the Commissioners has received approval from the Division of Hours and Wage that we will issue next pay checks on August 29. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to release first half August checks to employees going on vacation.

The Commissioners signed Orders and Appointment to Serve letters to Jennifer Salvatore, Dr. Bobby Green, and George Becker members of the Fayette County Planning Commission.

The Commissioners signed a letter to the Arbuckle Public Service District confirming the Fayette County Commission pledge of \$3,000.00 toward the completion of a full financial audit and analysis of the Public Service District's finances and operating procedures. Upon receipt of West Virginia Public Service Commission approval of said contract, the Fayette County Commission shall make these funds available to the District.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent informing that the junk cars and truck's problem would be taken care of at the auction on August 8, 2008.

Mr. Pauley also informed the Commissioners of the two Shooting Rage problems (1-sediment fence was falling down and 2-need to hydro-seed the 1.4 acres).

The Commissioners signed the Employment Practices Liability for

the St. Paul Travelers Company, Inc.

The Commissioners received and reviewed from Eddie Young, Assessor Application for Correction of Assessment for Robert L. Lewis.

The Commissioners received and reviewed a letter from the Division of Highways asking the Fayette County Commission to Certify whether they did receive or did not receive \$500,000 or more in total federal funds during specific fiscal year (FY) 2007.

The Commissioners received and reviewed several correspondences from the West Virginia Public Service Commission regarding Arbuckle Public Service District.

The Commissioners received and reviewed a notice from the West Virginia Division of Highways program Planning and Administration Division informing of the Safe Routes to School Grant Workshops.

The Commissioners received and reviewed a thank-you card from Howard Janney Family.

The Commissioners received and reviewed a Newsletter from the Contractors Association of West Virginia.

The Commissioners received and reviewed a letter from the West Virginia Development Office inviting the Commissioners to attend an Application Workshop for the new ON TRAC Program.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Carl Harris, Prosecuting Attorney informing that the County Commission has allocated funds that will be transferred to his budget to hire Larry Harrah at an annual salary of \$40,000.00.

The Commissioners received and reviewed a letter from Attorney

Phil Tissue regarding the New Haven Public Service District Application for Certificate of Convenience and Necessity (Stringtown Road, Fayette County, West Virginia).

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged as of July 31, 2008.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statements Assets Lists for July 31, 2008.

The Commissioners received and reviewed Renewal Policy with BrickStreet Mutual Insurance.

The Commissioners received and reviewed Notice of Grant Changes from the West Virginia Development Office for Small Cities Block Grant (SCBG) Elevator and Dormitory Annex and SCBG Water Service.

The Commissioners received and reviewed a letter from Rapid Communications informing of their new rate adjustments of 5% to 8% or more to their Basic and Expanded Basic Services on or soon after September 1, 2008.

The Commissioners received and reviewed a letter from the State Tax Department informing they have been asked to review the natural resources account of Kenneth Deitrich for possible appraisal error(s) for Tax Year 2008.

The Commissioners received and reviewed Certificate from the West Virginia Association of Counties recognizing Fayette County as a member in good standing, entitled to all the rights and priveleges of membership and promoting "State Strength through County Cooperation."

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that

effective July 31, 2008 Jennifer Yost will no longer be working.

The Commissioners received and reviewed a letter from the Charleston Gazette informing that the State to look at digital radio problems.

The Commissioners received and reviewed Employer's Report of Injury for Kim Linzy (Neff) to BrickStreet Insurance.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds for the June Limited Video Lottery will be directly deposited on July 28, 2008, amount \$6,706.45.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS the Monthly Revenue Report, Activity Report for the month of July and New River Humane Society allotment, amount \$11,718.35 for the month of July, and Weekly Fees Collected for the week of July 25, to July 31, 2008, amount \$220.00 and the week of August 1 to August 7, 2008, amount \$290.00.

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

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

The Commissioners received and reviewed a letter from Frances, Nelson and Brison regarding Fisher v. Fayette County Commission, Civil Action #07-C-243 lawsuit.

The Commissioners received and reviewed a letter from Wanda L. Carney requesting salaries and hire dates of all current Assistant Prosecuting Attorneys.

The Commissioners received and reviewed checks for Franchise Fees

from Bradley Communications, amount \$829.94, rapid Communications LLC, amount \$1,348.65, Suddenlink Communications, amount \$31,779.09; Jail Fees from the Town of Fayetteville, amount \$97.00; 911 Fees from Matrix Business Technologies, amount \$36.00, One Communications, amount \$1,924.48; Soldiers and Sailors Fund, amount \$25.00; Criminal Justice Services-TRIDENT, amount \$2,360.51, Just For Kids, amount \$4,698.28; West Virginia Development Office-Just For Kids, amount \$2,000.00; Secretary of State-Voters Registration, amount \$187.00; and Reimbursement-City of Beckley, amount \$763.92.

The Commissioners received and reviewed an e-mail from the West Virginia Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Karen Larson, Mountain CAP of WV, Inc. informing that the U. S. House to vote on Bill to Regulate Tobacco Products.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Vivian parson regarding Volunteer Fire Departments.

The Commissioners received and reviewed an e-mail from John David informing the wastewater extension at Hilltop has been completed.

The Commissioners received and reviewed an e-mail from Aletha Stoler regarding the progress on Sandra Phillip property in Beckwith.

The Commissioners asked Ms. Holly to write a letter to John David informing of the report they received from Allen Ballard, Building Code Inspector regarding his great concerns of the dormitory and that he please address.

The meeting was adjourned. The next scheduled meeting is August 29, 2008.

Kimberly L. Green

FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 29, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 29th day of August 2008.

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

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

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

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

Eddie Young told the Commissioners he received a fax from the Kroger's in Smithers informing that they had sent a wrong return.

Mr. Young told the Commissioners that the return had been processed. Kroger is now asking to be exonerated.

Commissioner Wender suggested to Mr. Young to ask Kroger for further information.

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

Sheriff William Laird appeared before the Commission to request purchase of a 2003 Chevrolet Tahoe for Detective Sergeant James

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
 MONTH OF August 29, 2008

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6346395	5672	KESSLER, PAUL P & DEBBIE K	August 8, 2008	S/B CLASS 2 & ERRONEOUS VALUE		X		\$133.98	1
6346395	5671	KESSLER, PAUL P & DEBBIE K	August 8, 2008	ERRONEOUS VALUE		X		\$88.34	1
8145465	26147	MORRIS, DONALD L & MARY H	August 8, 2008	DOES NOT EXIST	X			\$3.84	3
6302244	24397	FORTNEY, CHERYL A &	August 8, 2008	S/B CLASS 2		X		\$297.18	3
*06355598	21007	WANTY, FRED	August 8, 2008	S/B HOMESTEAD		X		\$256.20	2
6355598	21154	WANTY, FRED	August 8, 2008	S/B CLASS 2 & HOMESTEAD		X		\$1,546.68	2
9003877	10862	WAMSLEY, SAMUEL A & MINDY	August 11, 2008	S/B CLASS 2		X		\$202.90	1
6311724	23190	BURDETTE, STANFORD E	August 12, 2008	S/B CLASS 2 & HOMESTEAD		X		\$538.28	3
9004242	28604	UNITED MINE WORKERS LOCAL 8843	August 14, 2008	ERRONEOUS VALUE		X		\$2,059.86	3
6012628	8507	REDMAN, ERIC NEIL	August 14, 2008	ERRONEOUS MINERAL VALUE		X		\$780.28	1
6293469	24772	HARRIS, HUGH & VICKI	August 15, 2008	S/B CLASS 2		X		\$132.96	3
9002468	21900	WOODLAND AMENITIES LLC	August 15, 2008	BLDG REMOVED 6/2007		X		\$1,455.72	2
9004139	4546	HARP, STEPHEN & YVONNE	August 19, 2008	S/B CLASS 2		X		\$439.64	1
6048911	31259	JONES, LEWIS E & ELLEN J	August 19, 2008	S/B CLASS 2		X		\$490.72	5
6250086	38097	TAYLOR, GENE	August 19, 2008	S/B CLASS 2		X		\$372.04	9
9004117	6597	MCCLANNAHAN, STANLEY & MARY	August 19, 2008	S/B HOMESTEAD		X		\$256.20	1
6064215	8339	PUGH, JAMES W & JUANITA	August 19, 2008	ERRONEOUS VALUE		X		\$93.77	1

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF August 29, 2008

PAGE 2 of 3

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6274818	27359	POFF, DARLENE	August 19, 2008	S/B CLASS 2		X		\$254.78	3
6111272	33952	SHROUT, TRAVIS LABRON	August 19, 2008	S/B CLASS 2		X		\$162.96	8
6090507	9497	SMAILES, EDWIN & OLLIE	August 19, 2008	S/B CLASS 2		X		\$452.72	1
6083212	9496	SMAILES, CHARLES E & JOAN S	August 19, 2008	S/B FARM STATUS		X		\$209.84	1
6235077	18806	PERRY, DAVID G	August 19, 2008	SPLIT S/B REMOVED FOR 2008		X		\$34.60	2
*0611272	*33762	SHROUT, TRAVIS LABRON	August 19, 2008	S/B CLASS 2		X		\$159.98	8
6183756	15555	GILKERSON, GLORIA SUE	August 26, 2008	ERRONEOUS VALUE		X		\$56.90	2
6183765	15554	GILKERSON, GLORIA SUE	August 26, 2008	ERRONEOUS VALUE		X		\$73.16	2
6057394	6429	MARTIN, DAVID W	August 26, 2008	S/B HOMESTEAD		X		\$256.20	1
6254206	30576	CHITTUM, CARL E & VIOLET	August 26, 2008	S/B CLASS 2		X		\$473.60	5
6166347	39145	FRAZIER, JOHN A & BRANDI D	August 26, 2008	S/B CLASS 2		X		\$300.06	11
8088357	35331	DOVE, MARK	August 26, 2008	S/B HOMESTEAD		X		\$122.94	9
6167113	39037	CLEMONS, ROBBY	August 26, 2008	S/B HOMESTEAD		X		\$331.20	11
6258514	38550	WICKLINE, JERRY D	August 26, 2008	ERRONEOUS VALUE		X		\$49.60	9
6180394	19933	SMITH, HARMON RAY & BETTY ELLA	August 27, 2008	CANCEL DOES NOT EXIST		X		\$38.70	2
6031251	10438	UCHIMOTO, DANIEL Y	August 27, 2008	CANCEL & REISSUE IN CORRECT NAME	X			\$10.50	1
9002468	21900	WOODLAND AMENITIES LLC	August 27, 2008	BLDG REMOVED PRIOR TO ASSESSMENT	X			\$1,455.72	2

Sizemore from C & O Motors, Inc., cost \$13,153.10.

Sheriff Laird also told the Commissioners he is requesting purchase of a 2001 Chevrolet Tahoe from the State Surplus, cost \$6,687.00.

Sheriff Laird told the Commissioners that C & O Motors, Inc. has been holding the 2003 Chevrolet Tahoe since last week, unable to hold any longer.

Commissioner Lopez offered a motion to approve request of Sheriff Laird to purchase a 2003 chevy Tahoe for James Sizemore from C & O Motors, Inc., cost \$13,153.10. Commissioner Wender seconded. Unanimous. Sheriff Laird did not request other vehicle at this time.

Commissioner Wender offered a motion to release the escrow funds for the Regional Jail for the period June 2006 through October 2007. Commissioner Lopez seconded. Unanimous.

Anita Rymer and Nathan Dillard with Cott Systems appeared before the Commission to present a resolution 3 system proposal for the County Clerk's Office.

After a brief discussion the Commissioners informed they will review and get back with them.

Ms. Holly told the Commissioners that what the Cott System is proposing is already on our Software Systems Program.

W. D. Smith, Executive Director, Region 4 Planning and Development Council appeared before the Commissioners to present drawdowns for the Danese Public Service District Water Extension Project #07ARCP15639, amount \$58, 125.00 and the Page-Kincaid Public Service District Ingram Branch Wastewater Project #04SCBG0057, amount

\$2,685.29. The Commissioners approved and signed drawdown requests.

Mr. Smith told the Commissioners he had talked with John David regarding the dormitory. Mr. David informed him that he has been granted a waiver.

Mr. Smith told the Commissioners the Page-Kincaid Public Service District Project needs to go to bid.

Attorney James Blankenship informed the Commissioners he would reschedule the 10:00 hearing regarding a Petition for Removal of Executrix in the Estate of Frank Thomas.

The Commission recessed the County Commission meeting to go into an Executive Session at 10:15 a.m.

The Commission reconvened the County Commission meeting at 11:15 a.m.

Commissioner Lopez offered a motion to reappoint Allen Ballard, Joseph Carelli, Tim Richardson, Phil Perone, Tommy Harris and John "Phil" Raney to the Fayette County Beautification Committee. Commissioner Wender seconded. Unanimous. Orders and appointment letters to serve signed.

Commissioner Wender offered a motion to hire Alicia Treadway secretary in the Building Safety Department, same salary as last employee plus benefits (\$16,800) effective September 1, 2008. Commissioner Lopez seconded. Unanimous.

Dan Snead, Architect appeared before the Commission to give the Commission updates on the Courthouse Projects.

Ms. Holly told the Commissioners they need to decide today what they wanted Dan Snead to advertise.

Mr. Snead told the Commissioners he would have to review regarding the air conditioning for the Fayette County Memorial Building.

Aaron Legg and Melissa Dragan with the West Virginia Soil Conservation District appeared before the Commissioners to present an Agreement for the Whipple Creek Blockage Removal Project.

Mr. Legg told the Commissioners that the Division of Highways is on board.

Mr. Legg told the Commissioners that Southern Conservation District would be responsible for the downstream culvert side.

Mr. Legg gave the Commissioners a rough estimate of the finances needed to complete the proposed project: 5 days at 10 hrs. per day = 50 hrs., 50 hrs. x \$100.00 per hr. (Excavator)=\$5,000.00, 50 hrs. x \$25.00 per hr. (Laborer)=\$1,250.00, and 2 hrs. x 100.00 per hr. (Mob/Demob)=\$200.00, Total cost \$6,450.00.

The Commissioners would provide 50/50 cost share funding for the Whipple Creek blockage removal project. The Commission would be responsible for \$3,225.00.

Commissioner Wender gave Aaron Legg the authority to get estimates from the Division of Highways or the Contractor.

Commissioner Wender offered a motion that Fayette County Commission be responsible for the cost share funding with the West Virginia Soil Conservation District flooding at the bottom of Whipple Hill will commit to an amount not to exceed \$4,000.00 including haulage. Commissioner Lopez seconded. Unanimous. Agreement signed.

Commissioner Lopez offered a motion that the Fayette County

Commission approves \$3,300.00 for option purchase of the Meadow River Rail Bed. Commissioner Wender seconded. Unanimous.

The Commissioners signed letter to the Surface Transportation Board regarding the CSXT Transportation Inc.-Abandonment Exemption-Fayette and Greenbrier Counties, WV AB-55 (Sub-No 682Y).

Commissioner Lopez offered a motion that the Fayette County Commission approves spending up to \$1,200.000 for a laptop for Carl Thompson for working on the Dilapidated Building program. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion that the first available vehicle is made available to the third floor to be parked at the Courthouse at night. Commissioner Wender seconded. Unanimous.

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

Ms. Holly informed the Commissioners she received from the Chairman of the Democratic Executive Committee and the Chairman of the Republican Executive Committee the lists of Election Official including Poll Clerk, Election Commissioners, Alternates and Emergency Absentee Voting Commissioners, Democrats and Republicans they desire to have appointed for holding the Presidential General Election on the 4th of November 2008.

Ms. Holly told the Commissioners that Gary Lilly did not take Daphne Taylor off the list he moved her to another precinct.

Commissioner Lopez offered a motion to approve the Executives List and to delete Daphne Taylor off the list, Kelvin Holliday, County

Clerk to follow-up and find an alternate to replace Ms. Taylor.

Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve Polling Places for the upcoming Presidential General Election. Commissioner Wender seconded. Unanimous.

The Commissioners signed an Order denying the Annexation of 654.18 acres Wolf Creek Park by the City of Oak Hill, WV.

The Commissioners signed an Order rescinding the \$2.00 mobile home permit fee by the Assessor effective August 8, 2008.

The Commissioners approved to participate in Fayetteville High School's Service-Learning program.

Commissioner Wender offered a motion that the Fayette County Commission will participate in the Fayetteville High School's Service-Learning Program for student Amy Holly, Debbie Berry to be supervisor. Commissioner Lopez seconded.

The Commissioners recessed the County Commission meeting for lunch at 1:00 p.m.

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

Commissioner Lopez offered a motion to approve petition to Combine or Divide and Segregate Land for Theodore Pennock, Gene L. and Olivene F. Bennett, Malachi and Doris Proctor, Dinah Mitchell, Tom R. and Mary F. Spears, Donald Lee Morris, Gloria Gilkerson, Bert R. and Evelyn L. Nugen, Tommy H. and Karen Stanley, Kemal and Janet Sipilovic, David A. Jones, Robert and Betty Reynolds, David G. Perry, Forest Dickerson, Jr., and Thomas D. Henson. Commissioner Wender

seconded. Unanimous.

The Commissioners approved to pay an invoice from Pannell and Sons, Inc. for work done at the Fayette County Trap and Sheet Shooting Facility, amount \$14,500.00.

The Commissioners received and reviewed signed Agreement from Pannell and Sons, Inc.

The Commissioners signed a letter to the West Virginia Development Office requesting third drawdown for the Fayette County Park, amount \$16,863.24.

The Commissioners signed a letter to Earl Pauley, Park Superintendent informing that pending any outstanding invoices, the remaining unspent balance of grant #08-462 for the Sportsman Recreation Center is \$5,083.90.

The Commissioners asked Mr. Pauley to proceed immediately to complete the hydroseeding, covering the parking lot and road with crush and run, and wiring with these funds.

The Commissioners told Mr. Pauley if funds are not sufficient to complete these jobs, contact the Commission prior to spending beyond this amount.

Danny Wright, Circuit Clerk, Debbie Hendricks and Cathy Jarrett appeared before the Commissioners to discuss purchase of a new copier for their office.

Commissioner Wender offered a motion to approve RICOH MP4000 Digital Copy System for the Circuit Clerk's office, cost \$5,525.00 plus warranty. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Acadian Energy Resources,

Inc. informing that the Fayette County Commission does not own the oil and gas mineral rights which they have offered to lease.

The Commissioners signed Supplies Expense Reimbursement for Carrie Strunk with the Fayette County Prevention Partnership.

The Commissioners received and reviewed a letter from Pastor Rudell Bloomfield requesting permission to use the Fayette County Courthouse lawn or property on September 11, 2008 from 12:00 noon to 1:00 p.m. for a special time of reflection and prayer in commemoration of the terror attacks of September 11, 2001 in New York City and Washington, D.C.

Commissioner Wender offered a motion to approve the request for use of the Courthouse property for a special time of reflection and prayer in commemoration of the terror attacks of September 11, 2001 in New York City and Washington, D.C. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Sts. Peter and Paul Catholic School requesting the use of the Fayette County Memorial Building for their upcoming basketball season.

Commissioner Lopez offered a motion to approve Sts. Peter and Paul Catholic School the use of the Fayette County Memorial Building for basketball practices and games, the school would be responsible for the clean-up of the building, custodial and trash service fees will not be waived on game days, available subject to being assigned by other activities subject to prior use and additional events not yet scheduled. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to appoint Kathleen Scott to

fill the vacancy on the Fayette County Historic Landmark Commission and reappoint Ann Skaggs, Daniel Wright, Pat Wendell, and Dr. Ron Alexander members of the Fayette County Historic Landmark Commission. Commissioner Wender seconded. Unanimous. Orders and appointment letters to serve signed.

The Commissioners received an e-mail from Russell Bennett asking the Commission to support their petition for Verizon to connect high speed internet service at Lookout.

The Commissioners signed letter to Verizon expressing their support of the citizen's petition for Verizon to connect high speed internet service at Lookout.

Commissioner Wender asked Ms. Holly to write a letter to Verizon asking that they provide a status report and schedule for DSL Service in Fayette County.

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

Commissioner Wender offered a motion to approve the current premium invoice from BrickStreet Insurance for the coverage period July 1, 2007 to July 1, 2008, amount \$11,299.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff William Laird requesting that a purchase order be issued to Dell Corporation for the purchase of a laptop computer for the Sheriff's Department.

Sheriff Laird told the Commissioners this equipment will be paid

from the non-appropriated Sheriff's Concealed Weapons License Fund, amount \$2,064.99.

Bill Lanham, Town Superintendent for the Town of Fayetteville appeared before the Commission to inform them that the Town is placing receptacle bins for cigarettes around the town.

Mr. Lanham asked the Commission if they would consider placing bins around the Courthouse.

Commissioner Lopez offered a motion to purchase three receptacles to be placed around the Courthouse, the Town would purchase the bins and the County will reimburse the Town. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to purchase a truck for the Fayette County Park, amount \$4,600.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a Requisition for Materials from Kelvin Holliday, County requesting purchasing a computer with a flat screen monitor for the Voter's Registration Office.

The Commissioners asked Ms. Holly to have Mr. Holliday get prices.

Ms. Holly told the Commissioners she had contacted Tri-State Roofing and Sheet Metal Company regarding the Bell Tower.

Ms. Holly told the Commissioners Tri-State has prepared a Repair Proposal for the Bell Tower, cost \$8,997.00.

The Commissioners approved and signed Repair Proposal from Tri-State Roofing and Sheet Metal Company.

The Commissioners received and reviewed a letter from James Perdue, Maintenance Supervisor informing of the pest problem around the Courthouse. Mr. Perdue told the Commissioners that General Exterminating Company has offered us two options, a one time treatment for \$350.00 or a monthly treatment for \$65.00. The estimate covers the courthouse, annex, and road office. The treatment will be done after work hours.

Commissioner Wender suggested that James Perdue check with a Fayette County Company for prices and go with best price on monthly basis.

The Commissioners received and reviewed a letter from James Perdue informing of the false alarms this week received from the fire alarm panel in the old jail.

Mr. Perdue told the Commissioners he has asked for estimates from Safe and Sound to transfer control of the courthouse alarms from the jail to the new panel by the back door.

The Commissioners informed they will review estimates when received.

Mr. Perdue told the Commissioners that the fire department has also asked if it would be possible to get a set of door keys to the courthouse and annex to be kept at the fire department or the 911 Center.

The Commissioners approved to give keys to the fire department.

The Commissioners received and reviewed the request from the Upper Kanawha Valley Economic Development Corporation asking support from the Commission in the amount of \$2,500.00 for their Oktoberfest.

Commissioner Lopez offered a motion that consistent with their contributions to other festivals approve \$1,000.00 for funding for the first year event of the Upper Kanawha Valley Economic Development Corporation Oktoberfest. Commissioner Wender seconded. Unanimous.

The Commissioners tentatively scheduled the following County Commission meeting dates: October 8, 2008-Regular meeting to test early voting equipment, October 28, 2008-Regular meeting and to test voting equipment, November 10, 2008-Special meeting Canvass, November 14, 2008-Regular meeting Certify election, December 5, 2008-Regular meeting, December 19, 2008-Regular meeting, January 9, 2009-Regular meeting, January 30, 2009-Regular meeting and Board of Equalization Hearing, also on November 4, 2008 the Commission to meet at 8:00 a.m. to test the tabulator.

The Commissioners received and reviewed a letter from SuddenLink asking that the Commission consider extending the expiration date of the two franchises that expire this year to coincide with the July 31, 2009 expiring franchises.

Commissioner Wender suggested to Ms. Holly to have SuddenLink come to our hearing.

The Commissioners received and reviewed a letter from Casto Technical Services regarding the Anniversary of HVAC Maintenance Agreement, September 1, 2008 is the renewal date. The new agreement price will be \$7,456.00 per year payable at the rate of \$1,864.00 per quarter. The Commission approved.

Ms. Holly informed the Commissioners she had talked with Larry Dotson regarding the unclaimed property advertised in the paper.

Ms. Holly informed the Commissioners that Tom Oxley is taking care of putting up STOP signs and CAUTION, DANGEROUS INTERSECTION signs on the trail at each location (from both directions) where the trail crosses roadways. Mr. Oxley will forward the invoice(s) to the Commission to submit for reimbursement for the balance of the grant funds.

The Commissioners received and reviewed a letter to U. S. Cellular informing of the individuals authorized representative for the Fayette County Commission.

Ms. Holly informed the Commissioners that Tim Richardson, Zoning Officer informed her that the London/Marmet and Winfield Hydroelective projects are not in Fayette County.

The Commissioners received and reviewed a letter from the West Virginia Civics Literacy Council inviting the Commissioners to join them on September 17 in commemorating the day their Constitution was signed.

The Commissioners received and reviewed a letter from the New Haven Public Service District regarding Contract Nos. 16A/B Stringtown Road Readiness to Proceed.

The Commissioners received and reviewed a General Form Status Inquiry from Ohio Farmers Insurance Company regarding contractor Eastern Arrow Corp. dba contract with Roaring River Development Snowgoose Road. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed an Order from Attorney James Blankenship informing that Lois Bowling withdraws and voluntarily dismisses the Petition for Elective Share in the Estate of

Henry Randall Bowling.

The Commissioners received and reviewed a letter from Chief Deputy Steve Kessler informing of the promotion rank for Lieutenant James Sizemore, Sergeant Micah Feltner, and Robert Legg effective September 1, 2008.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Chief Deputy Steve Kessler informing of the pay increase of \$125.00 per month for James Sizemore, Micah Feltner and Robert Legg.

The Commissioners received and reviewed a letter from Kathy South, President Fayette County Family Resource Network informing that Carrie Strunk has been offered the position of full-time SPF-SIG Project Director for the Fayette County Prevention Partnership, salary \$25,000.00 a year.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator informing Debbie Aliff, Payroll Clerk to change Danielle Barber and Ronnie Lefler from part-time to full-time effective August 31, 2008.

The Commissioners received and reviewed minutes from the Gauley River Public Service District for the month of July 2008.

Commissioner Wender offered a motion to approve an invoice from Carrot-Top Industries for flagpole and flag for the Fayette County Memorial Building, amount \$1,881.50. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed an update list of the Fayette County Planning Commission from Tim Richardson, Zoning

Officer.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent pricing for a club house at the Shooting Range. The Commissioners asked to hold the club house for next grant.

The Commissioners received and reviewed a Remittance by the County Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$6.00 (maps) for the month of July 2008.

The Commissioners received and reviewed a letter from Energy Express Southern Appalachian Labor School thanking the Commission for their support of the program.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the July Limited Video Lottery proceeds will be directly deposited on August 26, 2008, amount \$7,010.81.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds for the July Table Games will be directly deposited on August 15, 2008, amount \$3,525.10.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement as of August 22, 2008.

The Commissioners received and reviewed a letter from D. R. Allen and Associates regarding HICA Corporation, Black Bear No. 3, WVA DEP U-3024-86; WV NPDES 0097390 Phase II and III (Final) Bond Release.

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

The Commissioners received and reviewed a letter from the

Probation Department thanking the Commissioners for the three desk chairs.

The Commissioners received and reviewed a letter from the Division of Highways asking the Commission to make available (to anyone who wishes to review) the modified listing of proposed amendments to the approved 2008 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed a letter from BrickStreet Insurance informing of their election and nomination of five (5) of the seven (7) members of BrickStreet's Board of Directors.

The Commissioners received and reviewed Official Oath of Office from Dr. Bobby Green and Jennifer Salvatore members of the Fayette County Planning Commission.

The Commissioners received and reviewed a Request for Reimbursements to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$10,511.67 and Just For Kids, amount \$535.90.

The Commissioners received and reviewed Application For Employment from Lynda Leann Hogg.

The Commissioners signed an invoice to the Fayette County Board Education regarding the Annual Memorandum of Agreement with the West Virginia University Cooperative Extension and the County Extension Service Committee, amount \$19,237.00.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of August 8 to August 14, 2008, amount \$620.00, the week of August 15 to August 21, 2008, amount \$73.00, and the week of August 22 to August 28, 2008, amount \$230.00.

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

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

The Commissioners received and reviewed several checks for the 911 Fees from Citizens Communications Co., amount \$48.99, Verizon, amount \$29,272.94, One Communications Corp., amount \$1,936.12, Granite Telecommunications LLC, amount \$166.00, AT&T Communications of WV, amount \$660.00, Cebridge Telecom, amount \$2,284.00, IDT Corporation, amount \$30.00, Cleartel Telecommunication, amount \$12.00, Level 3 Communication LLC, amount \$218.00 and Citynet Holdings LLC, amount \$40.74; WV Development Office-Page Kincaid PSD Ingram Branch Wastewater Project, amount \$36,878.42, New River Health Center, amount \$5,000.00, and Synfuel Tax, amount \$43,478.26; Criminal Justice Services-Community Corrections Grant, amount \$10,074.58 and Just For Kids, amount \$829.24; Soldiers & Sailors Fund, amount \$25.00; United State Treasury, amount \$123.48; TRIDENT overtime reimbursement, amount \$1,838.94, and the Division of Human Services, amount \$810.00.

The Commissioners received and reviewed an e-mail regarding the Prince Train Station.

The Commissioners received and reviewed an e-mail from Tim

Richardson, Zoning Officer regarding Bid Information for Fayette County DR 1522.

The Commissioners received and reviewed an e-mail from Bill Willis enclosing a notice showing the contract extension for the Lighting Grant was approved.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer regarding Arnold Taylor of Scarbro complaint.

The Commissioners received and reviewed an e-mail from J. Phil Raney to Carl Thompson informing that the Raleigh County Landfill fees have been waived.

The meeting was adjourned at 3:40 p.m. The next scheduled meeting is September 12, 208.

A handwritten signature in blue ink, appearing to read "Kenneth E. Eber", is written over a horizontal line.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
DECEMBER 5, 2008
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 5th day of December 2008.

Commissioner Eskew called the meeting to order at 9:14 a.m.

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

Commissioner Lopez offered a motion to approve and sign personal property tax exonerations for Mary Ramsey, Douglas A. Shabdue, Tammy or Johanna Wills, Herman Scott Kitchen, Douglas A. Shabdue, Aaron M. and Jodie C. Kemlock, and Ansel N. or Rena G. Holcomb. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tax exonerations for Rebecca Rucker Higginbotham, James and Goldie Parker, Kelly and James M. Black, Claudette Sue Kozloski. Commissioner Lopez seconded. Unanimous.

Dave Pollard appeared before the Commission to discuss use of the Memorial Building for soccer practices and waiver of liability insurance.

Mr. Pollard told the Commissioners they would need the building for one hour and a half a week. Games would be played elsewhere.

Discussion was held. The Commissioners told Mr. Pollard that they cannot waive the liability insurance and asked Mr. Pollard to get back in touch with Jack Crosier of the Lewis Foundation Community

Building to see if arrangements can be made to hold the soccer practices in their building.

The Commissioners told Mr. Pollard the Commission would help with purchase of the insurance.

Aaron Legg with the West Virginia Conservation Agency appeared before the Commission to give an update on the Whipple Project.

Mr. Legg told the Commissioners the cost of the Project for Phase 2 is \$2,085.00 plus mulch. Phase 1 has been completed, and project cost was \$1,066.70. The total of the two projects is \$3,151.70.

The Commissioners thanked Mr. Legg for his assistance with this project.

Commissioner Lopez informed the Commissioners that the meeting with the West Virginia Public Service Commission and Kanawha Falls Public Service District scheduled for January 9, 2008 at 10:00 a.m. has been rescheduled for January 12, 2009 at 10:00 a.m. at the Kanawha Falls Public Service District.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, checks for invoices to be released today, payrolls to be released December 12, 2008. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes for June 27, October 28, November 10 and November 14, 2008. Commissioner Lopez seconded. Unanimous.

The Commissioner signed a letter to the West Virginia Development Office attaching a signed acknowledgment confirming the completion of the Glen Jean Street Lights project; and informing the remaining balance of \$889.26 has been used for the Fayette County Park and

enclosing fifth and final drawdown for the Fayette County Park, amount \$889.26.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to sign and adopt Resolution for the Sanger Fire Hydrants (\$3,000). Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioners signed a letter to the Courthouse Facilities Improvement Authority requesting an extension of the project deadline from January 1, 2009 to July 1, 2009, Project #10-01-100107 for the remediation of water penetration at the Fayette County Courthouse.

The Commissioners signed a Resolution expressing approval and support for designation of the Fayette County Extension of the Coal Heritage Trail as a National Scenic Byway.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Day Report Center, amount \$12,039.08.

Ms. Holly told the Commissioners she prepared the check to Southern Appalachian Labor School (SALS) for the Regina Apartments. The Commissioners asked Ms. Holly to hold the check. The Commissioners asked Ms. Holly to contact John David and ask him if he's ready to move on his expenditures. If Mr. David asks for the check go ahead and release.

The Commissioners opened the one (1) bid received for a new membrane roof at the Fayette County Health Department Building.

The bid was from Danhill Construction, amount \$144,750.00.

The Commissioners asked Ms. Holly to send over to Dan Snead to

review and make recommendation.

Ms. Holly told the Commissioners she have made a request for an extension of the project deadline.

Commissioner Wender offered a motion to receive the bid from Danhill Construction (\$144,750.00) and forward to Dan Snead to review and make recommendation also include in the motion to ask to readvertise. The Commission is receptive of recommendation for rebidding project and request that Ms. Holly ask for an extension. The Commission is taking this action because the bid exceeds the funds available. Commissioner Lopez seconded. Unanimous.

Jen Alexander with Appalachia Service Project appeared before the Commission to ask for help in obtaining a facility that can house seventy (70) volunteers that have a kitchen, showers and bathrooms.

Ms. Alexander told the Commissioners that once they have completed the project they leave a \$5,000.00 donation.

Ms. Alexander told the Commissioners that the Fayette County Board of Education furnished the facilities last year but they had asked that they look elsewhere for a facility.

Ms. Alexander asked the Commissioners if they would send a letter of support to the Fayette County Board of Education.

The Commissioners suggested several facilities that Ms. Alexander might want to check.

Commissioner Wender suggested to Ms. Alexander to contact Mount Hope to ask for a recommendation.

Dale Usey, Regional Field Representative with the Office of the State Auditor appeared before the Commission to give a brief summary

of the West Virginia Purchasing Card Program.

The Commissioners informed Mr. Usey they would review.

Howard Hughes and Henry Meredith with the Upper Paint Creek Watershed Association appeared before the Commission to request funding to finance their administrative cost.

Mr. Hughes presented a summary of the Watershed's expenses.

Commissioner Wender offered a motion that the Fayette County Commission makes a contribution of \$1,700.00 to the Upper Paint Creek Watershed Association with the understanding that this will help to finance administrative fees through June 30, 2009, Commissioner Wender informed the Commission do so with the understanding they will approach in March Fayette and Raleigh Counties for each to share in the expenses. Commissioner Lopez seconded. Unanimous.

Williams Hayes representing Danese Public Service District appeared before the Commission to ask the Commission to spearhead a countywide Abandoned Mine Lands application to determine areas affected by pre-1977 mining.

Commissioner Eskew suggested that a copy of this letter be sent to W. D. Smith with Region 4 Planning and Development Council and Dave Pollard, County Resource Coordinator to ask for their thoughts.

The Commissioners suggested meeting on December 19, 2008 at 10:00 a.m. to discuss further.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Service for TRIDENT, amount \$856.02.

The Commissioners received and reviewed a letter from Southern

Appalachian Labor School asking the Commission for a letter of support to develop a low-income housing projects as part of a YouthBuild project.

Commissioner Wender offered a motion to send a letter of support of the plan by the Southern Appalachian Labor School (SALS) plans to develop a low-income housing project as part of a YouthBuild project. Commissioner Lopez seconded.

The Commissioners received and reviewed a letter from the Fayetteville Fairs and Festivals Committee requesting permission to use the Memorial Building lobby for Santa Visit as part of their Christmas Festival.

Commissioner Wender offered a motion to approve request of the Fayetteville Fairs and Festivals Committee permission to use the Memorial Building lobby for Santa Visit as part of their Christmas Festival. The rental fee, custodial and trash services fees will be waived. All other rules are applicable including the insurance requirement. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Danese Public Service District informing Gary Holcomb resigned as a member of the Board which expires on March 30, 2010. The Board is requesting that the Commission appoint Lee Strunk to fill the unexpired term.

Commissioner Lopez offered a motion to appoint Lee Strunk a member of the Danese Public Service District to fill the unexpired term of Gary Holcomb. Commissioner Wender seconded. Unanimous. The Commissioners signed an Order and a letter of appointment to serve.

The Commissioners received and reviewed a letter from the Fayette

County Board of Zoning Appeals informing that Clifford "Duke" Ramsey term will expire January 1, 2009, it is recommended that Mr. Ramsey be reappointed to serve.

Commissioner Wender offered a motion to reappoint Clifford "Duke" Ramsey to serve as a member of the Fayette County Board of Zoning Appeals, term to expire January 1, 2012. Commissioner Lopez seconded. Unanimous. The Commissioners signed an Order and a letter of appointment to serve.

The Commissioners signed Federal Excise Tax (Fuel) Exemption Certificate for Exxon Mobil Account.

Commissioner Lopez offered a motion to approve and sign drawdown request to the West Virginia Development Office for Elevator/SALS, Project, amount \$11,092.48. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she prepared Public Notices setting the date, place, and time for a board member election for Census Tract 205 on Monday, December 22, 2008 at 6:00 p.m. at the Mount Hope Community Center to elect a Board Member and for Census Tract 206 on Tuesday, December 16, 2008 at 7:00 p.m. at the Page-Kincaid Public Service District meeting/conference room to elect a Board Member for the Central Appalachia Empowerment Zone of West Virginia.

Ms. Holly told the Commissioners that the Fayette County Health Department has agreed to pay half of the cost to prepare the roof.

Ms. Holly told the Commissioners she advertised for bids they are due by January 12, 2008 at 11:00 a.m.

Commissioner Wender offered a motion to authorize Commissioner

Eskew to open bids on their behalf and send to Dan Snead for his review and recommendation. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Town of Fayetteville requesting that the Fayette County Commission purchase two (2) of the Pet Waste Station Combo Kit Stations for the courthouse grounds.

Discussion was held, after the discussion Commissioner Wender offered a motion that the Fayette County Commission approves purchase with the understanding the Town maintains this and the Town purchases replacement bags and empty on regular basis, etc. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Town of Fayetteville requesting that the Fayette County Commission approve the planting of a tree on the grounds of the Courthouse.

After a discussion, Commissioner Wender offered a motion to approve planting of an evergreen in a location approved by the Fayetteville Historic Society at no cost to the County. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed to go into Executive Session at 12:20 p.m.

The Commissioners reconvened the Commission meeting at 12:50 p.m.

The Commissioners received and reviewed a letter from Sheriff William Laird informing he had been approved for a grant award through the Bureau of Justice Assistance for the purchase of certain investigative equipment for use by his department.

Sheriff Laird told the Commissioners the amount of the grant was

for \$4,312.00. The purchase price for the three (3) laptop computers total \$4,482.00, making a difference of \$170.00.

Sheriff Laird told the Commissioners at this time he plans to pay this difference through the Sheriff's Concealed Weapons Fund.

Commissioner Wender offered a motion to approve that the \$170.00 be paid from the Concealed Weapons Fund. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for David and Teresa Bower, Edward and Paula Murry, Fred A. Minter, Vernon Critchley, James M. and Robert D. Gwinn and Stephen N. Piotrowski. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a message from Senator Shirley Love informing that approval has been made for the transfer of the \$8,500.00 for the Boomer Ballfield to the Fayette County Park.

The Commissioners received and reviewed from the Community Corrections Day Report Center a request for a part-time Van Driver to be paid at a pay rate of \$9.00 per hour to pick up inmates. Sheriff Bill Laird told the Commissioners the money to pay the part-time driver is in the grant.

Discussion was held, the Commissioners approved but asked Ms. Holly to clarify with Sheriff Laird whether or not this needs to be advertised.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk requesting that \$300.00 of his annual travel budget is transferred over to a purchase order for three large pieces

of photographic art by George Bragg.

Commissioner Lopez offered a motion to approve transfer of \$300.00 from the Circuit Clerk's travel budget to the Circuit Clerk's office supplies budget to purchase three large pieces of photographic art. Commissioner Wender seconded. Unanimous.

The Commissioners approved Daniel Wright, Circuit Clerk's request to purchase a time clock for his office.

Discussion was held regarding the alarm panel. The Commissioners asked Ms. Holly to have David Neal and James Perdue to come in on December 19 to discuss further.

The Commissioners received and reviewed a copy of the Home Confinement Equipment Contract Renewal from Sheriff William Laird.

The Commissioners received and reviewed from the West Virginia Court Security Fund a Court Security Fund-General Grant Information and Requirements Booklet and Grant Application. Applications for this program must be postmarked by no later than Tuesday, March 3, 2009. A copy of the application forwarded to Sheriff Bill Laird.

The Commissioners approved to renew maintenance agreement with Software Systems, Inc., amount \$8,263.23 for the period January 9, 2009 to January 8, 2010.

The Commissioners received and reviewed letters from the Associate Deputy Secretary of the Interior informing the Department of the Interior will issue an additional payment for Fiscal Year 2008 under the Payments in Lieu of Taxes (PILT) Program, amount \$40,846.00.

The Commissioners received and reviewed a letter from Casandra Rae Blount Parsons requesting any and all records regarding and

including the salary of Brian Duran Parsons.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements for the period October 24, 2008 through November 21, 2008 and the period November 1, 2008 through November 30, 2008.

The Commissioners received and reviewed a letter from SELF Community Action Corporation, Inc. informing that on Thursday, December 11, 2008 they will convene the organizational meeting of the Fayette County REACH WV Coalition Planning Committee.

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund regarding Wolf Creek Park Phase I (Access Road and Utilities) State Route 16, Fayette County Revised and Proposed Parcel "A."

The Commissioners received and reviewed Audit Report of the Meadow Bridge Volunteer Fire Department Fire Levy Fund for Fiscal Year Ended June 30, 2008.

The Commissioners received and reviewed a copy of the Fayette County Prevention Partnership Grant.

The Commissioners received and reviewed a letter from Maple Coal Company informing they will be blasting on the waters of Paint Creek, Sycamore Branch and Toms Branch of Paint Creek and Armstrong Creek of the Kanawha River in the Cabin Creek District of Kanawha County and Valley District of Fayette County.

The Commissioners received/reviewed and signed an Order appointing Frederick A. Jesser, III as Fiduciary Commissioner in the Estate of Cecil Alvin Robertson.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Cathy Murray's request for public water service extended to the "Thayer" community of West Virginia in Fayette County.

The Commissioners received and reviewed an invitation from Plateau Action Network (PAN) inviting the Commissioners to their Annual Membership Meeting being held Tuesday, December 2, 2008 at the Cathedral Café at 6:00 p.m.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing the recent contact telephone number regarding the 2009 Hazard Mitigation Notice of Intent was incorrect.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the October Limited Video Lottery proceeds will be directly deposited on November 26, 2008, amount \$6,799.95.

The Commissioners received and reviewed a letter from Francis, Nelson, and Brison regarding Fisher v. Fayette County Commission, Civil Action #07-C-243 lawsuit.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District-Beauty Mountain/Power Plant/Shawver Bridge Road Notice of Award.

The Commissioners received and reviewed a letter from 4-C Economic Development Authority thanking the Commission for their contribution to assist with expenses associated with Project Arrow.

The Commissioners received and reviewed a letter from Wells Fargo

informing that Mary Neal's claim has been forwarded to our insurance carrier.

The Commissioners received and reviewed a letter from Steptoe and Johnson on behalf of the West Virginia Project Arrow Task thanking the Commission for their participation and support for this exciting opportunity.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. enclosing for review and signature three (3) originals of the contract AIA Document A105, Standard Form of Agreement Between Owner and Contractor for the Fayette County Courthouse ADA Improvements.

The Commissioners received and reviewed a letter from the West Virginia Courthouse Facilities Improvement Authority announcing that the financial assistance request for courthouse improvements has been approved, the maximum amount of the award to be \$80,000.00.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Strategic Prevention Framework State Incentive Grant (08-SIG-05), amount \$5,434.06.

The Commissioners received and reviewed a copy of a letter from Eddie Young, Assessor to Debbie Aliff, Payroll Clerk requesting that one and one-half day (12 hours) of compensation be deducted from the paycheck of Tara Tyree for the pay period ending December 15, 2008.

The Commissioners received and reviewed a copy of a letter from David Neal, 911 Coordinator to Debbie Aliff, Payroll Clerk asking to adjust the hourly pay rate for Emma Kelly to reflect the longevity

raise of an additional \$0.50 per hour effective the next pay period, making her hourly rate to \$10.73.

The Commissioners received/reviewed and signed an Order regarding the Annexation of 4.84 acres Wolf Creek Park by the City of Oak Hill.

The Commissioners received and reviewed a list of the Fayette County vehicles for 2007-2008.

The Commissioners received and reviewed a letter from Patty Hamilton, Executive Director, WV Association of Counties informing that the Director of PEIA had invited her and the Municipal League Director to a meeting where they discussed several concerns regarding PEIA premium increases.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of November, New River Humane Society allotment for the month of December, amount \$12,288.01 and the Weekly Fees Collected for the week of November 14, to November 20, 2008, amount \$155.00, the week of November 21 to November 27, 2008, amount \$30.00, and the week of November 28 to November 30, 2008, amount \$20.00.

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

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

The Commissioners received and reviewed a letter from Work Force West Virginia informing on an examination of "Wage Report" for the

quarter ending September 30, 2008 there was a discrepancy of \$600.00.

The Commissioners received and reviewed checks for the 911 Fees from MetTel, amount \$19.40, deltagom, amount \$1.19, 8x8, Inc., amount \$66.00, Mountain Communications, LLC, amount \$58.07, One Communications, amount \$2,019.54, AT&T Communications of WV, amount \$612.00, Level 3 Communications, LLC, amount \$194.00, IDT Corporation, amount \$20.00, Granite Telecommunications, LLC, amount \$166.00, Cleartel Telecommunications, Inc., amount \$12.00, Cebridge Telecom, amount \$2,896.00; Franchise Fees from Bradley Communications, Inc., amount \$805.39; Alarm Fees, amount \$285.00; Soldiers and Sailors Memorial Fund, amount \$50.00; WV Development Office-SALS Dormitory Project, amount \$40,731.39, Gauneka Ruritan Grant, amount \$5,000.00, City of Ansted Museum Grant, amount \$3,161.04; Criminal Justice Services-SPF-SIG grant, amount \$8,233.19; 911 Fund reimbursement \$50.00; Travelers Insurance claims, amount \$5,134.87; Human Services Division, amount \$704.00; Jail Fee from the City of Mount Hope, amount \$47.53; United States Treasury, amount \$242.00; and Fayette County Education Fund, Inc., amount \$500.00.

The Commissioners received and reviewed an e-mail from the West Virginia Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ms. Holly informing of the schedule of meetings being held regarding the PEIA premiums.

The Commissioners received and reviewed an e-mail from Lucinda A. Potter, Senior Lecturer with the Department of Political Science

informing the Spring LGLA will be at the Hotel Morgan on April 25-26, 2009.

The meeting was adjourned at 2:10 p.m. The next scheduled meeting is December 19, 2008.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

DECEMBER 19, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 19th day of December 2008.

Commissioner Eskew called the meeting to order at 8:07 a.m.

David Neal, E-911 Coordinator, Joe Gonzales, Project Coordinator for the State Interoperable Program and Mike Todorvich, Coordinator appeared before the Commission to discuss the Homeland Security Grant funding.

Mike Todorvich told the Commissioners that the Homeland Security has \$4.9 million in grant money for purchase of user radios and repeaters, they will pay administrative fees up to 3%, there is a 20% in-kind match by the State.

Commissioner Wender asked who's responsible for the maintenance of the radios?

Mr. Gonzales replied the State.

Mr. Gonzales told the Commissioners that the Department of Health and Human Resources has the Contract with the Harris Project.

Commissioner Wender asked if the brands are compatible with our system. Mr. Gonzales replied yes.

Mr. Gonzales told the Commissioners the project has to be completed by September 2010.

Commissioner Wender suggested having Ms. Holly to call around to check other county's projects.

The Commissioners asked David Neal to meet with them on January 9, 2009 at 10:00 a.m. to discuss further.

David Neal, Kevin White and Hope White, City Council member for the Town of Meadow Bridge appeared before the Commissioners to discuss the request to change the name of Cow Town Road.

Commissioner Eskew asked that the County Commission go back and revisit and make a decision and schedule for further discussion on January 9, 2009 at 11:00 a.m.

Carl Harris, Prosecuting Attorney told the Commissioners that revisiting is not going to change anything. Once it's in the system, it won't change.

Commissioner Lopez offered a motion to approve and sign real property tax tickets for Gretchen Keel. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for James and Goldie Parker (\$63.24) and Kelly and James Black (\$152.50). Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tax tickets for Dennis R. Moses, Dewey or Sulestine Morris, Mountain State Tees, Dennis E. or Elaine S. Meadows, and George Jones. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices to be released today. Second half payrolls to be released on December 30, 2009, anyone that's going to be on vacation can request to release their check prior to their vacation. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve Debbie Berry's overtime. Commissioner Wender seconded. Unanimous.

The Commissioners recessed the Commission meeting to go into an Executive Session at 9:10 a.m.

The Commissioners reconvened the Commission meeting at 9:50 a.m.

Commissioner Lopez offered a motion to approve and sign Budget Revisions for the Coal Severance Fund and General County Fund for fiscal year 2008-2009 budget. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to designate the remaining half day on Wednesday, December 24, 2008 as an additional time off for County employees, without charge against accrued annual leave. Commissioner Wender seconded. Unanimous. The Commissioners signed letter to all elected officials and Fayette County employees.

Commissioner Lopez offered a motion to sign Order, ordering the balance of the Fayette County General School Fund in the amount of \$117,427.60 for the calendar year 2008 to be transferred to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates. Commissioner Wender seconded. Unanimous.

The Commissioners signed a request for a drawdown to the West Virginia Division of Highways for the Oak Hill Rail Trail, Phase II Project, amount \$2,164.04.

The Commissioners signed Grant Agreement Contract between the West Virginia Development Office and the Fayette County Commission for \$21,800.00 (\$4,800 for the purchase of computers and equipment for the

Fayette County Sheriff's Department, \$5,000 for the New River Humane Society to conduct a spay-neuter program, and \$12,000 for drainage improvements and other repairs at the Boomer Ballfield).

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids, Inc., amount \$507.70.

Commissioner Wender offered a motion having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank hereby order the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Urban Renewal Authority recommending that James Lively, Guy Dooley, Mike Smith and Jeff Proctor be reappointed to serve as members of the Fayette County Urban Renewal Authority.

Commissioner Wender offered a motion to reappoint James Lively, Guy Dooley, Mike Smith and Jeff Proctor members of the Fayette County Urban Renewal Authority Board. Commissioner Lopez seconded. Unanimous. Orders and appointment letters to serve signed.

The Commissioners signed the Home Confinement Lease with BI Incorporated.

Commissioner Lopez offered a motion that the Fayette County Commission approves Resolution approving the transfer and conveyance of the Arbuckle Public Service District Water Distribution System to the WV-American Water Company. Commissioner Wender seconded.

Unanimous.

Discussion was held regarding an Alarm System proposal for a Knox box and having David Neal and Dickie Smith move the Alarm System from the Jail to the Courthouse.

W.D. Smith, Executive Director Region 4 Planning and Development Council, William Hayes, Danese Public Service District appeared before the Commission to ask that they spearhead a county-wide Abandon Mine Lands Application.

Commissioner Wender read the letter they received from the Danese Public Service District making the request.

Mr. Smith told the Commissioners that Angela Chestnut, Administrator of the Abandon Mine Land and Reclamation is the major player and she should be here to provide further details.

The Commissioners asked Mr. Smith to get in touch with Ms. Chestnut and discuss the details and get further information.

The Commissioners asked to reschedule for January 30, 2009 at 10:15 a.m. to discuss further.

Tom Woodrum, Chief Tax Deputy appeared before the Commission to give the Commissioners a brief summary of the year to date taxes paid and collected.

The Commissioners received and reviewed a request from Thomas R. Koontz to replace lost Purchaser's Certificate of Sale.

Commissioner Wender offered a motion to approve replacement of lost Certificate of Sale duplicate copy for Thomas R. Koontz (Surf. 2 Lots Jordan-Certificate #2007-S-275). Commissioner Lopez seconded.
Unanimous.

Carl Thompson appeared before the Commission to give a brief summary on the Fayette County Dilapidated Building Program.

Commissioner Wender suggested revisiting the Community Connections Grant Application that Jenny Becksted is working on.

Commissioner Wender informed the Commissioners he was told by Ms. Becksted that discussion was held regarding putting Gene Worthington on payroll December 1 as arts grant consultant, this would possibly be changed to January 1.

The Commissioners suggested that Ms. Becksted contact the Division of Culture regarding questions and will get back with Ms. Holly in January.

The Commissioners received and reviewed two (2) estimates to replace carpet in the Probation Office (Lee's Carpet \$3,695.00 and Floor Show, Inc., \$4,805.00). The Commissioners suggested holding for budget discussion in March 2009.

Commissioner Wender offered a motion to release the \$15,000.00 check to Southern Appalachian Labor School (SALS) for Regina Apartments. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew informed the Commissioners that per W. D. Smith, not much progress has been made on the Southern Appalachian Labor School Dormitory. Commissioner Eskew suggested asking for documented reports.

The Commissioners received and reviewed a quote from Fayette Awning and Glass, Inc. for the cost of the fence at the Shooting Range (\$6,500.00). The Commissioners asked to hold.

