

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 5, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 5<sup>th</sup> day of January, 2018.

Commissioner Scalph called the meeting to order at 9:03 a.m. President Wender had not arrived by the start of the meeting.

County Clerk, Kelvin Holliday, appeared to present Early Voting keys to the Commission.

Eddie Young, Assessor, appeared to present a real property exoneration for Melvin E. England, \$46.86. Commissioner Scalph motioned to approve real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve one refund of \$45.68 to Melvin E. England generated by the exonerations. Commissioner Scalph seconded. Unanimous decision.

President Wender arrived at 9:09 a.m.

Debbie Berry, County Administrator, presented an order regarding the Organization of the County for 2018. Ms. Berry read the order. Commissioner Brenemen nominated Matthew D. Wender for president. Commissioner Scalph seconded. Unanimous decision. Commissioner Brenemen nominated Denise A. Scalph for purchasing agent. President Wender seconded. Unanimous decision. Commissioner Brenemen nominated Stephanie Sears as Assistant Purchasing Agent, and motioned to authorize Deborah A. Berry, County Administrator, Renee Harper, Park Director, Joe Crist, Fire Coordinator, and Kevin Walker, OEM Director,

to make purchases up to \$600.00 without prior County Commission approval for the year 2018. Commissioner Scalph seconded. Unanimous decision. Commissioner Scalph motioned to approve the organization order. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release checks on January 12<sup>th</sup>, 2018. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve December 15<sup>th</sup> & 29<sup>th</sup>, 2017 minutes. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Richard Lee Crouch; Richard Lee Crouch, Jr.; Glenmore Sevy Ewing; Robert Lane Kidd; Cynthia Lynn Walker; Helen May Bernath; Johnny N. Johnson; and Darlena Dawn Roop-Shuler. Commissioner Scalph motioned to approve and authorize President Wender to sign the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Gabriel Peña appeared to present a Flex-E grant resolution for the Fayette County Park trail design. Commissioner Scalph motioned to approve the resolution. The total cost is \$9,700.00 with a match of \$1,455.00. Commissioner Brenemen seconded. Unanimous decision.

Ron Robinson, AEP representative, appeared to give an update with George Porter, Courtney Mustard and Craig Pritt. AEP is upgrading two transmission facilities within Fayette County, Carbondale and Meadow Bridge. Mr. Porter presented a slideshow presentation for the Commission to review. The majority of the work is due to aging infrastructure built in the early 1900s, so upgrading is essential.

The Meadow Bridge upgrade is 10 miles in Fayette County and 10 miles in Greenbrier County. The transmission lines will be taller than what are currently there. The Meadow Bridge open house is January 25<sup>th</sup> at the Rainelle Public Library. Carbondale is having two open houses, one on January 31<sup>st</sup> at the YMCA in Montgomery and February 1<sup>st</sup> at the Glen Ferris Inn. Typically the times are set from 5:30 to 7:30 p.m.

Mr. Pritt explained why AEP goes from point A to point B to help the Commission understand better the changes being made to the lines right of ways.

Mr. Porter will send us the information to be put on our website.

Discussion on the shooting range was held. A committee of Sheriff Fridley, Ms. Berry, & Commissioner Brenemen met with the bid proposal companies. The decision was put on hold until bids can be received on the amount the timber will bring in. Sheriff Fridley gave a background on how the shooting range came about. Local property owners spoke with their concerns. Kevin Cogar, Sr. presented the Commission with 3 cases of how shooting ranges decrease property values. Local owners asked if anyone had looked at other properties for the range. It was stated that it needed to be on County owned property.

The next steps are to find out the cost of the timber then the timber would have to be auctioned, then go back to the engineering firms and select one of the two. Then to bid out construction after engineering is complete. President Wender asked for names and addresses of the local property owners so they can stay in the loop and attend discussions regarding the shooting range.

The Commission took a break at 10:53 a.m. and reconvened at 11:05 a.m.

The Commission asked that a letter be sent to Matt Combs, Register Herald Reporter, asking to run an editorial to showcase Park upgrades.

Jonathan Grose appeared to discuss the KFPSD. Mr. Grose presented an update on Boonesborough project. CSX is working with KFPSD and Region 4 for alternatives to boring under the railroad tracks. Vendor debt is \$22,000.00 with a 60 day window. This does not include the previous \$25,000.00 and they haven't had to draw down any of the allocated \$36,000.00. They don't think they will need to borrow this after all. All payroll and benefits are current and new accounts are in place. When payments come in daily, percentages are tabulated and deposited into each account rather than once monthly. Mr. Grose worked with the staff to decrease vendor debt and pay bills correctly. All borrowing is current and they are making monthly payments to the Commission. Engineers for the waterside upgrades have been shortlisted and interviews will be held soon.

President Wender suggested writing a letter to KFPSD customers to detail the changes which have occurred and the vast difference from last year. Discussion was held on the water outage in Glen Ferris over the New Year's holiday. Mr. Grose spoke with Mike Smithson, customer who alerted the Commission of the outage. Procedures for emergency contacts have been changed and implemented this week. When an outage is reported, two additional customers will be contacted in the area to verify the outage. Outages should be reported to the PSD Commissioners or the non-emergency number at 911.

Mr. Grose mentioned consolidating some PSDs and that some discussions have taken place in the past. He stated that Lesley Taylor held discussions with the previous board. President Wender

mentioned having discussions with John Tuggle regarding this issue, and Mr. Tuggle does feel Fayette County has too many PSDs. President Wender asked Ms. Berry to ask Mr. Tuggle to get on the agenda to discuss this issue.