The Commissioners informed the Skeet Range is on hold pending

inclement weather and grant funding.

The Commissioners received and reviewed a letter from Armstrong Public Service District regarding replacement of a board member. The Commissioners asked to hold until January.

The Commissioners received and reviewed a letter from the Fraternal Order of Police asking donations for Shop-With-A Cop 2008.

Commissioner Wender offered a motion that Fayette County Commission approves lower bid (Kalkreuth Roofing and Sheet Metal \$40,300) for replacing of the Fayette County Health Department roof contingent that the Fayette County Health Department pay half the cost. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign the contract for the Fayette County Health Department roof replacement. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received requests from Nicholas County and Larry Spangler to host Sectional and Regional Basketball games at the Fayette County Memorial Building.

The Commissioners asked Ms. Holly to ask Okey Skidmore to workout dates with Larry Spangler and Nicholas County.

The Commissioners approved to have the Sectional and Regional Basketball games at the Memorial Building, fee 10% of gross proceeds up to \$400.00, the Boosters to do concession, same conditions as last year.

Ms. Holly told the Commissioners that David Null, Principal Fayetteville High School is requesting use of the Fayette County Memorial Building to host the Fayette County Middle School Girls/Boys

Basketball AA Tournament on February 18, February 19, and February 20, with a make up snow day of February 21, 2009.

Commissioner Wender offered a motion to waive the rental fee for the Fayette County Middle School Girls/Boys Basketball AA Tournament. All other rules are applicable, including insurance, trash and custodian fees. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a copy of a letter from J. Dan Snead to Flat Top Construction confirming that Ms. Holly of the Fayette County Commission that the contract for the ADA Improvements is to be executed immediately.

The Commissioners received and reviewed a copy of a letter from J. Dan Snead to Danhill Construction Company, Randy Carpenter, Derrick Sears, Noble Construction, As Built Construction, Building and Utility System, Flat Top Construction, Hoover Construction, Kyle Construction, SI McAllister Construction and Allen and Son advising that the Fayette County Commission has decided the single bid received for the stormwater abatement project is to be rejected and the project is to be re-bid with no change to the scope of work.

The Commissioners received and reviewed a copy of a letter from the West Virginia Division of Culture and History to J. Dan Snead informing it is their opinion that the proposed project (Fayette County Courthouse stormwater abatement and Old Jail roof repair) will have no adverse effect to the Fayetteville County Courthouse or to the Old Jail building.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged as of November 28, 2008.

The Commissioners received and reviewed a letter from the Page Kincaid Public Service District enclosing copy of the minutes for October special meeting and November 2008.

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Commissioners for submitting an application to the Governor's Community Participation Grant Program to acquire a housing material's distribution center for the SALS Fayette Coalfield Housing Project.

The Commissioners received and reviewed from the West Virginia Association of Counties summary of the West Virginia Open Governmental Proceedings Account as compiled by the Office of the Attorney General.

The Commissioners received and reviewed a letter from Suddenlink informing that an increase in cable service will be in effect January 15, 2009.

The Commissioners received and reviewed a thank-you note from Laura Ketchum and Savanna Lyons thanking the Commissioners for their letter of recommendation and support to the West Virginia Department of Agriculture regarding the Fayette County Farmers Market.

The Commissioners received and reviewed Official Oath of Office from Mike Parsons, Janette Woodrum, Romie Hobbs, and Carl Harris members of the Fayette County Criminal Justice Board.

The Commissioners received and reviewed an Official Oath of Office from Clifford "Duke" Ramsey member of the Fayette County Board of Appeals.

The Commissioners received and reviewed a letter from Branch Banking and Trust informing of the securities held as of November 30,

2008.

The Commissioners received and reviewed a letter from White Oak Public Service District enclosing a copy of the 2007-08 Annual Audit.

The Commissioners received and reviewed from Dave Pollard, County Resource Coordinator his Quarterly 2008 Annual Report.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing that the Assistant Prosecuting Attorney Jennifer D. Hewitt is terminated as of December 10, 2008.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk to Debbie Aliff, Payroll Clerk informing that Linda Johnson will retire effective December 31, 2008.

The Commissioners received and reviewed a Status Report from the 911 Center for the period January through November 2008.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission to Cindy Adkins responding to her call they received concerning her request for water service to the community of Burnwell and Mayhan at Paint Creek near Gallagher, West Virginia in Kanawha County.

The Commissioners received and reviewed a letter from Thrasher Engineering informing they are prepared to assist in pursuing the opportunity of President elect Barrack Obama and his administration to create the largest public works construction program.

The Commissioners received and reviewed a letter from the State Tax Department authorizing the assessor to receive up to 2% of the previous year's projected tax collection.

The Commissioners received and reviewed a memo from Chief Deputy

Steve Kessler informing that Deputy Phillip Pack has finished his one year probation period on November 16, 2008 and requesting that an adjustment be made to his current salary to reflect a \$100.00 a month increase in his pay.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that Deputy Sheriff Steve W. Kessler intends to retire from the Deputy Sheriff's Retirement System at the time that he assumes the office of Sheriff of Fayette County January 1, 2009.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School (SALS) inviting the Commission to attend its annual holiday dinner at 1:00 p.m. on Tuesday, December 23, 2008 at the SALS Community Center in Beards Fork.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the November Table Games will be directly deposited on December 15, 2008, amount \$3,809.05.

The Commissioners received and reviewed several correspondences from Workers' Compensation Board of Review regarding Workers' Compensation claims.

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

The Commissioners received and reviewed a letter from Francis, Nelson and Brison, regarding Civil Action #07-C-243 Fisher v. Fayette County Commission lawsuit.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS the Weekly Fees Collected for the week of December 1 to December 4, 2008, amount \$30.00, the week of December 5

to December 11, 2008, amount \$137.00 and the week of December 12 to December 18, 2008, amount \$887.00.

The Commissioners received and reviewed several checks for 911 Fees from Verizon, amount \$28,012.38, Citizens Communications Co., amount \$47.04; Soldiers and Sailors Memorial Fund, amount \$75.00; Jail Fees from the Town of Fayetteville, amount \$190.12; Criminal Justice Services-Community Corrections, amount \$22,466.79; West Virginia Development Office-SALS Dormitory Project, amount \$11,092.48, Fayette County Park Sportsmen Recreation, amount \$5,973.16 and Lighting Upgrades Grant, amount \$4,375.49; Reimbursement Bridge Day, amount \$6,634.54, and the Secretary of State, amount \$174.50.

The Commissioners received and reviewed e-mails from the Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding a meeting with Ed Harper regarding the Weatherization Program.

The Commissioners received and reviewed an e-mail from Tom Oxley, Oak Hill City Manager regarding the falling rocks on the Oak Hill Rail Trail.

The Commissioners received and reviewed an e-mail to Commissioner Wender regarding the Grand Lodge Feasibility Study.

The Commissioners received and reviewed an e-mail from Thomas Bias attaching information regarding the Spring 2009 Local Government Leadership Academy being held in Morgantown, April 25-26, 2009.

The meeting was adjourned at 12:05 p.m. The next scheduled meeting is January 9, 2009.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

FEBRUARY 6, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 6th day of February 2008.

Commissioner Eskew called the meeting to order at 9:19 a.m. pending the start of the Board of Equalization and Review hearings.

The Commissioners signed letters to Senators Shirley Love and Randy White, Delegates David Perry, John Pino and Margaret Stagers to go on record in opposition to any boundary changes or splitting of the 29th Delegate District.

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

Commissioner Wender offered a motion that the Fayette County Commission contributes \$2,000.00 for the operation of the Upper Kanawha Valley Community Center through the months of January, February, and March 2008. Commissioner Lopez seconded. Unanimous. A letter signed.

The Commissioners signed letters to Senator John Rockefeller and Congressman Nick Rahall thanking them for their actions in making additional Abandoned Mine lands funds available for waterline extensions.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT grant, amount \$3,178.56.

Commissioner Wender and Ms. Holly have talked with David Perry they have scheduled February 12, 2008 to discuss Poll Workers pay rates.

Ms. Holly informed the Commissioners that Ron Booker is preparing a new TRIDENT grant for 2009. He wants to know if Fayette County Commission would be Grantee.

Commissioner Wender offered a motion to be the Grantee for the TRIDENT Task Force Grant for Fiscal Year 2009. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a note from James Perdue, Maintenance Supervisor informing that Larry Adkins has resigned his position as janitor effective immediately.

Commissioner Wender offered a motion to advertise the vacancy for the evening position and James Perdue will do the interviewing and make recommendation. Carpentry, painting, electrical trade skills will be considered a plus. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received a request from Kelvin Holliday, County Clerk requesting that the Commission authorize to unlock the door in the Circuit Clerk's office for Election System and Software to do maintenance on the 650 equipment.

Commissioner Wender offered a motion to authorize the maintenance to open the room as needed for maintenance of the 650 equipment. Commissioner Eskew seconded. Unanimous.

Commissioner Wender informed the Commissioners he received an e-mail from Kara Ware requesting the use of the Memorial Building for their rain location for Earth Day.

Commissioner Wender offered a motion to approve the request under the same terms and conditions as last year the use of the Memorial Building as a rain location for Earth Day provided they notify Okey Skidmore to arrange a date that the Memorial Building will be available. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to mail the \$3,425.00 to Southern Conservation District for completion of a blockage removal on Armstrong Creek for Adena Village.

Commissioner Wender offered a motion that Ms. Holly sends a letter to Southern Conservation District informing the Commission approved payment in the amount of \$3,425.00 to complete a blockage removal on Armstrong Creek with the understanding that Fayette County Commission will receive a partial refund because the project did not take as much time as estimated in the agreement. Commissioner Lopez seconded. Unanimous. A letter signed.

Ms. Holly informed the Commissioners she received an e-mail from John David asking that a letter be put on Fayette County Commission letterhead and sent to Senators John Rockefeller and Congressman Nick Rahall to ask that funding for YouthBuild be included in the economic stimulus package.

Commissioner Wender offered a motion that a letter be sent to our Congressional delegates asking that funds be included in the economic stimulus package for the YouthBuild Program. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Timothy and Chessie Belcher concerning closing of the Gauley Bridge Library.

The Commissioners asked Ms. Holly to send a letter to the Fayette County Library Board and copy to our Legislators and Mayor of Gauley Bridge informing them that since the Fayette County Commission participant in funding for libraries, they are disappointed that they were not included in any discussion or notification of the closing of the library.

Discussion was held regarding donating a spare vehicle to the City of Smithers. Commissioner Lopez presented to the Commissioners from Earl Pauley, Park Superintendent, a copy of the two (2) vehicles he has in store.

Commissioner Lopez offered a motion to donating one surplus vehicle to the City of Smithers and second if needed. Commissioner Wender seconded. Unanimous.

Commissioner Lopez to talk to Mr. Pauley and inform him of the Commissioners' decision. The Commissioners signed title over to the City of Smithers.

Ms. Holly informed the Commissioners she received a letter from the Fayette County Chamber of Commerce asking that Cindy Dragon be appointed to replace Sharon Cruikshank as Chairman of the Fayette County Chamber of Commerce.

Ms. Holly told the Commissioners she thought in the Legislation the Director of the Chamber had to be the Chairman. The Commissioners asked Ms. Holly to hold until further information is found.

The Commissioners signed a letter to Senators Shirley Love and Randy White and Delegates John Pino, David Perry and Margaret Stagers informing the Commission have reviewed the "Proposed Tier 2.5 Water of

Special Concern," and they are pleased that Loop Creek is included for Tier 2.5 protection and urge the WV Legislature to protect the full list of streams submitted, and urge the Legislature to give Tier 2.5 consideration to Mann's Creek, Chestnut Knob and Turkey Creek streams in Fayette County.

Ms. Holly informed the Commissioners she received two (2) phone calls from Laura Ketchum requesting the use of the parking lot for a Farmer's Market.

Commissioner Wender offered a motion to approve use of the parking lot for a Farmer's Market same terms as last year. Commissioner Lopez seconded. Unanimous. The Commissioners asked Carl Harris, Prosecuting Attorney to prepare agreement.

The Commissioners received and reviewed a letter from Molly Wagner informing she has been accepted to participate as a member of the People to People Student Ambassador Program to Europe this summer and asking the Commission for financial support to help with her tuition, amount \$6,264.00.

The Commissioners asked Ms. Holly to write a letter congratulating Ms. Wagner on her acceptance in the program, but inform her that the Commission are not able to approve her request.

The Commissioners received and reviewed a letter from Sheriff William Laird informing the Commission of the promotions in rank to Captain Steve W. Kessler, Lieutenant Robert C. Godsey, Sergeant Michael A. Fridley, Corporals Shawn L. Campbell, Glen A. Chapman, Paul M. McGraw, Jess R. McMullen. The Commissioners asked that a congratulation letter be sent to each officer.

Commissioner Eskew adjourned the County Commission meeting at 10:16 a.m. and reconvened the Board of Equalization and Review hearings.

Ms. Holly entered into the record what the Commission received today from the State of West Virginia Tax and Revenue various administrative notices regarding the royalty rates and coal and natural resources and other administrative notices.

Commissioner Eskew swore in everyone that will be speaking at these hearings. Present from the State Tax Department was Antonio (Tony) Simental, Steven Park, WV Land Portfolio, LLC, Bill Keeney, Westlake Consultant, Carl Harris, Prosecuting Attorney, and Eddie Young, Assessor.

Steve Park with WV Land Portfolio, LLC appeared before the Commission to present his application for review of property assessment.

Mr. Parks told the Commissioners he has seventeen (17) parcels he feels the increase are inappropriate.

Carl Harris recommended to the Commissioners to recess the Board of Equalization and Review hearings and allow the State Tax Department to work with each individual property owner and report back to the Commission.

The Commission recessed the Board of Equalization and Review hearings at 10:25 a.m.

Commissioner Eskew reconvened the Board of Equalization and Review hearing at 11:00 a.m.

Commissioner Eskew swore in Rick Persinger and David Ryder of DLR

Properties, LLC and Eddie Young, Assessor.

Mr. Persinger presented Parcel/Map No. 10-01-43-002.0000 Surf. 43 Pine Springs informing the Commissioners that all the acres should be in managed timberland, eleven acres was removed would like for them to be put back in managed timberland. Mr. Ryder presented a copy of the management plan to the Commissioners and an area photograph.

Eddie Young informed the Commissioners that the Assessor's Office has numerous tax payers that have the same situation, if we change this one we would have to change all.

Discussion was held, Commissioner Eskew informed the Commission will take under advisement and let them know something by the 28th of February.

The Commission reconvened the County Commission meeting.

Commissioner Wender informed the Commission that he would like to make a motion that the County Commission approves managed timberland on the remaining 11 acres of the 43-acre tract, be designated as managed timberland and in addition the 2.6 acres indicated as Dogwood Ridge also is designated as managed timberland on the DLR Properties, LLC. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney commented he assumes that the motion is based on the fact that the area photo show that none of this property is cleared that its tree from boundary to boundary.

Commissioner Eskew asked for further discussion and comments.
None.

Commissioner Eskew reconvened the Board of Equalization and Review at 12:30 p.m.

Commissioner Eskew asked the State to proceed.

Tony Simental told the Commissioners the parcel that he recommends changing is District 1, Map 81, Parcel 4, 319 acres of surface plus coal at Mann's Creek the tax payer has provided the data. Mined out value \$320 coal only because the tax payer presented evidence.

Mr. Simental told the Commissioners the State Tax Department have sent out letters regarding the corrections. The corrections have been made in some cases of those corrections, since they did not have the five-day notice there will be increases next year, and they have advised the tax payers.

Commissioner Eskew asked if there were any other comments or questions. The Commissioners informed they will take this information under advisement and will finalize at the February 21, 2008.

Commissioner Eskew reconvened the Board of Equalization and Review hearings at 1:57 p.m.

Rick Persinger with Alabama Properties appeared before the Commission to present his application for review of property assessment.

Mr. Persinger told the Commissioners that they withdrew Taylor Company.

The Commissioners paused the hearing until Mr. Simental retrieve his file on Alabama Properties.

Mr. Simental presented Map Parcel 10-01-9999-0600-0212-0000 to the Commissioners. The tax payer showed environmental problems in this particular parcel.

Mr. Simental suggested to the Commissioners to the T factor to 40 basically the parcel will change from \$65,430 to \$110 per acre which would be \$624 for the coal only.

The Commission informed they will take the information under advisement and finalize on February 21, 2008.

Mr. Simental presented Imperial Colliery for review to the Commissioners.

Imperial Colliery 80.94 acres surface and mineral in Ansted, District 4, Map 9 Parcel 65 the tax payer provided to the State core drill (presented to the Commissioners) in which it shows that the Sewell coal in that area is 6" thick instead of what the State had at 3' its unmineable the value will come down from \$56,286 coal only to \$404 reason the taxpayer provided the core drill that proved that it is only 6".

The Commission informed they will take the information under advisement and finalize on February 21, 2008.

Damon Rhodes representative for the Larry A. Dietz properties appeared before the Commissioners to present his applications for review of property assessment.

Commissioner Eskew swore in Damon Rhodes.

Mr. Rhodes told the Commission that the taxes they presented for review last year at that time based on their evidence the Commission saw fit to have reduced the T factor from T-20 to T-40 the evidence consisted of the fact that the leasing factor which goes to a five-mile radius was for a different seam than the seam in question which was a sewell seam. Also, they have an environmental factor which was

not taken into consideration the Meadow Ridge Mine. The environmental factor should have been increased and the leasing factor decreased which would make a T-40.

Mr. Rhodes told the Commissioners he is asking the Commission to do what they did last year with these tracts.

Mr. Rhodes told the Commissioners he had one additional tract which is 69 acres same complaint complies. Map Parcel 10-01-9999-0601-0002-0000 should go to T-40.

Tony Simental informed the State cannot change rates, that's up to the Commission. Mr. Simental told the Commissioners to note that last year it was changed.

District 1 Parcel 9999-0623-1909-0000 State recommends value remain the same \$27,180 with the comment that last year th Commission assign the T factor of 40 instead the T factor 20 on this parcel; the same goes for District 1 Parcel 9999-0623-2365-0000 same treatment for Parcel 01-9999-0600-4879-0000 State recommends the value stay the same; Parcel 01-9999-0601-3057-0000 the T factor would be something the Commission would have to decide on whether to change from T-20 to T-40.

Mr. Rhodes informed the Commissioners it was not addressed last year because there was no increase.

Commissioner Eskew asked if it wasn't addressed last year would this be something within the jurisdiction of the Commission.

Mr. Simental replied yes you would have to decide if you're going to change from a T-20 that the State has to a T-40 and that is what the tax payer is requesting.

Mr. Young told Mr. Simental that he had one that he did not call, Parcel 01-9999-0623-8868. Mr. Rhodes informed he did not have the information on this one. Mr. Young informed he had the letter here, for tax year 2007 coal appraisal \$13,322, and for tax year 2008 coal appraisal \$4,493. Mr. Simental informed the change that was made by the State the coal values \$9,996 after reviewing it, it was found it did not have the 51 acres of sewell but actually had 23 acres so the value for the coal will change from \$9,996 to \$4,493 this is the recommendation the State would make on this parcel.

Mr. Rhodes added that in 2007 it was \$1,332 and it's increased to \$4,493, was this increase due to prime factor prime seams. Mr. Simental replied yes.

Mr. Rhodes is asking that this be changed back to the T-40 factor.

Mr. Simental told the Commissioners he would like to inform Mr. Rhodes and the Assessor that 1/3 06354036, 1/6 07006143, and 1/3 08013589 would stay the same.

Mr. Young asked if this was for the entire parcel.

Mr. Simental replied no this is for the 1/6 basically changing the acres and the total value would change to \$4,493 the tax payer is asking the Commission to lower the T factor.

The State is recommending that it stay at the \$4,493.

Commissioner Eskew informed the Commission would take this under advisement and will finalize on February 21, 2008.

The Commissioners recessed the Board of Equalization and Review until February 12, 2008.

Commissioner Wender offered a motion to approve request from James Perdue, Maintenance Supervisor to purchase new lighting fixtures for the courthouse from H. G. Carte (14 fixtures at \$59.00 each), total cost \$826.00. Commissioner Lopez seconded. Unanimous.

The Commissioners signed invoice to the Fayette County Board of Education for rental of the Fayette County Soldiers and Sailors Memorial Building, amount \$2,916.67 for the month of February.

The Commissioners received and reviewed Certificate of Liability Insurance from the Greenbrier County Board of Education for use of the Fayette County Memorial Building for Girl's Sectional Basketball game.

The Commissioners received and reviewed the Regional Tournament Guidelines from Lee Loy, Regional Tournament Director from Valley High School.

The Commissioners received and reviewed a copy of a letter from the Kanawha County Commission to Secretary of State Betty Ireland asking their office to provide assistance in getting the costs of printing Optical Scan ballots competitive.

The Commissioners signed letters to Corporals Paul McGraw, Glen Chapman, Jess McMullen, and Shawn Campbell, Lieutenants Robert Godsey, Sergeant Michael Fridley and Captain Steve Kessler congratulating them on their promotion in rank in the Fayette County Sheriff's Department.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk giving the preliminary postage cost anticipated for the 2008 primary election. The amount to be paid to the Fayetteville Postmaster is \$271.00.

The Commissioners received and reviewed a letter from Campbell

Business Machines, Inc. asking the Commission to stop by their booth at the West Virginia Association of Counties Annual Meeting for a demonstration of their shipping and mailing equipment.

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

The Commissioners received and reviewed a letter from the National Association of Counties (NACo) informing they are partnering with the Ohio State University to conduct a national survey that will help identify the specific challenges and opportunities facing county governments, asking the Commission to response to the survey.

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

The Commissioners received and reviewed from Branch Banking and Trust Company (BB&T) a report of investments and transaction for the period August 1, 2007 to January 31, 2008 for the West Virginia Lease Revenue Bonds (WV-American Water Company).

The Commissioners received and reviewed several letters from Sun Trust Bank giving notification of the new securities pledged as of January 18, 2008.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of January 25, to January 31, 2008, amount \$245.00.

The Commissioners received and reviewed checks for 911 Fees from Matrix Business Technologies, amount \$48.00 and Verizon, amount \$30,873.56; City of Beckley (TRIDENT), amount \$236.48; Franchise Fee-Rapid Communications, LLC, amount \$1,207.60 and Fayette County Board

of Education rent for the Fayette County Memorial Building, \$2,916.67.

The Commissioners received and reviewed an e-mail from Kelly Dyke to Commissioner Wender asking for a follow-up on the meeting with Mary Kees.

The meeting was adjourned at 2:45 p.m. The next scheduled meeting is February 12, 2008.


Kenneth H. Edgewood

FAYETTE COUNTY COMMISSION
REGULAR SESSION
FEBRUARY 12, 2008
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 12th day of February 2008.

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

Mary K. Weatherford presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Donna S. or Samantha Brown, Jerry W. and Sandra K. Smith, James E. or Virgil Sawyers, Troy W. Thorn, Jr., Wayne P. and Sherri Holland, Lora A. or Michael Adkins, Clyde Gray, Jr., Betty and Riddle Dravenstott, Jonthan J. and Angela Reedy, Michael S. and Rhonda E. Kania, Anthony D. and Kimberly A. Miller. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tickets for Steven Webb, Arley Tincher, Jr., and Lena Mae and Tena M. Tincher. Commissioner Lopez seconded. Unanimous.

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

Commissioner Eskew presented a Memorandum of Understanding by the Fayette County Urban Renewal Authority, the Fayette County Commission, Fayette County Education Fund, Inc., the Benedum Foundation, Greater Kanawha Valley Foundation and Plateau Action Network and the Wolf Creek Nature and Science Center Advisory Committee to the

Commissioners to sign.

Commissioner Wender offered a motion to approve and sign Memorandum of Understanding to designate a part of Wolf Creek Park Development for a Learning Center. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the Farmers' Market Lease.

Ms. Holly informed the Commissioners that Carl Harris, Prosecuting Attorney had sent over for review the lease that was signed May 12th of last year.

Commissioner Eskew informed if there is no conflict with the lease the Commission approves to sign.

Commissioner Wender offered a motion to sign the Lease Agreement for the Farmers' Market to be held each Saturday on May 10, 2008 to November 30, 2008. Commissioner Lopez seconded. Unanimous

The Commissioners received and reviewed a letter from Senator Randy White informing that the Fayette County Commission has been awarded \$20,000.000 from the 2007/2008 Community Participation Project that has been approved by either the Governor's Office or the Local Economic Development Committee.

The Commissioners received and reviewed a letter from Senator Randy White informing that the Fayette County Office of the Fayette Senior Program has been awarded \$10,000.00 from the 2007/2008 Community Participation Project that has been approved by either the Governor's Office or the Local Economic Development Committee.

Commissioner Wender informed the Commissioners that he had read an article in the paper regarding a website for the local level for government. Commissioner Wender wants to know if Fayette County

Commission could be included.

Commissioner Wender asked ms. Holly to inquire and see if there is any opportunity that Fayette County Commission could be involved.

Ms. Holly informed the Commissioners she has prepared a letter to the Fayette County Library Board regarding the closing of the library in Gauley Bridge. The Commissioners signed the letter.

The Commissioners received and reviewed a letter from the Fayette County chamber of Commerce asking that Cindy Dragan replace Sharon Cruikshank to serve as the Chairman of the New River Gorge Bridge Day Commission.

Commissioner Lopez offered a motion to approve the request of the Fayette County Chamber of Commerce to appoint Cindy Dragan to replace Sharon Cruikshank, as representative of the New River Gorge Bridge Day Commission. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed the Commissioners he received an e-mail informing of the Surface Mine Board hearing scheduled for tomorrow at 8:30 a.m. at the West Virginia Department of Environmental Protection building in Kanawha City would like the Commission to send a letter on their concerns regarding mountain top removal and the adverse impact that it would have on the Hawks Nest State Park.

The Commissioners signed the 2007 Community Participation Grant agreement in the amount of \$42,000 for various projects in Fayette County. Approximately \$2,000 will be dedicated to the installation of streetlights along McKell Avenue in Glen Jean, \$5,000 for a falcon reintroduction program in the New River Gorge National River in cooperation with the Fayette County Education Fund, and \$35,000 will be used to continue the development of the Fayette County Sportsman

Recreation Center.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$7,023.43.

The Commissioners signed a letter to Molly Wagner congratulating her on her acceptance to participate in the People to People Student Ambassador Program, but unfortunately they are not able to approve her request for financial support.

Commissioner Wender offered a motion to enter into a contract agreement with Jenny Becksted to prepare a Community Connection Grant for 80 hrs. at \$25.00 an hour (\$2,000.00). Commissioner Lopez seconded. Unanimous. Ms. Holly informed the Commissioners she will ask Carl Harris, Prosecuting Attorney to review the contract.

The Commissioners approved to pay an invoice from Jenny Becksted, amount \$537.50.

George Carrico with West Virginia Brownsfield Assistance Centers and Phil Raney, Chairman, and Allen Ballard members of the Fayette County Beautification Committee appeared before the Commission to discuss the different types of grants available through the EPA Brownsfield Grants.

Commissioner Wender introduced George Carrico and asked him to address making application for a Brownsfield Basic, EPA Grant.

Mr. Carrico asked Phil Raney, Chairman of the Fayette County Beautification Committee to give him a brief summary of his program.

After a brief discussion, Commissioner Wender asked Mr. Carrico what the Commission needs to do to make this happen.

Mr. Carrico suggested to the Commission to get with the Fayette

County Beautification Committee and plan a committee to discuss the different ways to apply for the site grants.

The Commissioners received a request from Judge Paul Blake to purchase furniture for the Courthouse Annex Circuit Court, amount \$3,477.53.

Ms. Holly informed the Commissioners that Judge Blake had requested another door in the Law Clerk's office.

The Commissioners asked Ms. Holly to have Judge Blake submit a letter of the changes he wants to the Annex and furniture.

Discussion was held regarding the election workers pay rates.

The Commissioners approved increasing the election worker's pay rate to \$135.00.

Commissioner Lopez offered a motion to increase all poll workers' salaries to \$135.00 for working on election day. Commissioner Wender seconded. Unanimous.

The Commissioners signed an Order and appointment to serve letter appointing Cindy Dragon, Chairman of the New River Gorge Bridge Day Commission.

Commissioner Lopez offered a motion to approve and authorize the adoption of the Resolution for the Community Participation Program Grant for the New River Birding Program (\$5,000), County Park (\$35,000), and Glen Jean Street Lights (\$2,000). Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to Senators Shirley Love and Randy White, and Delegates David Perry, John Pino, and Margaret Staggers regarding the "Proposed Tier 2.5 Waters of Special Concern" informing they are pleased that Loop Creek is included for Tier 2.5

protection.

Commissioner Lopez offered a motion to approve Judge Paul Blake's request for office furniture. Commissioner Wender seconded.

Unanimous.

The Commissioners received and reviewed a letter from the New River Alliance of Climbers requesting permission to setup informational booths on and around the Courthouse lawn from 7:30 a.m. til Noon on Saturday, May 17, 2008 for the 6th Annual New River Rendezvous.

Commissioner Wender offered a motion to approve the request of the new River Alliance of Climbers to setup informational booths on and around the Courthouse lawn from 7:30 a.m. til Noon on Saturday, May 17, 2008. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing of the training by Election System and Software (ES&S) on the election equipment.

Commissioner Wender offered a motion to send three (3) people (Linda Johnson, Sherry Davis, and Treatha Sexton) to attend the ES&S training in Flatwoods, March 6, if additional requirements needed the Commission will consider later. Commissioner Lopez seconded.

Unanimous.

Commissioner Eskew recessed the County Commission meeting at 1:00 p.m. and reconvened as the Board of Equalization and Review.

Commissioner Eskew informed that no persons present to participate in the review they will hold the tape session on the suspended bases until further notice.

Commissioner Wender commented with regards to a action the

Commission taken at the last meeting on a revision to managed timberland there are two parcels involved in that motion as it turns out the State does not have application for managed timberland for the smaller 2.6 acre tract.

Commissioner Wender offered a motion to allow to stand the managed timberland classification for Parcel #01-42-002 and that would be managed timberland the other parcel 2.6 acres the Commission will not designate that as managed timberland and that is Parcel #01-42-0070-0001 which are properties owned by DLR Properties, LLC. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew adjourned the Board of equalization and Review hearing at 1:20 p.m.

Commissioner Eskew reconvened the County Commission meeting at 1:20 p.m.

The Commissioners signed a letter to DLR Properties LLC informing they have considered their application for review of property assessment and has found that the valuation in question will be changed to managed timberland in accordance with the evidence presented, Map/Parcel #10-01-43-0002.000, Appraised Value \$3,230, and Map/Parcel #10-01-42-0070.001, Appraised Value no change.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that the security pledged for Fayette County Commission will not be available for pledge as of February 13, 2008. The security will be substituted.

The Commissioners signed an Order ordering the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution

will not be unsecured.

Commissioner Lopez offered a motion to approve and authorize the adoption of the Resolution of participation and Cooperation in the Certified Development Community program and designate the 4-C Economic Development Authority as representing our county for the purpose of participation in this program. Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioners signed Resolution regarding Permit SMA #S03002-07 and NPDES #WV1022202.

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

The Commissioners received/reviewed and signed a survey from the West Virginia Division of Culture and History informing they are interested in increasing the funds available to be distributed to the counties.

The Commissioners received and reviewed a letter from the State Tax Department concerning the incorrect filing by North Coast Energy a large oil and gas.

The Commissioners received/reviewed and signed an Order from Attorney Philip Tissue, Fiduciary Commissioner a Memorandum of Decision and Report of Fiduciary Commissioner for the Estate of John Grabosky, Jr.

The Commissioners received and reviewed a copy of a fax letter from Casto and Harris responding to a written letter by a County Commissioner in Kanawha County to the Secretary of State Betty Ireland regarding the cost of optical scan ballots in West Virginia.

The Commissioners received and reviewed a letter from the

Department of Environmental Protection enclosing a REAP Standard Operating Procedures (SOP) questionnaire for 2008 to updating their records as to where the county currently stands in its litter control efforts.

The Commissioners received and reviewed a thank-you card from the Mary Mathys Family.

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

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of January 31, 2008.

The Commissioners received and reviewed from the SunTrust Bank Pledge Statement as of January 31, 2008.

The Commissioners received and reviewed from Page-Kincaid Public Service District Water and Sewer Audits for the Fiscal Year 2007.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding the 2009 Small Cities Block Grant (SCBG) program eligibility.

The Commissioners received and reviewed from the City of Oak Hill, White Oak Rail Trail Contract Documents for Southern WV Paving, Inc.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report for the month of January, New River Humane Society Allocation for the month of February, Weekly Fees Collected for the week of February 1 to February 7, 2008, amount \$350.00.

The Commissioners received and reviewed checks for Jail Fees from

the Town of Fayetteville, amount \$97.00; Criminal Justice Services-
Community Corrections, amount \$9,330.86 and TRIDENT, amount \$2,664.94;
Human Services Division-FRN, amount \$10,000.00.

The meeting was adjourned at 2:24 p.m. The next scheduled
meeting is February 19, 2008.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

FEBRUARY 19, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 19th day of February 2008.

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

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

Commissioner Lopez offered a motion to approve and sign exonerations for real property tickets for Janice F. Nunner and Robert J. Parsons, Jr. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, payrolls to be released on February 22, 2008. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners that an application was sent to Mary Lynn Harmon to complete for a Board of Equalization and Review hearing. She sent back the form informing us that she did not know how to complete. Ms. Holly asked Eddie Young, Assessor if he had heard anything from Ms. Harmon.

Eddie Young told the Commissioners that he had sent Steve Fox to look at the property.

Mr. Young told the Commissioners that Ms. Harmon is right in line with the surrounding properties.

Mr. Young told the Commissioners that he has called and left messages. Cannot get a hold of her.

Commissioner Eskew suggested sending a courtesy letter.

Commissioner Eskew suggested talking about this at the Board of Equalization and Review hearing at 1:00 p.m.

The Commissioners signed a letter to Southern Appalachian Labor School reiterating the projects that were awarded SCBG funding in 2003 must have these funds expended and Final Performance Report submitted by December 31, 2008 to be eligible to complete for projects funding in 2009.

The Commissioners advised that Southern Appalachian Labor School dormitory project is to be completed and the Final Performance Report be submitted no later than November 30, 2008.

Aaron Legg with the West Virginia Conservation Agency appeared before the Commissioners to present a break down of what had been done at the Armstrong Creek/Adena Village Project.

Mr. Legg told the Commissioners the total cost of the project is \$1,744.70 which the Fayette County Commission is responsible for \$872.35.

Mr. Legg told the Commissioners that the Soil Conservation District will reimburse the County \$2,552.65 of the \$3,425.00 that was submitted.

The Commissioners received and reviewed a letter from the Town of Fayetteville requesting Skate Park contribution of \$2,000.00 and a letter requesting the Fayetteville Heritage Festival contribution of \$500.00.

Ms. Holly informed the Commissioners that the Fayetteville Heritage Festival contribution of \$500.00 was paid August 17, 2007.

The check for the Skate Park contribution has been prepared for today.

Commissioner Wender offered a motion to approve a sign Petition to Combine or Divide and Segregate land for Charles M. Mahood.

Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Public Libraries informing the Board has not made a decision to close the Gauley Bridge branch library.

The Commissioners received and reviewed a letter from the Good News Outreach Mission requesting funding.

Ms. Holly told the Commissioners this request doesn't say if they want the funding for this fiscal year or the coming fiscal year.

Commissioner Wender asked that a letter be sent informing that the Commission would consider for July. Commissioner Wender asked Ms. Holly to call to find out which fiscal year they are requesting the funds. Commissioner Wender suggested addressing on March 7, 2008

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

Keith Bartley, Vice President of Amvest Company, Mike Isabell, Susan Osborne, Manager Human Resources appeared before the Commission to ask if they would reconsider the Resolution that was signed at the County Commission meeting on February 12, 2008 opposing the Powellton's mining permit.

Commissioner Wender expressed his opinion on why the Commission signed the Resolution. Commissioner Wender informed the Fayette County Commission is not opposed to mining they are in support of

Ansted.

Commissioner Lopez informed that he has the seen the area.

Mr. Bartley asked the Commission if they would consider rescinding the Resolution.

Commissioner Lopez informed before the Commission rescinds the Resolution they need to get the Ansted group to come in and discuss.

Commissioner Wender informed he has no objection as to what the Resolution states.

Commissioner Eskew suggested that the Commission review the sight and meet with Pete Hobbs, Mayor of Ansted on February 29, 2008 at 9:00 a.m.

Ms. Holly informed the Commissioners that the cut off time for applications for the janitor position is 10:00 a.m. this morning. Ms. Holly told the Commissioners she sent copies of the applications to James Perdue, Maintenance Supervisor to review and make his recommendations.

Ms. Holly told the Commissioners she sent all the information from the Board of Equalization and Review hearings to Carl Harris, Prosecuting Attorney to review.

Ms. Holly informed the Commissioners she received the order form from Election System and Software for the purchase of the two (2) iVotronics that was approved, amount \$11,250.00. Commissioners Eskew signed.

Ms. Holly presented a list of Polling Places to the Commissioners to be approved.

Commissioner Wender offered a motion to approve polling places

for the upcoming Presidential Primary Election. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed the County Commission meeting.

The Commissioners convened as the Board of Equalization and Review.

Commissioner Eskew informed the Commission is here today to make the final decision on all the Board of Equalization and Review hearings.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the value of the following properties for WV Land Portfolio, LLC, Map/Parcel 10-01-0081-0004.0000, Appraised Mineral Value \$320. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the value of the following properties for Imperial Colliery Company Map/Parcel 10-04-9-0065.0000, Appraised Mineral Value \$404. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the value of the following properties for Alabama Properties, Inc. Map/Parcel 10-01-9999-0600.0212.0000, Appraised Mineral Value \$624. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the value of the following properties for NGHD Lands, Inc. etal,

Map/Parcel 10-01-9999-0601-3057.0000 ($\frac{1}{2}$ interest), Appraised Mineral Value no change. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the value of the following properties for L. W. Deitz, Map/Parcel 10-01-9999-0623-8868.0000 ($\frac{1}{6}$ interest), Appraised Mineral Value \$4,493. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the value of the following properties for Larry Alan Deitz, Map/Parcel 10-01-9999-0623-2365.0000 ($\frac{1}{2}$ interest), Appraised Mineral Value no change. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the value of the following properties for Larry A. Deitz, Map/Parcel 10-01-9999-0623-1909.0000 ($\frac{1}{2}$ interest), Appraised Mineral Value no change. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the recommendation of the State of West Virginia Department of Tax and Revenue to change the value of the following properties for Larry Alan Deitz, Map/Parcel 10-01-9999-0600-4879.0000 ($\frac{1}{2}$ interest), Appraised Mineral Value no change. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners the ones that are no change those appraised mineral values will remain the values of the State Tax Department had based on those prior to the hearings.

Ms. Holly informed the Commissioners she received a letter and

telephone call from Mary Lynn Harmon requesting a hearing. Ms. Holly read the letter to the Commissioners.

Ms. Holly told the Commissioners that Ms. Harmon wants to check the value on Parcel 01-12801620.0000-20 acres surface water hole Route 20 said the land in question half between railroad tracks and Route 20 portion of the land was partially useless she felt strongly the parcel was too high, she did not call back and did not complete the form. Ms. Holly told the Commissioners she presented this to them to see if they wanted to take action on today.

Eddie Young, Assessor informed the Commissioners that the Assessor's Office did receive a copy of the letter and they made several phone calls to Ms. Harmon to talk to her about it.

Mr. Young told the Commissioners that the office went out and looked at the property and checked it against the adjoining properties, all but one of the properties was consistent the other was managed timberland.

Mr. Young told the Commissioners that Ms. Harmon had just purchased the property for \$12,000 and they have a value on the property of \$12,200. Mr. Young told the Commissioners they feel that's a fair value.

Commissioner Wender offered a motion that the County Commission find no reason to change the value of the property based on discussion with the Assessor's Office and the evidence that has been presented, the Commission accept the recommendation of the Assessor not to change the value. Commissioner Lopez seconded. Unanimous.

The Commissioners signed order certifying they have examined each

and every item and valuation fixed by the Assessor and have made such corrections and fixed such valuation, and that record shows the complete valuations and assessments of the land of Fayette County for the year 2008.

Commissioner Wender offered a motion that the Fayette County Commission sitting as the Board of Equalization and Review adjourn and they are doing so at this time without any additional scheduled hearings and they have no additional scheduled hearings for today or the 21st and therefore the best of their knowledge they are adjoining as the Board of Equalization and Review for this week. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company informing of the securities held as collateral to secure the deposits of Fayette County Commission as of January 31, 2008.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids Grant, amount \$2,185.12.

The Commissioners signed a letter informing that Jenny Becksted is currently retained with the Fayette County Commission for her grant writing services. The contract is for 80 hrs at \$25.00 an hour (\$2,000.00 total).

The Commissioners signed a letter to Okey Skidmore, Manager Fayette County Memorial Building informing the request of the Fayetteville Little League to use the Memorial Building for the 2008 registration (on February 23, March 1 and March 8, 2008, and one day

for tryouts March 15 or March 22) did meet the public, non profit guidelines, the \$1,000.00 rental fee custodial fee and trash service fee will be waived.

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

The Commissioners signed a letter approving the request of Captain Thurmond's Challenge use of the Courthouse property including electricity for the awards ceremony and the placement of port-a-pots on the small courthouse parking lot.

The Commissioners signed a letter to the Community Development Division for a Request for payment for the Fayette County Commission-Project #3SCBG0102-Elevator/SALS Project, amount \$4,707.39.

The Commissioners signed a letter to the Community Development Division for a Drawdown Request for the Fayette County Commission-Danese Public Service District Water Extension Project #07ARCP15639, amount \$205,971.65.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that January Table Games will be deposited directly on February 15, 2008, amount \$2,964.92.

The commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Service for the Community Corrections Grant, amount \$15,665.55.

The Commissioners signed Form 2848-Power attorney and Declaration of Representative-Audit of Solid Waste Disposal Facility Revenue.

The Commissioners received and reviewed several correspondences

from BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed from WorkForce WV an unemployment Compensation claim for Christina D. Nugen.

The Commissioners received and reviewed a letter from McNeary correcting the name of the Virginia Association of Counties Group Self Insurance Risk Pool (WV Counties Self Insurance Risk Pool).

The Commissioners signed a letter to the West Virginia Division of Culture and History attaching a Community Connection grant proposal.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 8 to February 14, 2008, amount \$450.00.

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

The Commissioners received and reviewed several checks for 911 Fees from Verizon, amount \$30,833.04 and Citizens Communications Company, amount \$50.44; Supreme Court-Family Law Masters rent, amount \$2,025.00; City of Beckley reimbursement, amount \$243,08; Secretary of State-VR quarter, amount \$117.50; and Rent FC Memorial Building, amount \$200.00.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding Delegate John Pino support of the Tier 2.5 legislation.

The Commissioners approved annual maintenance agreement of \$475.00 based on 20,000 copies for the Savin 2535 copier for the

second copier for the County Clerk's Office.

The meeting was adjourned at 12:20 p.m. The next scheduled meeting is March 7, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 4, 2008
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 4th day of January 2008.

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

Commissioner Lopez offered a motion to name Commissioner Kenneth L. Eskew as President for the year 2008. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to elect Commissioner John H. Lopez as Purchasing Agent, Debbie Berry be designated as Assistant Purchasing Agent and Charlotte Holly, County Administrator, Earl Pauley, Park Superintendent, Steve Cruikshank, OES Director, David Neal, E911 Coordinator be authorized to make purchases up to \$600.00 without prior County Commission approval for the year 2008.

Ms. Holly informed the Commissioners she has prepared the Organization Order informing that the regular session of the Commission be held on the Friday immediately preceding the 15th of each month at 9:00 a. m. (unless the 15th is a Friday, then said Commission meeting will be held on the 15th) and the last Friday of each month at 9:00 a. m. during the calendar year of 2008.

Commissioner Wender offered a motion to adopt the Organization Order for the calendar year 2008. Commissioner Lopez seconded. Unanimous. Order signed.

Commissioner Lopez offered a motion to approve James Perdue,

Maintenance Supervisor overtime (14 hrs). Commissioner Wender seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve exonerations for real property tax for Ireland B. and Linda S. Sutton. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve refund for Ireland B. and Linda S. Sutton, amount \$13.94. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve personal property tax for James A. and Nancy S. Fraley, April L. and Alex Moore, James T. and Donna Clere, Jr., Jeffrey D. and Tina L. Beverly, Robert F. and Katherine Bayes, Milburn F. and Margaret Pack, Gary M. and Leisa M. Pennington, Roberta A. Carte. Commissioner Lopez seconded. Unanimous.

Eddie Young told the Commissioners on October 26, 2007 he sent over an exoneration for Ark Land Company for four accounts. They were Oil and Gas accounts.

Mr. Young told the Commissioners a couple weeks later he found out that Ark Land Company and another individual, Lawson Hamilton, was in dispute over the Oil and Gas rights.

Mr. Young told the Commissioners in light of this new information he recommends that the Commission reinstate the 2007 taxes and let the taxpayers fight it out.

Ms. Holly told the Commissioners she would have to have Carl

Harris, Prosecuting Attorney review.

Commissioner Wender offered a motion to reinstate the 2007 taxes for Ark Land Company provided the Assessor discusses the matter with the Prosecuting Attorney regarding the authority to reinstate. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of October 31, November 9, November 30 and December 4, 2007. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and first half payrolls, payrolls to be released today, will catch up normal payroll period on January 25, 2008. Commissioner Wender seconded. Unanimous.

Mary Kees appeared before the Commission to discuss water service for the Burnwell/Collinsdale/Mahan area.

Commissioner Eskew told Ms. Kees that the person who needs to be in on this discussion is Dave Pollard our County Resource Coordinator who is on vacation.

Ms. Kees told the Commissioners that the West Virginia Division of Environmental Protection-Office of Abandon Mine Lands (WVDEP-AML) will contribute the entire amount of the construction cost which is estimated to be \$1,126,000 to the project.

Ms. Kees told the Commissioners that the soft costs for the project, which include land acquisitions, easements, engineering, legal and administrative fees are estimated to be \$308,500.

Ms. Kees told the Commissioners they need assistance to get the soft cost money.

Commissioner Wender told Ms. Kees the best thing to do is to get Dave Pollard, W. D. Smith with Region 4 Planning and Development Council to come up with a strategy.

The Commissioners decided to tentatively reschedule for January 31, 2008 at 10:00 a.m.

Commissioner Wender asked Jackie Hickman to call Dave Pollard, and W. D. Smith to schedule meeting and contact Kenneth Hayes, Chairman of the New Haven Public Service District, Paul Gonzales, Lanney Toney with the Upper Kanawha Valley Public Service District, Brent Pauley, Kanawha County Administrator and Steve Pilato with the Governor's Office and call Mary Kees to confirm scheduled time.

Philip Perone, Sanitarian with the Fayette County Health Department appeared before the Commission to discuss the request of John Hosch.

Carl Harris told the Commissioners they are under no obligation to do that.

Mr. Harris told the Commissioners he would send a letter to Three Rivers Companies, LLC regarding his desire to correspond with the Fayette County Commission rather than the Fayette County Health Department.

Mr. Harris told the Commissioners he would recommend that Three River Companies not to correspond with the Fayette County Commission since they only meets two (2) times per month and asked that he contact his office if he have any questions or concerns.

Commissioner Lopez offered a motion to adopt the West Virginia University Institute of Technology Resolution. Commissioner Wender

seconded. Unanimous. (See attached Resolution)

Commissioner Wender informed the Commissioner's he support the change in the annexation legislation proposed by the West Virginia Association of Counties and the County Commissioners Association of West Virginia.

Carl Harris suggested the letter of support changes to annexation legislation as proposed by the West Virginia Association of Counties.

The Commissioners set the Oak Hill Annexation for the proposed annexation of 654.18 acres, more or less situate on the Southeast side of West Virginia Route 16 (Old U.S. Rt. 21) known as Wolf Creek for January 31, 2008 at 11:30 a.m.

The Commissioners signed the notice to be published in the paper informing when the Board of Review and Equalization of Assessments for 2008 would be held.

Ms. Holly informed the Commissioners she sent Carl Harris, Prosecuting Attorney an e-mail regarding the Regional Jail per diem.

Mr. Harris told Ms. Holly this is the Supreme Court case. The Circuit Court did not have authority and fees due to the Regional Jail are at \$48.50.

Commissioner Wender offered a motion to pay November 2007 Regional Jail at the rate billed (\$48.50) but continue to hold funds previously escrowed. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented an e-mail regarding paper ballots to the Commissioners.

The Commissioners informed they will continue to move forward with the iVotronics they have.

RESOLUTION

BE IT RESOLVED that the Fayette County Commission and its officials wish to express their continuing support for the students, administration, alumni, and staff of West Virginia University Institute of Technology and the institution's revitalization and continued presence in Montgomery, West Virginia based upon the following:

WHEREAS West Virginia Tech has been for over 110 years, and continues to be, a vital force for education and commerce in the town of Montgomery and the Upper Kanawha Valley; and WHEREAS West Virginia Tech has enjoyed recognition as one of the leading baccalaureate Engineering programs in the United States and the academic reputation of West Virginia Tech as a whole is dependent upon the renewed status of the Engineering Program as one of the premier curricula in its field; and

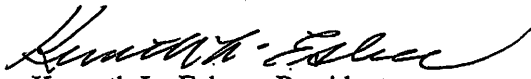
WHEREAS it is essential that West Virginia Tech maintain and strengthen all of its baccalaureate programs to insure its continued presence in Montgomery and West Virginia as an institution of the highest caliber; and

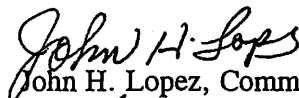
WHEREAS all of the above goals will only be realized by the dedication of significant funds for capital improvements and the unwavering dedication of the West Virginia University Board of Governors to West Virginia Tech as a four-year institution located in Montgomery;

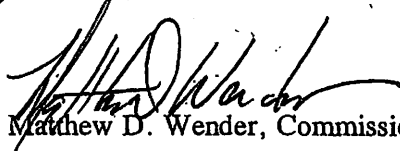
NOW, THEREFORE, BE IT RESOLVED that the Citizens and Government of Fayette County Commission urge the WVU Board of Governors take actions to obtain and/or utilize appropriate funds available to it to: (1) make capital improvements on the West Virginia Tech campus in Montgomery; (2) strengthen the four-year baccalaureate programs at the institution in general and the Engineering Program in particular; and (3) raise faculty salaries at West Virginia Tech, all in accordance with West Virginia Code § 18B-1C-1 & 2; and

BE IT FURTHER RESOLVED that the Citizens and Government of Fayette County Commission urge our Legislature to: (1) take appropriate actions to allow adequate funding to allow the above improvements and increases to occur; (2) maintain both the viability of and compliance with West Virginia Code Article 18B-1C through all appropriate means and reject any attempts to amend or otherwise change the mandates of that Article; and (3) establish or allow to be established an ad hoc committee or other group or organization that will monitor the success and progress of the baccalaureate programs at West Virginia Tech and allow that group, committee, or organization to report to the Legislative Oversight Commission on Education Accountability as to the progress of the Board of Governors in meeting its obligations under Article 18B-1C.

DATED: January 4, 2008


Kenneth L. Eskew, President


John H. Lopez, Commissioner


Matthew D. Wender, Commissioner

Sheriff William Laird appeared before the Commissioners to inform them of his recommendation on the bids for the mobile radios for Law Enforcement.

Sheriff Laird told the Commissioners he received bids from Motorola (\$86,928.00) and Hughes Supply Company-Kenwood (\$83,212.00).

Sheriff Laird told the Commissioners that Motorola is on line. State awarded \$86,928.00 no local match. Sheriff Laird told the Commissioners he does not have technical expertise to decide on the equipment so he asked Steve Cruikshank, OES Director, and David Neal, E911 Coordinator to review and respond.

Sheriff Laird presented a letter to the Commissioners of Mr. Cruikshank response.

Sheriff Laird told the Commissioners that Mr. Cruikshank feels the County should stay on line with radios brought last year for standardization.

Commissioner Wender suggested asking Tom Hughes to loan a Kenwood radio on trial basis for future use.

Commissioner Wender offered a motion to accept the bid for Motorola based on best advice available on interoperable capabilities within the County. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Sheriff Laird to contact Tom Hughes regarding a test radio and send a copy of Steve Cruikshank's letter.

Ms. Holly informed the Commissioners that she received only one reimbursement from the Bulletproof Vest Grant.

Ms. Holly told the Commissioners she has issued vendor checks for payment of the bulletproof vest but is still holding. Ms. Holly asked

Sheriff Laird what to do with the vendor checks.

Sheriff Laird told Ms. Holly to continue to hold vender checks for a few more weeks.

Commissioner Wender asked Sheriff Laird if he had a follow-up with Tim Frantz, Branch Banking and Trust regarding other banking institutions handling Investments of Funds for the County. Commissioner Wender informed he feels this should be bidded out.

Sheriff Laird told the Commissioners he understand that Fayette County National Bank would increase their rates.

Sheriff Laird told the Commissioners he feels an analysis needs to be done to determine. Sheriff Laird told the Commissioners he will look into.

Ms. Holly informed the Commissioners that the Board of Equalization and Review industrial hearings will be held on January 31, 2008 at 9:00 a. m. and the mineral hearing will be held on February 6, 2008 at 9:00 a.m.

The Commissioners planned the following dates and time for the purpose of reviewing and equalizing the assessments of the County:

January 25, 2008	Friday	1:00 P.M.
January 31, 2008	Thursday	9:00 A.M. (Industrial Hearing)
February 6, 2008	Wednesday	9:00 A.M. (Mineral Hearing)
February 12, 2008	Tuesday	1:00 P.M.
February 19, 2008	Tuesday	1:00 P.M.
February 21, 2008	Thursday	9:00 P.m.

The Commissioners signed a letter to Carl Harris, Prosecuting Attorney and Eddie Young, Assessor informing them of the dates and time of the Board of Equalization hearings.

Ms. Holly told the Commissioners she received a grant for

Montgomery General Hospital, but she did not know what it was for. The Commissioners asked Ms. Holly to hold. Commissioner Lopez suggested to Ms. Holly to give Gail a call.

The Commissioners signed a letter to Michael Proops, Controller, Family Law Master requesting reimbursement for rent in the amount of \$2,025.00 for the month of January 2008.

Ms. Holly informed the Commissioners she received a memo from the West Virginia Association of Counties informing that the Internal Revenue Service has increased the recommended mileage reimbursement rate from 48.5 cents to 50.5 cents effective January 1, 2008.

Ms. Holly told the Commissioners she have not received anything from the General Service Administration informing of an increase.

The Commissioners asked Ms. Holly to hold until she receive something from the General Service Administration.

The Commissioners signed Request for Reimbursements to the West Virginia Division of Criminal Justice Services for TRIDENT, amount \$2,664.94 and the SPF-SIG Project Grant, amount \$8,392.04, and invoices for the Fayette County Prevention Partnership.

The Commissioners signed an invoice to the Fayette County Board of Education for rent for the Fayette County Soldiers and Sailors Memorial Building, amount \$2,916.67 for the month of January.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Corrections Community Grant, amount \$9,330.86.

Commissioner Eskew signed an invoice for purchase of cruisers for Law Enforcement.

The Commissioners received and reviewed a letter from the Fayette County National Bank giving a list of the securities which they had pledged for the Fayette County Commission that will not be available, and a list of securities that will be substituted.

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

The Commissioners signed a letter to Edwin Harper with the Governor's Office of Economic Opportunity regarding the Weatherization Program in Fayette County.

The Commissioners signed 4th Quarter State Tax Report for the Fayette County Park, amount \$85.15.

The Commissioners received and reviewed a letter from the State Tax Department regarding the audit of the Property Valuation Training and Procedures Commission Fund (PVC).

Commissioner Lopez offered a motion to approve purchase of a Lexmark printer for the Sheriff's Tax Department. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Work Force West Virginia informing the Wage Report for the quarter ending September 30, 2007 shows a discrepancy of \$500.00.

The Commissioners received and reviewed an invoice to the Fayette County Farmland Protection for partial payment for the third floor clerical assistant position, amount \$7,500.00 for the period of October 1, 2007 through June 30, 2008.

The Commissioners received and reviewed minutes from the Page-Kincaid Public Service District for the months of November and December.

The Commissioners received and reviewed a letter from the City of Oak Hill enclosing the original signed Notice of Award for the rail trail paving project bid from Southern West Virginia Paving, amount \$146,600.00.

The Commissioners received and reviewed a letter of introduction from David B. McClure, President of the Highland Towers.

The Commissioners received and reviewed a notice from the U. S. Bankruptcy Court for the Southern District of West Virginia regarding Multi-County Community Action Against Poverty, Inc. (MULTICAP).

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of December 21, 2007.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young Assessor informing that effective January 1, 2008 Theresa Pino Light will be employed in his office as a Personal Property Clerk and Data Entry Clerk, salary \$20,000.00 to be paid out of the PVC Budget.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young Assessor informing that effective January 1, 2008 the annual salaries for Robert Blackburn will increase to \$25,000.00 and Robin Brown will increase to \$22,000.00 both to be paid from the Regular County Budget and effective January 1, 2008 salaries for Nancy Carr will increase to \$24,000.00 and Ella L. Helmick will increase to \$21,000 both to be

paid from the PVC Fund.

The Commissioners received and reviewed a thank-you card from the Fayetteville Fairs and Festivals.

The Commissioners received and reviewed a Remittance by the County Assessors to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$142.50.

The Commissioners received and reviewed from John David, Director of Southern Appalachian Labor School their Legislation Wish List.

The Commissioners received and reviewed By-Laws from the Southern West Virginia Convention and Visitors.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of December, New River Humane Society Allotment, amount \$10,900.66 for the month of January and Weekly Fees Collected for the week of December 14 to December 20, 2007, amount \$324.00, the week of December 21 to December 27, 2007, amount \$170.00, the week of December 28 to December 31, 2007, amount \$140.00 and the week of January 1 to January 3, 2008, amount \$10.00.

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

The Commissioners received and reviewed several checks for 911 Fees from Cleartel Telecommunications, Inc., amount \$12.00, Granite Telecommunications LLC, amount \$144.00, Level 3 Communications LLC, amount \$108.00, AT&T Communication of WV, amount \$474.00, IDT Corporation, amount \$38.00, Mountain Communications, amount \$45.82, Cebridge Telecom, amount \$518.00, Public Service Commission, amount

\$156,587.82 and Citizens Communications, Inc., amount \$50.44; Franchise Fees-Bradley Communications, amount \$1,730.99; Rent-Supreme Court Family Law Master, amount \$2,025.00; Rent-FC Board of Education-Memorial Building, amount \$2,916.67; Soldiers and Sailors Memorial Fund, amount \$25.00; Reimbursement-Amber Marstiller, amount \$812.24; WV Development Office-Oak Hill Trail Rail, amount \$1,440.00; WV Development Office-Lighting Grant, amount \$2,260.08; and Memorial Building Rent, amount \$200.00.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that funds for the November Table Games will be directly deposited on December 17, 2007, amount \$628.17.

The Commissioners received and reviewed an e-mail from the Office of the State Treasurer informing that funds for the November Limited Video Lottery will be directly deposited on December 26, 2007, amount \$5,997.56.

The Commissioners received and reviewed an e-mail from John David informing that Congressman Nick Rahall will be joining WMTA President Cecil Roberts at the SALS Community Center in Beards Fork on December 21, 2007 at 1:30 p.m. for the Holiday Celebration.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer informing that an audio tape of the Fayette County Planning Commission regarding a presentation on viewsheds by Charles Yuill from WV University is available in the Zoning Office for anyone that would like to review.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer informing that a regular meeting of the

Planning Commission will be held on January 22, 2008 at 3:00 p.m.

The meeting was adjourned at 1:03 p.m. The next scheduled meeting is January 25, 2007.



FAYETTE COUNTY COMMISSION

JANUARY 25, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 25th day of January 2008.

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

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

Commissioner Wender offered a motion to approve and sign exonerations for real property tax for William D. and Linda Sue Turner, H. A. Aldridge, John C. and Donna J. Reed, Crystal Renee and Isabel Chapman, Carl B. Cox. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property tax for Lindsey or Cecil Giles, Jr., Shawn Lavender, Daniel or Vicki Parker, Jesse Jr. or George Lee Roark, Edward W. or Sharon K. Harper, Heather Helen Fox, Heather Helene Estilow, Ralph Humphrey, and John R. or Shelby Jones. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve refund for John C. and Donna Reed, amount \$298.54. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to go into Executive Session

at 9:26 a.m. Commissioner Wender seconded. Unanimous.

The Commissioners reconvened the County Commission meeting at 10:03 a.m.

Commissioner Eskew informed the Executive Session were a personnel issue and financial issue. No decision was made.

Attorney Tom Fast appeared before the Commission to Petition to remove Rachel June Kelly, Administratrix of the Estate of Thomas Samuel Kincaid, Jr. and appoint Carlos Kincaid to replace.

Also present was Attorney Phil Tissue and Carl Harris, Prosecuting Attorney.

Mr. Harris asks if anyone had made arrangements to have a court reporter present for this hearing. Attorney Tom Fast replied no.

Attorney Phil Tissue presented to the Commission and moves the County Commission to refer the "Petition to Remove Administrative" to a Fiduciary Commissioner for the purpose of holding a hearing, receiving evidence and rendering a report on such Petition.

Carl Harris informed the Commissioners they have the authority to refer to a Fiduciary Commissioner, but if they decide to hear they would need a court reporter here in case the case would have to go to the Circuit Court.

Commissioner Wender offered a motion to refer this case to a Fiduciary Commissioner and appoint James Blankenship, III as the Fiduciary Commissioner to hear the Petition. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked the Commission if they would approve to pay to the Fayette County Urban Renewal Authority travel expenses for

the VISTA workers' trip to Cleveland, Ohio.

Commissioner Wender offered a motion that the Commission advance to the Fayette County Urban Renewal Authority \$500.00 to pay travel expense for VISTA Worker. Commissioner Lopez seconded. Unanimous.

Tom Hughes, Hughes Supply Company appeared before the Commission to inform them that he has a problem with how the bids for the Sheriff Mobile Radios were handled.

Mr. Hughes told the Commissioners his bid was lower feels he got knocked out on the bid.

Commissioner Wender informed Mr. Hughes that the deciding bid came from the recommendation of the Sheriff resulting from the letter he received from Steve Cruikshank, OES Director and David Neal, E911 Coordinator recommendations to accept the bid of Motorola.

Commissioner Wender asked Mr. Hughes if he would lend one of his radios to the County to use. Mr. Hughes replied he would be happy to.

Commissioner Wender suggested to the Commission to request that the Sheriff Office and Steve Cruikshank install one of Mr. Hughes radios.

Commissioner Wender suggested a meeting with Sheriff Bill Laird, Steve Cruikshank, David Neal and Tom Hughes be scheduled on Thursday, January 31, 2008 at 11:30 a.m. to discuss further.

Commissioner Wender offered a motion to write to the Division of Motor Vehicles informing that Daniel Pauley is a full-time employee and requires a CDL License for his current position as a Central Garage Mechanic. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Division of Motor

Vehicles informing that Daniel Pauley is a full time employee and requires a CDL License for his current position as a Central Garage Mechanic and informing the employer is not subject to the F. M. C. S. R. (Federal Motor Carrier Safety Regulations) requirement 49CFR391.41 and is exempt from the Department of Transportation Physical.

Amber Marstiller, SPF-SIG Coordinator, Aletha Stolar, Family Resource Network Coordinator, Nonie Roberts, NRH-Adolescent Health Co.-Region IV, and Tracy King, FMRS Youth Service appeared before the Commission to give an update on the Fayette County Prevention Partnership (FCPP) and its relationship to the community development efforts in Fayette County.

Ms. Marstiller presented the Youth and Family Issues Committee(Y/FIC) Profile List, the Fayette County Committees/Partnership List and a Structure Handout on how these two groups work together to the Commissioners.

Each partner gave a brief comment on why they are interested in the Fayette County Prevention Partnership (FCPP) and substance abuse preventions and how the Y/FIC is working for them at this point and what they hope to see come from both of these groups in the future.

Commissioner Wender told the group to keep up the good work.

Discussion was held regarding the funding request from the Upper Kanawha Valley Community Center.

Commissioner Wender offered a motion that Fayette County Commission makes a request that the Upper Kanawha Valley Community Center Board of Directors send a Resolution signed by the Board of Directors stating the need for the financial support and the request

for funding. Commissioner Eskew seconded. Unanimous. A letter was signed.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate land for James and Shirley Sluss, Linda Kincaid, Faye E. Keeney and Marjorie Brown, George A. Campbell ex tux, Donald R. and Barbara J. Beals, and Wanda June Cole. Commissioner Lopez seconded. Unanimous.

The Commissioners signed an agreement with the Division of Highways regarding the construction of the East Kingston Arch Bridge.

The Commissioners signed a letter to all Elected Officials and Department Heads requesting that each office, prior to March 2, 2008 submit to the Commission a detailed request for appropriations for anticipated or expected expenditure for its respective office including the compensation for its assistants, deputies, and employees for the ensuing fiscal year.

Ms. Holly informed the Commissioners that they are to meet with each Elected Official on March 7, 2008 to discuss their Budgets.

The Commissioners schedule the County Commission meetings for the following days in March: March 7 Regular meeting with the Elected Officials, March 10 to work on Budget, March 14 Regular meeting and to work on Budget, March 21 Regular meeting and work on the Budget.

The Commissioner signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids Grant, amount \$2,675.41.

The Commissioner signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community

Corrections Grant, amount \$9,546.44.

Commissioner Wender offered a motion to reappoint Ken Eskew, a member of the Coal Heritage Highway Authority. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to Page-Kincaid Public Service District, White Oak Public Service District, Danese Public Service District, New Haven Public Service District, Kanawha Falls Public Service District, Arbuckle Public Service District, Armstrong Public Service District, Gauley River Public Service District and Region 4 Planning and Development Council informing them that the deadline for Small Cities Block Grant awards has been set for May 16, 2008 and asking that they complete the Readiness to Process Checklist and return no later than Friday, February 29, 2008.

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

The Commissioners signed Fire Levy Protection Agreements for the Smithers Volunteer Fire Department and the Loup Creek Volunteer Fire Department for the period July 1, 2007 to June 30, 2008.

Commissioner Wender offered a motion to approve minutes of November 9 and December 14, 2007 and January 4, 2008. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank and acting pursuant to Chapter 7, Article 6, Section 2 of the West Virginia Code does hereby order the release of said

securities provided that securities will be substituted simultaneously and the Fayette County funds deposited with said banking institution will not be unsecured.

The Commissioners signed letter approving the request of Deville Williams, Athletic Director Woodrow High School to use the Memorial Building to play one (1) girls' AAA sectional basketball tournament game.

Ms. Holly informed the Commissioners that Doug Arbogast has requested the use of the Memorial Building on February 29, 2008 from 12:00 noon to 7:00 p.m.

Ms. Holly told the Commissioners that this would interfere with the basketball games that are scheduled.

Commissioner Lopez suggested that Doug Arbogast change the date.

Commissioner Wender suggested to Ms. Holly to send Earl Pauley, Park Superintendent, an e-mail informing him that the Commission approved paying the fee to renew Daniel Pauley's CDL License from the Fayette County park budget.

Ms. Holly told the Commissioners she is still holding the Application for Montgomery General Hospital. Ms. Holly told the Commissioners she was told this was for a decontamination tent.

The Commissioners asked Ms. Holly to hold until she find more information.

The Commissioners signed the White Oak Trail Agreement Between the Fayette County Commission and the City of Oak Hill.

Dave Pollard, County Resource Coordinator introduced the members of the Leadership Fayette County-Joseph E. Dean, II, Kayla Starr

Church, Jessica Nuckels, Richard Allen Smith, Lauren Samples, Alex Richardson, Molly Wagner, Rebecca Pollard, Stephen Wayne Perry, Tiffany Donelow, Ronald Ward, Tanyetta Bragg. Also, present was Carl Thompson.

The Commission signed Order approving Stephanie A. Dravenstott Gorge Waugh to abandon an unnamed and unused street.

Ms. Holly informed the Commissioners they would have to send an Order to the Executive Committee no later than February 19 regarding how many election boards they would be using for the upcoming Presidential Primary Election.

The Commissioners informed Ms. Holly they will decide on January 31, 2008.

James Perdue, Maintenance Supervisor gave an update on the heaters at the Jail Museum.

Ms. Holly told the Commissioners that Aaron Legg, with the West Virginia Conservation Agency informed her they will start the Armstrong Creek Project in February.

Ms. Holly told the Commissioners she received flood insurance renewals from Jim Lively Insurance for the Fayette County Animal Control Center building for the cat building, dog building and the wash building.

Ms. Holly told the Commissioners they have two options, they could keep the same values as last year or they could increase the premiums.

Commissioner Wender offered a motion to approve Option 2 and increase the premium. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Southern Appalachian Labor School confirming that the members of the Fayette County Commission have approved an amount up to \$5,000.000 for the extension of wastewater lines at Hilltop from White Oak Public Service District.

The Commissioners signed a letter to the Office of the State Auditor asking that the Fiscal Year July 1, 2005-June 30, 2007-audit be performed by their office.

The Commissioners received and reviewed a request from Daniel Wright, Circuit Clerk requesting that \$959.88 of the money allotted for the travel budget is transferred to purchase six (6) computer monitors for his office. The Commission approved.

Ms. Holly informed the Commissioners she received an e-mail from Aletha Stolar informing there are about 10 used computers on the third floor (monitors, keyboards, CPU's, and other equipment) wants to know if there are plans to recycle, remove or reuse the equipment.

The Commissioners asked Ms. Holly to tell Ms. Stolar to hold until the auction.

The Commissioners approved a Ricoh copier (\$4,321.00) for the County Clerk's Office and approved to keep the old copier until it dies without renewing maintenance then get price for a smaller second unit.

Commissioner Eskew called the Board of Equalization and Review hearing to order at 1:00 p. m.

Ms. Holly presented to the Commissioners an Order giving the Assessor permission to make corrections to the initial assessment roll and that any errors created by the West Virginia Department of Tax and

Revenue or by the Assessor of Fayette County be corrected before the 21st day of February 2008.

Commissioner Wender offered a motion that the Assessor make corrections to the initial assessment roll and that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County be corrected before the 21st day of February 2008. Commissioner Lopez seconded. Unanimous.

Since no one appeared to protest and no hearings were scheduled, Commissioner Eskew asked that the Board of Equalization and Review hearing be adjourned.

The Commissioners adjourned the Board of Equalization and Review hearings at 1:30 p.m.

The Commissioners reconvened at 1:30 p.m. for the County Commission meeting.

The Commissioners received and reviewed a thank-you note from John David for their support in getting him selected for the "Living the Dream" Human and Civil Rights Award.

The Commissioners received and reviewed a letter from the City of Oak Hill regarding a Freedom of Information Act request for the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed a letter from Senator Shirley Love thanking the Commission for their Fiscal Year 2007 application to the Governor's Community Participants Grant Program and informing their request has been approved in the amount of \$42,000.00.

The Commissioners received and reviewed a letter from Appalachian Fuel, LLC notifying the Commission that Permit #S-3008-88 surface mine

permit, Appalachian Fuel, LLC has applied for a 60 percent Bond Release (Phase I) on 321.00 acres with the West Virginia Division of Environmental Protection. The original letter forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Carl Harris, Prosecuting Attorney informing he has hired Melissa Wilshire as a legal assistant, effective January 15, 2008, salary is \$18,000.00 plus benefits.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service-Stringtown Road Preliminary Design Submission.

The Commissioners received and reviewed a letter from the West Virginia Development office enclosing a copy of the executed grant award for Fiscal Year 2007 Appalachian Regional Commission Grant-Danese Public Service District Waterline Extension.

The Commissioners received and reviewed a letter from the Regional Education Service Agency IV informing they are applying for a renewal of a competitive five-year 21st Century Community Learning Center Grant.

The Commissioners received and reviewed a letter from Valley Elementary Local School Improvement Council informing they are seeking business partners in education to help with a school project to renovate the school playground. The Commissioners denied the request.

The Commissioners received and reviewed a letter from Attorney John D. Wooton asking the Commissioners if a decision had been made on his request that the Estate of Dora F. Hiltunen be closed.

The Commissioners received and reviewed a letter from David B. McClure, President of Highland Towers introducing his self to the Fayette County Board of Zoning Appeals.

The Commissioners received and reviewed a letter from the Office of Economic Opportunity responding to the Fayette County Commission concerns about the Fayette County Weatherization Assistance Program.

The Commissioners received and reviewed a copy of a letter to Governor Joe Manchin from Senator Shirley Love, Delegates John Pino and David Perry addressing the surrounding issues involving David Jarrell, the Oak Hill Weatherization Office and attendant funding for the Fayette county Weatherization Program.

The Commissioners received and reviewed minutes from the Fayette County Planning Commission held January 22, 2008.

The Commissioners received and reviewed a letter from the Office of the State Auditor enclosing a schedule of the in-service training seminars for 2008.

The Commissioners received and reviewed minutes of Gauley River Public Service District for July 2006 to June 2007.

The Commissioners received and reviewed Certificate of Liability Insurance from Rapid Communications, LLC.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing that the Byrne/Justice Assistance Grant Program was cut from \$520 million in Fiscal Year 2007 to \$170 million in Fiscal Year 2008 which represents a 64% cost.

The Commissioners received and reviewed a copy of an article from the Charleston Daily Mail regarding West Virginia American Water chief

wants to expand.

The Commissioners received and reviewed a letter from the Department of Military Affairs informing the 2007 SERC Grant Supplemental request was approved, amount \$800.00.

The Commissioners received and reviewed a letter from the Division of Highways informing that the 2007 Recreational Trails (RT) Program (White Oak Rail Trail Paving/County) reimbursable grant was not funded.

The Commissioners received and reviewed a letter from the State Tax Department informing that in view of the fact that 2008 is a leap year, this letter will serve as a reminder of the proper procedures concerning the Board of Review and Equalization hearings.

The Commissioners received and reviewed a copy of a letter to the West Virginia Development Office from the Fayette County Urban Renewal Authority asking to amend the Loan Commitment Letter to expire on December 31, 2008.

The Commissioners received and reviewed a letter from Delegate Margaret Staggers asking the Commission to feel free to respond to her on any of the weekly newsletter, Wrap-Up of the action of the West Virginia House of Delegates.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's office for the Courthouse Facilities Improvement Fund, amount \$52.50.

The Commissioners received and reviewed a copy of a letter from the Division of Criminal Justice Services to the Sheriff of Fayette County informing that their Community Correction Specialist has

scheduled an on-site monitoring visit regarding the Community Correction Grant Program #08-CC-81.

The Commissioners received and reviewed an Audit Report from the Gauley River Public Service District for Fiscal years ended June 30, 2007 and June 30, 2006.

The Commissioners received and reviewed an Official Oath of Office from John R. Hoffman, a member of the Fayette County Board of Zoning Appeals.

The Commissioners received and reviewed a letter from the Martin Luther King, Jr. West Virginia Holiday Commission informing that Dr. John P. David has been selected for the individual award in the Human and Civil Rights category.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for wine, liquor and private clubs taxes will be directly deposited on January 14, 2008, amount \$457.17.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the December Table Games will be directly deposited January 15, 2008, amount \$1,423.80.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for 75% of the coal severance tax will be directly deposited January 23, 2008, amount \$126,936.60.

The Commissioners received and reviewed status Report form the 911 Center calls received for the year 2007.

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

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

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

The Commissioners received and reviewed from SunTrust Bank several pledged Securities Release Notification.

The Commissioners received and reviewed from the Bank of New York Cash Statements and Asset Lists as of December 31, 2007 and January 23, 2008.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing of the securities that were held as of December 31, 2007.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of January 4 to January 10, 2008, amount \$478.00, the week of January 11 to January 17, 2008, amount \$425.00, and the week of January 18 to January 24, 2008, amount \$300.00.

The Commissioners received and reviewed several checks for 911 Fees from One Communications, amount \$2,054.46, Granite telecommunications, LLC, amount \$144.00, ClearTel Telecommunications, Inc., amount \$12.00, Level 3 Communications, LLC, amount \$80.00, Cequel Communications Holding, amount \$858.00, Mountain Communications, amount \$45.82, Citizens Communications Co., amount

\$50.44; Alarm Fees, amount \$420.00; Supreme Court Family Law Master rent, amount \$2,025.00; WV Development Office-Danese PSD and Page Kincaid PSD, amount \$41,150.00, HUD/SCBG-SALS, amount \$13,653.30, Watch Me Grow, amount \$486.61 and Courthouse Improvement, amount \$34,845.00; Homeland Security & Emergency Management-FC DR1522 WV Project, amount \$4,000, LEPC, amount \$800.00; Jail Fees-Town of Fayetteville, amount \$242.50; Criminal Justice Service-SPF-SIG Grant, amount \$5,939.87, TRIDENT/Just for Kids, amount \$4,194.79, SPF-SIG Grant/Just For Kids, amount \$5,126.92, Communication Correction Grant, amount \$8,996.23; Soldiers & Sailors Fund, amount \$175.00, City of Beckley reimbursement, amount \$1,590.69, Farmland Protection, clerical assistant, amount \$7,500.00 and FC Memorial Building-FHS-OH boys Varsity Game, amount \$200.00.

The Commissioners received and reviewed an e-mail from Barbara painter Operations Coordinator regarding the Weatherization Program.

The Commissioners received and reviewed an e-mail informing of the deadline for NACo's 2008 Acts of Caring Awards.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing of the next meeting of the Y/FIC (Youth and Family Issues Committee) meeting.

The Commissioners received and reviewed an e-mail from Jean Tenney informing that two regional tobacco prevention coalition coordinator positions are available through Mountain CAP of WV, Inc.

The Commissioners received and reviewed an e-mail from Jenny Becksted asking if Ms. Holly had received any acknowledgment on the Community Connection Grant from the WV Division of Culture and History

she applied for.

The Commissioners received and reviewed an e-mail from Ms. Holly informing that Debbie Berry has registered them for the CCAWV Legislature meeting and made their reservation at the Marriott.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer informing the Commission that the Fayette County Planning Commission meeting is being held January 22, 2008.

The Commissioners received and reviewed an e-mail from Tom Oxley, City Manager City of Oak Hill informing that the Annexation Hearing for Wolf Creek has been postponed, will reschedule at a later date.

The meeting was adjourned at 2:20 p.m. The next scheduled meeting is January 31, 2008.



Kenneth A. Edler

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 11, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 11th day of July 2008.

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

Mary K. Weatherford, Chief Deputy Assessor's Office presented exonerations to be approved and signed to the Commissioners.

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

Commissioner Lopez offered a motion to approve and sign exonerations for personal property for Annette and Lyons Lloyd Williams, Gary L. Smith, Jr., Earnest L. and Wavie M. Chappell, Celeste L. and Chris (Wolf) Pavely, Cathy Pannell, Christopher-Crist Loretta Cassidy and Donald Lee and Judy K. Hall, Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refunds for Bradie and Nancy L. Workman (\$12.15) and Bibb Cemetery Beautification (\$224.14). Commissioner Lopez seconded. Unanimous.

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

Ms. Holly informed the Commissioners that she has several invoices that need to be approved but checks will be written when

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF July 11, 2008

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6128219	36046	HUMPHRIES, REBECCA GWINN	July 3, 2008	BY CC ORDER-STILL OWE \$499.93		X		\$358.26	9
9001916	*11366	WORKMAN, BRADIE	July 3, 2008	DOES NOT EXIST	X			\$12.30	1
9001323	36047	HUMPHRIES, REBECCA GWINN	July 3, 2008	BY CC ORDER-STILL OWE \$490.73		X		\$9.20	9
6124856	35655	GIVEN, ANITA L & CARLA	July 3, 2008	BY CC ORDER-PAID IN FULL		X		\$10.36	9
6033348	9117	SECRIST, GEORGE & SHIRLEY	July 3, 2008	BY CC ORDER-STILL OWE 324.90		X		\$72.76	1
6190392	16311	HUGHES, JEFFREY LYNN	July 3, 2008	ERRONEOUS VALUE		X		\$70.72	2
6315203	24024	DOMINGO, PAUL F	July 3, 2008	ERRONEOUS VALUE		X		\$207.54	3
6117267	38601	WILSHIRE, MELISSA KIDD	July 3, 2008	ERRONEOUS VALUE		X		\$59.70	9
6287298	28709	WALKER, RONALD	July 3, 2008	S/B HOMESTEAD		X		\$79.94	3
8006203	10654	W V LAND PORTFOLIO LLC	July 3, 2008	ERRONEOUS MINERAL VALUE PER STD		X		\$1,380.62	1
6231339	20141	STANLEY, VERNON R & THERESA	July 3, 2008	ERRONEOUS MINERAL VALUE PER STD		X		\$2,556.38	2
9004322	30729	DRIGGS, BENJAMIN W & ANDREA J	July 3, 2008	ERRONEOUS VALUE		X		\$1,568.24	5
8086340	37495	REED, JOHN C & DONNA J	July 3, 2008	BY CC ORDER-PAID IN FULL		X		\$592.80	9
6017222	6441	MARTIN, FAYE	July 3, 2008	ERRONEOUS MINERAL VALUE PER STD		X		\$408.26	1
6017213	6440	MARTIN, FAYE	July 3, 2008	ERRONEOUS MINERAL VALUE PER STD		X		\$51.74	1
6183417	21110	WALTON, CARMEN LEIGH	July 3, 2008	S/B HOMESTEAD		X		\$256.20	2
6190695	36038	HUMPHREY, MARGARET JAQUELINE	July 3, 2008	DOES NOT EXIST	X			\$45.02	9

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
MONTH OF July 11, 2008

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6067481	791	BERRY, DAVID M & JESSICA A	July 3, 2008	S/B CLASS 2		X		\$408.90	1
6186968	12720	BOHANNA, GARFIELD JR	July 3, 2008	ERRONEOUS VALUE		X		\$319.20	3
6156296	15999	HAYES, GWENDOLYN	July 3, 2008	HOUSE BURNED		X		\$149.10	2
6262288	37371	PLACE, DONALD	July 3, 2008	S/B CLASS 2		X		\$562.18	9
6274818	27359	POFF, DARLENE	July 3, 2008	S/B CLASS 2		X		\$509.58	3
6191612	38434	WASHINGTON, THOMAS W & FLORA	July 3, 2008	S/B CLASS 2		X		\$228.72	9
6323917	26285	NELSON, VIRGINIA ANNE	July 3, 2008	S/B CLASS 2		X		\$1,099.86	3
6191925	36114	JAMES, THOMAS W JR & MARGARET	July 3, 2008	CANCEL P/O INTERCHANGE	X			\$5.52	9
6151905	37896	SMITH, GLADYS S	July 3, 2008	S/B CLASS 2		X		\$382.14	9
6121715	37514	RENICK, KENNETH JR	July 3, 2008	ERRONEOUS VALUE		X		\$240.68	9
9000447	28893	WHITE, HUBERT V JR	July 3, 2008	S/B HOMESTEAD		X		\$256.20	3
9001916	11417	WORKMAN, BRADIE & NANCY L	July 3, 2008	DOES NOT EXIST		X		\$12.30	1
8171943	27896	SHEARS, VANCE & VIRGINIA	July 3, 2008	DOES NOT EXIST		X		\$2.32	3
6223703	14045	COTTLE, MICHAEL A & HATTIE M	July 3, 2008	REDEEMED FOR 2005 TAXES		X		\$284.98	2
9003872	12551	BIBB CEMETARY BEAUTIFICATION TR	July 3, 2008	S/B NON-TAXABLE	X			\$205.98	2
*09003872	*12478	BIBB CEMETARY BEAUTIFICATION TR	July 3, 2008	S/B NON-TAXABLE	X			\$196.76	2
6338732	32862	LOCKAED, FRED	July 3, 2008	S/B CLASS 2		X		\$454.08	7

Debbie returns from vacation.

Commissioner Lopez offered a motion to approve invoices, checks to be prepared and released when Debbie Berry returns from vacation. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a copy of a letter to Kevin Cruickshank, Investigator with the Secretary of State Office from kelvin Holliday, County Clerk concerning the complaint he received regarding Daphne Taylor, a poll worker in Precinct 65.

Discussion was held regarding the transfer of the White Oak Trail. Carl Harris, Prosecuting Attorney reviewed.

Commissioner Wender offered a motion that the Fayette County Commission approves the transfer of the rail trail property to the City of Oak Hill pending the West Virginia Division of Highways approval. The request would be by the City of Oak Hill on behalf of the Fayette County Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Hilbert Harrell and Norma Sammons. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the Shooting Range at the Fayette County Park.

Commissioner Wender offered a motion to authorize Commissioner Eskew on behalf of the Fayette County Commission to negotiate with Clarence Pannell the cost on completing the work at the Shooting Range, the amount not to exceed \$14,000.00. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Bill Willis, Program Coordinator with the West Virginia Division of Energy requesting that the contract between the West Virginia Division of Energy and the Fayette County Commission be extended to cover the period from July 1, 2008 through June 30, 2009.

Commissioner Wender suggested that James Perdue, Maintenance Supervisor give an update on how many lights were replaced and how many needs to be replaced.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT, amount \$2,360.51.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Program, amount \$14,124.33.

Ms. Holly presented five (5) grants from the Division of Criminal Justice Services to the Commissioners.

Commissioner Wender offered a motion that Commissioner Eskew be authorized to sign Resolutions and Contracts from TRIDENT, amount \$20,000.00, Just For Kids, amount \$6,000.00, Purdue Pharma Fund-Task Force Grant, amount \$40,344.00, and the two(2) Community Corrections Grants total amount \$281,312.00. Commissioner Lopez seconded. Unanimous.

Tom Oxley, City Manager, Bill Hannabass, Mayor of the City of Oak Hill, Guy Dooley and Jeff Proctor members of the Fayette County Urban Renewal Authority appeared before the Commissioners to present an Annexation of the Wolf Creek Park (654.18 acres) hearing.

Commissioner Eskew swore in Tom Oxley, Bill Hannabass, Guy Dooley, and Jeff Proctor.

Mr. Oxley informed the Commissioners they had advertised and posted notices now they are ready to proceed.

Guy Dooley informed the Commissioners he is here in opposition of the Annexation. Mr. Dooley wants to know what they intend to do at this time.

Mr. Dooley urged need to develop the park further before any annexation.

Jeff Proctor commented and told the Commissioners that he opposes the annexation.

Bill Hannabass made comments about the Regulatory Agency, and no B&O taxes to be charged on the infrastructure, annexing the residential portion of the Park.

Commissioner Eskew asked if there were any more comments.

Carl Harris, Prosecuting Attorney told the Commissioners to take under advisement.

Commissioner Lopez asked if the Commission could table the annexation for one year?

Mr. Harris told the Commissioners they could not.

Commissioner Wender offered a motion to take this matter for consideration on July 25, 2008 at 1:00 p.m. Commissioner Lopez seconded. Unanimous.

Okey Skidmore, Manager Fayette County Memorial Building appeared before the Commission to present price list for replacing the complete flag assembly in front of the Memorial Building.

Mr. Skidmore told the Commissioners that the flag at Dairy Queen is too big.

Mr. Skidmore told the Commissioners the eternal flame is not burning properly, all the metal work is rusted completely out and there is no shut off valve on the gas line.

Commissioner Wender offered a motion to approve \$1,500.00 for flagpole and accessories and an additional \$300.00 not to exceed \$300 for base. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Mr. Skidmore to get more information regarding the gas lines.

Meredith Gregg appeared before the Commissioners to present the current status of the Summerlee AMD Treatment, Phase I. Also present were Eric Autenreith, Aletha Stolar, and Liz Cushman.

Ms. Gregg presented slides of the Summerlee AMD Treatment Project.

Wayne Rebich, Representative with ACT (Affiliated Construction Trades Foundation) appeared before the Commissioners to ask that they sign a WV Alcohol and Drug-Free Workplace Act Resolution.

After a brief discussion, Commissioner Wender offered a motion that the Fayette County Commission adopts the WV Alcohol and Drug-Free Workplace Act Resolution today. Commissioner Eskew seconded. Unanimous.

Carl Harris, Prosecuting Attorney told the Commissioners that he would like to review and draft another Resolution. Commissioner Wender withdrew his motion.

John Raney, Tim Richardson, Joe Carelli, Allen Ballard, Carl

Thompson and Aletha Stolar appeared before the Commissioners to discuss the third cleanup letter that the Fayette County Beautification Committee would be sending to the property owners.

Allen Ballard told the Commissioners that the Prosecuting Attorney Office drafted the letter.

Carl Harris, Prosecuting Attorney explained the third letter to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission adopts the language in the third letter and the Fayette County Beautification Committee would be responsible for issuing the letter. Commissioner Lopez seconded. Unanimous.

Carl Thompson told the Commissioner he would be advertising for a VISTA worker for the Fayette County Beautification Committee.

On another matter, Mr. Thompson the Extension Agent for the Community Development presented to the Commissioners a Performance Review of Current Year Goals and Expectations for the period October 1, 2007 through September 30, 2008 (See attached).

Mr. Thompson presented a Resolution for the Meadow River Rail to Trail Proposal and a Share the Road Resolution for the Commissioners to sign.

Commissioner Wender offered a motion to adopt the Share the Road Resolution. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to adopt the Resolution for the Meadow River Rail to Trail Proposal. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to reappoint Charles "Shad"

Performance Review

Carl Thompson, Extension Agent for Community Development

Part I: Review of Current Year Goals and Expectations

October 1, 2007 – September 30, 2008

Goal # 1:

Wolf Creek Park Economic Development and Community Initiatives

Results and Accomplishments:

- Developed Data Base of approximately 350 Outdoor Products Companies as potential fits for the Wolf Creek Park Business sites.
- Worked with County Resource Coordinator to target the top 60 outdoor products companies for the Wolf Creek Park Business and Industrial sites for development by EDM(Economic Development Marketing)
- Continuous research on companies in a variety of industry clusters that might be a good fits for Wolf Creek Park.
- Assisted with development of Print Marketing Materials.
- Attended SHOT show which featured 2100 companies related to the shooting and hunting industry. Follow-up with those companies who had expressed an interest in expanding and an interest in WCP.
- Assisted with research on Wolf Creek Park Housing Study.
- Project Director for Wolf Creek Park Science, Nature Center implementation plan. Worked with Project Consultant, Eric Pories related to public/private partnerships, funding strategies and program guidelines.
Developed a funding package through a Benendum Foundation Challenge Grant to hire an Executive Director to move the project to implementation. Funding Partners developed were Upper Kanawha Valley Foundation and the Plateau Action Network.
- Attended Business Retention and Expansion International - South Carolina (*Certification as BR&E Project Coordination*)
- Participated in annual West Virginia Environmental Education Annual Conference – Weston, WV

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Goal # 2:

Youth Leadership & Youth Issues

Results and accomplishments

- Served as co-chair of Leadership Fayette County. Cooperatively planned and developed monthly sessions. Participated in facilitation of monthly sessions. Mentored students in areas of personal and leadership development.
- Participated in Youth Issues Forum meetings made up of a wide range of program representatives focused on brainstorming strategies for a myriad of youth issues and challenges.

Goal # 3:

Fayette County Farmland Protection Program

Results and Accomplishments:

- Served as member of board and held the office of Secretary on the Fayette County Farmland Protection Board. Guided the board through the purchase of its first protective easement, a 60 acre farm between Fayetteville and Oak Hill on Salem-Gatewood Road. Began process on purchase of second protective easement of 150 acre farm in Springdale/Meadow Bridge area. This second easement involves a purchase/donation agreement.
- Served as Vice-Chair of the West Virginia Farmland Association.

Goal # 4

Community Revitalization and Tourism

Results and Accomplishments:

- Member of Blueprint Communities program with Ansted Team. Ansted is one of ten communities chosen for the 2007 Blueprint Communities initiative. Served on team as County Economic Development Appointee. Board member, Ansted/New Haven Community Improvement Association.
- Collaboration with Midland Trail Scenic Highway Association on the Fayette County portion of its vision and plan to target Midland Trail communities with programs and resources that will better create business-ready communities and enhance tourism development.

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- Participation in the annual Corridor L Tourism Conference. Conference agenda focused on Tourism Packaging applicable to Corridor L.
- Actively involved in Historic Fayette Theatre.
- Board Member: Fayette County Green Team
- Served on Advisory Council of West Virginia Development Office's Flex-E Grant Program
- Establish fourth Fayette County Community Collaborative Team
- Participated in Tri-State Study Tour in Ohio with Ohio State and Penn State Community and Economic Development Agents/Educators.
- Served as Community Advisor to West Virginia Sustainable Communities Team based in Fayette County.
- Web-Training –“ Communities and Their Dynamics” North Central Regional Center for Rural Development,
- Conference on Historic Preservation as an Economic Tool - Main Street West Virginia,
- Attended Community Development Institute East-Year 1
- Attended International Ecotourism Annual Conference
- Attended National Conference on Green Products and Design
- Attended Great Smoky Mountains Sustainable Tourism Summit – Tennessee

Goal # 5:

Rural Public Transportation

Results and Accomplishments

- Served on the MTA Board of Directors representing the interests of Fayette County citizens. Worked to assure the best possible public transportation system in Fayette County. Primary routes today are a Fayetteville/Oak Hill route and a Montgomery route both of which run continuously from 8:30AM to 2:30PM

Part IV: Goal Setting for Coming Year (October 1, 2008 – September 30, 2009

Goal # 1:

Community Revitalization

1. Dilapidated Buildings Project Lead
2. County-wide Rail-to-Trail Project
3. Ombudsmen to Ansted / New Haven Community Improvement Association
4. Ansted Sustainable Tourism , Blueprint Communities and AIM Committees

Expected Results:

Work with communities identifying specific revitalization projects. Role will vary per project and could include ombudsman, oversight, research, funding proposal assistance, 501©3 application assistance, strategic plan development, resource facilitation, and partnership development with WV Mainstreet and other organizations. Specific direction as to the role per project will be clarified on a case-by-case basis.

Goal # 2

Community Development

1. Facilitate development of Mayoral Alliance / Association
2. Ombudsman to Mt. Hope Healthy Communities Project
3. Community Collaborative Plan / Team Implementation – select 1 project per plan
4. MTA Board representative

Expected Results:

Work on cultural, educational and social projects impacting the community and its citizens. Role includes serving as designee for 4-C and/ or the County Commission, identifying funding options, working collaboratively with community leaders on developing frameworks for the creation of innovative program ideas and facilitating the implementation of approved projects. Specific direction as to the role per project will be clarified on a case-by-case basis.

Goal # 3

Farmland Protection and Agricultural Related Projects

1. Farmland Protection Committee Secretary Fayette County Farmers Market
2. Farm to Chef Initiative - 21st Century Appalachia Project
3. Natural and Organic Farming and Value Added Products: – New Haven / Danese –Meadow Bridge

Expected Results:

Work on approved county farmland and agricultural initiatives. Role includes representing 4-C and the County Commission at the meetings and providing staff support to Fayette County Farmland Protection; working on the development / expansion of agricultural based products including providing research and analysis in collaboration with Farmers Market participants, the WVU agricultural agent, WVSU's Rural Business Services program and other efforts that promote agricultural based business development opportunities. Specific direction as to the role per project will be clarified on a case-by-case basis.

Goal # 4

Sustainable Development

1. Green Advisory Council Membership
2. Oak Hill and Fayetteville adoption
3. West Virginia Sustainable Communities Project Certified Trainer

Expected Results:

Work county-wide on the adoption of sustainability, energy and environmental policies and procedures with the County Commission and municipalities; work with WVSU SED Specialist and other partners to deliver training programs related to this field.

Goal # 5

Business Retention and Expansion:

1. Implement Business Retention and Expansion Principles

Expected Results:

Organize a program to provide development assistance to local businesses; and provide one-on-one follow-up to local businesses as identified by 4-C EDA.

Dummitt, Pat Day, Al Gannon members of the Fayette County Planning Commission. Commissioner Wender seconded. Unanimous. Orders and appointment to serve letters signed.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids, amount \$829.24.

The Commissioners adjourned for lunch at 1:00 p.m.

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

Ms. Holly informed the Commissioners she received a letter from C and J Development requesting a 3% increase on a 3-year lease for \$2,328.75 a month or a 5-year lease for \$2,468.48 a month.

Commissioner Wender offered a motion to approve the 3-year lease at \$2,328.75 per month. Commissioner Eskew seconded. Unanimous.

Carl Harris, Prosecuting Attorney informed the Commissioners he will call Angie Saunders at the Supreme Court regarding the lease.

Commissioner Lopez offered a motion to approve Budget Revisions #1 for the General County Fund and the Coal Severance Fund for Fiscal Year 2008-2009. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff William Laird informing that recent regulations have been adopted that will authorize the Community Corrections Programs to bill the Department of Health and Human Resources (DHHR) for drug tests administered at established Day Report Centers throughout the State.

Sheriff Laird told the Commissioners he has completed the Provider Tax Identification Reporting Form and enclosed a letter from Commissioner Eskew so that they will be properly registered as a

vendor who will be providing these services.

Sheriff Laird asked that the Commissioners sign the documents and return to him for mailing.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing the West Virginia Commission on the Arts approved Grant AH09-99 (for the FC Memorial Building) in the amount of \$5,000.00 to the Commission for the purpose of assisting with the Fiscal Year 09 Season of projects based upon information contained in the application.

Commissioner Lopez offered a motion to approve the invoice from Software Systems, Inc. For Cisco Smartnet maintenance contract for Cisco 2960 Switch and Cisco 2950 Switch, amount \$240.00. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve the Sheriff's Commission, amount \$15,000.00. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the State Auditor informing that their office is rescinding RFP #07-316 intended for bidding audit services.

Ms. Holly told the Commissioners she received quotes for PC's (\$3,336.00) and Laptops (\$2,470.00) for the Community Corrections Program. This would be paid out of the Oxycotin Fund.

The Commissioners received and reviewed a letter from Valerie Wilson and other Fayette County resident concerning a complaint regarding the burned out trailer located on Laurel Creek at the intersection of Route 16 and Jenkins Fork Road in Beckwith.

Commissioner Wender informed the property owner has received one of three letters from the Fayette County Beautification Committee regarding the trailer. Commissioner Wender told the Commissioners he would call Valerie Wilson and inform her of this.

Ms. Holly informed the Commissioners she received a check for \$57,675.96 from the Division of Highways for White Oak Trail Paving Grant. Ms. Holly told the Commissioners there is \$2,164.00 left in the Grant.

Ms. Holly told the Commissioners she received a notice from the Internal Revenue Service informing they have increased the mileage.

Ms. Holly told the Commissioners since they follow the U. S. General Service Administration regulation which has not increased their mileage as of today there would be no increase by the Commission.

The Commissioners received a thank-you letter from the Lower Paint Creek Watershed and a request for their allotment of \$1,500.00 for Fiscal Year 2008-2009. The Commissioners approved.

The Commissioners received and reviewed a letter from the Arbuckle Public Service District giving a list of names for the Commissioners to consider appointing to their Board.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director requesting that the Commission require maps with all annexation requests.

Ms. Holly told the Commissioners she would be taking her vacation the last week in July.

The Commissioners approved for Ms. Holly to attend several

training seminars.

The Commissioners signed an invoice to the Town of Fayetteville (\$97.00) for the confinement of inmates at the Southern Regional Jail.

The Commissioners signed 2nd Quarter Sales Tax Report for the Fayette County Park, amount \$803.93.

The Commissioners received and reviewed Remittance by the Assessor to the State Treasurer Office for the Courthouse Facilities Improvement Fund, amount \$54.00 for the month of June.

The Commissioners received and reviewed a copy of a letter from Earl Pauley, Park Superintendent to Debbie Aliff, Payroll Clerk informing that as of July 1, 2008 the lifeguard's wage will increase to \$6.75 per hour.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) giving a list of the securities held as collateral to secure the deposits of Fayette County Commission as of June 30, 2008.

The Commissioners received and reviewed from SunTrust Bank a Pledge Statement listing securities pledged to the Fayette County Commission as of June 30, 2008.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of June 30, 2008.

The Commissioners received and reviewed from the Bank of New York their new Global Corporate Trust Account Statement.

The Commissioners received and reviewed a letter from the SunTrust Bank to confirm that SunTrust Bank, Safekeeping Department is currently holding the pledged securities listed on the enclosed

statement to the account of the Fayette County Commission.

The Commissioners received and reviewed a letter from the Public Service Commission enclosing an Order issued in Case #05-1303-C-G1, Enhanced 911 Fee for Prepaid Service.

The Commissioners received and reviewed a letter from Tim Richardson regarding the request by David McClure, Highland Tower to reduce the surety bonding/Letter of Irrevocable Credit Telecommunication Towers.

The Commissioners received and reviewed a copy of a letter from Chief Deputy Steve Kessler informing he will donate 16 days of his sick leave to James Bowles through the month of June 2008 beginning June 9, 2008 until June 30, 2008.

The Commissioners received and reviewed a letter from Debbie Tate, 4-H Agent County Program Coordinator informing the Commissioners she reviewed the list of concerns regarding the 4-H Camp and have addressed them at camp counselor training.

Ms. Tate told the Commissioners the Fayette County 4-H Volunteer Leaders Association reviewed the camp schedule and made revisions to help alleviate some concerns on the part of Fayette County Park.

The Commissioners received and reviewed an Audit Report from Pax Volunteer Fire Department for the Fiscal Years ended June 30, 2003, June 30, 2004, and June 30, 2005.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated informing that the New Haven Public Service District anticipates beginning construction of water distribution and storage facilities during the early spring of 2009 to eliminate a

health hazard on Stringtown Road.

The Commissioners received and reviewed the West Virginia American Water "News Drop."

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that time extensions have been approved to June 30, 2009 for Tourism and Recreation, Historical Society, UKV Community Center, County Park, Street Lights, Skate Park, Just For Kids, New River Health Center, Gauneka Ruritan Club and Lewis Community Building Grants.

The Commissioners received and reviewed a Notice from the Fayette County Board of health informing they met on June 26, 2008 and voted to extend the implementation date of the Fayette County Clean Air Regulation of 2008 to October 1, 2008.

The Commissioners received and reviewed a letter from the Office of the Treasurer informing that funds due for the May Limited Video Lottery was directly deposited on June 26, 2008, amount \$6,896.90.

The Commissioners received and reviewed a letter from Lincoln County Commission enclosing a copy of the priority recommendations from a conference the Lincoln County Commission sponsored on wastewater management and wastewater issues.

The Commissioners received and reviewed a thank-you note from Ralph Perrey thanking the Commissioners for extending him the opportunity to discuss Fannie Mae's Community Express project and enclosed additional information regarding their Community Express loans.

The Commissioners received and reviewed an Official Oath of

Office from Carrie Strunk member of the Fayette County Solid Waste Authority.

The Commissioners received and reviewed from the West Virginia Division of Labor Plumber License Application. Original forwarded to Allen Ballard, Building Inspector.

The Commissioners received and reviewed a notice from Wal-Mart Stores, Inc. informing that a representative will present a check for \$60,000.00 to Southern Appalachian Labor School Youthbuild as part of a \$5 million contribution the Wal-Mart Foundation is making to YouthBuild USA.

The Commissioners received and reviewed a statement of benefits paid to former employees from the WorkForce West Virginia, amount \$184.33

The Commissioners reviewed a letter to the West Virginia Development Office informing they are pleased and excited that a site located in Fayette County is being submitted for the future location of the Boy Scouts of America's new National Jamboree/Eastern US High Adventure Camp.

The Commissioners received and reviewed a Grant Adjustment Notice to the Division of Criminal Justice Services for Project 04-DC-47.

The Commissioners received and reviewed a letter from Christopher Miller, Field Representative with Insurance Services office, Inc. (ISO) informing he will be meeting with our building inspector, Allen Ballard on Thursday, July 17th to go over the Building Code Effectiveness Grading Schedule (BCEGS).

The Commissioners received and reviewed a letter from Sally J.

Hurst, rural Outreach Coordinator informing that on behalf of Debbie Tate and the City of Mount Hope Energy Express program she would like to express their appreciation for the support of the summer food and reading program for the children of Mount Hope.

The Commissioners received and reviewed several checks for 911 Fees from One Communications, amount \$1,936.12, Verizon, amount \$30,018.60, Mountain Communications, amount \$45.82; Alarm Fees from Little General Store, Inc., amount \$300.00; Franchise Fee from Bradley Communications, Inc., amount \$835.28; Soldiers and Sailors memorial Fund, amount \$75.00; Division of Highways-White Oak Trail paving Grant, amount \$57,675.96; Tourism Division WV Development Office-Oak Hill Rail Trail, amount \$7,000.00; Culture and History Division-Records management Grant, amount \$2,862.00; Human Services Division-FRN Grant, amount \$10,000.00; Reimbursements-Carl Harris, amount \$12.72 and Fayette County Board of Education-Custodian Election, amount \$112.97.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of June, New River Humane Society allotment for the month of July, amount \$12,360.69 and Weekly Fees Collected for the week of June 27 to June 30, 2008, amount \$140.00, the week of July 1 to July 3, 2008, amount \$350.00, and the week of July 4 to July 10, 2008, amount \$70.00.

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

The Commissioners received and reviewed a fax from the County

Commissioners' Association of West Virginia.

The Commissioners received and reviewed a letter from Wells Fargo Claim Service Center informing Clarence Christian, Claim #01-119644-00070 has been forwarded to our insurance carrier.

The Commissioners received and reviewed a letter from Francis, Nelson and Brison confirming that Fisher v. Fayette County Commission, Civil Action #07-C-243 has been assigned to their firm for handling.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing that the West Virginia Sustainable Communities Project will be hosting two events on July 10, 2008 and July 17, 2008.

The Commissioners received and reviewed an e-mail from Commissioner Wender to David Neal, E911 Coordinator asking the status of Reverse 911.

The Commissioners received and reviewed several e-mails from the West Virginia Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Ms. Holly to Beth Gardner informing her that Oak Hill Rail Trail Paving Grant has a balance of \$2,164.04.

The meeting was adjourned at 3:20 p.m. The next scheduled meeting is July 25, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 25, 2008
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 25th day of July 2008.

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

Mary K. Weatherford from the Assessor's Office presented exonerations to be approved and signed to the Commissioners.

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

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

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

The Commissioners received and reviewed Order informing of the Public Auction being held on August 8, 2008 at 9:00 a.m.

W. D. Smith, Executive Director Region 4 Planning and Development Council appeared before the Commissioners to present a SCBG drawdown for Page-Kincaid Public Service District Ingram Branch Wastewater Project #04SCBG0057.

Commissioner Wender offered a motion to authorize Resolution of the Page-Kincaid Public Service District for invoices relating to

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TKT CREATED	RE-ISSUED SUPPLEMENTAL	CANCELLED LEVY	TAX DISTRICT
1	500000204	SUPP LIVELY JAMES E JR & CATHY	7/10/2008	VEHICLES LISTED INCORRECTLY--CORR SUPP TKT ISSUED	XXXXX		5211S	767.60	5
2	800000024	SUPP MAYNOR JONATHAN	7/11/2008	DID NOT OWN MOTORCYCLE ON 7/1/2006	XXXXX			62.28	8
3	300000765	SUPP CARELLI JOHN S JR	7/16/2008	2007 TAXES PD IN KANAWHA CO	XXXXX			146.40	3
4	300000716	SUPP COLEMAN JONATHAN R	7/16/2008	DOUBLE ASSESSMENT	XXXXX			139.96	3
5	200001197	SUPP KING BRIAN R	7/16/2008	DOUBLE ASSESSMENT	XXXXX			84.92	2
6	900000004	SUPP HUMPHRIES REBECCA G	7/16/2008	CREDIT GIVEN ON PP TKT FOR OVERPMT ON REAL TAXES	XXXXX			299.46	9
7	100001155	SUPP WARD JOHNNIE E & MICHELLE L	7/16/2008	DID NOT OWN THESE VEHICLES ON 7/1/2006	XXXXX			112.98	1
8	100000493	SUPP CARTE KENNETH H JR & ALISA A	7/17/2008	DOUBLE ASSESSMENT	XXXXX			201.04	1
9	1889170	301144 HIGHLANDER TERRY E	7/21/2008	VEHICLES LISTED INCORRECTLY--CORR SUPP TKT ISSUED	XXXXX		#1007S	270.02	1
10	1136069	305899 JOHNSON ROBERT S & BERTHA A	7/21/2008	VEHICLES LISTED INCORRECTLY--CORR SUPP TKT ISSUED	XXXXX		#3008S	127.60	3
11	1881470	303539 JONES DREMA KAY-PAYNE BILLY L JR	7/21/2008	DOUBLE ASSESSMENT	XXXXX			134.12	2
12	1877413	306760 THOMAS LISA ANN-RODRIGUEZ ANDREW	7/21/2008	DIVORCE-SPLIT TKT-2 SUPP TKTS ISSUED	XXXXX		#3009S,#3010S	167.56	3
13	300000006	SUPP EARY LINDA	7/21/2008	VEHICLE PRICED INCORRECTLY--CORR SUPP ISSUED	XXXXX		#3007S	139.50	3
14	1889928	303129 DEAL MURIEL	7/21/2008	TAXPAYER IS DECEASED	XXXXX			103.76	2
15	1865645	303695 LEGG ROSEMARY	7/21/2008	DID NOT OWN 99 CHEV BLAZER ON 7/1/2007		XXXXXXX		54.20	2
16	1884976	301554 MCCLURE MARGARET A	7/21/2008	MOVED TO NICHOLAS CO BEFORE 7/1/2007	XXXXX			127.20	1
17	600000027	SUPP CLAY ARTHUR BRYAN	7/22/2008	DOUBLE ASSESSMENT	XXXXX			242.30	6
18	1825083	304396 SNUFFER SHARON L & JERRY L	7/22/2008	VEHICLES LISTED INCORRECTLY--DID NOT OWN 2004 FORD		XXXXXXX		233.28	2
19	1559628	306904 WORKMAN RANDALL GARRETT & RUTH	7/22/2008	VEHICLES LISTED INCORRECTLY--CORR SUPP TKT ISSUED	XXXXX		#3011S	511.20	3
20	100000554	SUPP BOOKER KORONA R	7/22/2008	DOUBLE ASSESSMENT	XXXXX			24.18	1
21	1880633	310298 KANIA MICHAEL S & RHONDA E	7/22/2008	DIVORCE-SPLIT TKT-2 SUPP TKTS ISSUED	XXXXX		#1018S,9017S	408.14	1
22	100000477	SUPP JACKSON COLBY S OR TARA	7/22/2008	DOUBLE ASSESSMENT	XXXXX			606.30	1
23	100000503	SUPP JACKSON COLBY S OR TARA	7/22/2008	DOUBLE ASSESSMENT	XXXXX			606.30	1
24	500000077	SUPP BLACKBURN PATTI OR BALLARD THOMAS	7/22/2008	DOUBLE ASSESSMENT	XXXXX			574.30	5
25	1879924	309649 PATES CHARLENE	7/23/2008	VEHICLES LISTED INCORRECTLY-CORR SUPP TKT ISSUED	XXXXX		#9020S	288.44	9
26	1507079	304667 WHITE DAVID R	7/23/2008	MOVED TO KANAWHA CO BEFORE 7/1/2007	XXXXX			78.78	2

27	300000784SUPP	WARNER ALVIN T	7/22/2008	2007 TAXES PD IN RALEIGH CO	XXXXX		230.18	3
28	1889204 301587	MCKINNEY WANETTA	7/24/2008	DOUBLE ASSESSMENT	XXXXX		7.70	1
29	1887801 307985	KOVACIC REBECCA	7/24/2008	DID NOT OWN 98 FORD ON 7/1/2007-CORR SUPP TKT ISSUED	XXXXX	#6002S	321.16	6
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ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
8171113	10751	WADE, MARK & ROBIN	July 16, 2008	S/B HOMESTEAD		X		\$147.58	1
9003933	32174	WALKER, DELBERT & NORMA	July 22, 2008	ERRONEOUS VALUE		X		\$50.96	5
6313768	23712	CORBITT, LYNN & WOODRUM, BETTY	July 22, 2008	S/B CLASS 2 & HOMESTEAD		X		\$542.12	3
6160478	15098	FEDERAL NATIONAL MORTGAGE	July 23, 2008	S/B CLASS 2		X		\$551.10	2
6014109	5389	JEWELL, TEDDY	July 23, 2008	S/B CLASS 2		X		\$657.16	1
6300530	28264	STEPHENSON, ROTHEN ETUX	July 23, 2008	S/B CLASS 2 & HOMESTEAD		X		\$313.60	3
9001417	33368	CENTRAL EMPOWERMENT ZONE OF	July 23, 2008	S/B TAX EXEMPT	X			\$2,541.64	8
6088912	15837	HAMILTON, LOVEYZINE	July 23, 2008	S/B HOMESTEAD		X		\$139.12	2
6296331	27513	RAYNES, TERRY W & DONNA G	July 23, 2008	S/B CLASS 2 & HOMESTEAD		X		\$485.76	3
6197215	12313	BELL, THEODORE W & BARBARA	July 23, 2008	S/B CLASS 2		X		\$59.94	2
6105323	38771	GIABELLA, JACQUETTA	July 23, 2008	S/B HOMESTEAD		X		\$306.20	10
6076872	2800	DAVIS, ROBERT L	July 23, 2008	S/B HOMESTEAD		X		\$152.18	1
6020398	20618	TOLLIVER, BEVERLY KAY & LAFFERTY	July 23, 2008	S/B CLASS 2		X		\$222.12	2
6164438	14000	CONNER, HOLLIS	July 23, 2008	S/B HOMESTEAD		X		\$232.12	2
8171113	9521	SMALL, CHARLES A	July 23, 2008	S/B CLASS 2		X		\$144.50	1
6164438	13939	CONNER, HOLLIS	July 23, 2008	S/B HOMESTEAD		X		\$227.52	2
6076818	11610	WYKLE, CURTIS D JR	July 23, 2008	S/B CLASS 2		X		\$571.06	1

consideration and other services for the proposed Ingram Branch Sewer Extension. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to revise the motion made on July 11, 2008 regarding Commissioner Eskew negotiating with Clarence Pannell of Pannell and Son to perform work on the Fayette County Trap and Sheet Shooting Facility for an amount not to exceed \$14,500.00 instead of the original \$14,000.00. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney told the Commissioners that he has given Clarence Pannell the Agreement to review but Mr. Pannell has not returned.

Carl Harris presented the Resolution for the West Virginia Alcohol and Drug-Free Workplace Act to the Commissioners.

Commissioner Wender offered a motion to adopt the West Virginia Alcohol and Drug-Free Workplace Act as drafted by the Prosecuting Attorney. Resolution signed.

Dave Pollard, County Resource Coordinator appeared before the Commissioners to give updates on the status of Arbuckle Public Service District and the Countywide sewer project.

Discussion was held regarding the City of Oak Hill request for annexation of the 654.18 acres Wolf Creek Park.

After the brief discussion, Commissioner Wender offered a motion to request that Dave Pollard on behalf of the Fayette County Urban Renewal Authority presents the Commission with the details on how the Urban Renewal Authority will address the following: 1-Utilities for lighting, 2-Utilities for pump station, 3-Reserve funds for future

maintenance on the sewer system and roadway, 4-Snow removal on side roads, 5-Grounds maintenance, 6-Provide the Commission with details of the responsibility of the Division of Highways for access roads. Commissioner Lopez seconded. Unanimous.

Mr. Pollard presented a letter to the Commissioners to sign regarding the Fayette County Commission to continue as a VISTA sub-sponsor.

Commissioner Lopez offered a motion to sign the letter to the Corporation for National Service to express the desire of the Fayette County Commission to continue as a VISTA sub-sponsor. Commissioner Wender seconded. Unanimous.

Mr. Pollard presented to the Commissioners Wastewater updates for Arbuckle Public Service District and County Wastewater Plan (See attached).

Mr. Pollard told the Commissioners that the Public Service Commission had originally planned to meet with the White Oak Public Service District about becoming the receiver of the Arbuckle Public Service District on July 16. The Public Service Commission cancelled at the last moment and the meeting has been rescheduled for July 28, 2008 at 1:00 p.m.

The Commissioners reviewed a letter from Arbuckle Public Service District giving a list of names they would like the Commission to consider appointing to the Arbuckle Public Service District Board.

Commissioner Lopez offered a motion that due to the resignation of Jerry Keffer he approves appointing Curtis Dotson to fill the unexpired term of Jerry Keffer as a member of the Arbuckle Public

Ut
7/25/08

Wastewater Updates

Arbuckle PSD

- ✓ The PSC had originally planned to meet with White Oak PSD about becoming the receiver on July 16. PSC cancelled at the last moment and the meeting has been rescheduled for July 28 at 1 pm. I will be in attendance. In discussions with White Oak, they have expressed several concerns, both financial and operational. West Virginia-American has thus far declined to become involved on the wastewater side.
- ✓ On the water side, WV-American has put forth a proposal to purchase the Arbuckle system. It has been well received by the PSC, but USDA has not formally signed on. There has been a long-standing resistance from USDA to work with private water providers – that is why we have never used RUS/USDA funding in any of the New Haven water extensions. We were successful in purchasing the Mossy PSD system which had a USDA grant involved in the financing – so there is an avenue for this to happen.
- ✓ The interesting question on the wastewater side is what would happen if White Oak declines? Will the PSC try to force them in some way (perhaps through the County Commission?) to take it? Would the PSC take over operation in some format? There is some advice coming to White Oak that the PSC caused the problem by allowing it to go on for so long. If this goes past August 9 and the proposed sale of the Fayetteville system to WV-American, would they reconsider the Arbuckle sewer?
- ✓ Unfortunately, there is no short-term perfect solution here. Whomever takes over is going to have to invest significant time into getting the system on its feet. They will have to begin disconnecting customers that do not pay their bills to get the message across that the old way is not going to continue. Then, DEP is going to have to come down hard on those individuals. This does not address the significant physical problems of the system, nor does it address the problem of getting qualified people in place. While White Oak may be able to take over fiscal management without stressing its current staff too much, they will have to get operators in place – and these people are not that easy to find in today's market. While Steve Sparks is an excellent operator, he has plenty of work to do keeping up the White Oak system without taking on Arbuckle.

County Wastewater Plan

- ✓ As we stated some time ago, it is in our best interests to have WV-American involved in our efforts because of the financial benefits they bring to the table.

The election on the Fayetteville system is due to be held on August 9. Hopefully, the voters approve that sale. This would not only give WV-American a customer base in Fayette County, but it would give them a facility and workers who could be cross trained to maintain different kinds of systems. Dan Bickerton and I have kept in constant touch to update the Fayetteville and Oak Hill discussions and he knows that we will be seeking a proposal – first on Winona – once the purchase has been completed.

- ✓ While we would have liked to move more quickly on this front, WV-American is not the only factor slowing things down. From the start of the Regional Water Project we positioned things so that New Haven would eventually be a wastewater provider – that is why they were chartered to provide this service when the District was re-configured back in 1996. At this time, New Haven has its hands full with three water extension projects – one that will begin construction this year (Beauty Mountain/Power Plant Road/Shawver Bridge Road) and two more that are in position for next year (Stringtown Road and Derry Hale). We worked hard to come up with a new funding scenario which got the Beauty Mountain project funded and we have gotten a design loan (design now complete) for Stringtown and a design grant for Derry Hale which makes these projects very likely to proceed. That in itself is a process that takes a lot of time and effort – not only on my part in working with funders and coordinating the various professionals, but also on the part of the district itself – their attorney has been extremely busy getting needed easements on the Beauty Mountain and Stringtown projects – as well as getting Certificates of Need from the PSC – which are required to get the release of funds from the various agencies. The engineer has had to submit and acquire a multitude of other required permits. Additionally we have had multiple status conferences with all of the funders, bond counsel and other important players. That said, the District has been reluctant to plow additional ground while these projects are moving ahead.
- ✓ I do keep in contact with the engineer for the District in terms of moving forward with Winona. To do this we will have to reduce the projected costs that Pio developed because what he called for was 100% grant – this will not happen – and then bills of over \$60/month for O&M. That, is another reason we need WV-American – both to generate investment in the project and to reduce O&M costs by having their workers on board.
- ✓ On the funding front, I made contact with Jefferson County (through zoning – perhaps not the best people to talk to) in regard to a potential flush tax. The word I received is that they felt they would be interested but that they would probably not take the lead. I am going to try to work with Delegate Perry this fall to get a lay of the land for the upcoming sessions to see what the Governor has in mind for funding additional sewer work as he has indicated that water and sewer infrastructure is a priority. At this point, we can get significant amounts of loan dollars, but grants are very hard to come by on the sewer side. IJDC has just \$2 million in grant available for our district for the near future (both water and sewer) and this is already committed for a Richwood project. We have committed to Stringtown (and rightfully so given the health risks) for our Small Cities grant application and are still approved for Corps dollars for Wolf Creek

(still trying to align \$167,000 match). RUS has grant money but reserve it for those willing to take 50% grant and 50% loan from them. And as mentioned, if we use them then WV-American will most likely have to be left out of the equation.

- ✓ Timing is going to be everything on this matter, but a lot of factors are in place and others (particularly the WV-American/Fayetteville acquisition) are moving in our direction.

Service District. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Public Service Commission asking the Commission advice whether or not it is appropriate for the Fayette County Commission to appoint members to the Public Service District Board at this time since they are recommending a receivership for the Arbuckle Public Service District.

The Commissioners asked Dave Pollard, County Resource Coordinator to draft a letter to the Abandon Mine Lands Division asking them to provide any information that they can on the status of the engineering for the Collinsdale/Mahan community water system project so they can keep individuals in the community abreast of the efforts.

The Commissioners received and reviewed a letter from the Fayette County Planning Commission informing of two individuals interested in being appointed to the Fayette County Planning Commission (Dr. Bobby Green and Jennifer Salvatore).

Commissioner Wender suggested holding until they find someone from the New Haven District that might be interested.

Commissioner Eskew informed he would talk with Mayor Pete Hobbs to see if he knew anyone who might be interested.

The Commissioners asked to hold further discussion on August 8, 2008.

The Commissioners approved to go into Executive Session at 10:35 a.m. with James Perdue, Maintenance Supervisor to discuss a personnel problem.

The Commissioners reconvened the Commission meeting at 10:55 a.m. Commissioner Eskew informed no decision made regarding personnel

matter.

The Commissioners asked James Perdue and Donnie Austin to meet in an executive session after the annexation hearing.

After a brief discussion regarding the incinerator, the Commission asked James Perdue to get quotes on a shredder.

Commissioner Lopez offered a motion to approve James Perdue overtime. Commissioner Eskew seconded. Unanimous.

The Commissioners signed Fire Levy Protection Agreements for Ansted Certified Fire Department, the Town of Fayetteville, Gauley River Volunteer Department, Loup Creek Volunteer Fire Department, Meadow Bridge Volunteer Fire Department, Montgomery Volunteer Fire Department, and Pax Volunteer Fire Department for the period July 1, 2008 to June 30, 2009.

The Commissioners approved to go into Executive Session at 11:00 a.m. with Gloria King, Tara Workman, Philica McKinney and Carrie Carr to discuss the Animal Shelter.

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

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

The Commissioners signed an Order and appointment to serve letter appointing Curtis Dotson to serve as a member of the Arbuckle Public Service District.

The Commissioners signed two (2) Building Inspection Contract Agreements for Leonard Price Appalachian Inspection and Michael T. Rose, MTR Electrician.

The Commissioners signed Order designating the total number and

type of election boards for the various precincts for the Presidential General Election.

The Commissioners signed Petitions to Combine or Divide and Segregate Land for Chelia Bryant, Betty Dickinson, Randie Butler, John H. and Kathleen Riddle, Raymond Koontz, Gary Redden, Joyce McCann, Eugene E. and Lois Hogan, Bruce Estep, Jon Michael Arritt, Jerry Wayne and Iris Patrick, William and Janet Gilkerson, Loran Edwin Neal, II.

Discussion was held regarding the complaint received from William Krise regarding the junk cars and dirty bathrooms at the Fayette County Park.

Commissioners Wender asked since they are having an auction on August 8, 2008 will this get rid of the problem regarding the junk cars.

The Commissioners suggested writing a letter to Earl Pauley, Park Superintendent requesting that he advise the Commission immediately in writing regarding his intentions concerning the complaint from William Krise (copy of a letter attached) and the violation (#C08-10-2008-1RHG) with the State of West Virginia Department of Environmental Protection Environmental Enforcement, NPDES Permit for the Fayette County Sportsman Recreation Center.

The Commission recessed for lunch at 12:15 p.m.

The Commission reconvened the Commission meeting at 1:30 p.m.

Tom Oxley, City Manager, Bill Hannabass, Mayor City of Oak Hill appeared before the Commission to hear decision on the Annexation of 654.18 acres at Wolf Creek Park.

Commissioner Wender informed at the last meeting this Annexation

was referred until today during this meeting there were left a lot of unanswered questions.

Commissioner Wender informed that earlier this morning a discussion was held and the Commission offered a motion that Dave Pollard, County Resource Coordinator prepares a letter on behalf of the County Commission to the Fayette County Urban Renewal Authority requesting details on how the Authority will address the following: Utilities for lighting, utilities for pump station, reserve funds for future maintenance on the sewer system and roadway, snow removals on side roads, grounds maintenance, provide the Commission with details of the responsibility of the Division of Highways for access roads.

Commissioner Wender informed he would like to offer a motion to table the Annexation for August 8, 2008. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Urban Renewal Authority will meet on August 6, 2008 hopefully, they will response to the letter before the next Commission meeting.

The Commissioners signed a letter to the West Virginia Division of Highway requesting they consider approving for the Fayette County Commission to convey the trail properties to the City of Oak Hill.

After reviewing the Division of Culture and History Grant, Carl Harris, Prosecuting Attorney informed the Commissioners that the grant is for \$5,000.00 but there is a match expenditure up to \$5,000.00 for the grant.

Commissioner Wender offered a motion to spend up to \$5,000.00 for the West Virginia Division of Culture and History Grant. Commissioner

Lopez seconded. Unanimous.

The Commissioners received and reviewed a thank-you note from Hospice of Southern West Virginia, Inc. thanking the Commission for their \$1,000.000 donation.

The Commissioners received and reviewed a letter from Eddie Young, Assessor asking the Commission to consider rescinding the order where the Assessor's Office charge a \$2.00 fee for a mobile home permit.

Commissioner Eskew asked that Allen Ballard, Building Inspection and Eddie Young meet with the Commission at their next Commission meeting to make a decision.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator requesting to purchase a laptop for the Wolf Creek VISTA employee.

Commissioner Eskew offered a motion to approve purchase of a laptop for the Wolf Creek VISTA employee. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed letters from the Division of Criminal Justice Services enclosing agreements for Justice Assistance Grant #07-JAG-33, amount \$20,000.00, Purdue Pharma Funds-Task Force Grant #08-PPF-TF-10, amount \$40,344.00 and Justice Assistance Grant #06-JAG-40, amount \$6,000.00.

The Commissioners received and reviewed a letter from the Office of the State Auditor enclosing audit reports of the Fayette County Solid Waste Authority for the fiscal year ended June 30, 2006 and June 30, 2008.

The Commissioners received and reviewed Statement of Expenditures as of June 2008 for the Dog Warden.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of July 22, 2008 and July 23, 2008.

The Commissioners received and reviewed an invitation from Energy Express inviting the Commission to attend their Energy Express Open House being held at the Southern Appalachian Labor School on Friday, July 25, 2008 at 10:30 a.m.

The Commissioners received and reviewed a letter from Appalachian Power informing they had performed a rate comparison on the 4-H Camp at Beckwith utilizing the past 12 months' energy use. Based on their usage pattern, the Small general Service rate is more beneficial. Original forwarded to Earl Pauley, Park Superintendent.

The Commissioners received and reviewed a copy of a letter from the New Haven Public Service District to the Division of Environmental Protection requesting that the West Virginia Division of Environmental Protection-Abandoned Mine Land evaluate potential eligibility for the following areas: Tillian Mooney Road/Flanagan Mountain, Fox Cemetery Road, Hawver Road, Confluence Resort Extension, Cane Branch Creek, Ramsey, Miller Ridge North and Route 3 Coleman.

The Commissioners received and reviewed from James Perdue, Maintenance Supervisor, a list of the areas that have been refitted with the new lights for the Lighting Project.

The Commissioners received and reviewed a letter from the State Tax Department informing of an overpayment due to an error in reporting on the June 2008 Wine/Liquor/Private Club quarterly

distribution program. The total amount that should have been received is \$264.41.

The Commissioners received and reviewed Statement of Actual and Estimated Revenue for hotel Occupancy Tax for April through June 2008. The 50% allocation to the New River Convention and Visitor's Bureau is \$14,035.61.

The Commissioners received and reviewed from the West Virginia University Extension Service a letter asking the Commission to take part in the Power of Ten Summit being held September 8-10, 2008 at the White Horse Bed and Breakfast in Fayetteville.

The Commissioners received and reviewed a fax from Parsons Brincherhoff regarding Wolf Creek Park.

The Commissioners received and reviewed a copy of a letter from Region 4 Planning and Development Council to Mayor Peggy Helm-Sasser of Pax informing that Rolling Meadows Road is not eligible for inclusion in the Town's existing Small Cities Community Development Block Grant application.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Synthetic Fuel Non-Producing Counties Fund Fiscal Year 2008 Allocation and Uses.

The Commissioners received and reviewed an invitation from the Upper Kanawha Valley Chamber of Commerce inviting the Commission to attend the Business After Hours, Honoring the Legal Legacy in the Upper Kanawha Valley and Fayette County, July 24, 2008 at the Upper Kanawha Valley Technology Community Building.

The Commissioners received and reviewed a letter from the

Department of Administration regarding SB553 that was passed into law authorizing the Governor's Office of Technology to facilitate and coordinate the permitting and licensing process for business activities in the State.

The Commissioners received and reviewed a letter from the Fayette County Solid Waste Authority informing that Sandra Phillips is the owner of the burned out single-wide trailer and her brother is going to begin work on the removal of the trailer on Monday, July 21, 2008.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources notifying of available funds through the 2008 Local Wellhead and Source Water protection Grant Programs for Community Water Systems.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated enclosing a copy of the Bureau of Health Permit for the Stringtown Road Project.

The Commissioners received and reviewed a copy of a letter from Capital Resource Agency to Governor Joe Manchin submitting their report of progress of the newly formed Capital Resource Agency, Inc. (CRA).

The Commissioners received and reviewed a copy of a letter from Adventure West Virginia Resort, LLC to the Commissioner of Highways requesting an update on the contract and any other information about the "guided tour" project for the New River Gorge Bridge.

The Commissioners received and reviewed a Grant Adjustment Notice to the Division of Criminal Justice Services regarding project 04-DC-47.

The Commissioners received and reviewed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for SPF-SIG Grant, amount \$7,370.70.

The Commissioners received and reviewed from the Wooton Law Firm a letter regarding additional information regarding the individual mentioned to be appointed for a possible member of the Arbuckle Public Service District.

The Commissioners received and reviewed a letter from the West Virginia Statewide Addressing and Mapping Board regarding the County reimbursement deadline of March 31, 2009.

The Commissioners received and reviewed a letter from the Courthouse Facilities Improvement Authority enclosing a copy of the contract from the grant awarded during the Courthouse Facilities Improvement Authority's 5th funding cycle, award amount \$80,000.00.

The Commissioners received and reviewed a letter from the American Red Cross Fayette-Nicholas Chapter thanking the Fayette County Commission their donation in the amount of \$5,000.00.

The Commissioners received and reviewed a copy of a letter to the Division of Criminal Justice Services regarding the Revised Budget for the Fayette County Community Corrections Program.

The Commissioners received and reviewed a memo from Debbie Aliff, Payroll Clerk informing that BrickStreet Insurance and Jim Lively Insurance is conducting a driver training and safety class on August 20, 2008 at the Fayette County Vo-Tech from 9:00 a. m. to 12:30 p.m.

The Commissioners received and reviewed from Chief Deputy Steve Kessler a copy of a memo to Debbie Aliff informing that Deputy James

Bowles has been released by his doctor to return to work (light duty) on July 23, 2008.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing funds due for the June Table Games will be deposited on July 16, 2008, amount \$2,760.74.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing funds due for Wine, Liquor, and Private Club taxes will be deposited on July 17, 2008, amount \$2,762.92.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing funds for the Regional Jail Operation Fund Tax will be deposited on July 28, 2008, amount \$82,783.36.

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

The Commissioners received and reviewed several checks for 911 Fees from ClearTel Communications, ME, amount \$10.00, Granite Telecommunications, LLC, amount \$148.00, AT&T, amount \$402.00, Cebridge Telecom, amount \$2,036.00, IDT Corporation, amount \$30.00, Level 3 Communications, LLC, amount \$210.00, Spectrotel, Inc., amount \$42.00, Verizon, amount \$48.50, dpi Teleconnect, LLC, amount \$160.00; Alarm Fees, amount \$6,435.00; Rent-Raw Dog Promotions, amount \$1,025.00; 911 Fund, amount \$200.00; WV Development Office-Fayette County Park Grant, amount \$3,052.86, Oak Hill Trail Grant, amount \$1,900.00, Danese PSD Water Extension, amount \$143,750.00; Criminal Justice Services-TRIDENT, amount \$12,272.50; Community Corrections Program, amount \$17,653.68; Environmental Protection, amount \$3,000.00

The Commissioners received and reviewed a fax from the County Commissioners Association reminding each county to donate at least one door prize to the County Commissioners Annual meeting.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator informing that Cheryl Donnally was terminated effective the beginning of her regularly schedule shift yesterday, July 23, 2008.

The Commissioners received and reviewed several e-mails from the West Virginia Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of July 11 to July 17, 2008, amount \$469.59 and the week of July 18 to July 24, 2008, amount \$175.00.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ms. Holly asking her to check with Commissioner Eskew and Commissioner Lopez to see if they would like to go to SALS for lunch or perhaps on Friday to check progress of the dormitory.

The Commissioners received and reviewed an e-mail from Lucinder Porter, Senior Lecturer with the Department of Political Science reminding of the date of the Fall 2008 Local Government Leadership Academy being held on Friday, September 19th and Saturday, September 20th at the Holiday Inn Charleston House.

The Commissioners adjourned the County Commissioners to go into Executive Session with James Perdue and Donnie Austin.

The meeting was adjourned at 3:15 p.m. The next scheduled

meeting is August 8, 2008.

Kenneth H. Egan

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 6, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 6th day of June 2008.

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

Steve Cruikshank, OES Director appeared before the Commission to request permission to hire a temporary employee for the summer. Mr. Cruikshank told the Commissioners this would be paid out of the Fire Levy Fund.

Commissioner Lopez offered a motion to approve Steve Cruikshank to hire a part-time employee for the summer to be paid out of the Fire Levy Fund. Commissioner Wender seconded. Unanimous.

Eddie Young, Assessor presented the Real Estate Tax Books and the Personal Property Tax Books to be certified and examined to the Commissioners.

Commissioner Lopez offered a motion to certify that they have examined the Personal Property Land Books and have made such corrections and fixed such valuation and that this record shows the complete valuation and assessments of the land of Fayette County for the Year 2008. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to certify that they have examined the Real Property Land Books and have made such corrections and fixed such valuation and that this record shows the complete valuation and assessments of the land of Fayette County for the Year

2008. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign exonerations for real property tax tickets for Donald L. McMillion, Thomas W. and Flora E. Washington, and Nicky Adkins. Commissioner Wender seconded. Unanimous.

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

Ms. Holly presented from Sheriff William Laird, the Delinquent Land Book for the Year 2007 to the Commissioners.

Commissioner Wender offered a motion to accept the copy of the Delinquent List of Real Estate in Fayette County for the non-payment of taxes thereon for the Year 2007, which said list being examined by the Commission and found to be correct as of June 30, 2008. Commissioner Lopez seconded. Unanimous.

Discussion was held concerning Wayne Rebrich with the Act Foundation appointment on June 27 to discuss the WV Alcohol and Drug Free workplace.

Commissioner Lopez offered a motion to approve and release vouchers and invoices today, approve the first half payrolls, to be released June 9, 2008, and approved the second half payrolls to be released June 25, 2008. Commissioner Wender seconded. Unanimous.

No prior minutes were approved.

Commissioner Wender offered a motion that the Fayette County Commission advance on a monthly basis amount not to exceed \$1,000 to the Urban Renewal Authority through October for the maintenance of the

entrance to the Wolf Creek Park. Commissioner Lopez seconded.

Unanimous.

Commissioner Eskew informed the Commissioners that Jo Henderson is doing flowers around the Town.

The Commissioners asked Commissioner Eskew to get an estimate from her to do work at the Wolf Creek Park.

Commissioner Wender informed the Commissioners he had received a letter from Danny Wright, Circuit Clerk proposing a 4-day, 10 hours a day work week.

Ms. Holly told the Commissioners that there would probably be some issues regarding the Courthouse work hours, overtime, 10 hours a day.

Commissioner Wender suggested sending a copy of the letter to Carl Harris, Prosecuting Attorney and asks him to review and issue an opinion and give clarification for June 27th meeting (i.e., handbook, work hours, overtime, and application, etc.).

Commissioner Wender informed if Carl agrees on this set meeting with other elected officials to discuss.

The Commissioners signed Request for Reimbursements to the West Virginia Division of Criminal Justice Services for TRIDENT, amount \$12,272.50, and SPF-SIG grant, amount \$4,696.22.

Commissioner Wender presented complaints he received regarding dismal of a poll worker to the Commissioners.

Commissioner Wender suggested that the election's workers complaint be sent to Carl Harris, Prosecuting Attorney to review and advise. The Commissioners informed they will discuss at the next

meeting.

Commissioner Wender asked to put Dave Pollard, County Resource Coordinator on the agenda to give updates on the status of Arbuckle Public Service District and the Countywide sewer project.

The Commissioners signed Order closing the Estate of Dora F. Hiltunen.

The Commissioners signed Renewal Application for Registration Certificate for the Fayette County Park.

The Commissioners signed letters to the Secretary of State and the West Virginia Public Service District giving an updated list of the Public Service District's and their current board members.

Tim Richardson, Zoning Officer appeared before the Commissioners to present Amendments for approval for the Unified Development Code, Section 3101, B-1 Business, Neighborhood District-"Special Use Permit" Subsection II, C and Section 3102, B-2 Business, Local District "Special Use permits" Subsection, III, MM.

Commissioner Wender offered a motion to approve the Amendments. Commissioner Lopez seconded. Unanimous.

Tom Wagner appeared before the Commissioners to give an update on the Roaring River project.

Dave McClure, President Highland Towers appeared before the Commissioners to discuss placing cell towers along Route 60 east from Hico.

Mr. McClure is asking the Commissioners if they would revisit Article 9004, Subsection 5-I regarding a surety bond of \$100,000 to put up a tower. Mr. McClure told the Commissioners he thinks the

Fayette County Commission
Minutes
June 6, 2008

County Commissioners present were, President Ken Eskew, Commissioner John Lopez and Commissioner Matt Wender.

Also present, Tim Richardson, Zoning Enforcement Officer and Niki Kessler, Secretary, Building Safety Office.

To present to the Fayette County Commission for approval: Amendments to the Unified Development Code.

Section 3101, B-1, Business, Neighborhood District
“Special Use Permits” Subsection III, C

Electric, gas, oil, water and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for the distribution of local service and owned and operated by a public utility that directly or indirectly benefits the general public.”

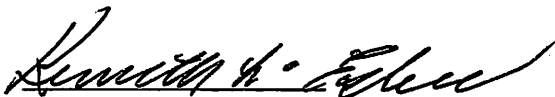
Section 3102, B-2, Business, Local District
“Special Use Permit” Subsection, III, MM;

“Electric, gas, oil, water and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for the distribution of local service and owned and operated by a public utility that directly or indirectly benefits the general public.”

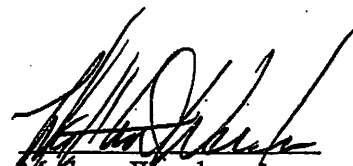
Ken Eskew asked for a motion. Matt Wender made the motion to approve the amendments. John Lopez seconds the motion.

Disposition : Motion put to a vote. Vote 3-0 to approve.

Zoning portion of meeting adjourned.


Ken Eskew
President


John Lopez
Commissioner


Mathew Wender
Commissioner


ORDER

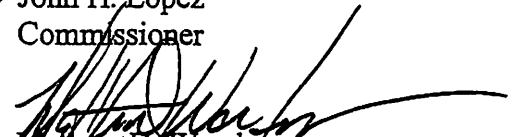
On this 6th day of June 2008, it appearing to the Fayette County Commission a recommendation from the Fayette County Planning Commission to amend the Fayette County Unified Development Code, Section 3101, B-1, Business, Neighborhood District, "Special Use Permits" Subsection III, C; and Section 3102, B-2, Business, Local District, "Special Use Permits" Subsection III, MM; as follows,

"Electric, gas, oil, water and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for the distribution of local service and owned and operated by a public utility that directly or indirectly benefits the general public."

As presented and is hereby granted.


Kenneth L. Eskew
President


John H. Lopez
Commissioner


Matthew D. Wender
Commissioner

surety bond should be \$15,000 or \$20,000.

Tim Richardson, Zoning Officer told the Commissioners that this request should be sent over to the Prosecuting Attorney's Office to review with him and Dave Pollard. They will recommend if they feel comfortable with the claim.

Bill Hannabass, Mayor of the City of Oak Hill appeared before the Commission to file an application with the Fayette County Commission for the annexation by minor boundary adjustment of 654.18 acres, more or less of Wolf Creek Park.

The Fayette County Commission reviewed the application and has determined that the application meets the threshold requirements of WVC 8-6-5 and hereby orders the publication of the notice as a Class II-0 legal advertisement. The notice will be posted at not less than five (5) public places within the area proposed to be annexed.

The Commissioners set the hearing for July 11, 2008 at 10:00 a.m.

Mr. Hannabass also presented to the Commissioners a request from the City of Oak Hill to convey the Rail Trail portion to the City of Oak Hill.

Mr. Hannabass presented a Right-of-Way Easement to the Commissioners to review and sign.

The Commissioners received and reviewed a letter from Beth Gardner informing she is in support of the City of Oak Hill's decision to request that the Fayette County Commission convey the White Oak Rail Trail corridor to the City of Oak Hill.

The Commissioners gave the Right-of-Way Easement to Carl Harris, Prosecuting Attorney to review.

Mr. Harris told the Commissioners that the Right-of-Way Easement was okay to sign.

Commissioner Wender offered a motion that the Fayette County Commission approves Right-of-Way Easement to White Oak Rail Trail and waiver of rights and benefits. Commissioner Lopez seconded. Unanimous.

Jim Weimer with the Public Service Commission and the Meadow Bridge Council, Senator Shirley Love and Delegate David Perry (See attached list) appeared before the Commission to request emergency funding. On the telephone was Senator Don Caruth.

Ophelia White told the Commissioners they are having problems with water and sewer utilities. Ms. White told the Commissioners they are not producing enough water to serve residents.

Ms. White told the Commissioners that they are under supervision of Jim Weimer with the West Virginia Public Service Commission. The WVPSC has given them 90 days to repair the problem.

Commissioner Eskew read the letter from the Town of Meadow Bridge.

Senator Shirley asked the Commissioners if they would get Dave Pollard, County Resource Coordinator to work with Meadow Bridge in getting funds.

The Commissioners asked Ms. White to call Senator Don Caruth and send him all the information.

Senator Caruth had contacted Jim Patulo yesterday he's willing to give a shot at \$50,000.

The Commissioners reviewed breakdown of the funding--from the

Governor's Contingency Fund \$33,500, Fayette County Commission \$5,000 and the Town of Meadow Bridge \$5,000.

Commissioner Wender offered a motion that Fayette County Commission participates in- 1) an outright grant for \$5,000 contingent upon the full amount of money being raised by the State, City, and Fayette County Commission- 2) that Fayette County Commission will give an additional loan of \$5,000 contingent on the legal authority to issue a loan based on the opinion of Carl Harris, Prosecuting Attorney, repayment contingent upon terms of lending institution the money would come from.

Carl Harris, Prosecuting Attorney informed the Commissioners, if Fayette County Commission can make the loan they would have to negotiate terms and conditions. Commissioner Lopez seconded.

Unanimous.

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

Ms. Holly presented the Amended and Restated Lease Agreement for the Fayette County Solid Waste Authority to the Commissioners.

Ms. Holly told the Commissioners the rental fee for Rush Creek Land Company has been reduced.

Commissioner Lopez offered a motion that Commissioner Eskew sign the Lease Agreement for the Fayette County Solid Waste Authority. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed from Okey Skidmore, Manager of the Fayette County Memorial Building a price list for replacing the complete flag assembly.

Commissioner Eskew informed the Commissioners that Bill Phillips at Dairy Queen has a flagpole that he will give to the County.

The Commissioner asked Ms. Holly to get in touch with Okey Skidmore to have him review, if Mr. Skidmore thinks it's okay the County would have to move it.

The Commissioners signed letters to the West Virginia Development Office requesting second drawdown for the Fayette County Park, amount \$3,052.86, third and final drawdown for the White Oak Trail, amount \$1,900.00, first and final drawdown for the White Oak Rail Trail Project, amount \$7,000.00, and first and final drawdown for the New River Birding Program, amount \$5,000.00.

The Commissioners signed a letter of support to the West Virginia Council for Community and Technical College Education for the joint project of the New River Community and Technical College and Elite Swiftwater Institute that will initially create an online Distance Learning Solution for Awareness Level Training in Swiftwater and Rope Rescue.

The Commissioners signed an invoice to the West Virginia Division of Highways for the cost of development and paving of the Oak Hill Rail Trail, Phase II, amount \$59,840.00.

Ms. Holly presented several Orders to be approved and signed to the Commissioners.

Ms. Holly told the Commissioners that the Dog Tax Fund has a deficit of \$3,022.68. Ms. Holly told the Commissioners they need to transfer \$4,000.00 to the Dog Tax Fund.

Commissioner Wender offered a motion to transfer \$4,000.00 from

the General Fund to the Dog Tax Fund. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners signed an Order ordering the annual pro-rate 5-year costs associated with such special levy election to be deducted from the total annual raised for each entity receiving funds from such Special Levy and transferred to the Fayette County Election Expense Levy Fund.

Commissioner Wender offered a motion to transfer \$121,068.05 from the Fayette County General School Fund to the Fayette County general Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated. Commissioner Lopez seconded. Unanimous. Order signed.

Commissioner Wender offered a motion to sign an Order acting pursuant to status and Revised Rule 19 of the Administrative Rules for WV Magistrate Courts does hereby order the sum of \$35,788.90 for the fiscal year 2007-2008 to be transferred from the Magistrate Court Fund to the Fayette County General Fund.

The Commissioners signed an Order, ordering a sum in the amount of \$13,854.67 be transferred from the Fayette County Worthless Check Fund to the General Fund for reimbursement of previous expenditures as set forth in the order of the Fayette County Commission and entered to record on June 15, 1995.

Ms. Holly informed the Commissioners she received a call from Keith Young, Head Start Director informing they need a concrete pad underneath. The Commissioners approved.

Ms. Holly told the Commissioners she received a call from Fred

Hess, Auditor informing the Auditor that was assigned to do the audit for Fayette County passed away.

Ms. Holly told the Commissioners that Mr. Hess recommends that the County get an independent auditor or the County would have to wait until someone in their office becomes available. The Commissioners told Ms. Holly to have the State do the audit.

Ms. Holly told the Commissioners that Jim Lively informed her that the County should consider adding Public Sector Liability to their policy.

Commissioner Wender suggested asking Mr. Lively for a cost.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent requesting that Peggy Bennett's salary go to \$10.00 per hour during the pool season effective June 15, 2008.

Commissioner Wender offered a motion to increase Peggy Bennett salary to \$10.00 per hour during the pool season. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners they received an estimate of \$1,500.00 for the removal of the tree at the Oak Hill Trail.

The Commissioners asked Ms. Holly to hold off on the tree removal at the Oak Hill Trail waiting on a second estimate.

Ms. Holly told the Commissioners that James Perdue, Maintenance Supervisor received an estimate from Camco for the air conditioner for the County Clerk's Office.

Mr. Perdue presented 3 options from Camco: 1) to replace the compressor, \$1,500.00, 2) to replace the air-conditioning unit, \$4,535.00 and 3) to replace the air-conditioning unit and gas furnace

\$5,735.00.

The Commissioners approved Option 3, amount \$5,735.00 for the purchase of an air-conditioning unit and gas furnace.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk requesting that \$590.00 of his annual travel budget is transferred to his office supplies to purchase office seating and indoor flag sets.

Commissioner Wender offered a motion to approve the request to transfer \$590.00 to his office supplies to purchase office seating and indoor flag sets. Commissioner Eskew seconded. Unanimous.

Commissioner Wender authorized the County Clerk to unlock ballot room to repair Votomatics and lock back. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented to the Commissioners to sign the Community Participation Program for the Fayette County Sheriff's Department, amount \$4,800.00.

Commissioner Lopez offered a motion to approve and authorize the adoption of the Resolution for the Fayette County Sheriff Department. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to Embassy Suites Hotel authorizing Deborah Hendrick and Jodie Crist to have their sleeping rooms, meals, room guarantees, business telephone charges, guarantee for late arrival, and parking fees charged to the Fayette County Commission while they are attending the 2008 State Auditor's Annual In-Service Training being held August 3, 4, and 5, 2008.

The Commissioners received and reviewed a memorandum to all

Fayette County Departments asking that they submit a summary balance report of unused vacation and compensatory leave for each full-time employee as of June 30, 2008.

The Commissioners received and reviewed a memorandum to all Elected Officials and Department Heads informing that the current year ends on June 30, 2008 and asking that all invoices dated on or before June 30, 2008, be given to Debbie Berry as soon as possible but no later than July 1, 2008.

The Commissioners received/reviewed and signed a letter from the Courthouse Facilities Improvement Authority enclosing contracts for the grant that was awarded during the Courthouse Facilities Improvement Authority's 5th funding cycle.

The Commissioners received and reviewed a list from Bob Meadows of the jobs to be completed at the skeet/trap range. The Commissioners asked that a copy be sent to Carl Harris, Prosecuting Attorney.

The Commissioners received and reviewed copies of the Annual Report from Harvey E. Young, Assessor and Kelvin H. Holliday, County Clerk to the State Tax Commissioner for the period beginning June 1, 2007 through May 31, 2008.

The Commissioners received and reviewed a copy of a Disconnect notice to the Kanawha Falls public Service District, amount owed \$2,118.15. The Commissioners asked that this be forwarded to Carl Harris, Prosecuting Attorney.

Carl Harris told the Commissioners that the invoice was paid by USDA.

The Commissioners received and reviewed a fax from Armstrong Public Service District to the West Virginia Public Service Commission regarding Kanawha Falls Public Service District rate increase.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services enclosing a summary of their on-site visit to grant #04-DC-47, Just For Kids.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection confirming that Fayette County has met the requirements set forth by the REAP Standard Operating Procedure for 2008.

The Commissioners received and reviewed a letter from Appalachian Power informing they are preparing to relicense its London/Marmet (FERC No. 1175) and Winfield (FERC No. 1290) Hydroelectric Projects located on the Kanawha River in Kanawha, Fayette, and Putnam Counties.

The Commissioners signed Application for Refund of Fees, Products and Withdrawal of Customer Account to the Fayetteville Post Office, amount of refund \$59.95.

The Commissioners received and reviewed from Okey Skidmore a brief summary of the money received from the April 18, 2008 AWA Apex Wrestling Show, amount \$75.00.

The Commissioners received and reviewed an invitation from the Southern West Virginia Convention Visitors Bureau inviting the Commission to attend their Membership Mixer in conjunction with White water Wednesday at River Expeditions.

The Commissioners received and reviewed a notice from the Department of Military Affairs and Public Safety-Homeland Security

informing of Regional Meetings on the "Mechanics" of the Paperwork for the Upcoming Regional Homeland Security Subgrant Awards.

The Commissioners received and reviewed a copy of a letter to Carl Harris, Prosecuting Attorney from Sheriff William Laird regarding the Order he received on June 2, 2008 regarding Civil Filing #08-C-183- 1-1, Edward Elmore Jr. V. Bill Laird, Jim Sizemore and Fayette County Sheriff's Department.

The Commissioners received and reviewed copies of letters from Chief Deputy Steve Kessler to Debbie Aliff, Payroll Clerk informing that James M. Pack and William Callison will begin employment as Fayette County Deputy Sheriffs effective June 1, 2008, salaries \$26,021.04 to be paid out of the law Enforcement Fund.

The Commissioners received and reviewed a copy of a memorandum from Brandon Holliday to Sheriff William Laird informing that due to personal reasons he will resign from his position as a summer intern effective immediately.

The Commissioners received and reviewed a letter to the New River Health Association enclosing a copy of the Agreement for the Legislative Digest grant in the amount of \$6,000.00 for the New River Health Association from the Governor's Community Participation Grant.

The Commissioners received and reviewed a letter from the New River Youth Symphony and Chorus thanking the Commissioners for their financial support.

The Commissioners received and reviewed a letter from Hard Time 4 Gun Crime inviting the Commissioners to the unveiling of the BIG ZERO, a sculpture made of firearms carrying the message of Zero tolerance

for those who illegally own or illegally use guns.

The Commissioners received and reviewed a letter from SOAR (Summit on Area Revitalization) inviting the Commissioners to attend a SOAR anniversary on June 10, at the Upper Kanawha Valley Technology Center.

The Commissioners received and reviewed an invitation from the RSVP (Retired and Senior Volunteer Program) inviting the Commissioners to attend their Mardi Gras Celebration June 19, 2008.

The Commissioners received and reviewed a letter from the West Virginia American Water informing they will file a rate case with the West Virginia Public Service Commission on May 30, 2008.

The Commissioners received and reviewed an invitation from the Fayette County Public Libraries inviting the Commission to a celebration of achievement and appreciation at the Montgomery Public Library June 5, 2008.

The Commissioners received and reviewed an invitation from the National Parks Conservation Association inviting the Commissioners to join them for a late afternoon reception to honor Chairman of the House Committee on National Resources, Nick J. Rahall, II, this year's recipient of the William Penn Mott, Jr. Park Leadership Award.

The Commissioners received and reviewed a letter from the West Virginia Division of Highways asking the Commission to make available (To anyone who wishes to review them) the modified list of proposed amendment to the approved 2008 STIP (Statewide Transportation Improvement Program).

The Commissioners received and reviewed a letter from the West

Virginia Division of Criminal Justice Services regarding the monitoring visit to the Fayette County Dog Report Center.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a copy of the executed grant award state/local contract, and program forms for the Fayette County Commission-New River Health Center Governor's Community Participation Grant, Project #07LEDA0465.

The Commissioners received and reviewed a letter from the Nicholas Community Action Partnership, Inc. informing that May is National Community Action Month.

The Commissioners received and reviewed a letter from the Office of the State Auditor informing they will audit Fayette County Solid Waste Authority basic financial statements, as of and for the years ended June 30, 2006 and June 30, 2007.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the April Limited Video Lottery proceeds will be directly deposited on May 27, 2008, amount \$6,634.59.

The Commissioners received and reviewed SALS (Southern Appalachian Labor School) Journal for Spring/Summer 2008.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer informing they were notified of Maple Coal Company Blasting Permit Armstrong Creek application in Marcy of this year.

Mr. Richardson told the Commissioners that notification of Fayette County was because of the companies assumption the tower sight in close proximity was owned and operated by Fayette County. Mr.

Richardson told the Commissioners that this is not the case and the notification is not correct.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS, Monthly Revenue Report, Activity Report for the month of May, New River Humane Society allotment for June, amount \$13,641.37 and Weekly Fees Collected for the week of May 16 to May 22, 2008, amount \$215.00, the week of May 23 to May 29, 2008, amount \$161.00, the week of May 30 to May 31, 2008, amount \$20.00 and the week of June 1 to June 5, 2008, amount \$15.00.

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

The Commissioners received and reviewed several checks for 911 Fees from One Communications, amount \$2,093.26, Cequel Communications Holdings ME, amount \$1,652.00, Cleartel Telecommunications, Inc., amount \$12.00, Level 3 Communications, LLC, amount \$182.00, IDT Corporation, amount \$34.00, Granite Telecommunications LLC, amount \$142.00; Criminal Justice Services-Just For Kids, amount \$1,670.53, SPF-SIG grant, amount \$4,065.08, and Community Corrections, amount \$8,820.36, and TRIDENT, amount \$2,016.78; Alarm Fees-Juvenile Services, amount \$75.00; Franchise Fee for Bradley Communications, Inc., amount \$849.57; Fayette County Board of Education rent amount \$5,833.32; Homeland Security and Emergency Management, FEMA Hazard Mitigation, amount \$14,508.08; City of Beckley reimbursement, amount \$724.14 and Women's Resource Center-STOP Grant reimbursement, amount \$6,910.26.

The Commissioners received and reviewed a fax from the West

Virginia Association of Counties attaching an Unofficial List of Candidates for the House of Delegates and the Senate.

The Commissioners received and reviewed an e-mail from Cindy Dragon informing the Commissioners that the dedication for the Oak Hill Rail Trail will be on Saturday, June 7 at 11:00 a.m.

The meeting was adjourned at 2:15 p.m. The next scheduled meeting is June 27, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 27, 2008
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 27th day of June 2008.

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

Buren Renick presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property tax for Ireland B. and Linda Susan Sutton and James Robert Thomas. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign exoneration for real property tax for Hubert V. White, Jr. Commissioner Lopez seconded. Unanimous.

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

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

Commissioner Wender offered a motion to approve minutes for May 6, May 16, May 21 and June 6, 2008. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Solid Waste Authority recommending that Carrie Strunk be

reappointed a member of the Fayette County Solid Waste Authority Board.

Commissioner Wender offered a motion to reappoint, Carrie Strunk, a member of the Fayette County Solid Waste Authority Board. Commissioner Lopez seconded. Unanimous. The Commissioners signed Order and letter of appointment to serve.

Ms. Holly presented two (2) grant project applications to be completed and signed (Boomer Park, \$12,000 and Boomer Park, \$8,500).

Commissioner Lopez offered a motion to approve and authorize Commissioner Eskew to execute agreements and the adoption of said Resolutions. Commissioner Wender seconded. Unanimous. Resolutions signed.

Ms. Holly presented an Order designating three (3) banks to be County depositories of public monies (Fayette County National Bank, Branch Banking and Trust (BB&T), and the Bank of Mount Hope).

Ms. Holly informed the Commissioners she sent the Order over to the Prosecuting Attorney Office to review.

Commissioner Wender offered a motion to accept and make binding by this Order the depository bonds and/or the securities and agreements as received and make a part thereof for the banking institutions enumerated (Fayette County National Bank, Branch Banking and Trust (BB&T), and the Bank of Mount Hope). Commissioner Lopez seconded. Unanimous. Order signed.

Ms. Holly told the Commissioners that to keep the Dog Tax Fund for having a deficit they need to transfer \$1,500.00 from the General County Fund to the Dog Tax Fund.

Commissioner Lopez offered a motion to transfer \$1,500.00 from the General County Fund to the Dog Tax Fund. Commissioner Wender seconded. Unanimous. Order signed.

The Commissioners signed their Budget Statement for the ensuing Fiscal Year beginning July 1, 2008 through June 30, 2009.

Ms. Holly informed the Commissioners she received from Earl Pauley, Park Superintendent, a list of vehicles to be auctioned off. Ms. Holly told the Commissioners that the Fayette County Solid Waste Authority signed the title of their vehicle to the Fayette County Commission.

Ms. Holly presented two (2) Budget Revisions Orders for Fiscal Year 2007-2008 for the Commissioners to sign.

Commissioner Lopez offered a motion to authorize Ms. Holly to make budget revisions for the General County Fund and the Coal Severance Fund for Fiscal Year 2007-2008. Commissioner Wender seconded. Unanimous. Orders signed.

The Commissioners received and reviewed a letter from the Fayetteville Fairs and Festivals Committee requesting permission for the American Red Cross to use the Historic Courthouse to conduct another blood drive in conjunction with the Heritage Festival on Saturday, June 28, 2008 from 10:00 a.m. to 4:00 p.m.

Commissioner Wender offered a motion to approve the Fayetteville Fairs and Festivals Committee's request to give permission for the American Red Cross to use the Courthouse to conduct a blood drive in conjunction with the Heritage Festival. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids, Inc. Grant, amount \$1,780.00.

The Commissioners received and reviewed documentation from the Fayette County Health Department regarding the new No Smoking Regulations.

The Commissioners signed Request for Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant.

The Commissioners signed a letter of support for the Fayette County Prevention Partnership's SPF-SIG project.

The Commissioners received the Agreement between the Fayette County Commission, the Fayette County Board of Health and Donald C. Newell, Jr., D. O.

Commissioner Wender offered a motion to sign the Agreement between the Fayette County Commission, the Fayette County Board of Health and Donald C. Newell, Jr., D. O., the Fayette County Board of Health will pay \$2,398.00 per month for services. Commissioner Lopez seconded. Agreement signed.

The Commissioners signed a letter to the West Virginia Development Office requesting the first and final drawdown for the Just For Kids Program, amount \$2,000.00.

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

Ms. Holly presented an Application and Resolution from the

Fayette County Prevention Partnership for the SPF-SIG Grant for October 1 to September 29, 2009 to the Commissioners.

Commissioner Wender offered a motion to continue to sponsor the Fayette County Prevention Partnership and to sign SPF-SIG Grant Application and Resolution for the month beginning October 1, 2008 to September 29, 2009. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed the Agreement by the Fayette County Prevention Partnership between Carrie Strunk, as the SPF-SIG Probationary Director.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Service for the Community Corrections Grant, amount \$10,074.58.

Commissioner Wender offered a motion to authorize payment of \$100.00 to crush and run gravel and install handicap signs for the Clifftop Community Center. Commissioner Lopez seconded. Unanimous.

Linda Johnson, Chief Deputy County Clerk's Office appeared before the Commissioners to inform of the repairs that needs to be done on the IvoTronics.

Ms. Johnson told the Commissioners she has 4 IvoTronics that have to go to Omaha to be repaired, 29 has broken latches and 12 that do not need any repairs.

The Commissioners approved to order latches and locks and send the 4 IvoTronics to Omaha to be repaired.

Commissioner Wender offered a motion to authorize the County Clerk's Office to make repairs on the 29 IvoTronics that need latches and locks. Commissioner Lopez seconded. Unanimous.

Ralph Perrey, with Fannie Mae appeared before the Commission to present a presentation on a Fannie Mae proposal for medium and low income housing.

John David told the Commissioners he had asked Mr. Perrey to come in.

Commissioner Wender asked how would this program interface with dilapidated buildings.

After a brief discussion, Commissioner Wender asked John David to get Ralph Perrey in touch with Carl Thompson to discuss the dilapidated building program. The Commissioners asked Mr. Perrey to give them a follow-up.

Jodie Ward and Bob Meadows appeared before the Commission to discuss the Shooting Range.

Commissioner Eskew informed Mr. Ward and Mr. Meadows that the Commission is looking at an outside contractor, Pannell and Sons to look at the project.

Commissioner Eskew informed that Clarence Pannell has not gotten back with him with an estimated price.

Alice King, Region 4 Planning and Development Council appeared before the Commission to hold a SCBG Public hearing for the New Haven Public Service District-Stringtown Road Water Extension application.

Ms. King told the Commissioners the purpose of this meeting was to discuss an application with the West Virginia Development Office for a Small Cities Community Development Block Grant for the Stringtown Road Water Extension Project. The grant application will request \$1,500,000.00 from Small Cities for a total project cost of

\$2,265,000.00.

Ms. King presented three (3) Resolutions to be approved and signed by the Commissioners. (Resolution authorizing Commissioner Eskew to execute agreement, Resolution Formalizing a Fair Housing Program, and a Citizen participation Plan Resolution).

Commissioner Wender offered a motion to approve and sign the three (3) Resolutions for the New Haven Public Service District-Stringtown Road Water Extension application. Commissioner Lopez seconded. Unanimous.

Ms. King presented a drawdown request for the Fayette County Commission-Danese Public Service District Water Extension, Project #07ARCP156391, amount \$143,750.00 to the Commissioners.

Ms. King told the Commissioners that the Preliminary Design is 100% complete and the Final Design is 80% complete at this time.

Commissioner Wender offered a motion to approve the drawdown request for invoices relating to construction and other service for the proposed Danese Public Service District Water Extension, amount \$143,750.00. Commissioner Lopez seconded. Unanimous.

Diana Wilson with the Upper Kanawha Valley Economic Development Corporation appeared before the Commission to thank each of the Commissioners for their contribution.

Jim Lively, Sr. presented to the Commissioners the renewal proposal for the Liability Insurance for the County for the Fiscal Year 2008-2009, total premium renewal \$220,436.91.

Commissioner Wender offered a motion that Fayette County Commission continues to be insured by St. Paul with Jim Lively

Insurance as Agent for the Fiscal year 2009 with premium renewal \$220,436.91. Commissioner Lopez seconded. Unanimous.

Jim Lively told the Commissioners that this is a decrease of \$13,000 from Fiscal Year 2008.

Commissioner Wender offered a motion that Fayette County Commission requires that every non-emergency driver that drives a County vehicle participate in the BrickStreet Safe Driving Training. Commissioner Lopez seconded. Unanimous.

Wayne Rebich with ACT Foundation appeared before the Commission to discuss his concerns regarding the West Virginia Alcohol and Drug-Free Workplace Legislation.

Mr. Rebich told the Commissioners that Senate Bill 657 mandates drug testing on construction workers on State-funded construction contracts.

Mr. Rebich is asking the Commissioners to adopt this WV Alcohol and Drug-Free Workplace Act Resolution.

After a brief discussion, Commissioner Wender informed they would have to discuss this with Carl Harris, Prosecuting and asked Mr. Rebich if he would come back on July 11th.

Carl Thompson appeared before the Commissioners to give an update of the Extension projects.

Mr. Thompson told the Commissioners that the Rails to Trail Leadership Team has appointed seven (7) members to the Rail to Trail Leadership Team (Matthew Wender, Cliff Bobinski, Jennifer DuPree, Bill Hannabass, Carl Thompson, and Skip Heater) would like the Commission to be their sponsor.

Carl Thompson told the Commissioners that one move that could promote trail use would be for the County to acknowledge that they have trails and promote people getting out using them.

Mr. Thompson told the Commissioners that a great low-cost program that promotes this is the Share the Road Program that promotes bicycle, and vehicle safety on roads in areas of mixed use.

Mr. Thompson told the Commissioners that the Department of Transportation requires the Fayette County Commission concurrence and written support.

Commissioner Wender offered a motion that the Fayette County Commission endorses and supports the request for "Share the Road" signs through the West Virginia Department of Highways. Commissioner Lopez seconded. Unanimous.

Mr. Thompson told the Commissioners that the Farmland Protection is working on Springdale Farm.

Ms. Holly told the Commissioners she received a request from Earl Pauley, Park Superintendent requesting two (2) beds for the GMAC truck that was purchased for a trash truck.

Commissioner Wender offered a motion that the County Commission turns down the request today pending review of year end. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia Advocates, Inc. informing they received a complaint concerning the lack of accessibility to the Mount Hope Community Center.

Ms. Holly informed the Commissioners she received a letter from

the Office of the State Auditor informing that the State Auditor's in-service training program for all County Commissioners will be held on August 3-5, 2008 at the Mountaineer Park in Chester, West Virginia.

Commissioner Wender told Ms. Holly he would sign up for the Sunday Session only will let her know about the August 4 and August 5 meeting. Commissioner Eskew told Ms. Holly he would let her know.

The Commissioners received/reviewed and approved an invoice from Pat Ford, President of the Sisk/Ford Initiative, LLC for professional consulting service for the Development of the Viewshed Ordinance, amount \$3,500.00.

The Commissioners received/reviewed and approved a request from Peggy Sasser, Mayor Town of Pax requesting \$1,500 for the Lively Water Extension.

Ms. Holly informed the Commissioners that Dave Pollard, County Resource Coordinator sent down an invoice requesting payment for the VISTA employee for the Wolf Creek Park Project, amount \$2,500.00. The Commissioners approved to pay.

The Commissioners received and reviewed a letter from the City of Smithers requesting the \$2,500.00 Fiscal Year 2009 allotment prior to July 1, 2008. The Commissioners approved to pay June 27, 2008 for Fiscal Year 2009.

The Commissioners received and reviewed from James Perdue, Maintenance Supervisor response to the e-mail dated June 16, 2008 regarding the use of the incinerator.

The Commissioners asked that James Perdue be put on the agenda for July 25, 2008 at 10:30 a.m. to discuss.

Commissioner Wender suggested putting on the agenda to discuss the transfer of the White Oak Trail to the City of Oak Hill at 9:00 a.m. on July 11, 2008.

The Commissioners received and reviewed a request from the Fayette County Animal Control Center requesting to purchase a freezer, cost approximately \$650.00 to \$750.00.

Commissioner Wender offered a motion to approve the bid from Lowe's to purchase a freezer for the Fayette County Animal Control Center, amount \$520.20. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Debbie Tate, 4-H Agent County Program Coordinator requesting to transfer funds in the 2007-2008 Budget. Ms. Tate is request that \$875. Be transferred from Travel and \$1,200.00 be transferred from the work study program to material and supplies.

Commissioner Wender offered a motion that \$875.00 be transferred from travel expense and \$1,200.00 be transferred from work study to material and supplies. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Debbie Tate requesting that the \$600.00 allotted for contacted services be dispersed to the Fayette County 4-H Volunteer Leaders Association to pay for a camp nurse and EIC/VCA. The Commissioners approved.

The Commissioners approved for Daniel Wright, Circuit clerk to transfer \$590.00 from his travel fund to material and supplies to purchase two (2) flags and a double seat for his office.

Ms. Holly informed the Commissioners she received a letter from Sheriff William Laird informing of the request made by the employees

within the Sheriff's Tax Office to approve a one-time supplemental payment to all employees within that office based on the projected unexpended balance in funds currently within personnel service's portion of the budget.

Sheriff Laird told the Commissioners that he concurs with the approval of this one-time salary supplement for the remaining payroll period for Fiscal Year 2008, amount \$5,520.00.

Ms. Holly told the Commissioners that she informed Sheriff Laird that the account balance is only \$1,127.04 (not \$5,520). Ms. Holly told the Commissioners she have not heard back from Sheriff Laird.

The Commissioners asked Ms. Holly to keep the original Deed for the Fayette County Urban Renewal Authority and send a copy to Dave Pollard, County Resource Coordinator.

The Commissioners asked Ms. Holly to schedule Danny Wright, Circuit Clerk and the other elected officials on the agenda for August 8 to discuss the 4-day work week.

Ms. Holly told the Commissioners that Dan Snead came and she and James Perdue, Maintenance Supervisor walked with him around the courthouse to review handicap accessibility.

Commissioner Wender suggested asking Marjorie Hatcher to look at the ADA tentative parking spaces around the Courthouse.

Ms. Holly told the Commissioners that the ADA improvements must be kept within the Small Cities Block Grant (SCBG) funds.

Commissioner Wender told the Commissioners he received a call from Bill Wooten regarding Arbuckle Public Service District.

Commissioner Wender informed that Mr. Wooten asked if Arbuckle

Public Service District receptive to withdraw receivership if Fayette County Commission would appoint three (3) new Commissioners.

Commissioner Wender informed the West Virginia American Water is going to buy the water but not the sewer.

Commissioner Wender informed that White Oak Public Service District is resistant, does not want Arbuckle Public Service District.

Commissioner Wender informed the Commissioners that two (2) of the Commissioners are willing to resign.

Commissioner Wender informed the Commission that Bill Wooten is asking if the Commission have any suggestions.

The Commissioners signed a letter to Rickie Rice, State Director with USDA regarding the five (5) apartment projects in Fayette County which provide housing for low income individuals and families that are on the edge of insolvency if solvent teetering already.

The Commissioners received and reviewed an accident report regarding Deputy Robert C. Godsey, Jr.

The Commissioners received and reviewed a copy of the Press Release sent out on June 24, 2008 regarding the technical problems with the telephone system.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Sherri Fleshman's request for funding to upgrade the water and sewer plants for the Town of Meadow Bridge.

The Commissioners received and reviewed an Application for Employment from Luann Z. Jeffries.

The Commissioners received and reviewed a letter from the State Tax Department informing that for reporting periods beginning on or

after July 1, 2008 taxpayers will now have the convenience of reporting the consumers sales and service tax and use tax remittance on one form.

The Commissioners received and reviewed Grant Adjustment Notice to the Division of Criminal Justice Services for the Community Correction Program Grant.

The Commissioners received and reviewed a letter from the Fayette County Health Department thanking the Commissioners for agreeing to serve as a volunteer with the Fayette County Health Department.

The Commissioners received and reviewed a letter from the State Tax Department thanking the Commissioners for registering their business and enclosing the Business Registration Certificate.

The Commissioners received and reviewed a letter from Appalachian Power informing the Commissioners of their toll-free Emergency Hotline phone number (1-888-237-2221).

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk asking that \$1,142.00 be transferred from record book budget line to cover the deficits in his 2007-2008 Fiscal Year Budget.

The Commissioners received/reviewed and approved an invoice from Leon Spencer, Fayette County Surveyor for the revised precinct voting locations and maps, amount \$653.00.

The Commissioners received and reviewed a draft of the final letter the Fayette County Beautification Committee will be sending to the property owners.

The Commissioners asked to put this on the agenda for July 11 to

discuss with Carl Harris, Prosecuting Attorney, Carl Thompson, and Aletha Stolar.

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

The Commissioners received and reviewed a copy of a letter to the West Virginia Division of Criminal Justice Services acknowledging receipt of their letter dated May 27, 2008 requesting a reply to suspected deficiencies within the Fayette County Day Report Center.

The Commissioners received and reviewed Statement of Expenditures for the Fayette County Park and Central Garage as of May 2008.

The Commissioners received and reviewed a letter from Master and Seibert, LC regarding Employment of Kim I. Linzy.

The Commissioners received and reviewed an Accident Report from the Fayette County Park regarding Randall D. Redden, II.

The Commissioners received and reviewed a copy of a letter from Eddie Young, Assessor to Debbie Aliff, Payroll Clerk informing that effective June 16, 2008 George E. Tabit, III will be working in his office as a Part-time Data Collector. He will be paid from the PVC Fund at a rate of \$8.00 per hour.

The Commissioners received and reviewed letters from the Secretary of the Interior informing they will issue a payment to the County for Fiscal Year 2008 under the Payments in Lieu of Taxes (PILT) Program, an electronic funds transfer (EFT) will be posted to our account on or about June 12, 2008, amount \$67,312.00.

The Commissioners received and reviewed a letter from the West

Virginia Division of Tourism advising the extension request for Grant #13080 to the White Oak Rail Committee in the amount of \$7,000.00 has been granted until June 30, 2008.

The Commissioners received and reviewed the Fayette County Planning Commission minutes of June 23, 2008.

The commissioners approved payment of Dog Tax Supplement to Eddie Young, Assessor, amount \$706.10.

The Commissioners received and reviewed a Summons from the Circuit Court regarding Civil Action #07-C-243-Frances M. Fisher v. the Town of Fayetteville v. the Fayette County Commission.

The Commissioners approved invoice from Camco Heating and Cooling for installation of an Air Condition for the County Clerk's Office, amount \$5,735.10.

The Commissioners received and reviewed a letter from the West Virginia Public Service Commission enclosing copies of the Statement of the U. S. Department of Agriculture in Support of Receivership regarding Arbuckle Public Service District.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection enclosing brochures about a new low interest loan program that has been initiated between the Department of Environmental Protection Clean Water State Revolving Fund and West Virginia Housing Development Fund.

The Commissioners received and reviewed a copy of Catherine Marshall's Voter's Registration form.

The Commissioners received and reviewed an Official Oath of Office from Catherine Marshall member of the Fayette County Library

Board.

The Commissioners received and reviewed an update on the Summit On Area Revitalization (SOAR) Action Plan.

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

The Commissioners received and reviewed an invitation from Southern Appalachian Labor School and the Group Workcamps Foundation inviting the Commission to a tour of the Coalfield Housing Workcamp on Thursday, June 19, 2008 at 10:00 a.m.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$88.50.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the 75% of the Coal Severance Tax will be deposited on June 11, 2008, amount \$116,140.84.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the 25% of the Coal Severance Tax will be deposited on June 12, 2008, amount \$31,320.19.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the 75% Oil and Gas Severance Tax will be deposited on June 24, 2008, amount \$73,417.94.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the 25% Oil and Gas Severance Tax will be deposited on June 30, 2008, amount \$30,513.58.

The Commissioners received and reviewed a letter from the Office

of the State Treasurer informing the May Table Games will be deposited on June 16, 2008, amount \$3,208.58.

The Commissioners received and reviewed an appreciation letter from the City of Oak Hill for their dedication to the White Oak Rail Trail.

The Commissioners received and reviewed a letter from the Public Service Commission to Samuel Pauley, Jr. regarding his request for new water service on "Town Creek Road" and "Horse Creek Road" near Pax, West Virginia.

The Commissioners received and reviewed a memo from Janette Woodrum, Chief Probation Officer informing of the swearing in ceremony for the new probation officer Jerrod White.

The Commissioners received and reviewed a letter from Just For Kids inviting the Commissioners to attend their 4th Annual Summer Kick-off Fundraiser being held June 21, 2008 at the Mountaineer Conference Center.

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

The Commissioners received and reviewed a letter from the Ford Motor Company reminding the Commission that the 2005 Crown Victoria Vehicle #2FAFP71W75X120989 has not had the no charge recall completed.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company (BB&T) informing of the securities held as collateral to secure the deposits of Fayette County Commission as of May 31, 2008.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged to the Fayette County Commission as of May 30, 2008.

The Commissioners received and reviewed from the Bank of New York Cash Statements and Asset Lists for May 31, 2008, June 20, 2008, and June 23, 2008.

The Commissioners received and reviewed a letter from SunTrust Bank informing of the new Pledged Security.

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

The Commissioners received and reviewed a copy of the Annual Report from Sheriff William Laird.

The Commissioners received and reviewed a letter from Sheriff William Laird enclosing a check from TRIDENT Drug Task Force in the amount of \$1,057.50. This amount constitutes their share from the sale of certain vehicles seized and forfeited to the benefit of their department.

The Commissioners received and reviewed a copy of a memorandum from Chief Deputy Steven Kessler to Debbie Aliff, Payroll Clerk informing that James Dempsey has asked the Sheriff to be reinstated as a Deputy Sheriff effective June 16, 2008, salary \$27,221.41.

The Commissioners received and reviewed a Grant Adjustment Notice to the West Virginia Division of Criminal Justice Services for Project #06-JAG-38, TRIDENT.

The Commissioners received and reviewed a copy of a letter from

Sheriff Laird to Renee Harper, Program Director Fayette County Community Corrections Program regarding her Monitoring Report.

The Commissioners received and reviewed several e-mail correspondences.

The Commissioners received and reviewed from the Fayette County Animal Control Center Weekly Fees Collected for the week of June 6 to June 12, 2008, amount \$210.00, the week of June 13, to June 19, 2008, amount \$1,033.00 and the week of June 20 to June 26, 2008, amount \$490.00.

The Commissioners received and reviewed several checks for 911 Fees from the Citynet, LLC, amount \$174.60, Citizens Communications, amount \$40.44, AT&T, amount \$686.00, Public Service Commission, amount \$159,154.59, Level 3 Communications, LLC, amount \$220.00, ClearTel Communications, ME, amount \$12.00, IDT Corporation, amount \$32.00, Granite Telecommunications, LLC, amount \$148.00, Cequel Communications, ME, amount \$1,760.00 and Verizon, amount \$30,018.60; Jail Fees-Town of Ansted, amount \$48.50; Sailors Memorial Fund, amount \$25.00; Supreme Court-Family Law Master, amount \$2,025.00, WV Development Office-Watch Me Grow Grant, amount \$1,081.48, New River Birding Program/Fayette County Park, amount \$15,000.00; Criminal Justice Services-SPF-SIG Grant, amount \$6,012.46; Homeland Security and Emergency Management-Homeland Security Law Enforcement, amount \$86,928.00; Reimbursement-City of Beckley, amount \$672.47; TRIDENT, amount \$2,000.00; Fire Levy Fund reimbursement, amount \$40.00 and Division of Human Services-County Clerk, amount \$1,204.00.

The meeting was adjourned at 1:55 p.m. The next scheduled meeting is July 11, 2008.

Samuel H. Edwards

FAYETTE COUNTY COMMISSION

REGULAR SESSION

MARCH 7, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 7th day of March 2008.

Commissioner Eskew called the meeting to order at 9:16 a.m.

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

Attorney Graydon Ooten appeared before the Commission to present an Application for annexation for the Town of Fayetteville to annex property by minor boundary adjustment.

Commissioner Wender offered a motion that the application having been properly filed and received offered a motion that a public hearing is set for 9:30 a.m. on the 18th of April 2008. Commissioner Lopez seconded. Unanimous.

Attorney James Blankenship appeared before the Commission to file a Report on the Thomas Samuel Kincaid, Jr. Estate. No one was present to protest.

Commissioner Wender offered a motion to dismiss a petition to remove Administratrix of the Estate of Thomas Samuel Kincaid, Jr. Commissioner Lopez seconded. Unanimous. The Commissioners asked Attorney James Blankenship to prepare order.

Commissioner Lopez offered a motion to appoint Deanna Wilson to replace Ann Cavalier on the Upper Kanawha Valley Enterprise Community. Commissioner Wender seconded. Unanimous. A letter was signed.

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

Tim Richardson, Zoning Officer appeared before the Commission to present for disposition Case #Z-514-07-01: Request of Gauley Outdoor Center, Inc. owner for a change in land classification from LC-1 (Public Land Conservation) and P-D (Planned Development District) to R-R (Rural Residence District) with a PUD (Planned Unit Development) on property legally described as, Part of 455.37, Wolf Creek Arbuckle 594/739 and Part of Surf. 565.78, Wolf Creek and Arbuckle Creek near near Martha, Plateau District.

Mr. Richardson informed the Commissioners the Planning Commission recommendation was to approve request by a vote of 9 to 1.

Ernest Kincaid and Doug McKenzie gave a presentation to the Commissioners and presented maps of the site.

Mr. Kincaid told the Commissioners that the wastewater will be handled exclusively by the developer because of concerns with Arbuckle Public Service District future.

Erin St. John with the National Park Conservation Authority (NPCA) spoke of concerns of the viewshed. Ms. St. John discussed the National Park Services General Management Plan and Mapping in regard to the viewshed.

Ms. St. John told the Commissioners she feels deed restrictions should be in place, and concerns of Lots 41, 42 and 11, no trees, water quality issues, concerns of light pollution control.

Meredith Gregg spoke of her concerns regarding the Resolution

3/2/08

FCC

Anthony Sebastian

Bill Lanham

~~Pat Smith~~

Jim Akers

Grady Doten

Fred Pace, Register-Herald

9:00 a.m.

Zoning

Doug McKenzie

Erin Haddif St. John NPCA

Meredith Gregg PAN

sent to the Planning Commission about the review process of developments in 2006 and action to be taken.

Ms. Gregg suggested that a moratorium be considered in regard to developments until this is addressed.

Commissioner Eskew asked Dave Pollard, County Resource Coordinator if concerns were reviewed by the Transition Team. Mr. Pollard replied yes the Transition Team reviewed is in comparison with the comprehensive plan.

After discussion, Commissioner Lopez offered a motion to uphold the Planning Commission vote to approve the request of Gauley Outdoor Center, Inc. to rezone from LC-1 (Public Land Conservation) and P-D (Planned Development District) to R-R (Rural Residence District) with a PUD (Planned Unit Development) overlay. Commissioner Wender seconded feels all has been reviewed lighting, trees' issues enforced. Unanimous. (Minutes of the meeting attached)

Daniel Wright, Circuit Clerk appeared before the Commission to discuss the upcoming Fiscal Year 2008-2009 Budget.

Mr. Wright informed the Commissioners he is asking for nothing extra presented the same budget as last.

Eddie Young, Assessor appeared before the commission to discuss the upcoming Fiscal Year 2008-2009 Budget for his office.

Mr. Young told the Commissioners he is requesting a \$150.00 raise for each of his employees (\$1,800 a year), and asking that the Commission keep extra help in the General County Fund for busy times.

Commissioner Wender asked Mr. Young how many employees would that be. Mr. Young replied eight average.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the upcoming Fiscal year 2008-2009 Budget.

Mr. Harris told the Commissioners he would like for an increase in the budget for investigation of crimes, a \$1,000 raise for each of his employees. This would be an increase of \$10,000 in his budget.

Okey Skidmore, Manager of the Fayette County Memorial Building appeared before the Commission to discuss the upcoming Fiscal year 2008-2009 Budget.

Mr. Skidmore suggested more activities and more events, increase the fee to \$383 per night for each event at the Memorial Building.

Mr. Skidmore asked about the insurance. Ms. Holly replied County has insurance, the Fayette County Commission requires each organization to have insurance.

Commissioner Lopez suggested that the Commission address Mr. Skidmore's suggestions down the road.

Gloria King with the New River Humane Society appeared before the Commission to discuss their upcoming 2008-2009 Budget.

Ms. King is requesting an increase for their employees, asking the Commission to cover liability for the Humane Society volunteers, etc.

Commissioner Wender commended the Humane Society on the amount of money they raised on their own for Humane Society.

Discussion was held regarding the outside pens for the animals.

Ms. King told the Commissioners that Earl Pauley, Park Superintendent had recommended getting a trailer to haul the animals.

The Commissioners informed Ms. King they would review and get

back with them regarding their decision.

Ms. King asked the Commissioners for assistance with the grant application they are applying for.

Commissioner Wender asked Ms. Holly to assist.

Debbie Tate, WVU Extension Officer appeared before the Commission to discuss her upcoming Fiscal Year 2008-2009 Budget.

Ms. Tate told the Commissioners she is requesting an increase in 4 areas-requesting travel for Vista Worker, an increase in nurse and camp assistance from \$150 to \$200, an increase of \$200 for dues and subscription, and \$2,000 be put in capital outlays to cover three (3) computers upgrades, include 4 year warranty.

Ms. Tate told the Commissioners she has applied for an additional \$5,000 per year with the Board of Education levy.

Ms. Tate told the Commissioners that New River health has agreed to pay matching funds for the Energy Express in the Mount Hope area. Sally Hurst is the contact person.

Ms. Tate explained the letter received from Carrie Strunk regarding the 4-H Camp.

Ms. Tate told the Commissioners they would like for the Fayette County 4-H to be included in their camp budget.

The Commissioners told Ms. Tate they would review and get back with her regarding their decision.

Kelvin Holliday, County Clerk appeared before the Commission to discuss his upcoming Fiscal Year 2008-2009 Budget.

Mr. Holliday told the Commissioners he was not asking for anything additional.

Mr. Holliday told the Commissioners of the early voting and training schedule.

Ms. Holly asked Mr. Holliday if had dates for the publication for testing IvoTronics for early voting and the tabulator.

Mr. Holliday told Ms. Holly he would get the list of dates and let her know.

Mr. Holliday told the Commissioners he would be needing the County Commission Office on April 3, 2008.

The Commissioners told Mr. Holliday they would review and get back with him.

Carl Thompson with the Fayette County Urban Renewal Authority/Learning Center appeared before the Commission to bring to their attention that he had heard comments that Dave Pollard, County Resource Coordinator is saying that he is not a team player.

Commissioner Wender informed Mr. Thompson they are in the process of arranging a meeting with Judy Radford, Jenny Becksted to try and resolve the problem.

Sheriff William Larid appeared before the Commissioners to discuss his upcoming Fiscal Year 2008-2009 Budget.

Sheriff Laird told the Commissioners that this is the last time he would be appearing before them to present his budget.

Discussion was held regarding the Regional Jail cost.

Sheriff Laird told the Commissioners he is pursuing avenues for additional money and told the Commissioners he is on the Governor's Committee o Crime Board.

Sheriff Laird told the Commissioners under his improvement

request he is requesting pay raises, allocation of \$3,500 for the K-9 Unit, camera processing room is needed, under the COP Tech Grant needs to replace computers 3 new desktops requested, transport van needs to be replaced, requesting vaccination for the deputies, an increase in uniform allowance and vehicles.

The Commissioners told Sheriff Laird they would review and get back with him.

Earl Pauley, Park Superintendent appeared before the Commission to discuss his upcoming Fiscal Year 2008-2009 Budget.

Mr. Pauley started with request for the Maintenance Garage-would like to raise auto supplies because of the cost increase in tires, etc., need additional rack lift and adapters, needs a heater for the garage.

Mr. Pauley told the Commissioners the reason the increase in overtime was created by the Shooting Range.

Mr. Pauley presented to the Commissioners his request for increases and improvements for the Fayette County Park, increases for the employees, \$7.32 an hour make all employees even pay total \$309,968.24; Capitol Outlay-need a lawn vac., a commercial toaster, a lawn mower, folding tables; Maintenance-need a roof on office, Rick Myles estimated \$14,000 labor and \$8,000 to \$10,000 materials, totals \$24,000, need gutters for the canteen house, needs to repair field stone, entrance, gate, improvement for entering park, mattress replacement (\$1,800), repair rest room by stage and canteen ADA accessible, concrete porch Cabin #3 this year if possible, Rick Myles estimated cost \$700.00; Contracted Services for Rick Myles and D & S.

Gutter Services.

The Commissioners told Mr. Pauley they would review and get back with him.

Ms. Holly informed the Commissioners she needs their decision on contributions, salaries and vehicles by Monday.

The Commissioners signed title to the WVU Institute of Tech.

The Commissioners signed permits from the Fayette County Health Department to operate the Harlem Heights and Boomer Park.

The Commissioners signed the Fayette County Planning Commission zoning minutes and Order of today's meeting.

Commissioner Lopez and Commissioner Eskew approved to pay the 5½ hours over the contract agreement (\$2,000) invoice from Jenny Becksted, amount \$2,137.50.

Commissioner Eskew asked ms. Holly to have James Perdue, Maintenance Supervisor to reconsider his recommendation of the maintenance position and have him to come in on Monday to discuss.

The Commissioners signed the Request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT, amount \$2,178.78.

The Commissioners signed the Request for Reimbursement to the West Virginia Division of Criminal Justice Services for SPS-FIG, amount \$4,171.78.

The Commissioners received and reviewed a fax from Southern Appalachian Labor School response to the Commissioners letter dated February 12, 2008 informing that the Dormitory Project should be complete by November 2008.

Ms. Holly informed the Commissioners that a 911 employee had contacted the Department of Labor to complaint about receiving pay checks at different times. Ms. Holly told the Commissioners they should get the paycheck back on schedule.

Commissioner Eskew suggested to the Commissioners to review in the future the new software for the 911 Center.

The Commissioners received and reviewed their 2008 Community Participation Request Form to Senator Shirley Love.

The Commissioners signed an Order approving a tax refund for John C. and Donna Reed for Tax Years 2004, 2005, and 2006 for real and personal property, amount \$925.28 in the form of a credit against taxes owing.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing that the Homeland Security sub-grant to the Fayette County Commission is currently delinquent for submitting January 2008 monthly reports.

The Commissioners signed a letter to Okey Skidmore, Manager Fayette County Memorial Building informing that the request of the Fayette County AAU/WV Boys and Girls Hoopsters to use the Memorial Building for AAU practice and instructional sessions for the coming year pending no conflict of schedule. The \$1,000 rental fee, garbage and custodian fees will be waived.

The Commissioners signed an Order, order having been advised of the need to substitute certain securities pledged on behalf of the Fayette County National Bank ordering the release of said securities provided that securities will be substituted simultaneously and that

Fayette County funds deposited with said banking institution will not be unsecured.

The Commissioners signed an Order and Appointment to Serve letter reappointing Richard W. Kinder to the Danese Public Service District, term to expire March 30, 2014.

The Commissioners signed an Order and Appointment to Serve Letter reappointing Alfred J. Gannon to the White Oak Public Service District, term to expire January 10, 2014.

The Commissioners approved to install a vinyl composition commercial tile in the Court Room from Lee's Carpet and Floor Covering, amount \$540.00.

The Commissioners signed Continuity of Operation Plan for the Fayette County Emergency Operators Center.

The Commissioners received and reviewed Small Cities Block Grant (SCBG) Readiness to Proceed Checklist from the Kanawha Falls Public Service District.

The Commissioners received and reviewed from Earl Pauley estimation of lights for the Boomer Ball Park.

The Commissioners received and reviewed a letter from the West Virginia Sustainable Communities inviting the Commissioners to attend a meeting to create a committed, sustainable recycling task force of local community representatives, being held Monday, March 17, 2008.

The Commissioners received and reviewed a letter from the Fayette County Prevention Partnership inviting the Commissioners to a county-wide Underage Drinking "Town" Hall meeting being held on Tuesday, March 25, 2008.

The Commissioners received and reviewed Status Report of calls received from the 911 Center for January and February.

The Commissioners received and reviewed a copy of an accident for Deputy Gary W. Reed, Jr.

The Commissioners signed vehicle title to the City of Montgomery.

The Commissioners received and reviewed Audit Report of Meadow Bridge Volunteer Fire Department for Fiscal Year ended June 30, 2007.

The Commissioners received and reviewed several copies of Senate Bills from Senator Shirley Love.

The Commissioners received and reviewed a letter from Campbell Business Machines, Inc. thanking Ms. Holly for stopping by their booth during the West Virginia Association of Counties Annual Meeting.

The Commissioners received and reviewed from the New Haven Public Service District, their New Haven Public Service District Planning/Project Design Grant application for the Derry Hale/Sun Mine A. M. L. Waterline extension.

The Commissioners received and reviewed a letter from the State Tax Department informing they reviewed the reserve coal values for the Mac Wooden Company for possible appraisal error(s) for Tax Year 2007. Their review indicates that a clerical error occurred and the recommended appraisal change for the account has been made.

The Commissioners received and reviewed from the SunTrust Bank Pledge Statement as of February 29, 2008.

The Commissioners received and reviewed New Pledge Security Notification from Sun Trust Bank.

The Commissioners received and reviewed from the Bank of New York

Cash Statement and Asset List for February 29, 2008.

The Commissioners received and reviewed a letter from the West Virginia America Water informing they will continue to participate in the funding of a needed Fayette County water extension projects for Beauty Mountain/Shaver Bridge Road Project and Stringtown Road Project.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Case #07-0101-PSD-19A Arbuckle Public Service District (Sewer Operations), Case #07-0103-PWD-19A Arbuckle Public Service District (Water Operations), and Case #07-1101-PSWD-GI Arbuckle Public Service District (General Investigation).

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

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds for the January Limited Video Lottery will be directly deposited on February 26, 2008, amount \$6,166.39.

The Commissioners received and reviewed the Fayette County Planning Commission minutes of February 25, 2008.

The Commissioners received and reviewed a letter from Ford Motor Company informing that a defect which relates to motor vehicles safety exists in the speed control-equipped vehicles in the 1995, 1996, and 1997 Crown Victoria's.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report and Monthly Revenue Report

for the month of February, New River Humane Society Allotment for the month of March, amount \$13,088.23, and the Weekly Fees Collected for the week of February 15 to February 21, 2008, amount \$145.00, the week of February 22 to February 28, 2008, amount \$75.00, February 29, 2008, amount \$65.00, and the week of March 1 to March 6, 2008, amount \$195.00.

The Commissioners received and reviewed several checks for 911 Fees from Citizens Communications Company, amount \$50.44, IDT Corporation, amount \$36.00, Cequel Communications Holding, ME, amount \$1,020.00, Level 3 Communications LLC, amount \$110.00, Granite Telecommunications, amount \$146.00, ClearTel Communications ME, amount \$12.00, AT&T, amount \$814.00, One Communications, amount \$2,052.52; Franchise Fees from Suddenlink Communications, amount \$15,223.92, Bradley Communications, amount \$651.04; Rent Fayette County Memorial Building from Fayette County Board of Education, amount \$2,916.67. Valley High School, amount \$457.10, Greenbrier East High School, amount \$167.40, Woodrow Wilson High School, amount \$28.50; Refund from Southern Soil Conservation, amount \$2,552.65; Reimbursement Women's Resource Center STOP Grant, amount \$4,606.84; Criminal Justice Services-Community Corrections, amount \$9,546.44, TRIDENT/Just for Kids, amount \$5,652.84, SPF-SIG, amount \$8,199.59; Homeland Security for FEMA Hazard Mitigation, amount \$4,000.00.

The Commissioners received and reviewed an e-mail from Mayor Pete Hobbs regarding a Business Development Opportunity.

The Commissioners received and reviewed an e-mail from Sharon Cruikshank regarding the Sales and use Tax Exemptions.

The Commissioners received and reviewed an e-mail from the New River Convention and Visitors Bureau asking that a 2008 Chamber Survey be completed.

The meeting was adjourned at 2:20 p.m. The next scheduled meeting is March 14, 2008.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MARCH 10, 2008
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 10th day of March 2008.

Commissioner Eskew called the meeting to order at 9:45 a.m.

Commissioner Lopez offered a motion to go into Executive Session with James Perdue, Maintenance Supervisor to discuss hiring of a maintenance employee and personal matter. Commissioner Wender seconded.

The Commissioners reconvened the County Commission meeting.

Commissioner Eskew informed on the personal matter the Commission asked James Perdue to write a letter to the employee regarding his continued employment as a janitor.

After a review of the applicants for the maintenance position the Commission approved Jamie Neff as the full time night janitor.

Commissioner Wender offered a motion to hire Jamie Neff as a full-time janitor effective March 16, 2008, salary \$13,800 annually plus benefits. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed the County Commission meeting to work on Fiscal Year 2008-2009 Budget.

The meeting was adjourned at 4:50 p.m. The next scheduled meeting is March 14, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 14, 2008
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 14th day of March 2008.

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

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

Commissioner Lopez offered a motion to approve and sign exonerations for real properties for John M. Frisby, Diana Frisby Beard, Brenda Kay Warrick, Melissa Kidd Wilshire, Mac Wooden Company. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign exonerations for personal properties for Lyn (Evelyn) Haley, Shirley Gray, Bonnie and Christopher Watson, Paul M. Snyder, Matthew S. and Pamela S. Cooper, Stephen M. Patterson, Robert J. and Hope J. McKnight, Thomas Carpenter, Dwayne M. or Roswitha Fuller, James J. or Anna Bennett, Santiago A. Pena/Lisa D. Pleva, Santiago A. Pena and Danny L. Arthur.

Commissioner Lopez offered a motion to approve vouchers, invoices, and 1st half payrolls, payrolls to be released today. Commissioner Wender seconded. Unanimous.

Patty Davis appeared before the Commission to discuss the road condition in the Corliss (Snowden Ridge Road).

Ms. Davis told the Commissioners they have tried unsuccessfully

to get the road that lead to their homes adopted by the State.

Ms. Davis told the Commissioners that Plum Creek Timber informed them that they could not give the State permission because the State might put load limits on the road.

Ms. Davis is asking the Commission if they would take over the road and scrap and gravel and help them maintain this road on an ongoing basis as needed.

Carl Harris, Prosecuting Attorney informed the County cannot take over the road.

Mr. Harris informed Ms. Davis that they might have to talk with an Attorney to have him write a letter to requiring that Plum Creek Timber repair the road that they damaged.

Commissioner Wender asked Mr. Harris if there was some way the State could repair the road. Mr. Harris replied no since the State doesn't own the road.

Mr. Harris suggested looking to see if there is any agency that could help with their situation.

Commissioner Wender asked Ms. Holly to make contact with Aaron Legg with the West Virginia Conservation Agency to see if they could assist.

Commissioner Wender asked Ms. Davis to e-mail him with more information and he will contact Mr. Legg.

Laura Sevy presented to the Commissioners a request for funding for High Country Garden Club to assist with the renovation of the old Bethel Church, amount \$3,062.00.

Commissioner Wender agreed to pay half provided that the

Community provided the other half of the funding.

Commissioner Eskew suggested a contribution of \$2,000.00 to assist with the renovation.

After a brief discussion, Commissioner Eskew offered a motion to contribute \$2,500.00 this Fiscal Year 2008 to the High Country Garden Club to assist with the renovation of the old Bethel church on Corliss Road. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of January 25 and January 31, 2008. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission would stand ready to enter into ownership agreements for properties purchased through the proposed voluntary buyout in the Dunloup Creek Watershed.

Commissioner Lopez informed structure would be required to be taken down. Commissioner Wender replied yes.

Commissioner Lopez told the Commissioners he is reluctant to make a decision on this right now. Commissioner Lopez seconded the motion. Unanimous.

The Commissioners signed a letter to the Dunloup Creek Project Team confirming the willingness of the Fayette County Commission to enter into ownership agreements for properties through the proposed voluntary buyout in the Dunloup Creek Watershed.

Dave Pollard, County Resource Coordinator gave the Commissioners an update on the Shawver Bridge/Beauty Mountain, Power Plant Road project.

Ms. Holly told the Commissioners that Harold Bragg is requesting reimbursement of the lights he purchased for Glen Jean.

Ms. Holly presented the Fiscal Year 2009 TRIDENT application for the Commission to review and sign.

Commissioner Wender offered a motion that Commissioner Eskew sign TRIDENT Grant on behalf of the County Commission. Commissioner Eskew seconded. Unanimous. Application signed.

The Commissioners signed an Order and Zoning Hearing minutes of March 7, 2008.

The Commissioner signed Order informing that the recommendation of the Fiduciary Commission be approved, and accordingly, it is the Order and Judgment of the County Commission that the Petition to Remove the Administratrix and Appoint a Substitute is hereby dismissed, and the relief requested by the Petitioner be denied. It is further Order of the County Commission that no further bond shall be required by the Administratrix.

The Commissioners signed invoice to the Fayette County Board of Education for the rental of the Fayette County Soldiers and Sailors Memorial Building, amount \$2,916.66.

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

The Elected Officials signed a letter to the West Virginia State Auditor informing that for cost/savings and efficiency purposes the policy for the purchase of commodities for various Fayette County Departments has been that the Office of the County Commission will be

the central purchasing office.

The Commissioners received and reviewed a letter from the Church Women United requesting use of the Fayette County Courthouse lawn as the location to hold their National Day of Prayer for Thursday, May 1, 2008.

Commissioner Lopez offered a motion that the Church Women United be permitted to use the Courthouse lawn for their National Day of Prayer, May 1, 2008. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve Petition to Combine or Divide and Segregate Land for Catherine O. Clark. Commissioner Wender seconded. Unanimous.

Earl Pauley, Park Superintendent brought in the title for the horse trailer from Ronald or Sandra Eagle for hauling animals at the Fayette County animal Control/NRHS, cost \$1,200.00.

The Commissioners approved to purchase a horse trailer payable to Ronald or Sandra Eagle, amount \$1,200.00, title signed.

The Commissioners approved to write a check to the Southern Appalachian labor School for the Hilltop sewer line extension, amount \$5,000.00.

Ms. Holly informed the Commissioners she received two (2) checks from the Attorney's General Office for TRIDENT Oxycotin settlement, amount \$25,000.00 and the Community Corrections Oxycotin settlement, amount \$30,000.00.

The Commissioners signed letters to Mountain View Church of God (\$5,000), Lewis Community Foundation (\$7,500), New River Humane Society (\$5,000), Fayette County Sheriff Department (\$4,800), and

Boomer Park (\$12,000) attaching a Community Participation Program Application for Fiscal Year 2008 for their projects.

The Commissioners received and reviewed a letter from Delegate John Pino informing he was able to submit the Fayette County Commission requests for the Community Participation Program.

The Commissioners approved request from Judge Paul Blake to purchase an Executive Chair for the Fayette County Probation Department, amount \$199.99.

The Commissioners received and reviewed a letter from James Perdue, Maintenance Supervisor regarding his response to the complaints he received on Donnie Austin, custodian. Ms. Holly informed the Commissioners that she reviewed the letter.

The Commissioners received and reviewed a letter from Arbuckle Public Service District informing that Jerry Keffer, Chairman has resigned and asking that Curtis Dotson be appointed to fill vacancy.

Commissioner Wender offered a motion that the Commission takes no action and asks that the request be tabled. Commissioner Lopez seconded. Unanimous.

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

The Commissioners received and reviewed from Senator Shirley Love a copy of H.B. 4527-Subdivision and Land Development Ordinance.

Commissioner Eskew received and reviewed an e-mail from Kevin White, E911 Addressing/Mapping Coordinator at the 9-1-1 Center regarding a street sign for Ms. Shrout of Glen Jean.

The Commissioners received and reviewed letters from Stafford Consultant, Inc. regarding New Haven Public Service District-Beauty Mountain/Power Plant Road/Shawver Bridge Road Status Report and New Haven Public Service District Contract Nos. 16A/16B Stringtown/Clifty Waterline.

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

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Draft 2008 Action Plan.

The Commissioners received and reviewed a copy of a letter from Harvey "Eddie" Young to Debbie Aliff, Payroll Clerk informing that effective April 1, 2008, Buren Renick will be promoted to Real Estate Supervisor at an annual salary of \$27,000.00 and John Michael Bone will take the position of Reappraisal Supervisor at an annual salary of \$23,600.00.

The Commissioners approved for the Fayetteville Junior Women's Club to plant a tree on the courthouse lawn.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement, amount \$296.00.

The Commissioners received and reviewed a letter from the Branch Banking and Trust informing that as of February 29, 2008 the securities held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a copy of a letter from the U. S. Department of Justice to the West Virginia Public Service

Commission regarding Arbuckle Public Service District (Water Operations) Case #07-0103-PWD-19A a Motion of the U. S. Department of Agriculture to Intervene.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History inviting the Commission to a reception recognizing the recipients of Records Management and Preservation Board grant for Fiscal Year 2008-09.

The Commissioners received and reviewed a letter from Wells Fargo Insurance informing that Claim #01-119644-0063 has been forwarded to the insurance carrier.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the February Table Games will be directly deposited on March 14, 2008, amount \$2,977.90.

The Commissioners signed invoices to the Town of Fayetteville for inmates confined at the Southern Regional Jail for the month of February, amount \$145.50.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing that the Fayette County Prevention Partnership and Y/FJC are putting on an Underage Drinking Town Hall Meeting on Tuesday, March 25, 2008 from 5-7 P.M. at the Lewis Community Center.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 7 to March 13, 2008, amount \$245.00.

The Commissioners received and reviewed checks from the West Virginia Development Office for Danese Public Service District Water Extension, amount \$205,971.67; and a check for 911 Fees from CityNet,

amount \$479.18.

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

The Commission reconvened at 11:20 a.m. to work on the Fiscal Year Budget for 2008-2009.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 21, 2008
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 21st day of March 2008.

Commissioner Eskew called the meeting to order at 9:15 a.m. and welcomed all the guests.

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

Commissioner Lopez offered a motion to approve and sign exonerations for personal property for Richard C. Pennington, Laura Wilma Lilly, Donna Jean and C. Reed, Melissa T. or Ronald Nichols. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign exonerations for real property for Vernon R. and Theresa Stanley. Commissioner Lopez seconded. Unanimous.

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

Commissioner Eskew asked ms. Holly if she had the list of poll officials for the upcoming Primary Election.

Ms. Holly informed the Commissioners she had notified the executive committees for the democratic and republican parties for names of the poll workers.

Ms. Holly told the Commissioners she received all the lists

except for the Valley Democratic list.

Commissioner Wender offered a motion to approve poll workers' list received from the democratic and republican executive committees for the upcoming Primary Election. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a request for two (2) letters of support from John David, Director Southern Appalachian Labor School for a Home Rehabilitation Progress Grant and a Housing Preservation Grant.

Commissioner Lopez offered a motion to sign the two letters of support for the Home Rehabilitation Program and the Housing Preservation Grant. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners they are here today to consider any objections and to officially adopt the levy rates for property taxation for the fiscal year beginning July 1, 2008.

Commissioner Lopez offered a motion to approve the County Commission Levy Order and Rate Sheet for Fiscal Year 2008-2009 (rates the same as last year). Commissioner Wender seconded. Unanimous. The Commissioners signed the Order laying the levy to be used in Fayette County for Fiscal Year 2008-2009. Kelvin Holliday, County Clerk signed the levy Rate Sheet.

Commissioner Wender informed the Commissioners that the New River convention and Visitor Bureau is asking if the Commission allocate the ½ share of the total County Revenue to the New River Convention and Visitor Bureau enabling them to pay the dues to the Southern Convention Visitor Bureau.

Ms. Holly informed the Commissioners there would need to be a contract written.

Ms. Holly told the Commissioner she would like to look at further.

The Commissioners received and reviewed a request from the Fayetteville Fairs and Festival Committee requesting use of the courthouse lawn on Friday, June 27 through June 29, 2008, and the use of the Fayette County Memorial Building, June 27 and June 28, 2008 for their Quilt Show/Antique Show.

Commissioner Wender offered a motion to approve the request of the Fayetteville Fairs and Festival Committee to use the Fayette County Memorial Building for their Quilt Show/Antique Show being held June 27 and June 28, 2008 and the use of the Courthouse property for their activities from June 27 through June 29, 2008. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to pay invoice from the Division of Highways for two (2) dump trucks used for the Armstrong Creek Project, amount \$711.92.

The Commissioners approved to pay the invoice from Election Systems and Software, Inc. for the two (2) Ivotronics purchased for the County Clerk to be used during the elections, amount \$11,250.00.

The Commissioners received and reviewed a request from Kelvin Holliday, County Clerk to purchase a typewriter for the Voter Registration Office.

Commissioner Wender offered a motion to approve request from Kelvin Holliday to purchase a typewriter at a cost no more than

\$800.00 and ask for three (3) quotes. Commissioner Lopez seconded.
Unanimous.

The Commissioners received and reviewed a letter from Okey Skidmore, Manager Fayette County Memorial Building regarding the doors at the Memorial Building.

The Commissioners reviewed the quote from Fayette Awning and Glass, Inc., amount \$20,060.00.

Ms. Holly told the Commissioners that the grant they received was for \$20,000.00 enough to pay for the doors.

Angie Groves, Region 4 Planning and Development Council appeared before the Commission for a Public Hearing to receive the citizen's comments and input of the Small Cities Block Grant (SCBG) application.

Ms. Grove told the Commissioners that this hearing is for the Commission to hear the input from the citizens and the second hearing would be for the Commission to make a decision.

Ms. Groves told the Commissioners they can submit one application per year.

Kenny Hayes, Chairman of the New Haven Public Service District spoke and gave a summary of the projects they are working on.

After a brief discussion, Commissioner Eskew informed the process has started and this is where they stand on projects. Commissioner Eskew informed they would continue to press forward.

Commissioner Eskew suggested they come back on April 7, 2008 for a follow-up meeting on the Small Cities Block Grant applications. The Commission will make a decision on which project they would make application for.

FAYETTE COUNTY COMMISSION
1ST PUBLIC MEETING
ATTENDANCE SHEET
March 21, 2008

1. Angie Groves, R4PDC

2. Kenneth Hayes WHPSD

3. Eric Zimmerman

4. Kenneth H. Carter

5. Adam Stephens

6. Jenny Becksted

7. Meredith Gregg

8. Carol Carter

9. Rodney G. Gray

10. Victoria Leonakis

11. John Hersh

12. Wanda Hersh

13. Crysty Linkenhoker

14. Jacquell Carter

15. Matt West

16. Kenneth H. Eschce

17. John H. Lopez

18. Russell Hypes

19.

20.

Commissioner Lopez requests that the Commission take a five minute recess. The Commissioner recessed the Commission meeting at 11:00 a.m.

Commissioner Eskew reconvened the Commission meeting at 11:08 a.m.

David Neal, E911 Coordinator and Kevin White, Addressing Coordinator appeared before the Commission to discuss mapping/addressing software.

Mr. Neal is requesting that the Commission purchase the software.

Mr. Neal told the Commissioners that PTS Solution had approved to do on temporary basis. The software works very well, and they are 85% complete on the entire project. Mr. Neal told the Commissioners the software helped a whole lot.

Kevin White told the Commissioners they need this software to maintain the upkeep of their project.

Commissioner Wender offered a motion to authorize David Neal, E911 Coordinator to write a request for proposals and proceed with advertising. Commissioner Lopez seconded. Unanimous.

The Commissioners met with the elected Officials to inform them that at 9:30 a.m. this morning they approved the County Budget for Fiscal Year 2008-2009.

Commissioner Eskew informed the Commission tried to honor all budget request that was submitted, was able to provide a \$100.00 across the board raise for all the employees, the Commission picked up the PEIA increase.

Commissioner Lopez asked the elected officials if they had any

suggestions regarding the increase in PEIA coverage.

Commissioner Eskew told the elected officials he appreciate their work.

Commissioner Lopez commended Eddie Young, Assessor for his work.

Sheriff Laird informed the Commissioners that it was a pleasure to be a public official in Fayette County.

The Commissioners signed drawdown request to the West Virginia Development Office for Fayette County Commission-Page/Kincaid Public Service District-Ingram Branch Wastewater Project, amount \$84,854.85.

The Commissioners signed Request for Project Amendment to the West Virginia Development Office for Fayette County Commission-Page/Kincaid Public Service District-Ingram Branch Wastewater Project.

The Commissioners reviewed their agenda for April and May as shown below:

April 7	Regular Commission meeting	9:00 a.m.
April 15	Regular Commission meeting	9:00 a.m.
	Test Paper & IvoTronics for early voting	
April 18	Regular Commission meeting	9:00 a.m.
May 6	Regular Commission meeting	9:00 a.m.
	Test tabulator M650	10:30 a.m.
	Test ERM, Test IvoTronics and Inspect poll books	
May 16	Special Commission meeting	9:00 a.m.
	Canvass	
May 21	Regular Commission meeting	9:00 a.m.

Ms. Holly informed the Commissioners that in January the Internal Revenue Service had increased their mileage to 50½ cents, and the U. S. General Service Administration had not increased their mileage.

Ms. Holly told the Commissioners she looked on the internet had found that the U. S. General Service Administration had increased their mileage effective March 19, 2008.

Commissioner Lopez offered a motion to increase the mileage to 50½ cents effective March 19, 2008. Commissioner Eskew seconded. Unanimous. Order signed.

The Commissioners signed a letter to the West Virginia Development Office requesting first drawdown for the street lights along McKell Avenue in Glen Jean, amount \$1,110.74.

The Commissioners received and reviewed a copy of an All-Star Facilitator Agreement from Fayette County Prevention partnership (SPF-SIG Grant).

The Commissioners signed Requests for Reimbursements to the West Virginia Division of Criminal Justice Services for Just For Kids, amount \$1,100.46 and the Community Corrections Grant, amount \$9,724.39.

The Commissioners received and reviewed information from the Historic Fayetteville Convention and Visitor Bureau regarding the West Virginia Civil War Trails.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 14 to March 20, 2008, amount \$125.00.

The Commissioners received and reviewed a letter from the Bank of Mount Hope regarding low and moderate income families in Raleigh and Fayette Counties.

The Commissioners received and reviewed a letter from Delegate David Perry giving a count of all the resolutions that were introduced in both bodies and the number of bills that completed the legislative process and were sent to the governor for his approval during the

official West Virginia Legislature session.

The Commissioners received and reviewed a letter from the West Virginia Development Office a copy of the grant award for Fayette County Commission-County Park, street Lights, and Skate Park for the Governor's Community Participation Grant, Project #07LEDA0069.

The Commissioners received and reviewed a letter from the State Department informing they reviewed the reserve coal values for Vernon and Theresa Stanley for possible appraisal error(s) for Tax Year 2008. There review indicates that a clerical error occurred and the recommended appraisal change for the account has been made.

The Commissioners received and reviewed from The Boeing Company KC-767 Advanced Tanker (AT) Information Package.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History informing that the reception recognizing the recipients of Records Management and Preservation Board Grant has been rescheduled for 11:00 a.m. on Thursday, April 3, 2008.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for informing him of their views about an economic stimulus bill.

The Commissioners received and reviewed an Accident Report regarding Deputy Deanna Saxton.

The Commissioners received and reviewed from Tim Richardson, Zoning Officer, a list of the Fayette County Subdivision Development Rezoning approved by the Fayette County Commission.

The Commissioners received and reviewed a copy of a letter to

Senator Shirley Love from the Senate Finance Committee giving a list of the 2007/2008 Community Participation Projects submitted on behalf during the 2007 Legislature Session and approved by either the Governor's office or the Department of Education.

The Commissioners received/reviewed and signed Grant Application to the West Virginia Division of Criminal Justice Services for Just For Kids, Inc.

The Commissioners signed order having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank, does hereby order the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured.

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

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding a Workers' Compensation claim for Athylene L. Grimmatt.

The Commissioners received and reviewed a letter from Wells Fargo informing that Claim #01-119644-0064 has been forwarded to our insurance carrier.

The Commissioners received and reviewed from the West Virginia Association of Counties a list of the new Classification of Counties.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ms. Holly regarding Policies and guidelines for

Outside Agency Request for funding.

The Commissioners received and reviewed an e-mail from John David to Commission Wender asking if the Southern Appalachian Labor School (SALS) could use the Memorial Building to house approximately 150 volunteers. The Commissioners denied Mr. David's request.

The Commissioners received and reviewed an e-mail from Lucinda Potter informing that the Local Government leadership Academy (LGLA) Spring 2008 Agenda has been revised to include another core course on Sunday afternoon.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing of the next Y/FIC meeting scheduled for Thursday, March 20 at the Department of Health and Human Resources (DHHR) Office in Oak Hill.

The Commissioners received and reviewed checks for 911 Fees from One Communications, amount \$2,029.24, Verizon, amount \$30,777.91, AT&T, amount \$440.00, Mountain Communication, LLC, amount \$36.02; Jail Fees-Town of Fayetteville, amount \$242.50; Supreme Court-Rent FLM, amount \$2,025.00; Soldier and Sailors Memorial, amount \$25.00; and Copies, amount \$187.50.

The meeting was adjourned at 1:30 p.m. The next scheduled meeting is April 7, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 6, 2008
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 6th day of May 2008.

Commissioner Eskew called the meeting to order at 9:35 a.m.

Ms. Holly asked the Commissioners if they had any canvass workers for the Primary Canvass.

Ms. Holly informed the Commissioners that the ballot room has to be unlocked Wednesday, May 7, 2008 to carry down supplies.

Ms. Holly told the Commissioners they have to be here Tuesday, May 13, 2008 at 8:30 a.m. to test machines. Commissioner Wender and Commissioner Eskew will be available at 8:00 a.m. to unlock.

Discussion was held regarding the shooting range at the Fayette County Park.

Commissioner Wender suggested asking Earl Pauley, Park Superintendent to give a breakdown of what all has been done and what needs to be done at the shooting range and if he has enough people to do the work, materials, hours of labor, and if he has the manpower to complete the project.

The Commissioners suggested going to meet with Mr. Pauley on May 13th to look at the shooting range.

Carl Harris, Prosecuting Attorney will meet with Jodie Meadows to discuss what he thinks needs to be done.

Eddie Young, Assessor presented exonerations to be approved and

signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign exonerations for real property tax for Calvin and Margaret Foster, Duane and Donna L. Peyatt, Thomas L. Ballard, Jr., and Garfield Bohanna, Jr. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign exonerations for personal property tax for Rosalie Smith, Sandra L. and Lloyd A. Bellew, Toney C. and Mary J. Brown, John Traynham, Matthew Bowyer, Nancy Jane Lilly, Leslie D. Hatcher, II, David R. and Marie B. Kauff, Shauna and Charles Johnson, Carlyle Fitzgerald, Henry H. and Sandra K. Niday, Bernard G. and Helen Blake, James K. and Oma and Miranda Bailey, Chen Ying, Daniel C. and Heather B. Ooten, Ida Stafford, and Dale Patterson. Commissioner Lopez seconded.

Unanimous.

Commissioner Lopez offered a motion to approve a refund for Thomas L. Ballard, Jr., amount \$140.04. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and the first half payrolls, payrolls to be released on May 15, 2008. Commissioner Wender seconded. Unanimous.

Discussion was held regarding releasing the payrolls early.

Commissioner Wender offered a motion that the policy of the Fayette County Commission to release paychecks on the 15th and 30th if a weekend or holiday the paychecks will be issued the Friday before. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew asked if there were any minutes to be

approved. Commissioner Wender replied no.

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

Ms. Holly informed the Commissioners she received a certified letter from the WV Land Portfolio, LLC requesting that the Commission send their decision on the six additional parcels (9999-0609-3014, 9999-0609-3032, 9999-0609-2694, 9999-0609-2809, 9999-0609-2783, and 9999-0609-2747) that was reviewed.

Carl Harris, Prosecuting Attorney informed the Commissioners that they are not sitting as Board of Equalization and Review today, and they do not need a motion.

Commissioner Wender suggested sending a letter to WV Land Portfolio, LLC to inform them that the Commission sitting as a Board of Equalization and Review in February 2008 in accordance with the evidence presented and the recommendation of the State of West Virginia Department of Tax and Revenue did not change the values on the properties.

Carl Thompson, Agent for the Fayette County Extension for Community and Economic Development appeared before the Commission to give an update on the Extension projects. (See attached)

Commissioner Lopez offered a motion to recess the County Commission meeting to test tabulator M650, ERM, iVotronics, and inspect poll books. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she received an e-mail from Ron Booker, Commander TRIDENT Drug Task Force informing that he is preparing a proposal to purchase a new TRIDENT vehicle for a Fayette

Fayette County Extension for Community & Economic Development

Agent: Carl Thompson
Monthly Programmatic Brief
Ending: April 30, 2008

Agent- Carl Thompson

Visited one new farmland applicant near Corliss...Family may be interested in donating their 300 acre farm to the Farmland Protection program. Solicitation of Appraisal and Survey Services for Springdale Farm. Regular meeting of Fayette Farmland Board. Met with several people interested in getting support and possibly developing a collaborative for a natural/organic farm initiative.

Facilitated the above mentioned Farmland activities.

Attended Sustainable Tourism seminar on WVSU campus. Program featured the *Handmade in America* program with a panel discussion on the vision of replication of the Handmade program in West Virginia.

Knowledge gained is clearly beneficial as we work toward more sustainable tourism-based economic development tools.

Participated in West Virginia Farmland Association's quarterly forum. Central to local efforts are a lack of federal matching funds at present and the development of an additional State Funding mechanism.

Continual collaboration and exchange between state leaders and local boards to enhance and promote the benefits of Farmland Protection.

Meadow River Rail to Trail Initiative. Engaged in numerous conversations, conference calls and research to get oriented to new role as Fayette County point person for the Meadow River Rail to Trail proposal.

Submitted application for collaborative proposal between Fayette and Greenbrier Counties to potentially use the abandoned rail line which under the current proposal consist of 16.7 mile from the intersection of Glade Creek and the Meadow River to below Russellville. Toured points on the trail. Set tour date for others interested.

Along with key West Virginia State Extension staff, met with Natural Capital Investment Fund staff regarding a variety of issues pertinent to West Virginia State University Extension collaborations and initiatives.

Will continue to collaborate with Natural Capital Fund staff and connect potential projects to that resource.

Worked with key partners to develop a revised work plan.

Provided written and oral recommendations.

At the request of 4-C EDA, researched potential business locations for a company interested in expanding business to 4-C region.

Identified several potential business sites and provided that to 4-C.

County Deputy. Mr. Booker informed that he would like to trade-in the 2004 Expedition for a 2008 Tahoe. The Tahoe price is only valid until May 21, 2008.

Mr. Booker told the Commissioners that if he gains approval to buy the Tahoe, will it be possible to obtain the Expedition's title by May 19, 2008.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign title if the Sheriff approves request. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve Petitions to Combine or Divide and Segregate Land for Patrick Sheridan Lockard, Joseph B. Syner, Jr. etux and Shea D. Wells. Commissioner Wender seconded. Unanimous.

The Commissioners signed letters to the West Virginia Development Office asking for extension of grants that is due for June 30, 2008 for Multi-Cap Watch Me Grow, Oak Hill Rail Trail, Multi-Cap, Inc. Handyman Program, UKV Chamber of Commerce, UKV Community Center, Historical Society, Tourism and Recreation, North Sand Branch Baptist Church, Starting Points, County Park, Street Lights, New River Birding Program, New River Health Association, Inc., New River Health Center, Gauneka Ruritan Club, Lewis Community Building, Just for Kids, New River Humane Society, Mountain View Church of God, Fayette County Sheriff's Department, Boomer Park, White Oak PSD, Boomer Park, Lewis Community Foundation.

Ms. Holly told the Commissioners she will be sending a drawdown to the West Virginia Development for \$10,000.00- for the tractor not the sawmill. Ms. Holly asked the Commissioners if they would inform Senator Shirley Love.

Commissioner Lopez informed he would talk with Senator Shirley regarding the tractor.

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

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

The Commissioners signed a Community Participation Program Grant for the Lewis Community Foundation.

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

The Commissioners received and reviewed a letter from the Fayette County Health Department informing that the term of Jack Tamplin a member of the Fayette County Health Department will expire on June 30, 2008 and recommending that he be reappointed for a five (5) year term to expire June 30, 2013.

Commissioner Lopez offered a motion to reappoint Jack Tamplin, a member of the Fayette County Board of Health term to expire June 30, 2013. Commissioner Wender seconded. Unanimous. Order and a letter

of appointment to serve signed.

Commissioner Wender offered a motion to appoint Jo Harris to the 4-C Economic Development Authority Board of Directors to replace Ann Cavalier effective May 6, 2008. Commissioner Lopez seconded. A letter signed.

Ms. Holly told the Commissioners she received a call from Barbara Mackey regarding a tree by her property along the Oak Hill Trail. Ms. Holly told the Commissioners that Tom Oxley, City Manager of Oak Hill had advised her to call her because the tree is not on her property.

Ms. Holly told the Commissioners she e-mailed Mr. Oxley and asked him whose property is the tree on, and what did he advise should be done about the tree?

Ms. Holly told the Commissioners she received an e-mail back from Mr. Oxley informing the tree is on the old railroad property, which currently is owned by the County. Mr. Oxley told Ms. Holly until the property becomes that of the City, he does not feel comfortable in making that decision for the County.

The Commissioners asked Ms. Holly to have Bob Blackburn go out and check this property to see who owns the property where the tree is located.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer informing he received resignations from two members of the Fayette County Planning and Zoning Commission (Leon Cooper of Hico and Wanda Dickinson of Oak Hill).

Commissioner Wender asked Tim Richardson to send him a copy of the Fayette County Planning and Zoning Commission attendance.

The Commissioners received and reviewed a Public Notice from the Fayette County Board of Health informing of the changes considered to the Fayette County Clean Indoor Air Regulation adopted May 1, 2005.

The Commissioners received and reviewed a request for funding from the New River Youth Symphony and Chorus.

Commissioner Wender offered a motion to approve a contribution of \$500.00 to the New River Youth Symphony and Chorus. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew suggested to the Commissioners to contribute funds to SELF.

Commissioner Wender suggested asking Margo Brooks to send a request.

The Commissioners received and reviewed a letter from Janette Woodrum, Chief Probation thanking the Commissioners for the purchases of an office chair, computer desks and the beautiful paint job for their office.

Ms. Woodrum is also requesting the purchase of office furniture for their office, amount \$4,662.00.

Commissioner Lopez offered a motion to approve purchase of office furniture for the Probation Office, amount \$4,662.00. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners they have to unlock ballot room and iVotronic room.

The Commissioners suggested leaving keys with Ms. Holly and approved maintenance department personnel to unlock ballot room and iVotronic room.

Ms. Holly reminded the Commissioners that the County Clerk's Office will be giving out supplies on Thursday, Friday and a ½ day Saturday, and the Commission has to unlock May 13, 2008 at 8:30 a.m. to test machines.

Ms. Holly presented an Order and letters to the Commissioners to approve and sign incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 1, 2008 (Fayette County National Bank, Chase (formerly Bank One Beckley, WV, N.A.), Bank of Mount Hope, Branch Banking and Trust (BB&T), United Bank, City National Bank of West Virginia).

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulating the Commission on Governor Manchin's recent fiscal year 2007 Community Participation Grant award, in the amount of \$6,000.00 to renovate the New River Health Center in Scarbro.

The Commissioners received and reviewed a thank-you letter from the Church Women United for the use of the courthouse lawn and the supplying of electricity used to run the sound equipment for the observance of National Day of Prayer.

The Commissioners received and reviewed from the Southern West Virginia Convention and Visitors Bureau their 2008 Marketing Plan.

The Commissioners received and reviewed a letter from Senator John Rockefeller inviting the Commission to attend the third West Virginia Summit on Homeland Security, June 1-2, 2008 at the Waterfront Place Hotel.

The Commissioners received and reviewed a letter from the

Division of Highway asking that they make available (to anyone who wishes to review) the proposed amendments to the approved 2008 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed a letter from the West Virginia Department of Transportation Division of Highways in cooperation with the Federal Highway Administration (FHWA) announcing the availability of Safe Routes to School Program Grants for Fiscal Year 2009.

The Commissioners received and reviewed the Fayette County Planning Commission minutes of April 28, 2008.

The Commissioners signed the Department of Homeland Security Federal Emergency Management Agency applications for Nicole L. Kessler and Matthew Allen Ballard.

The Commissioners signed a letter to the Surface Transportation Board regarding CSXT Transportation, Inc.-Abandonment Exemption-Greenbrier and Fayette County, WV-AB-55 (Sub. No. 682x).

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing funds due for the 75% of the coal severance tax will be deposited on April 24, 2008, amount \$99,524.93.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing funds due for the 25% of the coal severance tax will be deposited on April 25, 2008, amount \$28,519.55.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of April 22 and April 23, 2008.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety informing the

Homeland Security sub-grant to the Fayette County Commission is currently delinquent for submitting January, February, and March 2008 final monthly reports.

The Commissioners received and reviewed a letter from the Fayette County Board of Education informing they voted unanimously to commit \$2,000.00 to the Fayette County Commission to assist with expenses related to the May 13, 2008 Primary Election.

The Commissioners received and reviewed from the Office of the State Treasurer informing funds due for the March Limited Video Lottery will be deposited on April 25, 2008, amount \$7,256.55.

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

The Commissioners received and reviewed a reminder from the Certified Elevator Inspection Services informing they will be here on May 8, 2008 to perform an inspection on the elevator at the Courthouse Annex.

The Commissioners received and reviewed a notice from the Division of Criminal Justice Services announcing the availability of monies from the Purdue-Pharma asset forfeiture to expand the current Prevention Resource Officer Program.

The Commissioners received and reviewed a letter from the West Virginia America Water informing they are a publicly traded company once again.

The Commissioners received and reviewed a copy of a memo to Beth Gardner, Mayor Hannabass, Gary Harding, Chief Workman regarding

parking at City Park and the Rail Trail.

The Commissioners received and reviewed a letter from Debbie Tate, 4-H and Youth Development Agent with the WVU Extension Office requesting a contribution of \$50,000 to help offset the expense of the Fayette County 4-H Camp.

The Commissioners received and reviewed from the Fayette County Solid Waste Authority a proposed equipment and price list, amount \$1,356.68.

The Commissioners suggested to Ms. Holly to ask Sheriff Bill Laird to get written quotes and get back with them.

Commissioner Lopez offered a motion to approve purchase of the equipment for the Fayette County Solid Waste Authority. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the U. S. Attorney's office Northern District of West Virginia inviting the Commission to attend a Gang Summit on May 29, 2008 at Bridgeport Convention Center.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of the Commission's request for the amount of \$260,425 in Community Corrections Grant.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing their Community Corrections Specialist, Kelli Frazier, has scheduled an on-site monitoring visit on April 23, 2008 at 10:00 a.m.

The Commissioners received and reviewed a letter from the

Division of Criminal Justice Services informing they have scheduled the Fayette County Commission Community Corrections Program to present its grant application to the Community Correction Subcommittee (CCS) of the Governor's Committee on Crime, Delinquency and Corrections (GCCDC) on Tuesday, May 20, 2008 at 11:30 a.m.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Service for the Community Corrections Grant, amount \$8,820.36 and TRIDENT, amount \$2,016.78.

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

The Commissioners received and reviewed a copy of a letter from the West Virginia Legislature to the County Clerk regarding information needed in order to update the federal maps for Census 2010.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Revenue Report for the month of April and New River Humane Society allotment for the month of May, amount \$13,523.81, and Weekly Fees Collected for the week of April 11 to April 17, 2008, amount \$148.00, the week of April 18 to April 24, 2008, amount \$220.00, and the week of April 25 to April 30, 2008, amount \$835.00 and May 1, 2008, amount 4100.00.

The Commissioners received and reviewed letters from Wells Fargo informing claim #01-119644-0066-Sondra Tucker claimant and claim #01-119644-00067 has been forwarded to our insurance carrier.

The Commissioners received and reviewed from Travelers the

Estimates for the Animal Shelter Truck and Deputy Steve Yarber's cruiser.

The Commissioners received and reviewed checks for 911 Fees from Level 3 Communications, LLC, amount \$246.00, Cequel Communications Holding, ME, amount \$1,298.00, Mountain Communications, amount \$45.82, ClearTel Communications ME, amount \$12.00, Access Point, Inc. amount \$1,594.00, IDT Corporation, amount \$34.00, Granite Telecommunications, LLC, amount \$146.00, Spectrotel, Inc., amount \$42.00, Matrix Business technologies, amount \$48.00, One Communication, amount \$2,029.24; WV Development Office-Mount Hope Lions Club Grant, amount \$1,499.92, Armstrong Creek VFD, amount \$1,500.00, Page-Kincaid PSD-Ingram Branch Wastewater Extension, amount \$84,854.85 and Sportsman Recreation Center, amount \$9,599.92; Soldiers and Sailors Memorial Fund, amount \$25.00; Secretary of State-Voters Registration, amount \$154.00; 911 Fund-Hamilton, Burgess, Young and Pollard PLLC, amount \$50.00; Reimbursement-City of Beckley, amount \$7,686.00; Franchise Fees-Suddenlink Communications, amount \$28,935.91, Bradley Communication, amount \$843.94; Jail Fees-Town of Fayetteville, amount \$242.50; Travelers-Insurance Claims, amount \$1,288.96; Criminal Justice-Just for Kids, amount \$1,036.00, SPFSIG, amount \$4,171.78, and TRIDENT, amount \$1,330.35.

The Commissioners received and reviewed a letter from BrickStreet regarding a Workers' Compensation claim.

The Commissioners received and reviewed an e-mail from Barbara Harmon, Cash Management Division/Unclaimed Property Inc. inviting the Commission to attend the State of West Virginia Treasurer's Office

2008 Unclaimed Property Holder Workshop

The Commissioners received and reviewed an e-mail from Dave Pollard regarding grant application for White Oak Public Service District.

The Commissioners received and reviewed an e-mail from Denise Fergurson, WV Archives and History Library regarding the 3rd Quarter Reports for Records management Preservation Grant that's due.

The Commissioners received and reviewed an e-mail from Lucinda Potter, Coordinator, Local Government Leadership Academy inviting the Commission to attend the Housing Assistance Council Conference being held June 4-5, 2008.

The Commissioners received and reviewed an e-mail from Amber Marstiller informing of the Clean Indoor Air Regulation for Fayette County has been released for 30 day comments.

The Commissioners received and reviewed an e-mail from Dave Savilee, WV Wilderness Coalition informing that the Wild Monongahela Bill passed the U. S. House of Representatives on April 22, 2008.

The Commissioners received and reviewed an e-mail from Karen Larson, RTPCC-H informing that the Mini-Grants for Tobacco Prevention are available.

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

The meeting was adjourned at 1:05 p.m. The next scheduled meeting is May 16, 2008.



Kenneth E. Jones

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 16, 2008
COURTHOUSE

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

The Fayette County Commission met in a special session this 16th day of May 2008 at 8:55 a.m. to conduct the canvass for the Presidential Primary Election held on May 13, 2008.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing of the six (6) precincts (Precincts 60, 65, 67, 68, 72 and 74) envelopes containing paper ballots that were not ran through the M650 election night.

Mr. Holliday informed the Commissioners he has called the Secretary of States Office and talked with Jason Williams, Elections Division Chief.

Commissioner Eskew informed there was a total of 74 ballots that were not counted.

Carl Harris, Prosecuting Attorney told the Commissioners that these ballots should be counted.

Commissioner Wender offered a motion that the ballots are included and counted during the Canvass Board and a letter from Kelvin Holliday, County Clerk be attached to the minutes. Commissioner Lopez seconded. All approved.

Carl Harris, Prosecuting Attorney explained to everyone present the procedures on how the canvass would be conducted.

Commissioners Lopez pulled the two (2) precincts that had to be hand counted (Precinct 42 and Precinct 45).


Linda Johnson, Chief Deputy in the County Clerk's Office swore in all the election workers.

Attached is a list of all the challenged votes that were approved and not approved by the Commissioners.

The Commissioners and the members of the Fayette County Board of Education signed an Order certifying the results of the Fayette County Board of Education Special Levy Election authorizing the continuation of Additional Levies for the fiscal years beginning July 1, 2009, July 1, 2010, July 1, 2011, July 1, 2012 and July 1, 2013.

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

The canvass was concluded at 3:15 p.m. The next scheduled meeting is May 21, 2008.





KELVIN E. HOLLIDAY

CLERK, COUNTY COMMISSION OF FAYETTE COUNTY
FAYETTEVILLE, WEST VIRGINIA 25840
(304) 574-4226

LINDA K. JOHNSON, Chief
SHERRY DAVIS, Index Clerk
STEPHANIE J. HARRAH, Probate Clerk

KAYE SMITH, Deputy
TRACI SUTPHIN, Deputy
TREATHA SEXTON, Registrar

May 15, 2008

To: whomever it may concern

In the midst of my preparation of materials for the 2008 primary election canvass to be held May 16, 2008, I found today at my safe six envelopes containing paper ballots I will certify were not run through election night on the M650, an unintentional error by my staff.

I notified at once this morning Jason Williams, Elections Division Chief for the W.V. Sec. of State, and was directed to proceed as follows:

- 1) determine all absentee ballots in affected precincts 60, 65, 67, 68, 72 & 74;
- 2) determine all early voters affected in precincts listed above by matching paper ballot stub with poll slip, which I did over several hours with part-time clerk Alicia Treadway;
- 3) determine category totals by political party in points one and two and match these totals with ballots found in precinct envelopes specified above;
- 4) document conclusion of this process (by this letter).

My list of affected voters was not finalized until mere moments before quitting time at 4 p.m. once all proper linkage of ballots concluded. Thus, my efforts to notify my Prosecutor, Co. Administrator, and two of three Co. Commissioners this date failed due to the lateness of the work hour, with the exception of Commissioner Matt Wender who was given a summary of the above.

I recommend counting at canvass, with attached lists and ballots totalling:

- | | |
|----|----------------------------|
| 1 | Non-partisan (Independent) |
| 8 | Republican |
| 65 | Democrat |
| 74 | Total |

I am available at any further time to discuss my process or findings.

Sincerely,
Kelvin Holliday
Kelvin Holliday

DEMOCRAT (65)

PCT NAMES

- 60 WILBUR LEWIS, SHAWN EVANS, PAUL & VERA RAMSEY, PHILLIP MARTIN, JACK BRAGG, NEIL & PATRICIA DAVIS, TIMOTHY, ROSE & EMILY BROWNING, LINDA BARTON, SCOTT & KATHY WILSON, JAMES D. & PATRICIA MCGRAW, VERNA WALKUP, GARNETTE BRAGG, LOUETTA & TEX KOCH. (20)
- 65 DORA CHRISTIAN, MARGARET ARNOLD, SAMUEL & JANET PAUL, SANDRA CUTRIGHT, JOANN COY, JULIAN SETTLE III, CAROL WILSON, JOY MARR. (9)
-
- 67 JOHN SEELINGER, DEBORAH BRYANT, MARY CRIST, RANDY BOYD, LLOYD HARRELL JR., DAWN THARP, ANNA ALLPORT, ROBERT LEGG, MYRON WOOD, GERRRI JONES, ALAN WELLS, CHARLES W. BRYANT. (12)
- 68 THELMA HENSON, PEGGY & RICHARD DAY, DENNIS HAZELWOOD, MILDRED MCGRAW, TIMOTHY PENN. (6)
- 72 LINDA BOLEY, DOROTHY FOSTER, WILLIAM & SANDRA TONEY, DOUGLAS & PATRICIA CHURCH, GEORGE CAMPBELL, MELINDA & HERSHEL MIGNOR. (9)
- 74 JAMES & KIMBERLY MAXWELL, WALLIS CARMICHAEL, ELIZABETH FRAME, MARY VANDALL, ALMA & CHARLES ISAACS, JOHN & MELVIN FRAME (9)
-

2008CANVASS PAPER BALLOT CHECK, 60-74

REPUBLICAN (8)

60 DEAN DANAS

65 SARAH MORRIS

67 BARBARA WELLS, WILLIAM O'DELL

68 SARAH SMITH

74 LILA CROOKSHANKS, KIMBERLY KEENEY, VIRGIE MCCLING

INDEPENDENT (1)

60 TIMOTHY SPENCER

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 1 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 5

Primary Only: Democratic Ballots: 5
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: 4

Primary Only: Democratic Ballots: 4
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

John Lopez made a motion to count the ballots of the following challenged voters. Matt Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Kathleen Fitzpatrick	D.	not in book	Found
Mable C. Arrington	D.	" "	"
Juanita Mc Query	D.	" "	Found
Karen S. Goins	D.	" "	"

M. Wender made a motion not to count the ballots of the following challenged voters. J Lopez seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Mark Keith Grasty	D	Poll. clerk d.d not sign	per Carl Harris

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 4 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 9

Primary Only: Democratic Ballots: 9
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: 5

Primary Only: Democratic Ballots: 5
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

John Lopez made a motion to count the ballots of the following challenged voters. Matt Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Frank Spangler, Jr D.		was not in book	Found
Sherry Lynn McGee D.		Reg. not found	voter card
Wanda Droppleman D.		Name not in book	Found
John Jason Treadway D.		Name not in book	"
Wanda Stewart D.		" " " "	"

John Lopez made a motion not to count the ballots of the following challenged voters. Matt Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Joetta Haggerty D.		not Found	
Janny Setf D.		" "	
Jamie Marie Sharp D.		" "	
Donna Webb D.		" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 5 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 12

Primary Only: Democratic Ballots: 11
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: 6

Primary Only: Democratic Ballots: 5
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Lisa Kinsler	D.	Different Prec.	OK
Jessica Stone	R.	Elect. off.	
Anthony Scott Spardaro	D.	Not in book	
Beatrice Bowles	D.	voter moved	
Jared R. Sowder	D.	not found	
Alan Kinsler	D.	voter moved	Adequate time

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Amanda Berry	D.	Not Fd.	
Melanie Lawhorn	D.	"	
Re. d Eubine	D.	"	
Angela Cosby	D.	"	
Patricia Brown	D.	"	
Clarice A. Cosby	D.	"	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 9 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 1

Primary Only:	Democratic Ballots:	<u>0</u>
	Republican Ballots:	<u>1</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>

Total Number of Provisional Ballots counted at canvass: 1

Primary Only:	Democratic Ballots:	<u>0</u>
	Republican Ballots:	<u>1</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>

John Lopez made a motion to count the ballots of the following challenged voters. Matt Wender seconded the motion.

Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Richard A. Basham	R.	Election Off.	

_____ made a motion not to count the ballots of the following challenged voters. _____ seconded the motion.

Vote: _____ aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
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FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 10 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 5
 Primary Only: Democratic Ballots: 2
 Republican Ballots: 3
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: 4
 Primary Only: Democratic Ballots: 1
 Republican Ballots: 3
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

John Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Kathryn J. Bailey		Elect. off.	
David E. Pratt	R.	" "	
Holly C. Bumell	D.	Not in Book	Found
Cynthia L. Miller	R.	Elect. official	

John Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
David Frady	D.	not in Book	not Fd.

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 11 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 5

Primary Only: Democratic Ballots: 3
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 Unknown party: 2

Total Number of Provisional Ballots counted at canvass: 1

Primary Only: Democratic Ballots: 1
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

John Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Allison Murray	D.	not in book	Found computer

John Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Theodore G. Kan. a. Jr.		Not Fd.	
Cory A. Powell		" "	
Jennifer E. Powell	D	" "	
Israel Gilkey	D.	moved	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 12 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 9

Primary Only: Democratic Ballots: 6
 Republican Ballots: 2
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 unknown party: 1

Total Number of Provisional Ballots counted at canvass: 5

Primary Only: Democratic Ballots: 4
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Kelly Masters	D.	Not Found	Found
Ashley N. Taylor	D.	" "	Found
Edgar Ray Watts	D.	" "	Found
Janice L. Ross	D.	" "	"
Alaina Cayton	R.	Elect. official	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Summer Fleming		Not Fd.	
Danny R. Nichols	D.	" "	
Shannon M. Richardson	D.	" "	
Jeremy Price	R.	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 13 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 5

Primary Only: Democratic Ballots: 3
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 Unknown: 1

Total Number of Provisional Ballots counted at canvass: 3

Primary Only: Democratic Ballots: 2
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

John Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Thomas Stevens	D	Vote Dem.	
Jeanette Burns	R	Elec. official	
Matthew A. Ryan	D	Not. Fd.	

John Lopez made a motion not to count the ballots of the following challenged voters. E. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
No Name			
Heat Nicole L. Carte	D	Not Fd.	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 15 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 5

Primary Only: Democratic Ballots: 2
 Republican Ballots: 2
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____

Primary Only: Democratic Ballots: 1
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

1 absentee Military
3

1 absentee Military

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.

Vote: 3 aye _____ nay

Challenged Voter Party Reason for Challenge Reason Challenge Removed

Richard Bowyer Fd. + ballot signed
 Sara Stein D. Elect. off.
 Jacob Crist R. " "

Military Abs.

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.

Vote: 3 aye _____ nay

Challenged Voter Party Reason for Challenge Reason Challenge not Removed

No Name
 Kara Shurenak R. moved
 Mary V. Pearson D. Not Found

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 17 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 7

Primary Only:	Democratic Ballots:	<u>5</u>
	Republican Ballots:	<u>2</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>

Total Number of Provisional Ballots counted at canvass: 3

Primary Only:	Democratic Ballots:	<u>3</u>
	Republican Ballots:	<u>0</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>

J. L. made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
William E. Graham	D.	Early vote question	
Adam Eddie Osborne	D.	Not in book	Found
Anthony Trenton Kania	D.	" " "	Found

John Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Kevin J. Wriston	R	Not Found	
Gary A. Nolin	R	" "	
Danny R. Cooper	D.	" "	
Patrick S. Davis	D.	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 18 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 7

Primary Only:	Democratic Ballots:	<u>7</u>	
	Republican Ballots:	<u>0</u>	
	Mountain Ballots:	<u>0</u>	
	Non-Partisan Ballots:	<u>0</u>	

Total Number of Provisional Ballots counted at canvass: _____ 3

Primary Only:	Democratic Ballots:	<u>3</u>	
	Republican Ballots:	<u>0</u>	
	Mountain Ballots:	<u>0</u>	
	Non-Partisan Ballots:	<u>0</u>	

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wendor seconded the motion.
 Vote: 3 aye _____ nay

Challenged Voter	Party	Reason for Challenge	Reason Challenge Removed
Danielle Hart	D.	Voted out of Prec.	
Thomas M. Settle	D.	Not Fd.	Found
Rebecca Webb	D.	Voted out Prec.	

M. Wendor made a motion not to count the ballots of the following challenged voters. J. Lopez seconded the motion.
 Vote: 3 aye _____ nay

Challenged Voter	Party	Reason for Challenge	Reason Challenge not Removed
Ruby E. Bravo	D.	Not Fd.	
Elanda Wright	D.	" "	
Billy Dale Smith	D.	" "	
Jason K. Obyan	D.	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 19 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 9

Primary Only: Democratic Ballots: 8
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____ 8

Primary Only: Democratic Ballots: 7
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Wiley Gardner	D.	Not Fd.	Fd.
David A. Pitt	R.	Elect. official	
Marvin Prevost	D.	Moved.	OK
Betty Jo. Biggs	D.	Not. Fd.	Fd.
Roxanna Adkins	D.	Not. Fd.	Fd.
Samonie Million	D.	" "	Fd.
Jonathan Cole	D.	" "	Fd.
Larry A. Richardson	D.	" "	Fd.

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Gregory O'Neil	D.	Not Fd.	

②
**FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008**

Precinct # 23 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 13

Primary Only:	Democratic Ballots:	<u>2</u>	
	Republican Ballots:	<u>5</u>	
	Mountain Ballots:	<u>0</u>	
	Non-Partisan Ballots:	<u>0</u>	
			<u>1 no name</u>

Total Number of Provisional Ballots counted at canvass: _____ 9

Primary Only:	Democratic Ballots:	<u>4</u>	
	Republican Ballots:	<u>5</u>	
	Mountain Ballots:	<u>0</u>	
	Non-Partisan Ballots:	<u>0</u>	

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Phyllis Putnam	R.	Elec. Off.	
Christina Bailey	R.	" "	
Mark S. Romage	R.	" "	
Fred Coleman	R.	" "	
Jonathan Bailey	R.	" "	
Sonja Mehla	D.	Voter moved	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Tia Dawn Champion	D	Not Fd	
No Names			
Kenal Sipiloat	D.	Rep voting D.	
Steven Leonard	D.	on Absentee List	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13; 2008

Precinct # 24 District Plateau

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 1

Primary Only: Democratic Ballots: 0
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: 1

Primary Only: Democratic Ballots: 0
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

AB sent to

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Timothy Bailey	R	Fd & rec'd on time	

_____ made a motion not to count the ballots of the following challenged voters. _____ seconded the motion.
 Vote: _____ aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
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FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 26 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 6

Primary Only: Democratic Ballots: 5
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____ 5

Primary Only: Democratic Ballots: 4
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Juel Jarrétt	R	Elect. official	
Leonard R. Nichols	D.	Not Fd.	
Shannon Sears	D.	Elect. official	
Patricia K. Nichols	D.	" "	
Virginia Foster	D.	Not Fd	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Linda Payne	D.	Not Found	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 28 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____

Primary Only:	Democratic Ballots:	<u>5</u>	<u>6</u>
	Republican Ballots:	<u>1</u>	
	Mountain Ballots:	<u>0</u>	
	Non-Partisan Ballots:	<u>0</u>	

Total Number of Provisional Ballots counted at canvass: _____

Primary Only:	Democratic Ballots:	<u>1</u>	<u>2</u>
	Republican Ballots:	<u>1</u>	
	Mountain Ballots:	<u>0</u>	
	Non-Partisan Ballots:	<u>0</u>	

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Alonzo E. Gaudy	D.	Not Fd.	Fd
Judy D. Shepherd	R.	Elect. Official	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Lesley Cavalier	D.	Not Fd.	
Sophia Hopkins	D.	" "	
Jean Mitchell	D.	" "	
Vicki Poling	D.	Not Fd.	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 29 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 4

Primary Only: Democratic Ballots: 2
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 1

Total Number of Provisional Ballots counted at canvass: 1

Primary Only: Democratic Ballots: 1
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

M. Wender made a motion to count the ballots of the following challenged voters. J. Lopez seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Brenda Moischino	D.	Found	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 5 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Darlene Davis	D.	Not Found	
John Starsick	R.	" "	
Anthony Phillips	NP	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 31 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 4

Primary Only: Democratic Ballots: 3
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____ 2

Primary Only: Democratic Ballots: 1
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. L. made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Bobbie Bess	D.	Voter moved	time ok
Mollie Find	R.	Elect. Official	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Walter Nichols	D.	Not fd. moved	
Ginger Nichols	D.	Voter moved	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 32 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 3

Primary Only: Democratic Ballots: 3
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____ 0

Primary Only: Democratic Ballots: 0
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

_____ made a motion to count the ballots of the following challenged voters. _____ seconded the motion.

Vote: _____ aye _____ nay

Challenged Voter Party Reason for Challenge Reason Challenge Removed

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.

Vote: 3 aye _____ nay

Challenged Voter Party Reason for Challenge Reason Challenge not Removed

Harry Gilbert D. Not Fd.
 Trudy J. Boothe D. " "
 Tammy R. Brown D. " "

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 37 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 5

Primary Only: Democratic Ballots: 3
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 1
 Ind.

Total Number of Provisional Ballots counted at canvass: _____ 4

Primary Only: Democratic Ballots: 2
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 1

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Melissa Johnson	D.	Not Fd.	Fd.
Everyn Prince	D.	" "	"
Jennifer Minnich	R.	" "	"
Stacey Kincaid	I	" "	"

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Debra Lynn Divita	D.	Not Fd.	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 41 District _____

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 13

Primary Only: Democratic Ballots: 13
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____ 8

Primary Only: Democratic Ballots: 8
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Jennifer Lynn Stark	D	Voted out prec.	In time
Maryann Peppers	D	Voter moved	
Jeffrey S. Romine	D	Not Fd	Fd
Sueshi L. Navicki	D	" "	Fd
Sheila M. Cormack	D	" "	Fd
Nichole Ball	D	Voted out Prec.	OK
Robert L. Miller	D	Not Fd	
Mark McCoy	D	" "	Fd

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Harold R Dixon	D	Not Fd	
James L. Brackman	D	" "	
Benjamin Dunfee	D	" "	
Angela S. Williams	D	" "	
Jeffrey Bee	D	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 42 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____

Primary Only: Democratic Ballots: 1
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____

Primary Only: Democratic Ballots: 0
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye 0 nay

Challenged Voter Party Reason for Challenge Reason Challenge Removed

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye 0 nay

Challenged Voter Party Reason for Challenge Reason Challenge not Removed

Robert Craig D. Not Fd.

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 45 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 9
 Primary Only: Democratic Ballots: 5
 Republican Ballots: 3
 Mountain Ballots: 0
 Non-Partisan Ballots: 1

Total Number of Provisional Ballots counted at canvass: 5
 Primary Only: Democratic Ballots: 3
 Republican Ballots: 2
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Jeremy Toiney	D.	Not Fd.	Fd.
Karen S. Beckford	D.	" "	" "
Barbara Brockman	D.	Elect. Official	
Debbie Smith	R	" "	
Suzanne Foster	R	" "	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Alvin Hall	D.	Not Found	
Lisa Bowen	D.	" "	
Michael B. Christian	R.	" "	
Tina Bowen	I	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 46 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 7

Primary Only: Democratic Ballots: 7
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____ 1

Primary Only: Democratic Ballots: 1
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

Challenged Voter Party Reason for Challenge Reason Challenge Removed

Cindy Preston D. Could not drive to her Prec.

J. L made a motion not to count the ballots of the following challenged voters. M. W seconded the motion.
 Vote: 3 aye _____ nay

Challenged Voter Party Reason for Challenge Reason Challenge not Removed

John Nutter D. Not Found

Gary Allen Rowe D. " "

Michael Wheeler D. " "

John Middleton D. " "

Jerome Burs D. " "

Tara Redman D. " "

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 47 District Valley

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 5

Primary Only: Democratic Ballots: 3
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 Unknown: 1

Total Number of Provisional Ballots counted at canvass: _____ 2

Primary Only: Democratic Ballots: 1
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Jevelyn Perry	D.	Not Fd.	Found
Christopher Ballard	R.	" "	" "

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Billy Alan Smutka	D.	Not Fd.	
Jerry E. Kincaid	D.	" "	
Chelsie L. Cottrell		" "	

Emergency
Absentee

FAYETTE COUNTY COMMISSION
PRECINCT CANVASSING WORKSHEET
2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 51 District _____

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 5

Primary Only:	Democratic Ballots:	<u>2</u>
	Republican Ballots:	<u>1</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>
	unknown	<u>2</u>

Total Number of Provisional Ballots counted at canvass: 3

Primary Only:	Democratic Ballots:	<u>2</u>
	Republican Ballots:	<u>1</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
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<u>AB</u> Donald L. Treaway	D.	Voted to count	
Sandra A. Smith	D	Not Fd. Found	
Tammy Cooper	R.	Elect. off.	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
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<u>AB</u> Bessie I. Carder		Spoiled	
Bob Arthur		Spoiled	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 52 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 23

Primary Only: Democratic Ballots: 14
 Republican Ballots: 4
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 Indep.: 4

Total Number of Provisional Ballots counted at canvass: unknown 17

Primary Only: Democratic Ballots: 9
 Republican Ballots: 4
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 Indep.: 4

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Lesley A. Savin-Martin	I	Not Fd.	Fd.
Melissa D. McClung	R	Elect. official	
Michelle Anderson	R	Voter moved	
Ashley Rose McClung	R	Elect. official	
Carolyn Dial	R	Not Fd.	Fd.
Susan Jones	R	Not Fd.	Fd.
James Whitlock	D	" "	
Karen Miller	D	" "	
Shirley Lewis	D	" "	
Debra McIntire	D	" "	
Kathy M. Sanders	D	Elect. official	
Fay Savin	D	Not Fd.	
Nichole Evans	D		

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Jean M. Proffitt	D.	Not Fd	
Tina Marcig Suttle	D.	" "	
Alice (no last name)	D.		
No name			
Jane Jackson	D.	Not Fd	
Margie Campbell	D.	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 55 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 13

Primary Only: Democratic Ballots: 9
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 Unknown: 3

Total Number of Provisional Ballots counted at canvass: 9

Primary Only: Democratic Ballots: 8
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 Indep: 1

M. Wender made a motion to count the ballots of the following challenged voters. J Lopez seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Richard D. Ferrell	D.	Elec. Official	
Vanessa Carmela Goode	D.	Not Fd.	Fd.
Michelle D. Weaver	D.	" "	"
Morgan R. Cry: Kshark	D.	" "	
Roger L. Elkins	D.	" "	
Carolyn S. Ingram	D.	" "	
Charles H. Briscoe	D.	" "	
Laura A. Welch	I	" "	
<u>ABSENTEE Benjamin Doyle</u>	<u>D</u>		

J Lopez made a motion not to count the ballots of the following challenged voters. M Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Cheryl Payne	D.	Not Fd	
Jonathan Doyle		Spoiled	
Wanda S. Caldwell		"	
Mary L. Gilbert		"	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 56 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 7

Primary Only: Democratic Ballots: 6
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 1

Total Number of Provisional Ballots counted at canvass: 4

Primary Only: Democratic Ballots: 3
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 1

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

Emerg
Absentee

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Adelaide Bryant	D	Good Voter	
Shireen D. Ervolina	D,	Not Found	Found
Amy Adkins	D:	" "	"
Laura A. Welch	I	" "	"

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Richard Scott Welch	D.	Not Found	
Ruth E. Pritt	D.	" "	
No Name	D.		
Vicki Greene	D.	Not Fd.	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 58 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 2

Primary Only: Democratic Ballots: 0
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 Unknown: 1

Total Number of Provisional Ballots counted at canvass: 1

Primary Only: Democratic Ballots: 0
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

John Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Curtis Sheets	R.	Elec. Official	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
No Name			

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # S9 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 4

Primary Only: Democratic Ballots: 2
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 1

Total Number of Provisional Ballots counted at canvass: _____ 2

Primary Only: Democratic Ballots: 1
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Teresa Osborne	D	Not Fd.	Not Fd
Rosie Jane Lucas	R	Elect-off,	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Donald Walkup	D	Not Fd	
Rebecca Lynn Walkup	I	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 60 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 5

Primary Only:	Democratic Ballots:	<u>4</u>	
	Republican Ballots:	<u>0</u>	
	Mountain Ballots:	<u>0</u>	
	Non-Partisan Ballots:	<u>0</u>	
	Unknown	<u>1</u>	<u>4</u>

Total Number of Provisional Ballots counted at canvass: 4

Primary Only:	Democratic Ballots:	<u>4</u>	
	Republican Ballots:	<u>0</u>	
	Mountain Ballots:	<u>0</u>	
	Non-Partisan Ballots:	<u>0</u>	

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Dustin Smith	D.	Not Fd	
Helen B. Spencer	D	Not Fd	
Elijah Larabee	D	" "	
James Brooks	D.	" "	

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Stephanie Nickell		Not Fd	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 65 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 3

Primary Only: Democratic Ballots: 0
 Republican Ballots: 3
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: 3

Primary Only: Democratic Ballots: 0
 Republican Ballots: 3
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Daphne Taylor	R.	Election official	
Kathy Taylor	R.	" "	" "
Mindy Ewing	R.	Not Fd	

_____ made a motion not to count the ballots of the following challenged voters. _____ seconded the motion.
 Vote: _____ aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
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FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 67 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 5

Primary Only: Democratic Ballots: 4
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____ 2

Primary Only: Democratic Ballots: 2
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
James Halsey	D.	Elect. official	
Barbara Halsey	D.	" "	

J Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Brian Hunt	D.	Not Fed	
Lawrence H. Bryant	D.	" "	
Mrythc Ramsey	R.	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 68 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 5

Primary Only: Democratic Ballots: 4
 Republican Ballots: 1
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: 1

Primary Only: Democratic Ballots: 1
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Katherine Smith	D.	Not Fd.	Fd.

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Jason S. Simms	D.	Not Fd	
Crystal Mitchell	D.	" "	
Eric Adkins	D.	" "	
Everett Leon Barnett	R.	" "	

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 22 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: 8

Primary Only: Democratic Ballots: 6
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0
 unknown: 2

Total Number of Provisional Ballots counted at canvass: 3

Primary Only: Democratic Ballots: 3
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Ray Hanshaw Jr	D.	Elect. official	
Mary Jo Pownes	D.	Not Fd.	Fd.
Elizabeth Christiana D.	D.	Not Fd.	Fd.

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.
 Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
Martha Moody Stephanie N. ...	D.	Not Fd.	
Dustin Smith Kevin Jones	"	"	"
Heber B. Spencer Cheryl Fitzwater	"	"	"
Elizabeth ...	"	"	"
Jay	"	"	"
James C. Moore	D.	"	"
Bobby Brandstetter	D.	"	"

FAYETTE COUNTY COMMISSION
 PRECINCT CANVASSING WORKSHEET
 2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # 74 District New Haven

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____

Primary Only: Democratic Ballots: 1
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____

Primary Only: Democratic Ballots: 0
 Republican Ballots: 0
 Mountain Ballots: 0
 Non-Partisan Ballots: 0

_____ made a motion to count the ballots of the following challenged voters. _____ seconded the motion.

Vote: _____ aye _____ nay

Challenged Voter Party Reason for Challenge Reason Challenge Removed

J. Lopez made a motion not to count the ballots of the following challenged voters. M. Wender seconded the motion.

Vote: 3 aye _____ nay

Challenged Voter Party Reason for Challenge Reason Challenge not Removed

Tracey Lynn Mullins D Not Fd.

Absentee Ballots
Received

FAYETTE COUNTY COMMISSION
PRECINCT CANVASSING WORKSHEET
2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # _____ District _____

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____ 3

Primary Only: Democratic Ballots: 3 ~~4~~
Republican Ballots: 0
Mountain Ballots: 0
Non-Partisan Ballots: 0

Total Number of Provisional Ballots counted at canvass: _____ 3

Primary Only: Democratic Ballots: 3 ~~4~~
Republican Ballots: 0
Mountain Ballots: 0
Non-Partisan Ballots: 0

John Lopez made a motion to count the ballots of the following challenged voters. Matt Wender seconded the motion.
Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Richard L. Stewart		received on time	
Maryanns Love		"	
Robert S. Love		"	
Steve Franklin Holstein	D	Absentee	Military

_____ made a motion not to count the ballots of the following challenged voters. _____ seconded the motion.
Vote: _____ aye _____ nay

Challenged Voter Party Reason for Challenge Reason Challenge not Removed

Milford

FAYETTE COUNTY COMMISSION
PRECINCT CANVASSING WORKSHEET
2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # _____ District _____

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____

Primary Only:	Democratic Ballots:	<u>0</u>
	Republican Ballots:	<u>0</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>
	Unknown party	<u>1</u>

Total Number of Provisional Ballots counted at canvass: _____

Primary Only:	Democratic Ballots:	<u>0</u>
	Republican Ballots:	<u>0</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>

_____ made a motion to count the ballots of the following challenged voters. _____ seconded the motion.

Vote: _____ aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
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John Lopez made a motion not to count the ballots of the following challenged voters. M. Wendler seconded the motion.

Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
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Mrytle Overstreet Not signed

Military
ABS.

FAYETTE COUNTY COMMISSION
PRECINCT CANVASSING WORKSHEET
2008 PRIMARY ELECTION HELD MAY 13, 2008

Precinct # _____ District _____

Total Number of Absentee Ballots received after election day tabulations: _____

Total Number of Absentee Ballots counted at canvass: _____

Total Number of Provisional Ballots received for precinct: _____

Primary Only:	Democratic Ballots:	<u>1</u>
	Republican Ballots:	<u>0</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>

Total Number of Provisional Ballots counted at canvass: _____

Primary Only:	Democratic Ballots:	<u>1</u>
	Republican Ballots:	<u>0</u>
	Mountain Ballots:	<u>0</u>
	Non-Partisan Ballots:	<u>0</u>

J. Lopez made a motion to count the ballots of the following challenged voters. M. Wender seconded the motion.

Vote: 3 aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge Removed</u>
Steven F. Holstein		ABS.	

_____ made a motion not to count the ballots of the following challenged voters. _____ seconded the motion.

Vote: _____ aye _____ nay

<u>Challenged Voter</u>	<u>Party</u>	<u>Reason for Challenge</u>	<u>Reason Challenge not Removed</u>
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FAYETTE COUNTY COMMISSION

REGULAR SESSION

MAY 21, 2006

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 21st day of May 2008.

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

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

Commissioner Wender offered a motion to approve overtime for Debbie Berry, Debbie Aliff, and James Perdue. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve expenditures for receptacles up to \$1,500.00 Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve election overtime for Debbie Aliff. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew announced that the Commission is here today to certify the canvass of the Presidential Primary Election.

Ms. Holly presented the Abstracts by voting precincts and an Order to be signed by the Commission.

The Commissioners reviewed the Abstracts and Order. Commissioner Lopez offered a motion that the 2008 Presidential Primary Election be certified and all documents are signed. Commissioner Wender seconded. Unanimous.

The Commissioners signed the Order certifying the results of the canvass for the 2008 Presidential Primary Election. A letter and

Order were forwarded to the Secretary of State and the County Clerk giving the results of the canvass.

The Commissioners authorized Commissioner Eskew to sign the title for the 2004 Ford Expedition for TRIDENT to purchase a new vehicle at Coles Chevrolet.

The Commissioners received and reviewed a list from Bobby Meadows and Jody Ward of the main items to be completed at the shooting range.

The Commissioners suggested going down to visit the shooting range with Earl Pauley, Park Superintendent on June 6, 2008 at 1:30 p.m.

The Commissioners asked Ms. Holly to send a copy of the list to Mr. Pauley to review and ask him to provide the Commissioners with a written status report of what materials he have on hand, what materials he needs and the cost, and what projects should be contracted out.

Commissioner Lopez offered a motion to approve second half payrolls, and release payrolls on Friday, May 23, 2008. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of April 7, April 15, and April 18, 2008. Commissioner Lopez seconded. Unanimous.

Leon Spencer, County Surveyor appeared before the Commissioners to discuss the survey laws. Also present was Tim Richardson, Zoning Officer.

Commissioner Wender offered a motion to accept Leon Spencer's letter request and information and forward to the Prosecuting

Attorney's Office to make recommendation to the Commissioner whether the matter applies as Rule of Law or requires a modification to the Unified Development Code. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented a copy of a letter the West Virginia Association of Counties received from the West Virginia Legislature to the County Clerks requesting the county's magisterial district and voting precinct boundaries.

The Commissioner approved for Leon Spencer to make a copy of last maps and written boundary descriptions for Ms. Holly.

Richard Kincaid appeared before the Commission with a Petition to Reduce Administrator's Bond regarding the Estate of James H. Fox.

Discussion was held, Thomas Steele, Assistant Prosecuting Attorney suggested to the Commissioners to have Kelvin Holiday, County Clerk, refer this to Fiduciary Commissioner Phil Tissue.

Ms. Holly informed the Commissioners she received an application for a matching fund grant for the Litter Control Officer from the Fayette County Solid Waste Authority.

Ms. Holly told the Commissioners that the Fayette County Solid Waste Authority needs a Resolution from the County Commission endorsing the application.

Commissioner Wender offered a motion that the County Commission endorses the Resolution authorizing an application for a match fund grant of \$3,000.00 for the Litter Control Officer. Commissioner Lopez seconded. Unanimous. Resolution Signed.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for SPF-SIG Grant,

amount \$6,012.46.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids Grant, amount \$3,016.25 for the month of April.

The Commissioners signed a letter to the West Virginia Development office enclosing the fourth and final drawdown request for Fayette County Watch Me Grow, amount \$1,081.48.

Commissioner Wender informed the Commissioners that Senator Shirley Love is requesting that the Commission send a letter to him requesting that the White Oak Public Service District grant in the amount of \$3,000.00 for the replacement of a fire hydrant be redirected to the Fayette County Commission.

Commissioner Wender offered a motion that a letter is sent to Senator Shirley Love (at Shirley's request) to redirect the \$3,000.00 grant to White Oak Public Service District for fire hydrants be given to the Fayette County Commission. Commissioner Lopez seconded. Unanimous. Letter signed.

The Commissioners received and reviewed a letter from Allen Ballard, Fayette County Building Code Official requesting that a Literature Display, cost \$195.00 is placed at the main entrance of the Courthouse.

Commissioner Lopez offered a motion to approve purchase of a Literature Display, cost \$195.00. Commissioner Wender seconded. Unanimous.

Vivian Parsons and Brad Tuckwiller, Vice chairman appeared before the Commission to solicit membership to join the West Virginia County

Risk Pool.

Mr. Tuckwiller told the Commissioners that the Pool is managed by the Virginia County Risk Group they do all the claims, etc. The Virginia County Risk Group premium 17%, 4% goes to the West Virginia Association of Counties and 2% goes to the County Commissioners' Association of West Virginia.

Mr. Tuckwiller told the Commissioners the Pool will break even this year and asked the Commission to join.

Patrick Hambrick, Raw Dog Promotions, LLC appeared before the Commission to inquire about the use of the Soldiers and Sailors Memorial Building.

Mr. Hambrick told the Commissioners that Okey Skidmore has gone over the regulations, insurance policy and fees with him.

Commissioner Wender offered a motion to approve the request to hold a boxing event at the Memorial Building on July 12, 2008; the rental fee for the event is \$1,000.00 for the 1-day event, the custodial and trash service fees and insurance requirements will not be waived; all other rules are applicable. Alcoholic beverages are prohibited and adequate security is required for the vent and for parking. A security plan and services for traffic control and parking plan are to be submitted for review and approval by Mr. Skidmore at least fourteen (14) days prior to the exercise of any rights under the rental. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Library Board informing that Melba Carter has resigned as a member of the Fayette County Board of Directors and they are asking

that Katherine Marshall of Boomer be appointed to replace Ms. Carter for a five-year term.

Commissioner Lopez offered a motion to appoint Katherine Marshall a member of the Fayette County Library Board of Directors to fill the unexpired term of Melba Carter, term to expire June 30, 2012. Commissioner Eskew seconded. Unanimous. An Order and appointment letter to serve signed.

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

The Commissioners approved for Allen Ballard to attend the Current Issues in Storm Water Regulations in West Virginia Seminar being held July 24, 2008.

Ms. Holly informed the Commissioners she received a request from the Paint Creek Seneca Rail. The Commissioners suggested holding until the next Commission meeting. The Commissioners approved to send a letter o support.

Discussion was held regarding parking lot for handicap accessibility.

The Commissioners asked Ms. Holly to get in touch with Dan Snead to discuss the handicap parking space.

The Commissioners received and reviewed a letter from Mark Lively, Records Technician with Alpha Records Management, Inc. thanking Commissioner Wender for speaking with him briefly about the records storage needs at the Courthouse.

The Commissioners signed invoices to the Fayette County Board of

Education for rental of the Soldiers and Sailors Memorial Building for the months of May and June 2008, amount \$5,833.32.

The Commissioners signed an Agreement between the Division of Culture and History for and on behalf of Archives and History for and on behalf of Records Management and Preservation Board and the Fayette County Commission, effective July 1, 2008.

The Commissioners received and reviewed a letter from Sergeant Deanna J. Saxton, Fayette County "STARS" Coordinator inviting the Commission to attend the "STARS" Graduation Celebration, Friday, May 23, 2008.

The Commissioners received and reviewed Certificate of Insurance from the Town of Fayetteville.

The Commissioners received and reviewed a letter from Ford Motor Company informing that the service parts are now available for the defects which relate to motor vehicles safety exists in the speed control-equipped vehicles.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds for the April Table Games were directly deposited on May 16, 2008, amount \$3,014.04.

The Commissioners received and reviewed from the Bank of New York Cash Statement and Asset List as of April 30, 2008.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank listing securities pledged as of April 30, 2008.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) giving a list of securities held as collateral to secure the deposits of Fayette County Commission as of

April 30, 2008.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of May 2 to May 8, 2008, amount \$380.00 and for the week of May 9 to May 15, 2008, amount \$551.00.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Chief Deputy Steve Kessler informing that Sheriff William Laird has hired Noah Oliver and Brandon Holliday for part-time summer work, salary \$6.00 an hour.

The Commissioners received and reviewed from the State Treasurer's Office the new Remittance Form reflecting changes effective June 9, 2008.

The Commissioners received and reviewed letters from the West Virginia Development Office informing that the contracts for Watch Me Grow, balance \$1,090.70, Oak Hill/White Oak Trail, balance \$1,922.00, and Multi-Cap, Inc. balance \$661.30 will expire on June 30, 2008. Invoices for expenses related to these grants that have not been reimbursed prior to the expiration of these contracts must be postmarked no later than July 16, 2008.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking Commissioner Wender for taking the time to visit his office to discuss the New River Gorge National River and the Gauley River National Recreation Area.

The Commissioners received and reviewed a letter from Senator Byrd informing Commissioner Wender that since his visit he received his letter regarding the importance of the national Park Service's

(NPS) expanding the proposed boundary adjustment that is under review as part of the New River Gorge's General Management Plan update.

The Commissioners received and reviewed a thank-you letter from the Probation Department thanking the Commissioners for allowing them to get new furniture for their offices.

The Commissioners received and reviewed a letter from Judge John Hatcher, Jr. thanking the Commissioners for their generous work in purchasing much needed office furniture for the Probation Department.

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

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$106.50.

The Commissioners received and reviewed a thank-you letter from the Committee to Commemorate Children's Memorial Flag Day thanking the Commissioners for their part in making Child Abuse Awareness Month and Children's Memorial Flag Day a memorable event this year.

The Commissioners received and reviewed Status Report from the 911 Center from January through April 2008.

The Commissioners received and reviewed a letter from the Public Service District regarding General Order No. 187.29 Rules and Regulations Governing Emergency Telephone Services Series 25.

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

The Commissioners received and reviewed from Work Force

Unemployment claims.

The Commissioners received and reviewed an Order from the Workers' Compensation Board of Review.

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

The Commissioners received and reviewed checks for 911 Fees from AT&T, amount \$562.00, Citizens Communications Co., amount \$50.44, and Verizon, amount \$30,444.25; Reimbursement Women's Resource Center, amount \$6,910.26; Supreme Court-Family Law Master rent, amount \$2,025.00; Franchise Fees-Rapid Communications, LLC, amount \$1,340.24; and Fayette County Board of Education rent for the Memorial Building, amount \$2,916.66.

The Commissioners received and reviewed an e-mail from John David asking if the County Commission had appointed someone on the Raleigh County Housing Authority Board.

The Commissioners received and reviewed an e-mail from Tom Oxley to Mayor Bill Hannabass informing the City of Oak Hill is on the Fayette County Commission agenda for the Annexation of Wolf Creek and the conveying of Rail Trail Property. Mr. Oxley informed he would be out of town.

The Commissioners received and reviewed an e-mail from Erin Haddix St. John asking the Commission to join the National Parks Conservation Association at a reception to recognize Chairman of the House Committee on Natural Resources Nick J. Rahall, II for his leadership in Congress for America' National Park Friday, June 13,

2008.

The meeting was adjourned at 12:30 p.m. The next scheduled meeting is June 6, 2008.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
NOVEMBER 10, 2008
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 10th day of November 2008 at 9:00 a.m. to conduct the canvass for the Presidential General Election held on November 4, 2008.

Commissioner Eskew called the County Commission meeting to order at 9:40 a.m.

Kelvin Holliday, County Clerk presented to the Commissioners seven (7) ballots of voters who were in the hospital on Election Day. Mr. Holliday told the Commissioners no reason not to count them. They are registered voters.

Ms. Holly told the Commissioners to protect the secrecy of the voters these ballots should have been done election night.

Commissioner Wender offered a motion to approve the seven (7) ballots cast, they are registered voters. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for TRIDENT Grant, amount \$1,730.52.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for SPF-SIG Grant, amount \$3,868.95.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company (BB&T) informing that they will transition

from Wachovia as its agent to the Federal Reserve Bank (FRB) to pledge for public fund deposits.

Commissioner Wender offered a motion having been advised of the need to substitute certain securities pledged on behalf of Branch Banking and Trust hereby order the release of said securities provided that securities will be substituted simultaneously and that Fayette County Funds deposited with said banking institution will not be unsecured. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested deferring the opening of the new account with the Federal Reserve Bank until Friday. Commissioner Wender suggested having Carl Harris, Prosecuting Attorney to review.

Commissioner Lopez offered a motion to approve Jackie Hickman's overtime for July thru August 2008. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Dan Snead informing he has discussed the low bid with Steve Wood of Flat Top Construction and he has no reservation in recommending that a contract be awarded to Flat Top Construction.

Commissioner Wender offered a motion to approve the lower bid of Flat Top Construction and authorize Commissioner Eskew to sign the contract. Commissioner Lopez seconded. Unanimous.

The Commissioners approved purchase of a 2001 Chevrolet Tahoe from the West Virginia Agency For Surplus Property for Law Enforcement, amount \$4,700.00.

The Commissioners reviewed letters of support for Southern Appalachian Labor School Home Rehabilitation Program and the Southern

Appalachian Labor School YouthBuild project.

Ms. Holly told the Commissioners they will certify the election on November 14, 2008 at 9:00 a.m.

The meeting and canvass were adjourned at 3:30 p.m. The next scheduled meeting is November 14, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 14, 2008
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 14th day of November 2008.

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

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

Commissioner Lopez offered a motion to approve and sign personal property tax tickets for Henry H. and Sandra Niday, Tina L. Flora, Roy or Dora Sizemore, Nancy R. Farrish Martin, Elizabeth and Tyler Angela D. Turner, Regenalda A. Nieto, Mark E. and Amanada Kincaid, Letitia Spaulding, Kimberly R. Koch, Richard and Destiny Spearen, II, Riverview Lease/Loan Holding, Inc., Pamela Franco, Judy A. and Andrew Ramsey, Dewayne L. or Marian S. Annis, Michael P. Law or Lisa Simmons, Studio B Gallery, and Daniel L. or Rose Young. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tax tickets for Robert Ellison, Sr., Mildred Ellison, Virginia Price, Joyce L. Crawford, P K W Enterprises, Inc., Katharine A. White, John Michael Simpson, Vickie and Aldridge Charle Martin, Ariel and Michelle Yvette Batista, Augustine Wallace, Sr., and Anna Margaret Bracy. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for Mark Elza and Amanda Kincaid (\$720.47). Commissioner Wender

seconded. Unanimous.

Commissioner Lopez offered a motion to approve first half payrolls, payrolls to be released today, approved vouchers, invoices and 2nd half payrolls, payrolls to be released November 26, 2008. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve for Debbie Berry to pay any urgent invoices prior to December 5. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to Certify the General Election held on November 4, 2008. Commissioner Wender seconded. Unanimous. Certificates of Results signed. Letters to Joe Manchin, II, Governor and Betty Ireland, Secretary of State signed regarding the results of the election.

The Commissioners approved to unlock the IvoTronic room for Kelvin Holliday, County Clerk.

Jennifer Garvin with Fayetteville Fairs and Festival appeared before the Commission to request putting a Christmas tree on the Courthouse lawn or balcony.

Commissioner Lopez offered a motion to approve the request of Fayetteville Fairs and Festival to place a Christmas tree with no religious symbols on the Courthouse lawn (not balcony). Commissioner Wender seconded. Unanimous.

John David appeared before the Commissioners. Also, present for the meeting was Vickie Smith, Attorney Bob Baker and Dorothy Davila.

Mr. David presented to the Commissioners his Fiscal Year 2010 budget request, Southern Appalachian Labor School (SALS) Financial

Statement year ended December 31, 2007, Newsletters regarding the Group Work Camps for Plateau and Valley District, and an update on the Brownsfield Site Assessment Grant and presented a Community Participation Grant Program application for Coalfield Communities in Fayette County.

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

Mr. David is requesting Transitional funding for the Regina Apartment in Gauley Bridge, amount \$13,800.00

Commissioner Lopez informed he would talk to Kanawha Falls Public Service District regarding a reduction on the water/wastewater bills (\$3,000.00).

Commissioner Wender offered a motion that the Fayette County Commission will allocate \$15,000 contribution to Southern Appalachian Labor School (SALS) subject to Carl Harris, Prosecuting Attorney approving. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez suggested transferring the \$10,000.00 from the Boomer Ballfield Park to cover the \$15,000.00 request for the Regina Apartments.

Commissioner Wender offered a motion to transfer \$10,000 from Fiscal Year 2009 Coal Severance Budget for Boomer Ball Park to line item for Regina Apartments. Commissioner Lopez seconded. Unanimous.

Dorothy Davila thanked the Commissioners for their dedication to this project.

Commissioner Eskew asked that the Commission be kept updated on

the project.

Vickie Smith gave the Commissioners an update on the dormitory. All the inside wiring has been done, ceiling/drywalls have been done.

Commissioner Wender offered a motion to approve minutes of August 8, August 29, September 12, September 26, October 8, and October 17, 2008. Commissioner Lopez seconded. Unanimous.

Carl Thompson presented to the Commissioners updates on the programs he's working on.

The Commissioners signed a letter to CSX Real Property on behalf of the Greenbrier and Fayette County West Virginia Commissions concerning Docket #AB-55 (Sub-No. 682X) the collaborative effort to convert the 16.7 mile rail corridor on CST's Southern Region, Huntington-East Division, Sewell Subdivision, between milepost CAF27, near Rainelle and milepost CAF43.7, near Nallen into a trail use/rail banking corridor.

Commissioner Wender suggested that a copy of the letter be sent to several persons including Nick Rahall.

Theresa White appeared before the Commission on behalf of Steve Cruikshank. Ms. White presented a Hazard Mitigation Property Lease Agreement between the Fayette County Commission and Mr. and Mrs. Jack Atha for \$1.00.

Commissioner Wender offered a motion to Lease Lot 4, Section I in Columbia to Mr. and Mrs. Jack Atha for \$1.00. Mr. Atha can maintain the property pending the approval of Carl Harris, Prosecuting Attorney. Commissioner Lopez seconded. Unanimous. Property cannot be fenced.

Ms. White asked the Commissioners to review the \$4,500 bid from J. H. Consulting, Inc. for the Pre-Disaster Mitigation Plan that required by the State every five (5) years.

Commissioner Wender offered a motion to approve contract for Jeff Harvey Consulting to do the hazard Mitigation Plan Update subject to the approval of the contract by Carl Harris, Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

Ms. White told the Commissioners that under the current grant all four (4) houses has been torn down. At the end of the month they will closeout the grant.

Commissioner Wender offered a motion to authorize Commissioner Eskew on behalf of the Fayette County Commission to closeout on current Hazard Mitigation Grant, closeout due November 30. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she received an e-mail from Carl Thompson informing the printer at his desk is having problems, leaking ink and copies have a bad ink mark on them.

Mr. Thompson informed her the HP Office Jet J6480 is comparable at a cost of \$199.98.

Commissioner Wender offered a motion to replace the printer at a cost of \$199.98. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she received an e-mail from Carl Thompson requesting to be hooked up on the wireless internet for his laptop.

Commissioner Wender suggested when Software System comes down for a visit have them to check.

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

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

Commissioner Lopez offered a motion to approve and sign refund for PKW Enterprises, amount \$93.92. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Patrick Dewayne Jackson and Theodore W. and Barbara Ann Bell. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to Lieutenant R. C. "Bob" Godsey informing they have been advised of his resignation from employment as a Fayette County Deputy effective December 31, 2008. The Commission offered their sincere appreciation for his 24 years and 2 months of service to Fayette County and our citizens.

The Commissioners signed a letter to Janice Kitzmiller, Family Law Master requesting reimbursement for rent in the amount of \$2,362.50 for the month of December 2008.

The Commissioners signed a letter for Aletha Stolar to the Environmental Management Support, Inc. regarding the submittal of a EPA Brownsfield Community Wide Hazardous Assessment Grant Application.

The Commissioners approved and signed the holiday list for 2009.

The Commissioners signed a drawdown Resolution to the West Virginia Development Office for the Fayette County Commission-Project #03SCBG012-Elevator/SALS Project, amount \$13,546.54.

The Commissioners received a letter from David Null, Principal, Fayetteville High School requesting to reserve the use of the Memorial

Building on Tuesday, January 13, 2009 and Thursday, February 5, 2009 for basketball games with Midland Trail High School and Oak Hill High School and for a possible Sectional Tournament on March 2-7, 2008.

Commissioner Lopez offered a motion to approve the request to reserve the use of the Memorial Building for two (2) Fayetteville High School games Tuesday, January 15, 2009 and Thursday, February 5, 2009 as follows: the rental fee will be \$500 per night for each of the two games. This fee includes trash fee and custodial fees. All other rules are applicable, including the insurance requirement.

Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve Okey Skidmore mileage, amount \$146.28. Commissioner Wender seconded. Unanimous.

The Commissioners approved to retain the 2002 Dodge for salvage, total \$4,265.72. The Commissioners signed the Power of Attorney.

Ms. Holly informed the Commissioners she received a letter from James Perdue informing that the gas valve on the Courthouse furnace needs to be replaced. The cost of a new valve is \$686.80 from Camco.

Ms. Holly suggested to the Commissioners to check price for replacement of a boiler. The Commissioners asked Ms. Holly to see what Dan Snead suggests.

The Commissioners approved for Debbie Berry to attend the Excel seminar.

The Commissioners approved for Ms. Holly to attend several seminars.

Ms. Holly informed the Commissioners she received an e-mail from Kara Ware informing they are beginning the planning for their 2009

Earth Day Celebration to be held on April 19, and they are requesting the use of the Memorial Building for their rain location.

The Commissioners approved the request under the same terms and conditions as last year.

The Commissioners received and reviewed a copy of a letter to the Property Valuation Training and Procedures Commission from Eddie Young, Assessor response to correspondence date October 31, 2008 concerning certain deficiencies in the results of his office's appraisal process.

Ms. Holly informed the Commissioners she received from James Perdue, Maintenance Supervisor, a cost of a paper shredder. Ms. Holly told the Commissioners the cost of the shredder from Plateau printing is \$3,499.00. Ms. Holly told the Commissioners that Jackie Hickman found the same shredder from Office Max for \$1,399.60.

Commissioner Wender offered a motion to purchase the shredder from Office Max at a cost of \$1,399.60. Commissioner Lopez seconded. Unanimous.

The Commissioners suggested that after the first of the year contact the Secretary of State to see if they could move early voting to the Memorial Building.

The Commissioners received and reviewed an e-mail from Rhonda Brisendine, Project Manager, West Virginia Division of Highways approving the request, requesting permission to install trail signage and pavement striping using the remaining funds in the Oak Hill Rail Trail project account.

Discussion was held but no decision made regarding a replacement

on the Fayette County Planning Commission due to the resignation of Jesse Bibb.

The Commissioners asked Ms. Holly to contact John David and Michael Martin to set up public hearings for CAEZ meeting in Page and Mount Hope.

The Commissioners signed a letter to Harold Bragg informing that in order for the Fayette County Commission to close out the \$2,000.00 grant for the Glen Jean Lighting Project they need to know if the lighting project is complete, if not what is expected project completion date, and if he agrees to release the balance of the grant (\$889.26) for other purposes.

The Commissioners signed a letter to the Fayette County Board of Health enclosing a copy of the review performed by Dan Snead, Architect, of the Fayette County Health Center Roof and in the spirit of partnership the Fayette County Commission is willing to contribute up to 50% of the cost to replace the roof and request the Fayette County Board of Health to contribute the balance.

The Commissioners signed a letter to the Specialty Crop Block Grant Program expressing their support of the Fayette County Farmers Market.

The Commissioners received and reviewed a letter from Cindy Dragan, Chairman of the Bridge Day Commission requesting a board replacement on the Bridge Day Commission for Sheriff Bill Laird who will no longer hold the position of Sheriff. Ms. Dragan is recommending that Steve Kessler replace Sheriff Laird.

The Commissioners asked Ms. Holly to hold until December.

The Commissioners received and reviewed Certificate of Title for a 2001 Chevy from the West Virginia State Agency for Surplus Property.

The Commissioners received and reviewed a copy of a letter from the State Tax Department to Eddie Young, Assessor informing that the Property Valuation and Procedures Commission met to review the results of the monitoring activity for Tax Year 2008. It was brought to their attention that the Fayette County Assessor's Office has had deficiencies in the last tax year that materially affects value.

Ms. Holly told the Commissioners she received a call from Shirley Wriston regarding the stream beside her house that needs to be cleaned. Ms. Holly informed the Commissioners that she forwarded a copy of the telephone message to Steve Cruikshank to check and advise.

The Commissioners received and reviewed telephone messages from Arnold Taylor regarding the chicken problem he has with his neighbor.

The Commissioners received and reviewed a telephone message from Pervis Major inviting the Commissioners to come and look at his Confluence Resort Project.

The Commissioners received and reviewed a letter from the Department of Environmental Protection informing they appreciate the opportunity to support the Fayette County Commission's application seeking a United States Environmental Protection Agency Community-wide Hazardous Assessment Grant.

The Commissioners received and reviewed a letter from the Courthouse Facilities Improvement Authority informing that due to scheduling conflicts during this busy election season, the Courthouse Facilities Improvement Authority Voting Board was unable to establish

a quorum in order to review recently submitted 6th cycle funding applications. The announcement date has been changed from November 1, 2008 to November 21, 2008.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds for the October Table Games will be deposited on November 17, 2008, amount \$3,847.23.

The Commissioners received and reviewed a Press Release from Land Resource regarding the company's Chapter 11 filing.

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

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that Don Hogan has resigned effective October 31, 2008.

The Commissioners received and reviewed a letter from Ruth Wagner, President, AARP West Virginia State Office thanking the Fayette County Commission for their proclamation endorsing Divided We Fail.

The Commissioners received and reviewed a copy of a letter from the West Virginia Division of Criminal Justice Services enclosing a copy of the approved West Virginia Community Corrections grant agreement.

The Commissioners received and reviewed a copy of a letter from J. Dan Snead Associates to the State Historic Preservation office enclosing drawings and specification for Stormwater Abatement at the Fayette County Courthouse and Old Jail Building.

The Commissioners received and reviewed copies of Certificate of

Insurance from Charter Communications, Inc.

The Commissioners received and reviewed Claim Acknowledgment from Travelers Insurance.

The Commissioners received and reviewed letters from Stafford Consultant Incorporated regarding the Bid Tabulations and the opening of bids on November 6, 2008 for the New Haven Public Service District.

The Commissioners received and reviewed a letter from Frances, Nelson and Brison informing that the trial for Fischer v. Fayette County Commission, Civil Action E07-C-243 has been set for June 8, 2009 at 9:00 a.m. and the Pretrial Conference has been set for May 20, 2009 at 11:00 a.m.

The Commissioners received and reviewed a copy of a letter to the Public Service Commission from Attorney Philip Tissue enclosing an original and twelve copies of their Motion to Toll for 90 Days Statutory Deadlines and Decision Due Dates regarding Case #08-1287-PWD-CN New Haven Public Service District.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Carl Harris, Prosecuting Attorney asking that Vickie Hylton 's salary be raised from \$39,200.00 to \$40,000.00.

The Commissioners received and reviewed a letter from the Fayette County Community Corrections Program Day Report Center advising that the Fayette County Commission has approved an adjustment to the payroll of the department that will provide for an addition of two grant funded positions for the establishment of a community correction program in Nicholas County. Effective November 10, 2008 Stephanie

Westfall will be the Assistant Director at a salary of \$24,000.00 annually and effective November 16, 2008 Gary Jarrell will be the case manager at a salary of \$23,500.00 annually.

The Commissioners received and reviewed a copy of the Certificate to Operate the incinerator from the West Virginia Department of Environmental Protection.

The Commissioners received and reviewed a letter from the State Tax Department certifying that Harvey E. Young, Assessor has substantially complied with the "assessor's additional duties." Completion of the additional duties entitles him to the additional compensation of \$15,000.00.

The Commissioners received and reviewed a letter from the Department of Military Affairs and Public Safety enclosing a Notice of Intent Form for Calendar Year 2009 Hazard Mitigation Funding. Copy of the original forwarded to Steve Cruikshank, OES Director to review and advise the Commission.

The Commissioners received and reviewed a notice from the Fayette County Board of Health informing that additional flu and pneumonia vaccine has arrived and will be administered on Tuesday and Wednesday.

The Commissioners received and reviewed a letter from the Fayette Toy Fund, Inc. thanking the Commission for their \$500.00 donation.

The Commissioners received and reviewed a letter from the WVU Extension Service informing they have started the recruitment process for an Extension Agent for Fayette/Nicholas Counties.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities

Improvement Fund, amount \$134.50.

The Commissioners received and reviewed a letter from the West Virginia Public Service Commission informing they received a letter regarding Case #08-1861-PWD-PC (Fayette County Commission-New Haven Public Service District/Danese Public Service District) informing the letter has been forwarded to the Staff of the Commission for processing.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of October, New River Humane Society Allotment, amount \$15,388.39 for the month of November and Weekly Fees Collected for the week of October 24 to October 30, 2008, amount \$170.00, the week of October 31, 2008, amount \$0.00, the week of November to November 6, 2008, amount \$320.00 and the week November 7 to November 13, 2008, amount \$305.00.

The Commissioners received and reviewed a letter from the Branch Banking and Trust (BB&T) giving a list of securities held as collateral to secure the deposits of Fayette County Commission as of October 31, 2008.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement giving a list that represents securities pledged as of October 31, 2008.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement as of October 31, 2008.

The Commissioners received and reviewed letters from Bowles, Rice and BrickStreet Insurance regarding Workers' Compensation claims.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, amount \$52.19, Citizens Communications Company, amount \$47.04, and Verizon, amount \$28,340.22; Franchise Fees from Rapid Communications, LLC, amount \$1,392.21, and Bradley Communications, amount \$809.84; Criminal Justice Services for Communication Correction Center, amount \$4,049.75, SPF-SIG, amount \$7,382.81 and TRIDENT, amount \$2,405.90; Jail Fees from the Town of Fayetteville, amount \$47.53; Supreme Court Family Law Master rent, amount \$6,075.00; Reimbursement WV Association of Counties, amount \$100.00, Reimbursement City of Beckley, amount \$244.40 and Human Services Division, amount \$2,510.00.

The meeting was adjourned at 2:20 p.m. The next scheduled meeting is December 5, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 8, 2008
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Matthew Wender

The Fayette County Commission met in a regular session on this 8th day of October 2008.

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

Jodie Ward and Bob Meadows appeared before the Commission to discuss the Shooting Range at the Fayette County Park.

After the brief discussion the Commission asked Jodie Ward and Bob Meadows to meet with the Commission on October 17, 2008 at 9:00 a.m. to discuss further.

The Commissioners asked Ms. Holly to have Earl Pauley, Park Superintendent to be here for the meeting.

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

Commissioner Wender offered a motion to approve and sign real property tax exonerations for Donnie D. Null, Thelma K. Sharp, Carl and Barbara Bays, Jr., Betty Louise Prather, Glen and Mary Pittsenbarger, The Board of Parks and Recreation, Craig B. Lettofsky and Lisa Bown. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tax exonerations for Edward and Elaine Rita Tyree, Larry and Wilma Jean Gladwell, Dennis R. and Nancy J. Compton, Mikes Car Wash and Auto Detail, Katrina D. Brown, TJLT, Inc., Beverly K. or Virginia McKinney and James H. Raynes, Sr. Commissioner Wender seconded.

Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for Craig B. Lettofsky and Lisa Bown (\$1,949.62), Glen and Mary Pittsenbarger (\$153.18) and Carl and Barbara Bays, Jr. (\$230.74). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve 1st half payrolls, invoices and vouchers, invoices to be released today, payrolls to be released on October 15, 2008. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed the Commission that he has no minutes to approve today.

The Commissioners recessed the Commission meeting at 9:20 a.m. to test early voting equipment.

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

Commissioner Wender offered a motion to pay whatever is left out of the Shooting Range grant for a concrete box for the Shooting Range, cost \$800.00. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez suggested putting the clubhouse building on standby.

Ms. Holly informed the Commissioners that Earl Pauley, Park Superintendent sent an invoice for advertising of the Fayette County Park in the yellow pages, cost \$564.65. Ms. Holly asked the Commissioners if they are going to approve payment. The Commissioners asked Ms. Holly to do nothing hold for the time being.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Purdue Pharma

Asset Forfeiture Funds (PPF) Grant (TRIDENT), amount \$2,405.90 and the SPF-SIG Grant, amount \$8,731.19.

The Commissioners signed a letter to the Fayette County Health Department requesting that they establish two "Flu Shot Clinics" in Smithers, Gauley Bridge, Meadow Bridge, and Ansted during the month of November.

Ms. Holly informed the Commissioners she received the revised Lease Contract from the Supreme Court for the rental of the Family Law Master building.

The Commissioners approved for Commissioner Eskew to sign Family Law Master Lease once Carl Harris, Prosecuting Attorney has reviewed and finalized.

The Commissioners signed the Cable Television Franchise Extension Order.

Janet McClung presented to the Commissioners the ballot keys for early voting.

Sheriff William Laird and Aletha Stolar appeared before the Commission to discuss the Project Lifesaver Program.

Sheriff Laird told the Commissioners they have eight (8) pending requests wanting to get hooked up as soon as possible.

Sheriff Laird told the Commissioners they received equipment from Greer-three(3) bracelets need more, the Commission pledged \$3,200.00. Sheriff Laird told the Commission they might can use some Home Confinement Funds as a short term cash infusion.

Sheriff Laird told the Commissioners Steve Gray is the contact person.

Commissioner Wender suggested that the County pay for as many bracelets as they need, but others pay for the batteries.

Commissioner Wender suggested going back to Drema Perdue to see if Club would pay the \$8.00 a month for each individual.

Sheriff Laird told the Commissioners he is requesting that the Commission authorized the purchase of the equipment.

Commissioner Wender authorized the purchase of ten (10) bracelets including batteries, cost \$3,300 to be paid from the Home Confinement Fund (per Sheriff Laird).

Commissioner Lopez offered a motion to authorize the purchase of ten(10) bracelets including batteries, cost \$3,300 to be paid from the Home Confinement Fund. Commissioner Wender seconded. Unanimous.

The batteries' expenses to be paid by the user including batteries that came with bracelets.

Sheriff Laird told the Commissioners that Nicholas County Community Corrections is asking if Fayette County can pay the two (2) case workers from their Day Report Center, they will be on Fayette County's payroll and Fayette County Commission will be reimbursed by the grant.

Commissioner Wender offered a motion that Fayette County Commission pay out of the Fayette County Community Corrections Grant proceeds salaries and benefits for two (2) case workers who would be assigned to work in Nicholas County with the understanding that salaries and benefits are reimbursed. Commissioner Lopez seconded. Unanimous.

Aletha Stolar told the Commissioners that National Association of

Counties (NACo) has a Childhood Obesity Program but Fayette County is not included, included in the Program is Mount Hope and the Farmer's Market.

Ms. Stolar asked the Commissioners if they would like to be included.

The Commissioners replied yes and asked Ms. Stolar to check into getting Fayette County Programs included.

Ms. Holly told the Commissioners that she received a request from Danita Young, Magistrate to put names on reserved parking spaces.

Ms. Holly told the Commissioners that Judge Paul Blake has approved request.

Ms. Holly told the Commissioners because of the court security it was decided that the names and titles on the signs be removed.

Carl Harris, Prosecuting Attorney told the Commissioners that he would talk with Judge Blake regarding this request.

The Commissioners approved request from Allen Ballard, Building Code Inspector to attend the Asbestos Training Class being held in Hurricane at the Pinnacle Environmental Consultant, Inc. on October 29, 30, and 31, 2008.

Ms. Holly told the Commissioners she received a Building Code Report from ISO (Insurance Services Office, Inc.). Original forwarded to Allen Ballard, Building Code Inspector to review.

The Commissioners received and reviewed a letter from Amy E. Walsh asking for support regarding the proposed rail trail along the 16.7 mile abandoned CSX rail line in Fayette and Greenbrier Counties.

The Commissioners asked Ms. Holly to forward a copy of the letter

to Carl Thompson.

The Commissioners approved renewing their NACo (National Association of Counties) membership for the period January 1, 2009 to December 31, 2009, cost \$1,042.00.

The Commissioners received and reviewed the Statement of Actual and Estimated Revenues for the 50% allocation for the Hotel Occupancy Tax to the New River Convention and Visitor's Bureau for the period July to September 2008, amount \$53, 281.45.

Ms. Holly told the Commissioners that the West Virginia Courthouse Facilities Improvement Authority application is ready to be mailed.

The Commissioners received and reviewed a copy of the Financial Statement Balance Sheet.

The Commissioners approved and signed Petitions to Combine or Divide and Segregate Land for Anna Mae Basham, Marvin A. Rupert etal, James E. and Sandra Brown, Rainbow Valley Enterprises, Larry Max and Wilma Jean Gladwell and Sherman L. Johnson and Brenda Lou Deisher.

The Commissioners signed a letter to the West Virginia Development Office enclosing the fourth and final drawdown for the Fayette County Park, amount \$5,083.00.

The Commissioners received and reviewed an Official Oath of Office from Joseph Carelli member of the Fayette County Beautification Committee.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that effective October 1, 2008 the rate of pay for Tommy Jackson will

increase to \$26.00 per hour.

The Commissioners received and reviewed a Quarterly Statement of Benefits from the WorkForce West Virginia.

The Commissioners received and reviewed a copy of the Regulation Elimination Smoking in Public Places and Places Employment from the Fayette County Health Department.

The Commissioners received and reviewed a telephone message from Stephanie Woodson asking the Commissioners if they would like to participate in the Fayetteville High School Homecoming Parade.

The Commissioners received and reviewed a letter from the Secretary of State enclosing information to assist counties with the inclusion of an election emergency's plan for handling election threats and emergencies.

The Commissioners received and reviewed a letter from Governor Joe Manchin informing he has approved a grant award of \$74, 580.00 to the Fayette County Commission for the SPF-SIG Implementation.

The Commissioners received and reviewed from the Federation of Humane Organizations a notice informing of the new West Virginia Animal Law Book and asking that this be passed on to the Animal Control Officer in the Sheriff's Department.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank as of September 30, 2008.

The Commissioners received and reviewed from the Bank of New York Melon Cash Statement and Asset List for the period of September 30, 2008.

The Commissioners received and reviewed Remittance by the

Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$161.00 for the month of September.

The Commissioners received and reviewed a notice from Appalachian Fuels, LLC that they intend to conduct blasting activities on Surface Mine Permit/Application #S-3045-89 located 0.38 miles West of Belva, West Virginia in Valley District, Fayette County. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from BrickStreet Insurance inviting the Commission to attend the Annual Meeting of Members of West Virginia Employers' Mutual Insurance Company dba BrickStreet MIC being held at the Charleston Civic Center on October 27, 2008 at 8:30 a.m.

The Commissioners received and reviewed a memorandum from the Department of Agriculture informing that Eddie Young, Assessor has completed the Farm Census of 2008 and has satisfactorily complied with the requirements of the Farm Statistics Law.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District Waterline Project.

The Commissioners received and reviewed a letter from the U. S. Attorney's Office inviting the Commission to attend the Gang and Youth Violence Prevention and intervention Training being held Thursday, October 23, 2008.

The Commissioners received and reviewed a letter from the Secretary of State regarding the processing of the Write-In Votes.

The Commissioners received and reviewed from the Fayette County

Democratic Committee a list of dates to remember regarding the Presidential Election.

The Commissioners received and reviewed from the Ansted Historic Preservation Council informing of their meeting being held Tuesday, October 7, 2008 at 1:00 p.m. at the Episcopal Church in Ansted.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties informing that James Waybright County Commissioner of Jackson County passed away on Saturday, September 27, 2008.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that Shannon R. Morris claim is closed for temporary total Disability benefits because they did not receive medical evidence showing that he was disabled more than three days due to injury.

The Commissioners received and reviewed from the Fayette County Animal Control/NRHS Activity Report, Monthly Revenue Report for the month of September, Allotment to the New River Humane Society for the month of October, amount \$13,019.29 and the Weekly Fees Collected for the week of September 26 to September 30, 2008, amount \$80.00 and the week of October 1 to October 2, 2008, amount \$140.00.

The Commissioners received and reviewed checks for Franchise Fee from Bradley Communications, amount \$812.41; 911 Fees from One Communications, amount \$1,971.04; Criminal Justices Services for Just For Kids, amount \$535.90 and TRIDENT, amount \$2,645.52 and Reimbursement from the City of Beckley, amount \$251.00.

The Commissioners received and reviewed several e-mails regarding

the county's contribution to their West Virginia University Extension Service.

The Commissioners received and reviewed an e-mail from Dave Pollard to Charlotte Holly regarding Wolf Creek Urban Renewal Authority accounts.

The Commissioners received and reviewed several e-mails from the West Virginia Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Michael Keleman, Suddenlink giving the Commission his contact information.

The meeting was adjourned at 12:05 p.m. The next scheduled meeting is October 17, 2008.



FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 17, 2008
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 17th day of October 2008.

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

Bob Meadows, Attorney Kevin Burgess, and Earl Pauley appeared before the Commission to discuss the Shooting Range.

Bob Meadows presented a list of what needs to be accomplished at the Shooting Range to the Commissioners.

Mr. Meadows told the Commissioners they need to pour all shooting pads, walkways they need to be concreted.

Commissioner Wender informed they need to bite the bullet and do what needs to be done and contract out.

Commissioner Wender suggested getting estimates on paving concrete, Earl Pauley get bids from (Coleman, Myles, and Adkins) with 2" conduit for wiring and get bids for fencing (McNeil and Dennler).

Earl Pauley told the Commissioners he would water proof the clubhouse in the spring will pour a 24x31 pad with the understanding building will not be that big.

Commissioner Eskew asked Earl Pauley about the steps.

Earl Pauley replied he intends to build steps out of steel.

Carl Harris, Prosecuting Attorney told Earl Pauley he needs to put together specs for the bids.

Commissioner Eskew suggested Bob Meadows and Earl Pauley sit down

and discuss landscaping and beautification and have detail information on what all is needed to get work down.

The Commissioners will receive information and make a decision.

Ms. Holly informed the Commissioners she needs statements of work as soon as possible.

Bob Meadows told the Commissioners they need a voice release system for the trap field. The cost is \$2,000 to \$3,000 for birds, cannot come from the grant.

Carl Harris informed the Commissioners they need insurance before they start using.

Bob Meadows told the Commissioners they need a gate.

Commissioner Eskew suggested making the gate a high priority.

Commissioner Wender authorized Commissioner Eskew to look at bids and make decision, cap at \$20,000.00 for concrete and \$10,000.00 for fence.

Commissioner Wender offered a motion that Bob Meadows and Earl Pauley develop specs and get as many bids as possible for concrete work and fencing. Fayette County Commission authorizes Commissioner Eskew to sign off on behalf of the Commission, not to exceed \$15,000 for concrete and \$10,000 for fencing, get as many bids as possible to pave the access road not to exceed \$15,000. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners the bids must meet State Wage Rate.

Commissioner Eskew told the Commissioners that Salvatore offered to give Danny Wright, Circuit Clerk track shelving at no cost, only

dissemble, need to check with Dan Snead regarding the weight capacity and labor.

Commissioner Eskew informed the Commissioners that John David, Director with Southern Appalachian Labor School (SALS) is requesting funds for the Gauley Bridge USDA housing units and the Hilltop housing project.

Commissioner Wender suggested that a letter be sent to John David informing him that the request is too open-ended, need specific cost, other financing sources, and a review of the total cost by others in the business, reluctant to commit any funds until the full cost is known. The Commissioners asked Ms. Holly to stamp Commissioner Lopez and Commissioner Wender names on the letter.

The Commissioners signed Sales Tax Report for the Fayette County Park for the period September 30, 2008, amount due \$981.06.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the Lewis Community Building, amount \$16,000.00.

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

Tim Richardson, Zoning Officer informed the Commissioners that the Firefighters Association had approved to buy the Fire Safety House from the City of Oak Hill.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission provided that the Fire Levy Fund conveys money for the purchase of the Fire Safety House. The County

Commission authorizes Commissioner Eskew to put in place for insurance and apply for the title of the Fire Safety House. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Division of Highways regarding the Oak Hill Rail Trail, Phase II requesting that the balance of the grant (\$2,164.04) be used to install signage (i.e., STOP, CAUTION, etc.) and stripping at the locations where the trail intersects with streets and/or highways.

The Commissioners signed the Strategic Prevention Framework State Incentive Grant (SPF-SIG) contract, amount \$74,580.00.

Ms. Holly informed the Commissioners she received the grant agreement for the Boomer Park, amount \$8,500.00.

Discussion was held, Commissioner Wender offered a motion that the Fayette County Commission pass Resolution authorizing a change in contract scope with the Governor's Community Partnership Grant Program Funds in the amount of \$8,500.00 from Boomer Park to construct a building to be utilized to house a unisex handicap accessible restroom and for storage at the Fayette County Sportsman Sheet and Trap Range Recreation Center. Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a letter from the Town of Fayetteville asking that a decommissioned M60 Tank be displayed at the Fayette County Soldiers and Sailors Memorial Building.

The Commissioners recommended that a letter be sent to the Town of Fayetteville informing that due to the size of the area needed, they did not feel the Memorial Building is the most appropriate

location for display of the M60 Tank and suggested they contact the American Legion.

Ms. Holly informed the Commissioners that she received a second notice from the Division of Environmental Protection regarding the application certificate to operate the incinerator. Ms. Holly told the Commissioners that since the application and fee payment were due on or before July 31, 2008 there is a penalty of 5% for not paying fees.

The Commissioners asked Ms. Holly to release the check.

The Commissioners received and reviewed a letter from Verizon informing they are planning to provide its high speed Internet service or DSL to the community of Lookout, in 2009.

The Commissioners received and reviewed an e-mail from the Danese Public Service District giving the Commission an update on the Danese Water Project.

The Commissioners signed a letter to the Southern Appalachian Labor School (SALS) informing they received their request for funding for the Gauley Bridge USDA housing unit and the Hilltop housing project and have found the request too open-ended.

The Commissioners informed they are reluctant to commit any funds until the full cost is known. The Commissioners asked that they provide in writing with specific costs, other financing sources, and a review of the total cost by others in the business.

The Commissioners signed the reimbursement Agreement between the Fayette County Commission and the West Virginia Supreme Court of Appeals Administrative Office and the Addendum to Rental and Lease

Agreement between C and J Development Corporation and the County Commission of Fayette County.

The Commissioners signed a letter to Janice Kitzmiller, Family Law Master requesting reimbursement for rent in the amount of \$2,362.50 for the month of September, \$2,362.50 for the month of October, \$2,362.50 for the month of November, and \$2,700.00 for increased reimbursement of rent January - August 2008.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$11,852.26.

The Commissioners signed invoice to the Town of Fayetteville for confinement of inmates at the Southern Regional Jail for the month of September, amount \$47.53.

The Commissioners received and reviewed a letter from the Town of Pax requesting funding for a bio pile at their sewer plant.

The Commissioners signed a letter to the Town of Pax informing they reviewed their request for funding for a bio pile at their sewer plant. The Commissioners approved \$2,000.00 for this purpose contingent upon full funding of the project.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection regarding the 2009 REAP SOP Survey. Original was forwarded to the Fayette County Solid Waste Authority.

The Commissioners approved invoice from Leon Spencer for \$1,110.60 regarding Department of Highways Map Inventory and Repairs.

The Commissioners received and reviewed a copy of a letter to the

Public Service Commission from Attorney Lynn Pollard requesting that all correspondence regarding Armstrong Public Service District be sent to the Commissioners of the Armstrong Public Service District and not David Sayre.

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

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds for the distribution of wine, liquor and private club taxes will be directly deposited on October 17, 2008.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds for the September Table Games will be directly deposited on October 16, 2008, amount \$3,172.50.

The Commissioners received and reviewed from the Fayette County Health Department Flu Clinic Schedule for 2008-2009.

The Commissioners received and reviewed a letter from The Hartford Fire Insurance Company informing Passages to Adventure, Inc. that their policy provides up to \$50,000 for the removal of debris which is in addition to their stated building limits of insurance.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing of a list of securities held as collateral to secure the deposits of Fayette County Commission as of September 23, 2008.

The Commissioners received and reviewed a copy of a letter to Bobby Lewis, Director Community Development from Southern Appalachian

Labor School (SALS) regarding the SALS Volunteer Dormitory.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of October 3 to October 9, 2008, amount \$95.00 and the week of October 10 to October 16, 2008, amount \$110.00.

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$28,524.84 and Citizens Communications Co., amount \$47.05 and Soldiers and Sailors Memorial Fund, amount \$25.00.

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

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

The Commissioners received and reviewed a letter from the Work Force West Virginia informing that the number of workers covered under the West Virginia Unemployment Company System who was employed in the pay periods that include the 12th of each month for the 3rd Quarter 2008 was not reported on form WVUC-A-154 Employer's Quarterly Contribution Report.

The Commissioners received and reviewed an e-mail from Doug Arbogast informing that the ICLEI Program needs some data on energy use and transportation from the County.

The Commissioners received and reviewed an e-mail from Wood County Commission regarding Wood County court ruling on annexation.

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

regarding SALS Dormitory invoices.

The Commissioners received and reviewed an e-mail from the West Virginia Public Service Commission regarding Armstrong Public Service District.

The meeting was adjourned at 12:45 p.m. The next scheduled meeting is October 28, 2008.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 28, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 28th day of October 2008.

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

The Commissioners recessed the Commission meeting at 9:09 a.m. to test voting equipment.

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

Ms. Holly presented a drawdown request to the West Virginia Development Office for the SALS Dormitory, amount \$27,184.85 to the Commissioners.

Commissioner Lopez offered a motion to approve drawdown for the SALS Dormitory, amount \$27,184.85. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion that the Fayette County Commission request a waiver from being excluded from applying for funding in the Small Cities Block Program Year 2008. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to request that an additional grant of \$100,000 be made available to complete the SALS Dormitory-SCBG Project. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve and sign

exonerations for personal property tax (See attached). Commissioner Wender seconded. Unanimous.

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

Commissioner Wender offered a motion to approve refunds for Eugene L. Fizer, etux, Charles W. and Tamara L. Miller, Edward R. and Elaine Tyree, Thelma K. Sharp. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve application for corrections of assessment for Marlene L. Middleton and Landon Enterprises LLC. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve 2nd half payrolls, vouchers and invoices, checks for invoices to be released today, payrolls to be released October 30, 2008. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of September 26, 2008. Commissioner Lopez seconded. Unanimous.

Tim Richardson, Zoning Officers appeared before the Commission.

Mr. Richardson presented a letter of resignation from Jesse Bibb, Chairman of the Fayette County Planning Commission informing due to employment with another business he will not be able to attend regular meetings.

Other business, Mr. Richardson read a memo from the Fayette County Planning Commission regarding the amendment to the Fayette County Unified Development Code to add a special use permit for

REAL PROPERTY TAX TICKETS CANCELLED OR EXONERATED
 MONTH OF October 28, 2008

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
9002693	10128	THOMPSON, GLENN M	October 10, 2008	ERRONEOUS VALUE		X		\$152.18	1
*09002693	10128	THOMPSON, GLENN M	October 10, 2008	ERRONEOUS VALUE		X		\$152.18	1
6299944	17694	MAYNOR, RAYMOND LEE & GENEVA	October 10, 2008	S/B CLASS 2		X		\$95.30	2
*8148211	*32256	KINCAID, MARK ELZA & AMANDA	October 10, 2008	S/B CLASS 2		X		\$453.02	6
8148211	32450	KINCAID, MARK ELZA & AMANDA	October 10, 2008	S/B CLASS 2		X		\$463.48	6
6171144	39344	NUNNERY, LARRY M & ANN L	October 10, 2008	S/B CLASS 2		X		\$272.24	11
6321410	24367	FIZER, EUGENE L EYUX	October 10, 2008	ERRONEOUS VALUE		X		\$290.54	3
*9003874	*25831	MEADWESTVACO CORP	October 10, 2008	DOUBLE ASSESSMENT	X			\$4,635.68	3
9003874	26008	MEADWESTVACO CORP	October 10, 2008	DOUBLE ASSESSMENT	X			\$3,555.04	3
*6225042	*36763	MURPHY, TIMMEY ALLEN	October 14, 2008	DOUBLE ASSESSMENT	X			\$41.34	9
*06225042	*36765	MURPHY, TIMMEY ALLEN	October 14, 2008	DOUBLE ASSESSMENT	X			\$8.28	9
8095615	26449	O'NEAL, LAURA ANN	October 14, 2008	S/B HOMESTEAD		X		\$59.96	3
*08095615	26281	O'NEAL, LAURA ANN	October 14, 2008	S/B HOMESTEAD		X		\$59.18	3
6278128	23900	DAVIS, MELVIN J	October 14, 2008	S/B CLASS 2 & HOMESTEAD		X		\$341.26	3
6320938	27966	SIMPSON, JOHN MICHAEL	October 14, 2008	ERRONEOUS VALUE		X		\$287.46	3
8016871	17950	MILLER, CHARLES W & TAMARA L	October 14, 2008	S/B CLASS 2		X		\$266.58	2
8016871	17951	MILLER, CHARLES W & TAMARA L	October 14, 2008	S/B CLASS 2		X		\$915.13	2

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6017874	2448	CRAWFORD, JOYCE L	October 14, 2008	S/B CLASS 2		X		\$372.52	1
6038593	32466	MAYNARD, MONA G	October 14, 2008	S/B CLASS 2		X		\$229.00	6
6321410	24367	FIZER, EUGENE L ETUX	October 14, 2008	S/B CLASS 2		X		\$367.70	3
*6216114	*7794	PARSONS, ROBERT J JR	October 14, 2008	ERRONEOUS VALUE				\$253.00	1
6199614	11915	ALTICE, WILLIAM CLARENCE	October 15, 2008	S/B EXEMPT		X		\$139.90	2
8108914	15651	GRAY, BRANDON	October 17, 2008	ERRONEOUS VALUE		X		\$284.40	2
6319129	27400	PREAST, JAMES R & CYNTHIA B	October 20, 2008	S/B CLASS 2		X		\$315.90	3
6028176	5056	HORROCKS, JAMES E & JUDY M	October 20, 2008	S/B CLASS 2		X		\$241.34	1
6314954	23860	DANBERRY, EARL JR & LORRAINE	October 20, 2008	ERRONEOUS VALUE		X		\$81.00	3
6140213	37954	SPEAREN, RICHARD A II & DESTINY	October 22, 2008	S/B CLASS 2		X		\$451.94	9
6040278	32571	VANDALL, ROBERT W & WILLA M	October 24, 2008	ERRONEOUS VALUE		X		\$239.96	6
9002934	16367	HUMPHREYS, LARRY W & DEBORAH J	October 24, 2008	ERRONEOUS VALUE		X		\$192.16	2
6002808	7001	MIDDLETON, MARLENE L	October 24, 2008	S/B CLASS 2		X		\$16.14	1
9004243	7002	MIDDLETON, MARLENE L	October 24, 2008	S/B CLASS 2		X		\$161.41	1
*06002808	*2848	DEAN, ROSE ANN	October 24, 2008	ERRONEOUS VALUE		X		\$126.60	1
6261699	21986	WRIGHT, MADELINE & GARRETT &	October 27, 2008	S/B CLASS 2 & ERRONEOUS VALUE		X		\$242.12	2
6333014	39911	WYANT, THELMA	October 27, 2008	S/B CLASS 2		X		\$99.22	13

Section 4001, L-A, Light Industry District, "Special Use Permits" Subsection III, N; "Retail sales of any product or products manufactured in a permitted use under L-A, Light Industry and any ancillary services."

Mr. Richardson read the Public Notice regarding the proposed amendment of the ordinance.

Mr. Richardson told the Commissioners the Planning Commission voted 9-0 to adopt the said amendment.

Mr. Richardson told the Commissioners that this amendment would protect the public and county safety by having a special use permit.

Commissioner Wender offered a motion to approve to add a Special Use Permit under Section 4002, L-A, Light Industry District, "Special Use Permit" Subsection III-N-"Retail sales of any product or products manufactured in a permitted use under L-1, Light Industry and any ancillary services." Commissioner Lopez seconded. Unanimous. Order signed.

Commissioner Wender informed the Commissioners that he would like for the Commission to contribute to the Grand Lodge Feasibility Study.

Commissioner Wender told the Commissioners that Senator Shirley Love has put in \$7,500 and is waiting for its release from the Governor's Office, Delegates John Pino and David Perry is seeking \$3,500 each from money allotted to the Delegates. Commissioner Wender told the Commission is seeking \$4,000.00 from 4-C Economic Development Authority.

Commissioner Wender offered a motion to contribute \$1,000 to Forward Southern WV for the Grand Lodge Feasibility Study, no

contingencies. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners they had previously advertised for bids for Miscellaneous ADA Improvements around the Courthouse.

Ms. Holly presented the bids to the Commissioners to be approved.

Ms. Holly told the Commissioners she received four (4) bids from Flat Top Construction (\$15,000), Allen and Sons (\$34,200), Tyree Construction (\$31,295) and the Hoover Contracting Company, Inc. (\$47,450).

After reviewing the bids, Commissioner Wender offered a motion to turn over the four (4) bids received to Dan Snead to review and make recommendation to the Commission on bid to accept. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that the Regional Round Table has been schedule for Thursday, October 30, 2008 from 1:00 to 3:00 p.m. in the Commission meeting room. Ms. Holly told the Commissioners that this is the date scheduled to give out Election Supplies.

The Commissioners asked Commissioner Wender to check and see if this could be moved to the Fayetteville Convention and Visitors Bureau.

The Commissioners asked Ms. Holly to notify Vivian Parsons if location changed.

The Commissioners signed the American Electric Power Customer Authorization for Release of Proprietary Information for Doug Arbogast.

The Commissioners signed the Federal Excise Tax (Fuel) Exemption Certificate for Exxon Mobile Business Card.

The Commissioners signed a drawdown request to the West Virginia Development Office for the Gauneka Ruritan Club (\$5,000) and the Fayette County Sportsman's Recreation Center and the City of Ansted Museum (\$3,161.04).

The Commissioners signed Certificate of Title for a 2003 Chevy Tahoe for Deputy James Sizemore.

Jan "Yon" Lesser and Amanda M. Ream, attorney for Shentel Cable Company appeared before the Commission to conduct a public hearing on the transfer application of a Cable Television Franchise in the County of Fayette from Rapid Communications, LLC (formerly Helicon Group, LTD) to Shentel Cable Company.

The Commissioners received no objections to the application and Tom Kenly did appear telephonically due to a miscommunication of Rapid Communications.

Mr. Lesser told the Commissioners they have a service office in Webster Springs, Craigsville and Marlinton.

Commissioner Wender told Mr. Lesser that they currently have a public service channel.

Tom Kenly informed the Commissioners the local channel was recently upgraded, does not know if completed.

Commissioner Wender asked that they be entitled to a public service channel from Shentel to be dedicated and originating in Fayette County for (1) tourism, (2) economic development similar to Suddenlink through Fayette County Chamber of Commerce through Tom

Syner's low frequency channel.

Mr. Lesser informed the Commissioners Shentel will commit to a public service channel.

Commissioner Wender informed that having had a discussion about the use of a public service channel from Shentel, Commissioner Wender offered a motion to approve transfer application of a Cable Television Franchise from Rapid Communication LLC to Shentel Cable Company. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested that the request for extension be considered at a later date after pursue of a public channel.

Amanda Ream informed this is not a problem does not have to consider extension.

Attorney James Blankenship appeared before the Commission at 11:30 a.m. for a public hearing to present an Order regarding the proposed water extension project of the Danese Public Service District, a reduction of the New Haven Public Service District and the enlargement of the Danese Public Service District.

Attorney Blankenship informed the Commissioners that on September 26, 2008 they approved the publication of the enlargement of the Danese Public Service District and the reduction of the New Haven Public Service District. Mr. Blankenship informed the notice was published and he provided the maps of the project.

Commissioner Eskew informed there was no one in opposition of this hearing.

Commissioner Lopez offered a motion that the Fayette County Commission approves subject to the review and approval of the West

Virginia Public Service Commission that the area of the New Haven Public Service District be reduced in order that the Danese Public Service District may be enlarged. Commissioner Wender seconded. Unanimous. An Order and cover letter to the West Virginia Public Service Commission was signed.

Attorney James Blankenship appeared before the Commission for a hearing to approve the Fiduciary Commissioners Report and Recommendation in the Estate of Helen Rose Skaggs.

Present for the hearing was Phil Tissue, Fiduciary Commissioner, Attorney Clinton R. Bischoff on behalf of Frances A. Preast, and Attorney James Blankenship on behalf of Byrl Keith Skaggs and Gaymond G. Preast.

Attorney Tissue presented his Report and Recommendation to the Commissioners.

Attorney Tissue informed the Commissioners based upon the foregoing Findings of Fact and Conclusions of Law he recommends that the claim of Frances A. Preast in the Estate of Helen Rose Skaggs be denied and dismissed.

Attorney Tissue further recommend that the Executor, Ralph Damon Preast, immediately prepare and file a Final Settlement for filing with the County Commission so that this matter can be closed.

Commissioner Eskew informed Attorney Bischoff that the Report stated very clearly there was no contractual agreement between the two parties as far as the amount of the claim that you're asking for and number two it's more of a gratuity as a family relationship type thing. Commissioner Eskew asked Attorney Bischoff if he had any

comments or anything that would repute or challenge this.

Attorney Bischoff replied that he certainly objects to this. He served his objections in sessions to Attorney Tissue Report and Recommendation to the Commission on May 7, 2008. Mr. Bischoff told the Commissioners he had a number of objections.

Carl Harris, Prosecuting Attorney asked if the hearing was transcribed.

Mr. Harris suggested that in view of the fact that there are exception to the finding of facts the Commission really doesn't have anything to base this on without having the transcript in front of them in order to review to see if the evidence supports anybody's position in this matter.

Mr. Harris suggested that these matters be transcribed and forward to the Commission along with finding of facts inclusion of law in regards to whether to accept or object the Report of the Commission.

Commissioner Wender offered a motion first based on the fact that the Commission would prefer to have a transcript but it appears that we are not going to have the benefit of a transcript it's been fairly clearly stated to us by our counsel that the prevailing party today is the party recommended by the Fiduciary Phil Tissue and therefore the obligation to prepare that transcript goes to Mr. Bischoff and Frances Preast giving the fact that they are unwilling to pay for that transcript and this Commission has no way to know anything more about this case than what we know today. Commissioner Wender would like to offer a motion that the Commission support the finding of the

Fiduciary Phil Tissue. Commissioner Lopez informed he accept the report and recommendation. Commissioner Lopez seconded. Unanimous.

Mr. Bischoff informed the Commission he objects. He never said they would not pay for a transcript he said that they should not have to pay for the transcript.

Discussion was held, Commissioner Wender withdrew his motion and asked an opinion from Mr. Bischoff and his client, Ms. Preast that they are in agreement in a two-week period to present a transcript.

Commissioner Wender offered a motion that Fayette County Commission understands that Mr. Bischoff and Ms. Preast would consider an advise the Commission whether they will provide a transcript and if the point we're notified that they will provide a transcript they will further pursue the matter, if the point we're notified that they are not going to provide a transcript then the Commission will make a decision. Commissioner Lopez seconded. Unanimous.

The Commissioners signed an Order for transfer of a cable television franchise to Shentel Cable Company.

The Commissioners recessed for lunch at 1:05 p.m.

The Commissioners reconvened the Commission meeting at 2:00 p.m.

Carl Harris, Prosecuting Attorney told the Commissioners they are here today in the matter of the Annexation of a Minor Boundary Change by the City of Oak Hill area on the Pannell Property 4.84 acres Wolf Creek.

Present was Tom Oxley, City Manager of Oak Hill.

Commissioner Eskew informed there were no other public citizens here to speak for or against this Annexation.

Carl Harris told the Commissioners that Mr. Oxley has provided a copy of the Affidavit Publication, and would be providing an original Affidavit of publication will indicate that the notice of today's hearing was posted in accordance with the statute, has also provided a notice of posting and those requirements which meets the requirements of the statute in terms of notification purpose of the hearing today.

Mr. Harris informed there are a number of items that need to be addressed by the Commission-(1) 865F(1) whether or not a territory post annexation is the corporation of the municipality, Yes (2) whether or not the proposed annexation is under the Division of Highway, No (3) no one here today in opposition (4) does not include the highway (5) not a situation (6) none (7) landholders requested one written and one oral.

Tom Oxley informed the original legal ad must be submitted.

Commissioner Wender offered a motion that Fayette County Commission approves annexation made by the City of Oak Hill. All conditions for driver safety code have been met, no one appeared to object. Commissioner Lopez seconded. Unanimous. Carl Harris will prepare the Order.

Commissioner Lopez offered a motion to approve final settlement of Ivy Rice. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed the Commission that Fayette County is one of the last three (3) sites to be considered for the boy scout's jamboree (West Virginia, Arkansas, Virginia). National folks are flying in, 4-C Economic Development Authority is asking that the Fayette County Commission contribute \$2,000.00 for lodging.

Commissioner Wender offered a motion that Fayette County Commission contributes \$2,000.00 to 4-C to offset cost of boy scout committee coming in to review a site. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve to pay G. Carte Electric (\$8,454.24) for fixtures and equipment for the Courthouse, with the understanding that half would be paid by the lighting grant. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Diane E. Ashby, Charles W. and Tamara Miller, Kenneth Earl and Brenda F. Romeo, Larry J. Prather, Jr., Martha M. Smith, Ronald P. and Margaret E. Lindsey, Glen and Donna Hawkins, Jimmie R. and Arlene Mullins. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion that subject to the approval of the Assessor, Katherine Egnor be afforded tax relief for tax year 2003, 2004, 2005, 2006 and 2007 in the total amount of \$743.88 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid to the Petitioner. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve Resolution to stand with AARP's Divided We Fail Initiative on Health Care and Financial Security as modified. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the

Department of Environmental Protection informing they received a Certificate to Operate (CTO) application and check in the amount of \$200.00 on October 20, 2008 for the Courthouse Incinerator. Since the completed applications and fee payment were due on or before July 31, 2008 penalties of 5% of the total for each month that payment is late, beginning with August 1, 2008 are required. The CTO receipt for this facility is currently being held until the remainder of the payment is received. Outstanding balance owed for this facility is \$30.00. The Commissioners approved to pay the outstanding balance of \$30.00.

Ms. Holly told the Commissioners she sent down a drawdown request for the Sportsman Recreation Center and the Glen Jean Lighting Project Grant. The Glen Jean Lighting Project Grant has a balance of \$889.26.

The Commissioners asked Ms. Holly to write a letter to Harold Bragg to inquire if the lighting project is complete, if not what is the expected project completion date, and if he agree to release the balance of the grant (\$889.26) for other purposes.

The Commissioners received and reviewed a letter from the Fayette County Dilapidated Building and Beautification Committee informing they met on October 23rd and voted to allow Carl Thompson to get a Jeep from Earl Pauley to use in the performance of the Abandon and Dilapidated Program and voted to have a laptop computer purchased to be able to do site assessments.

Ms. Holly told the Commissioners that Carl Thompson inquired about purchasing gas for the vehicle.

Commissioner Wender offered a motion that a credit card is issued to the Fayette County Dilapidated Building and Beautification

Committee for Dave Pollard, Allen Ballard, Alicia Treadway and Aletha Stolar to purchase gas for the Jeep. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Town of Ansted requesting that Carl Thompson be made available to work on the Blueprint Team.

Commissioner Wender offered a motion to approve Carl Thompson to start November 1 through February 28, 2009 to work with the Town of Ansted on the Blueprint Team. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Okey Skidmore, Manager Fayette County Memorial Building informing he has received several request to use the Memorial Building for birthday parties.

Commissioner Wender offered a motion to deny the request to use the Memorial Building for birthday parties. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she had Dan Snead to review the roof conditions at the Fayette County Health Department.

Mr. Snead recommends that the existing roof and insulation be removed down to the metal deck, a new tapered installation be installed and a 1060EPDM membrane be applied. That the tapered insulation which compensates for the flat roof structure has a minimum average R-value of 24, a new metal trim should be installed at the perimeter.

Mr. Snead recommends a replacement cost of approximately

\$42,000.00.

The Commissioners asked Ms. Holly to write a letter to the Fayette County Health Department asking that they share half of the cost.

The Commissioners informed that if Earl Pauley gets paving cost reduced then its okay to approve.

The Commissioners asked to hold letters regarding the CAEZ.

Commissioner Wender informed the Commissioners, its okay to use the Fayetteville Convention Visitor's Bureau for the Regional Roundtable meeting. The Commissioners asked Ms. Holly to call Vivian Parsons to contact counties and Jackie Hickman to call the legislators. The Commissioners asked Ms. Holly to get cookies and soft drinks for refreshments.

The Commissioners authorized James Perdue, Maintenance to unlock the ballot room.

Ms. Holly reminded the Commissioners they have to test tabulator equipment at 8:00 a.m. on November 4, 2008.

The Commissioners received and reviewed minutes of the Fayette County Planning Commission held on October 27, 2008.

The Commissioners signed the West Virginia Department of Health and Human Resources Provider Tax Identification Reporting Form.

The Commissioners received and reviewed a thank-you letter from SELF Community Action Corporation, Inc. thanking the Commissioners for serving as their primary sponsor for the 2008 October Fest.

The Commissioners received and reviewed a letter from Debbie Tate, 4-H Agent County Program Coordinator informing that Diane

Meadows will not be returning to work, her last day of employment was October 9, 2008.

The Commissioners received and reviewed a letter from the WVU Extension Service informing of a tree branch that fell in front of the office onto the parking area.

The Commissioners received and reviewed from the Bank of New York Melon Account Statements for the period of September 9, through October 22, 2008 and for the period October 1 through October 23, 2008.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services enclosing a copy of the West Virginia Community Corrections grant agreement, as approved and finalized.

The Commissioners received and reviewed a letter from Delegate Margaret Staggers informing that the Community Participation Project funding request has been approved in the amount of \$9,000, Capitol Resource Agency, Inc. for training, supplies and equipment.

The Commissioners received and reviewed Official Oath of Office from Tommy R. Harris, member of the Fayette County Beautification Committee.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds for the September Limited Video Lottery proceeds will be directly deposited on October 27, 2008, amount \$6,651.32.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding the New Haven Public Service District

Contract #16-Stringtown Road-PSC Case #08-1287-PWD-CN.

The Commissioners received and reviewed a letter from the New Haven Public Service District enclosing the executed Certification of Readiness to Proceed regarding New Haven Public Service District-Derry Hale, Sun Mine Road Project #294.

The Commissioners received and reviewed a letter from Maple Coal Company regarding Blasting Operations-Permit #S-3007-95, the site is located on the waters of Paint Creek, Sycamore Branch and Toms Branch of Paint Creek and Armstrong Creek of the Kanawha River in the Cabin Creek District of Kanawha County and Valley District of Fayette County.

The Commissioners received and reviewed a letter from West Virginia American Water welcoming the Town of Fayetteville as a new customer.

The Commissioners received and reviewed a Status Report from the 911 Center for January through September 2008.

The Commissioners received and reviewed a letter from Sheriff Bill Laird enclosing a copy of the invoice to the Fayette County Chamber of Commerce actual expenses incurred by the Sheriff Department as a result of their work and participation in Bridge Day 2008.

The Commissioners signed the West Virginia County Records Management and Preservation Grant Program Application.

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

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

October 17 to October 23, 2008, amount \$230.00.

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

The Commissioners received and reviewed several correspondences from Travelers Insurance informing of Claims Acknowledgments.

The Commissioners received and reviewed checks for 911 Fees from Matrix Business Technologies, amount \$36.00, Spectrotel, Inc., amount \$36.00, Granite Telecommunications, LLC, amount \$166.00, Cebridge Telecom WV d/b/a Suddenlink, amount \$2,676.00, AT&T Communications of WV, amount \$514.00, Cleartel Telecommunications, Inc., amount \$12.00, Level 3 Communications, LLC, amount \$194.00, IDT Corporation, amount \$24.00, dPi Teleconnect, LLC, amount \$152.00, and One Communications, amount \$2,002.08; 911 Fund reimbursements John R. Mitchell, LC, amount \$50.00, Flaherly, Sensabaugh and Bonasso, PLLC, amount \$50.00; Franchise Fees from Suddenlink Communications, amount \$41,092.88; WV Development Office-Lewis Community Center Grant, amount \$16,000.00; Human Services Division-FRN, amount \$10,000.00; Homeland Security and Emergency Management-FEMA Hazard Mitigation, amount \$1,461.23.

The meeting was adjourned at 3:05 p.m. The next scheduled meeting is November 10, 2008.



FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 12, 2008

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 12th day of September 2008.

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

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

Commissioner Lopez offered a motion to approve and sign exonerations for real property for Leslie Thomas, Kathy Treadway, Harold E. and Deborah Hobbs, Jr., David Spath, Roger C. Goins, etux, Jon Nick, Pugh and Hollea Lopez, William Lester Neal, Jane D. Fredericks, Gregory Allen and Stacy Nichols. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property for Julian C. and Kathleen Ward, Jr., Heather M. Horn, Clifford L. and Donna K. Holiday, Glen T. and Brenda S. Bailey, Jr., Andy D. and Lora S. Kees, Tex G. Holbrook and Dyna M. Morton. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for Jerry D. Wickline (\$24.18) and Jane D. Fredericks (\$377.96). Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, vouchers to be released today, payrolls to be released Monday, September 15, 2008. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve Debbie Berry's overtime. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to Rapid Communications, LLC informing that the Fayette County Commission has received their application for assignment of a cable television franchise for certain unincorporated areas Fayette County, West Virginia as specified in your transfer application for Rapid Communications, LLC to Shentel Cable Company. A public hearing on the transfer application will be at 11:00 a.m. on Tuesday, October 28, 2008.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Fayette County Prevention Partnership SPF-SIG Grant, amount \$7,729.41.

The Commissioners signed a letter to the RICOH Business Solutions informing of the Circuit Clerk's intention to purchase an MP4000 Digital Copier, amount \$5,525.00.

The Commissioners signed letters to Lieutenant James K. Sizemore, Sergeant Jack M. Feltner and Corporal Robert C. Legg extending their congratulations for their recent promotions in rank.

The Commissioners received and reviewed letters from the Town of Fayetteville and the Fayette County Chamber of Commerce informing that Cindy Dragan and Pat A. Tygrett, Jr., terms as members of the Fayette County New River Gorge Bridge Day Commission expired on August 8, 2008. They are asking that they be reappointed to serve, terms to expire August 8, 2012.

Commissioner Lopez offered a motion to approve reappointing Cindy Dragan and Pat A. Tygrett, Jr. members of the Fayette County New River

Gorge Bridge Day Commission. Commissioner Eskew seconded. Unanimous. Orders and appointment to serve letters signed.

The Commissioners presented a Certificate of Appreciation to Meredith Gregg for serving two (2) terms as the Plateau Action Network OSM/VISTA (Office of Surface Mining/Volunteer in Service to America) from August 2006 through August 2008.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Kenneth H. Carte, Jr. and David E. Myles. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she received a letter from the Auditor addressed to the County Clerk asking the Commission to sign regarding the audit that was done for the Fayette County Building Inspector Office.

Carl Harris, Prosecuting Attorney suggested to the Commissioners not to sign since the letter was addressed to the County Clerk not the Fayette County Commission.

The Commissioners signed a letter to Okey Skidmore, Manager, Fayette County Memorial Building informing that the Commission approved request of the SS Peter and Paul Catholic School the use of the building for the upcoming basketball season pending no conflict of schedules. The rental fee is waived, however, the custodial and trash service fees' requirements will not be waived on game days.

Ms. Holly presented a letter from the Ben Argento Basketball League requesting use of the Memorial Building for their upcoming basketball season 2008-2009 to the Commissioners.

Commissioner Lopez offered a motion to approve the request of the

Ben Argento Basketball League, the use of the Memorial Building for the upcoming basketball season pending no conflict of schedules. The rental fee is waived, however, the custodial and trash service fees' requirements will not be waived on game days. Commissioner Wender seconded. Unanimous. The Commissioners signed a letter to Okey Skidmore, informing him of their decision.

Commissioner Wender informed he has no minutes to be signed.

Commissioner Eskew informed the Commissioners he received a call from Chris Perkins, Superintendent, Fayette County Board of Education requesting use of the Memorial Building as a temporary location for students at the Fayetteville Elementary School to report to in case of an emergency (i.e., bomb threats, fire, etc.).

After a brief discussion the Commission approved use of the Memorial Building as a temporary location for students to report to in case of an emergency.

Commissioner Wender suggested including in the letter although the Fayette County Board of Education failed to cooperate with the Fayette County Commission in regard to the Memorial Building, and the Fayette County Board of Education has ceased to provide funding for the use of the Memorial Building for classes, sports, and other activities as done in the past, the Fayette County Commission desires to protect students and others that find it necessary to have a safe haven in the case of an emergency. Commissioner Wender asked that a copy of the letter be sent to Eugenia Ayers, Principal, Okey Skidmore, and Dave Arritt.

Doug Arbogast appeared before the Commission to present a summary

of the accomplishments over the years of the Sustainable Community Project.

Attorney James Blankenship appeared before the Commission to request that a public hearing be set to consider the expansion of the Danese Public Service District.

Commissioner Wender offered a motion to schedule the public hearing to consider the expansion of the Danese Public Service District and will advertise September 22, 2008, hearing is scheduled for October 28, 2008 at 11:30 a.m. Commissioner Lopez seconded. Unanimous.

Tom Oxley, City Manager Oak Hill appeared before the Commission to file application for the annexation by minor boundary adjustment of 4.84 acres, more or less of Wolf Creek Gardens Subdivision. The Commission approved to schedule hearing for October 28, 2008 at 1:30 p. m.

Commissioner Lopez offered a motion to approve a refund to Kroger. Commissioner Wender seconded. Unanimous.

Margo Christian-Brooks with SELF Community Action Corporation, Inc. appeared before the Commission to request funding for their Fall Fest on Saturday, October 4, 2008.

Commissioner Wender offered a motion to contribute \$500.00 to SELF Community Action Corporation, Inc. for their October Fall Fest. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Public Service Commission filing a copy of the required Affidavit of Publication to enlarge the Danese Public Service District.

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

Mr. Neal told the Commissioners they are close to meeting final reimbursement.

Commissioner Wender asked Mr. Neal to get an article out for the press and the Fayette County Commission regarding the mapping and addressing project.

Ms. Holly told the Commissioners she received the West Virginia County Records Management and Preservation Grant application.

Ms. Holly told the Commissioners she sent copies to each elected official and informed them that the grant applications must be submitted on or before November 1, 2008.

Commissioner Wender asked Ms. Holly to submit something for jail storage.

Commissioner Wender informed the Commission he received a call from William Wooton informing that David Duncan resigned as a member of the Arbuckle Public Service District.

Mr. Wooton is asking that the Commission appoint someone to replace Mr. Duncan.

Commissioner Wender offered a motion to appoint Carl Sinkhorn to replace David Duncan as a member of the Arbuckle Public Service District. Commissioner Lopez seconded. Unanimous. Order and appointment to serve letter signed.

Ms. Holly informed the Commissioners she received two estimates for spraying for pest control around the courthouse property-General Exterminating Company, LLC \$65.00 a month or a one time pest control

for \$350.00, Orkin Pest Control first month investment \$330.72, monthly service \$107.06.

Commissioner Lopez offered a motion to hire General Exterminating Company, LLC to spray monthly around the Courthouse at \$65.00 a month. Commissioner Wender seconded. Unanimous.

Ms. Holly told the Commissioners that Dan Snead told her that the price from B & D Floor Covering appears to be okay, but do not let them cut an expansion joint, just trim the tiles.

Commissioner Wender suggested going with Dan Snead's recommendation not to cut expansion joints just trim the tiles. The Commission would see what happens, then the next time cut expansion joint.

Commissioner Lopez offered a motion to approve \$3,200.00 for B & D Floor Covering to reset tiles in the Courthouse hall without expansion joint, just trim the tiles. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Kelvin Holliday, County Clerk giving her the names of the part-time employees hired to work the general election. The Commissioners approved use of the Commission office in the back for early voting.

The Commissioners received and reviewed a letter from Verizon responding to the petition they received from customers at Lookout seeking high speed Internet service or DSL. Ms. Holly told the Commissioners she sent a copy of the letter to Russell Bennett.

Ms. Holly told the Commissioners that Dan Snead is working on

gathering information needed to send in for the air conditioning for the Memorial Building.

Ms. Holly asked the Commissioners if they heard anything regarding Meadow Bridge. The Commissioners replied no.

Discussion was held regarding the letter they received from Sheriff William Laird regarding Robert Godsey sick leave.

The Commissioners asked to hold for discussion at the next meeting.

Commissioner Wender informed the Commission will met with the Sheriff and Carl Harris, Prosecuting Attorney to discuss, if there is a degree of urgency, Commissioner Eskew will call a special session regarding Robert Godsey.

Ms. Holly told the Commissioners that a check to the Division of Environmental Protection had been written for the use of the incinerator. Ms. Holly told the Commissioners she was holding check since they told James Perdue, Maintenance Supervisor to get a shredder.

The Commissioners told Ms. Holly to continue to hold check and have James Perdue get quotes for the shredder.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a copy of a quote from CSSI (Complete System Support, Inc.) for four (4) computers. The Commissioners asked Ms. Holly to get an explanation from Kelvin.

The Commission informed Mr. Holliday should look at County Clerk's front office software the County already has.

The Commissioners asked Ms. Holly to check with Software Systems

to get an estimate on what it would cost to implement.

The Commissioners denied request from Kelvin Holliday to purchase a new computer for early voting.

The Commissioners asked Ms. Holly to have Kelvin get three (3) prices for the four (4) chairs he's requesting to purchase and send quotes back to the Commission.

The Commissioners received and reviewed a letter from Jennifer Salvatore thanking the Commissioners for appointing her a member of the Fayette County Planning Commission.

The Commissioners received and reviewed a letter from Terry Eagle Coal Company, LLC informing of their pending Phase III release for Permit U-6001-90 which is located in Nicholas County near Dixie.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the August Table Games will be directly deposited on September 15, 2008, amount \$3,526.17.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the 75% of the coal severance tax will be directly deposited on September 11, 2008, amount \$142,840.27.

The Commissioners received and reviewed a letter from AIG Claims, Inc. regarding Claim #410-088092 George Harrison etal v. State of WV/Fayette County Commission.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School (SALS) informing they would be willing to be a collaborative partner with the Fayette County Dilapidated Building

and Beautification Committee.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the 08-PPF-TF-10 for the month of August, amount \$2,645.52 and the 08-CC-081 for the month of June, amount \$4,049.75.

The Commissioners received and reviewed a letter from the Division of Highways asking to make available (to anyone who wishes to review them) the modified listing of proposed amendments to the approved 2008 STIP (Statewide Transportation Improvement Program).

The Commissioners received and reviewed a copy of the legal from the County Clerk's Office informing he will test two iVotronics, poll books, ballots and the automatic tabulating equipment to be used in Early Voting Wednesday, October 8, 2008 at 9:00 a.m.

The Commissioners received and reviewed a letter from Branch Banking and Trust giving a list of securities held as collateral to secure the deposits of Fayette County Commission as of August 31, 2008.

The Commissioners received and reviewed a letter from Wachovia Bank informing of a new pledged security notification.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement giving a list of securities pledged as of August 29, 2008.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statement and Asset List as of August 31, 2008.

The Commissioners received and reviewed Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$195.00.

The Commissioners received and reviewed from the Division of Criminal Justice Services Grant Adjustment Notice for Project #04-DC-47.

The Commissioners received and reviewed a letter from the Fayette County Urban Renewal Authority requesting that the Commission provide a total of \$3,000.00 to the Urban Renewal Authority to cover expenses for August, September and October relating to landscaping and other needs at Wolf Creek Park. The Commissioners approved.

The Commissioners received and reviewed a copy of a letter from the Department of health and Human Resources to Pax Water Company regarding their water system.

The Commissioners received and reviewed Official Oath of Office from Allen Ballard, a member of the Fayette County Beautification Committee, Ann Skaggs, Kathleen Scott, Patricia Wendell and Daniel Wright members of the Fayette County Historic Landmark Commission.

The Commissioners received and reviewed a letter from Maple Coal Company regarding blasting operations Permit #S-3007-95. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed Certificate of Liability Insurance for Cequel Communications Holding, LLC.

The Commissioners received and reviewed from Ohio Farmers Insurance Company a General Form Status Inquiry for Roaring River Development Snowgoose Road location West Virginia contractor Eastern Arrow Corp.

The Commissioners received and reviewed from Upper Kanawha Valley Chamber of Commerce an invitation, inviting the Commission to the 22nd

Upper Kanawha Valley Chamber of Commerce Banquet being held September 23, 2008 at 7:00 to 9:00 p.m.

The Commissioners received and reviewed a letter from the Good News Outreach, Inc. thanking the Commission for their \$2,000.00 contribution to pay their insurance.

The Commissioners received and reviewed a letter from St. Paul Fire and marine Insurance Company regarding property damage to courthouse property on May 11, 2008.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing a copy of the Comprehensive Economic Development Strategy 2009-2013 Plan (CEDS).

The Commissioners received and reviewed a Summary of Valley EMS, Inc. Operations.

The Commissioners received and reviewed a Surface Transportation Board Decision and Notice of Interim Trail Use or Abandonment-STB Docket #AB-55 (Sub-No. 682x).

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, amount \$45.82; Alarm Fees, amount \$2,789.00; Franchise Fees from Rapid Communications, LLC, amount \$250.00 and Bradley Communications, amount \$815.80; Criminal Justice Services for SPF-SIG grant, amount \$12,066.92 and Community Corrections, amount \$10,074.58; Reimbursements-City of Beckley, amount \$932.48 and Women's Resources Center, amount \$8,882.90; Insurance Claims, amount \$3,019.00; Division of Human Services, amount \$474.00; and Internal Revenue Service, amount \$132.00.

The Commissioners received and reviewed from the Fayette County

Animal Control Center/NRHS Monthly Revenue Report and Activity Report for the month of August, New River Human Society allotment, amount \$13,202.59 for the month of September, Weekly Fees Collected for the week of August 29 to August 31, 2008, amount \$110.00, the week of September 1 to September 4, 2008, amount \$0.00, and the week of September 5 to September 11, 2008, amount \$268.00.

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

The Commissioners received and reviewed several correspondences for Workers' Compensation claims.

The Commissioners received and reviewed an e-mail from Carl Thompson regarding the VISTA worker Bryan Kurzna and the county vehicle.

The Commissioners received and reviewed an e-mail from Carrie Strunk, SPF-SIG director informing that the Y/FIC & FCPP meeting is Thursday, September 18, 2008 from 12:00 noon to 2:00 p.m. at the Department of Health and Human Resources in Oak Hill.

The Commissioners received and reviewed several e-mails from the West Virginia Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Rhonda Brisendine, Project Manager Division of Highways regarding the Oak Hill Rail Trail.

The Commissioners received and reviewed an e-mail from Bobby Meadows requesting a physical address for the Shooting Range.

The Commissioners received and reviewed an e-mail from Ms. Holly to Earl Pauley regarding hydroseeding at the Shooting Range.

The Commissioners received and reviewed an e-mail from Pamela L. Yost, Economist, WVNRCs regarding Project Agreement for Dunloup Creek.

The meeting was adjourned at 1:20 p.m. The next scheduled meeting is September 26, 2008.



FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 26, 2008
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 26th day of September 2008.

Commissioner Eskew called the meeting to order at 9:14 a. m.

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

Commissioner Wender offered a motion to approve and sign exonerations for real property tax (see attached). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign exonerations for personal property tax for Beverly K. or Virginia McKinney, General Motors Acceptance Corp., Ethel Mae Johnson, Orix Financial, Rhea or Ramsey Essa, Charles A. or April Underwood, James L. or Dawn Mann, William F. or Anna Whitley, and Cecil Carl Riner, Sr. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for General Motors Acceptance Corp. (\$286.88) and Bonnie M. and Jeff Lively (\$206.45). Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of July 11, July 25 and August 8, 2008. Commissioner Lopez seconded. Unanimous. Minutes signed.

Cindy Preast with Bluefield Housing Authority appeared before the Commission to inform them that the Bluefield Housing Authority Board

REAL PROPERTY TAX TICKET. CANCELLED OR EXONERATED
MONTH OF September 26, 2008

ACCOUNT NUMBER	TICKET NUMBER	NAME OF TAXPAYER	DATE CANCELED	REASON FOR CANCELLATION	STRAIGHT CANCEL	CORRECTED TICKET CREATED	RE-ISSUED SUPPLEMENTAL	CANCELED LEVY	TAX DISTRICT
6105261	38853	PIONEER COMMUNITY BANK	September 16, 2008	HOUSE RAZED BEFORE 7/1/2007		X		\$254.14	10
6319076	25284	JOHNSON, SHERMAN L & DEISHER, BF	September 16, 2008	ERRONEOUS VALUE		X		\$17.44	3
6320135	25281	JOHNSON, SHERMAN L & DEISHER, BF	September 16, 2008	ERRONEOUS VALUE		X		\$36.90	3
6319076	25283	JOHNSON, SHERMAN L & DEISHER, BF	September 16, 2008	ERRONEOUS VALUE		X		\$168.84	3
6220582	18056	MOORE, MILDRED E ETAL	September 23, 2008	ERRONEOUS VALUE		X		\$416.58	3
8173880	26841	PEDERSON, FLORA G	September 23, 2008	DOUBLE ASSESSED	X			\$3.84	3
6301450	25998	MCNEIL, KENNETH & ESLICK, ERICA R	September 23, 2008	S/B CLASS 2		X		\$258.24	3
6000169	10471	UNITED STATES OF AMERICA	September 23, 2008	S/B EXEMPT	X			\$278.24	1
*06000169	*10424	UNITED STATES OF AMERICA	September 23, 2008	S/B EXEMPT	X			\$262.86	1
6000178	10470	UNITED STATES OF AMERICA	September 23, 2008	S/B EXEMPT	X			\$103.00	1
*06000178	*10423	UNITED STATES OF AMERICA	September 23, 2008	S/B EXEMPT	X			\$160.02	1
*06091837	*2230	COLE, DARRELL & TERESA	September 23, 2008	S/B HOMESTEAD		X		\$234.42	1
6091837	2210	COLE, DARRELL & TERESA	September 23, 2008	S/B HOMESTEAD		X		\$239.04	1
6182141	12034	ARTHUR, GREGORY & SHIRLEY	September 23, 2008	ERRONEOUS VALUE		X		\$3.84	2
9001489	9495	SMAILES, CHARLES E & JOAN S	September 23, 2008	ERRONEOUS VALUE		X		\$54.58	1
*06076756	*2229	COLE, DARRELL & TERESA	September 23, 2008	ERRONEOUS VALUE		X		\$89.94	1
6076756	2209	COLE, DARRELL & TERESA	September 23, 2008	ERRONEOUS VALUE		X		\$95.32	1

of Commissioners voted unanimously to develop a basketball team to participate in the American Basketball Association Professional Sports League. The name of the team is the West Virginia Blazers. The goals of developing this team are to provide positive activities for young men in the area, to provide the community with the benefits of a professional basketball team.

Ms. Prest told the Commissioners she is here today to request use of the Memorial Building for the West Virginia Blazers to host a basketball event on November 5, 2008.

Ms. Prest is asking that the rental fee be waived.

Ms. Prest told the Commissioners that they are insured and they will pay the custodian and trash service fees.

Commissioner Lopez offered a motion to approve the use of the Memorial Building for the upcoming West Virginia Blazers Basketball event pending no conflict of schedule. The rental fee is waived, however, the custodial and trash services fees requirements will not be waived on game day. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve payrolls, payrolls to be released September 30, 2008, vouchers and invoices approved to be released today. Commissioner Wender seconded. Unanimous.

The Commissioners approved overtime for Debbie Aliff, Payroll Clerk to work classes, etc., work on votomatics for the General Election to be paid from the election expense.

The Commissioners approved payment of \$4,000.00 to Southern Conservation District with the understanding that Fayette County Commission will receive a partial refund because the project did not

take as much as budgeted in agreement.

Ms. Holly informed the Commissioners that at their September 12, 2008 meeting Attorney James Blankenship had presented an Order regarding reduction of the New Haven Public Service District and the enlargement of Danese Public Service District. At that time Mr. Blankenship miscounted the days to be advertised before a hearing is scheduled.

Ms. Holly told the Commissioners that she is presenting this Order again for the Commission to set a hearing for the reduction of the New Haven Public Service District and the enlargement of the Danese Public Service District.

Commissioner Wender offered a motion that the Fayette County Commission will conduct a hearing for the reduction of the New Haven Public Service District and the enlargement of the Danese Public Service District on Monday, October 28, 2008 at 11:30 a.m. Commissioner Lopez seconded. Unanimous.

Henry Neal appeared before the Commission to ask for zoning regulations for the Glen Ferris Inn. The Commissioners suggested to Mr. Neal that he talk with Tim Richardson, Zoning Officer.

Michael Keleman, Director of Government Relations with Suddenlink appeared before the Commission to request that the Commission would consider extending the expiration date of the two franchises that will expire on December 31, 2008 this year to coincide with the July 31, 2009 expiring franchises.

Also, present for the hearing was Tom Syner with WQAZ-Radio and Sharon Cruikshank with the Fayette County Chamber of Commerce.

Commissioner Wender asked Mr. Kelemen about giving its public television channel back to Fayette County.

Commissioner Wender asked Mr. Kelemen if they could designate the Fayette County Chamber of Commerce, the New River Convention and Visitors Bureau and Tom Syner of WQAZ 98.5 and 101.5 to run the station.

Mr. Keleman said he didn't have any problem with speaking with any Fayette County officials regarding operation of its public television channel.

Mr. Keleman told the Commissioners that they have the channel space available and he would work with anyone the county selects to get this process moving forward.

Mr. Syner told the Commissioners he would broadcast a mix of American popular standards and golden oldies with an emphasis on local Fayette County history and tourism.

Sharon Cruikshank, Director of the Fayette County Chamber of Commerce told the Commissioners she would talk with her board at their next meeting to see if they would be interested in becoming involved in promoting tourism, history, economic development, government interests and other events happening in Fayette County for instance Bridge Day, Oak Leaf Festival and other heritage events.

Commissioner Wender offered a motion that Fayette County Commission approves the extensions of the Mount Hope, Oak Hill head-ins from December 2008 to July 2009 with the understanding that Suddenlink will enter into a discussion to give back its public television channel, discussion to start immediately after Bridge Day.

Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Jennifer and Michael McCauley and Virginia Melesky asking the Commission if they would grant them some type of document so they could present to people who are interested in purchasing Lot 9 Whipple SD 2 purchased by FEMA after the flood of 2001 informing that the property next to their house is not for sale.

Tom Steele, Assistant Prosecuting Attorney told the Commissioners that the Prosecuting Attorney's office will prepare a lease.

Commissioner Wender offered a motion that the Prosecuting Attorney Office prepares a lease for Michael and Jennifer McCauley and Virginia Melesky regarding the use of Lot 9 Whipple SD 2.

Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Sheriff William Laird sent over a memo informing the cruisers are in. Check has been prepared.

The Commissioners received and reviewed a letter from Becky Jones, Tax Deputy informing of unpaid taxes for real estate or a portion of real estate that was transferred to the Commission on June 2008.

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

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate land for Pioneer Community Bank and Dennis Ingram. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Camco Heating and Air Conditioning suggesting that the Commission authorize the installation of a permanent outside ladder on the backside of the Fayette County Courthouse building to allow access to the rooftop units.

The Commissioners asked Ms. Holly to get opinion regarding security from Judge John Hatcher, Daniel Wright, Circuit Clerk and Sheriff William Laird regarding Camco's request to install a ladder.

Ms. Holly told the Commissioners that the Courthouse Facilities Improvement application is due by October 10, 2008.

Ms. Holly presented the Concrete Walks and Railing Repairs Report for the Fayette County Courthouse Complex from J. Dan Snead and Associates, Inc. to the Commissioners.

After reviewing the report, Commissioner Wender offered a motion that Fayette County Commission submits to the Courthouse Facilities Improvement Authority application to repouring and refinishing concrete on the County grounds around the Courthouse. Commissioner Lopez seconded. Unanimous.

Sheriff William Laird appeared before the Commissioners to give a summary on the Project Lifesaver Program.

Sheriff Laird told the Commissioners the cost of a set-up transmitter/band and battery testers is \$300.00 per person, after the initial hook-up the cost would be \$75.00 a year.

Commissioner Wender asked Sheriff Laird and Aletha Stolar to join them at their October meeting to discuss further.

Commissioner Wender asked to have Ms. Stolar to check with

Nicholas and Raleigh Counties on their program.

The Commissioners recessed the Commission meeting at 12:00 p.m. to go into Executive Session to discuss personnel matter.

The Commissioners reconvened the Commission meeting at 1:15 p.m. Commissioner Wender offered a motion that Fayette County Commission revises the Sick Leave Policy for Deputy Sheriffs per the Prosecuting Attorney (see attached). Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners that she talked with Steve Canterbury with the Supreme Court regarding the lease for the Family Law Master building. Mr. Canterbury said he would fax some details to her regarding the lease.

Ms. Holly told the Commissioners that Matt Edwards told her the lease will be back dated to January 2008.

Ms. Holly asked the Commissioners about Kelvin Holliday, County Clerk's requests.

Commissioner Wender offered a motion to approve purchase of one (1) computer to be used for early voting and switched to voters' registration as soon as possible but not to disrupt election process when moving voter's software and system. Commissioner Lopez seconded. Unanimous.

There was no action taken on Mr. Holliday's request for three (3) computers for front office, desk and chairs.

The Commissioners denied request for funding for the United Way and the Junior Achievement of West Virginia.

Ms. Holly told the Commissioners the cost to repair the tile was

IN THE COUNTY COMMISSION OF FAYETTE COUNTY, WEST VIRGINIA

SEPTEMBER 26, 2008

REVISION TO SICK LEAVE POLICY FOR DEPUTY SHERIFFS

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

WHEREAS, the deputy sheriffs are able to apply accrued sick leave upon retirement to their years of service and for other benefits provided under the Deputy Sheriffs' Civil Service Act, and

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

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

WHEREAS, it is the desire of the Fayette County Commission to adopt a policy to provide for application of accrued sick leave when a deputy sheriff of Fayette County has left employment due to an involuntary lay-off and has returned to employment as a Fayette County Deputy Sheriff within two years of that involuntary lay-off.

NOW, **THEREOFRE**, be it **RESOLVED** that the sick leave policy of Fayette County be amended to provide the following provision for deputy sheriffs, which provision replaces and rescinds the previous revision to sick leave policy:

In the event that a Fayette County Deputy Sheriff leaves his/her employment as a deputy sheriff as a result of an involuntary lay-off and has already become vested in the Deputy Sheriffs' Retirement System and is thereafter reinstated as a Fayette County Deputy Sheriff within two (2) years after having been involuntarily laid off, the deputy sheriff may apply any accrued sick leave that existed at the time of the involuntary lay-off as

a deputy sheriff toward years of service as a vested retirement benefit, or toward such other benefits as may be available under the Deputy Sheriffs' Civil Service Act, at the election of the retiring deputy.

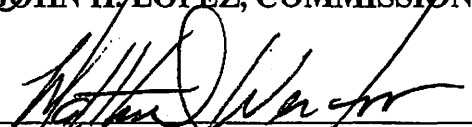
ENTERED and **ADOPTED** by unanimous vote on this the 26th day of
September, 2008:



KENNETH L. ESKEW, COMMISSIONER



JOHN H. LOPEZ, COMMISSIONER



MATTHEW D. WENDER, COMMISSIONER

\$1,100.00.

The Commissioners approved request from Daniel Wright, Circuit Clerk to transfer \$499.98 from his travel budget to purchase a printer for the back office.

Ms. Holly talked with James Perdue, Maintenance Supervisor about getting bids for a shredder.

The Commissioners received and reviewed a letter from the Fayette County Health Department requesting roof replacement for the Fayette County Health Center building. The roof has been leaking in numerous locations for several years.

The Commissioners asked Ms. Holly to have the roof inspected.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates informing he has reviewed two potential projects to submit to the West Virginia Courthouse Improvement Authority for grant consideration for the Fayette County Courthouse/Memorial Building.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent listing the Vin numbers to the cars that were sold as junk.

The Commissioners signed a letter to Okey Skidmore, Manager Fayette County Memorial Building informing that the request of Cindy Preast to use the Memorial Building for the upcoming West Virginia Blazers Basketball event pending no conflict of schedule has been approved, the rental fee will be waived, however, the custodian and trash service fees requirements will not be waived on game day.

The Commissioners received and reviewed a letter from the

Division of Highways informing that the 2009-2014 Statewide Transportation Improvement Program (STIP) has been made available for public comment. A copy of the document may be viewed and/or downloaded on the web at <http://www.wvdot.com>.

The Commissioners received and reviewed a copy of a Memorandum from Alice King, Senior Project Specialist, Region 4 Planning and Development Council to Dan Snead regarding the Fayette County Commission Courthouse 504/SALS project #03SCBG0102 use of the SCBG funds for other necessary 504 improvements to the Fayette County Courthouse.

The Commissioners received and reviewed a Memorandum from Daniel Wright Chairman of the Fayette County Historic Landmark Commission giving a history of the tile that buckled on the main courthouse hallway.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District minutes of June, July, and August 2008.

The Commissioners received and reviewed a letter from the U. S. Department of Justice informing they are in support of receivership with a Certificate of Service regarding Arbuckle Public Service District.

The Commissioners received and reviewed a Memorandum from the Secretary of State informing of the 2008 General Election Official Write-in Candidates.

The Commissioners received and reviewed a letter from the U. S. Department of Justice informing the U. S. Department of Agriculture is

in support of receivership for Arbuckle Public Service District.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing that Arbuckle Public Service District (the water system) has been issued an Administrative Order due to failure to comply with the public health laws of the State of West Virginia.

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

The Commissioners received and reviewed a brochure from the West Virginia Supreme Court of Appeals informing that a Court Security Seminar is being held on December 2-4, 2008 at the Lakeview Resort in Morgantown.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties informing they have approved a West Virginia Association of Counties Visa Purchasing Card through Branch Banking and Trust (BB&T).

The Commissioners received and reviewed from Ms. Holly a report of the coal severance taxes received as of September 2008 for the 75% 4th Quarter amount \$142,840.27 and for the 25% 4th Quarter amount \$37,265.21.

The Commissioners received and reviewed a letter from Pullen, Fowler, Flanagan, Brown and Poe PLLC regarding the Estate of Cecil Compton.

Ms. Holly forwarded a copy of the letter to Carl Harris, Prosecuting Attorney to review and advise. Mr. Harris told the Commissioners he would take care of.

The Commissioners received and reviewed a telephone message from Rick Davis with the Surface Transportation regarding the Abandon CSX Railroad. The Commissioners asked Ms. Holly to forward the message to Carl Thompson to respond.

The Commissioners received and reviewed a letter from the Boy Scouts of America informing on behalf of Scouts and Scouting volunteers across American they are offering their heartfelt appreciation for the Commission's efforts in their jamboree site selection process.

The Commissioners received and reviewed a letter from the Southern West Virginia Convention and Visitors Bureau enclosing a copy of the Southern West Virginia Convention and Visitors Bureau membership list and a nomination ballot for the Board of Directors for a three (3) year term beginning January 1, 2009 and ending December 31, 2011.

The Commissioners received and reviewed a letter from the Southern West Virginia Convention and Visitors Bureau Chairman of the Board informing that they received one of the State's highest tourism honors at the Governor's Conference on Tourism in Chester West Virginia.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that effective today (September 16, 2008) Tara Jo Tyree will be working in

his office as a full-time employee, salary to be paid from the PVC Fund at an annual rate of \$17,000.00.

The Commissioners received and reviewed an invitation from the City of Montgomery inviting the Commissioners to their Annual Christmas Parade being held Friday, December 5, 2008 at 7:00 p.m.

The Commissioners received and reviewed a letter from the Town of Fayetteville informing that on September 10, 2008 citizens of Fayetteville this week joined nearly 200 communities nationwide in kicking-off the annual Keep America Beautiful effort to reduce the number of littered cigarette butts, the most widely littered item in America.

The Commissioners received and reviewed a letter from the Board of Treasury Investments Chairman providing the Commission with the facts concerning their investments in the state's short-term investment pools.

The Commissioners received and reviewed a letter from the New River Convention and Visitors Bureau enclosing a copy of their organizations' 2007 Exempt Organization Return.

The Commissioners received and reviewed a letter from the Fayette County Board of Education thanking the Commission for allowing Fayetteville Elementary School to use the Memorial Building in the case of an emergency.

The Commissioners received and reviewed the 31st Annual West Virginia EMS Conference Attendee Registration Package from the West Virginia Department of Health and Human Resources Office of Emergency Medical Services.

The Commissioners received and reviewed from Southern Conservation District an invitation inviting the Commission to attend their Annual Awards Banquet being held October 14, 2008 at the Raleigh County Convention Center (Armory).

The Commissioners received and reviewed a copy of a letter from the New Haven Public Service District to the West Virginia State Health Department informing the District appreciates receiving notice that they will receive a BPH Design Assistance Grant.

The Commissioners received and reviewed an Official Oath of Office from Carl Sinkhouse member of the Arbuckle Public Service District.

The Commissioners received and reviewed from the Fayette County Democratic Executive Committee a notice informing they are having a Coordinated Campaign Training on Thursday, September 25, 2008 and the Official Ribbon Cutting Ceremony for Headquarters Opening is October 4, 2008.

The Commissioners received and reviewed a telephone message from Laura Ketchum, Farmers Market inviting the Commissioners to attend a Pot Luck dinner Sunday, September 21st at the Fayetteville town Par at 4:00 p.m. in Shelter #2.

The Commissioners received and reviewed a letter from the U. S. Department of the Interior asking the Commission to join them on October 3, 2008 for a luncheon and celebration of the 40th Anniversary of the national Wild and Scenic Rivers Act.

The Commissioners received and reviewed a Request for Reimbursement to th West Virginia Division of Criminal Justice for the

Communication Corrections Grant, amount \$12,189.38.

The Commissioners received and reviewed Status Report from the 911 Center for the months of January through August 2008.

The Commissioners received and reviewed Application for Employment from Connie Ann Rock.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the August Limited Video Lottery will be directly deposited on September 26, 2008, amount \$6,649.35.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the 25% of the coal severance tax will be directly deposited on September 16, 2008, amount \$37,265.21.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 12 to September 18, 2008, amount \$160.00 and the week of September 19 to September 25, 2008, amount \$250.00.

The Commissioners received and reviewed from the Bank of New York Melon Cash Statement and Asset List for the period of September 22, 2008 and September 23, 2008.

The Commissioners received and reviewed a letter from Ricwel of West Virginia for BrickStreet Mutual Insurance Company informing that an Independent Medical Examination has been scheduled for Athylene

Grimmett in conjunction with claim #2007020625.

The Commissioners received and reviewed a letter from BrickStreet informing that Randall Redden claim is closed for temporary total Disability benefits because they did not receive medical evidence showing that he was disable more than three days due to this injury.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Co., amount \$48.99, Verizon, amount \$28,581.11, Public Service Commission, amount \$170,752.44, Mountain Communications, amount \$50.23, AT&T IXC's and Alascom, ME, amount \$406.00, Cequel Communications Holdings, ME, amount \$2,460.00, ClearTel Communications ME, amount \$12.00, Granite Telecommunications LLC, amount \$170.00, IDT Corporation, amount \$30.00, Level 3 Communication LLC, amount \$194.00 and Mountain Communications, amount \$50.26; Fayette County Board of Education-Contribution for WVU Extension Office, amount \$19,237.00; Reimbursement-City of Beckley, amount \$627.18; WV Development Office-Sportsman's Recreation Center, amount \$16,863.24; Criminal Justice Service-SPFSIG/TRIDENT, amount \$8,397.23; WV Treasury Gasoline Excise Tax, amount \$26,026.43; Soldiers and Sailors Memorial Fund, amount \$25.00.

The Commissioners received and reviewed an e-mail from Pamela Yost, Economist, WVNRCs regarding Project Agreement for Dunloup Creek.

The Commissioners received and reviewed an e-mail from Patti Hamilton, CAE, Executive Director with the West Virginia Association of Counties informing she attended the PEIA Finance Board meeting September 18 and the projected premium increase for the non-state pool for 2010 at this time is 19%.

The Commissioners received and reviewed an e-mail from Jennifer with the County Commissioners' Association of West Virginia regarding how much the counties contribute to the West Virginia Extension Service, both financially and any "in-kind" services.

The meeting was adjourned at 1:45 p.m. The next scheduled meeting is October 8, 2008.