Mr. Grose discussed the Town of Gauley Bridge. He mentioned he is aware the Commission has agreed to pay \$10,000.00 for Gauley Bridge in the economic position in the partnership with Montgomery and Smithers. Mr. Grose does not feel it would be beneficial to Gauley Bridge. The Town has some other projects in the works on their own. He feels that if any allocation is to be made for the Town of Gauley Bridge, it should be for something beneficial for the town. The Commissioners understand that if Mr. Grose does not feel like this is beneficial, they do not want to create a partnership which will not work.

Mike Callahan, attorney, appeared to present the Fayette County Environmental and Public Health Protection Settlement Fund Resolution and order for the Commission to approve and sign. This resolution follows the federal act and authorizes an interest bearing fund to be set up for purposes of any cases. At a later date, the Commission will name a trustee/overseer of the fund and work out the details needed for the fund. Commissioner Scalph motioned to authorize an establishment of an Environmental and Public Health Protection Settlement fund to be set up and at a later meeting the mechanics and trustee will be discussed and decided on. Commissioner Brenemen seconded. Unanimous decision.

President Wender asked Mr. Callahan to return at a later meeting to discuss some other questions raised.

Ms. Berry presented the Public Nuisance Ordinance for signature which was approved on December 15, 2017.

Ms. Berry presented a resolution regarding the New River Gorge Development Authority participation and cooperation. This designates them as our lead Economic Development Authority. Commissioner Brenemen motioned to approve and sign the resolution. Commissioner Scalph seconded. Unanimous decision.

Chad Neal with Chad's Wrecker Service appeared to discuss the rules and regulations of wrecker services. There are two companies vying to be added to the wrecker rotation which are not justifiable. One is a company out of Summersville which wants to be a heavy load wrecker. The other is in Oak Hill that just bought their wrecker two days ago. No official requests have been made from these two companies. Mr. Neal is requesting that no other wrecker service be put on the rotation. The wrecker service companies are starving for work as is. Mr. Neal stated that the rules and regulations says that if there is not a need, no new wrecker service will be added. He asked that the rules and regulations be enforced. The Commission stated that as long as we have coverage, they have no problem not letting any other company on the rotation and enforcing the rules and regulations. James Bennett, 911 Coordinator, was present and stated that county has coverage.

Mr. Neal requested that the wrecker services on rotation along with Mr. Bennett review the policy and update what needs updated, then return to the Commission for final approval. The Commission is in agreement. Mr. Harrah will review first. Mr. Bennett will coordinate the meeting with the wrecker services.

Discussion was held on work boots and jackets for the 7 maintenance employees. Ms. Berry will obtain quotes. The Commission agrees and Ms. Berry will return once quotes are obtained.

Commissioner Scalph motioned to approve an additional \$300.00 regarding the Redden case. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve September 8<sup>th</sup> and 15<sup>th</sup> minutes (held until the Commission received the Court Reporters' portions.) Commissioner Scalph seconded. Unanimous decision

Ms. Berry presented two Combine or Divide and Segregate Land orders for Michael Whisman and Burton Lee Sims, respectively. Commissioner Brenemen motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a quote from GST for Firewall. Commissioner Brenemen motioned to approve the quote from GST for \$3,114.00. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented minutes from the Fayette County Zoning portion of the Commission meetings held on September 8<sup>th</sup>, 15<sup>th</sup> and November 27<sup>th</sup>, 2017 and an order denying the request from Mountain Valley Pipeline, LLC, Zoning case Z-525-17-1 property legally described as Fee 754.56 Meadow Dale, Surf 20.32 Meadow Dale, 16.666 AC, near Springdale, New Haven District, from R-R (Rural Residential District) to H-1 (Heavy Industrial District) for the Fayette County Commission to approve and sign. Commissioner Brenemen will review the minutes before the Commission approves.

Ms. Berry presented a letter from Tabitha Stover, Executive Director of the Fayetteville Convention and Visitor's Bureau requesting to dissolve their leave for the Fayette County Jail and Law

Enforcement Museum. Commissioner Scalph motioned to dissolve the lease early. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a Retention Agreement of Miller & Amos, Attorneys at Law to revise the Fayette County Personnel Manual for approval and signature of President Wender. Prosecuting Attorney Larry Harrah was not in agreement to approve and sign. He claims the agreement is too open ended. Mr. Harrah will send a letter to Miller & Amos.

Ms. Berry presented a Standard Form of Agreement between owner and Architect from J. Dan Snead and Associates, Inc. for the New Mechanical System project at the Fayette County Judicial Annex for approval and signature of President Wender. Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an HVAC Service Agreement from Casto Technical Services for the Courthouse Annex for approval and signature of President Wender. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter for approval and signature to the WV Supreme Court requesting reimbursement of rent for the Family Law Judge for the month of January, 2018. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to John David with SALS regarding a decision to his request for a sprinkler system for the Old Oak Hill Elementary School Building. Commissioner Brenemen motioned to approve the letter that was taken from the minutes of the December 8, 2017



meeting. (attached) Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Joseph Brouse, executive Director with the New River Gorge Regional Development Authority to reappoint Matthew D. Wender to its Board of Directors as the Fayette County Commission representative. Commissioner Brenemen motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented the Terms of Engagement letter for conducting the audit for Fiscal Year ending June 30, 2017 for approval and signature of President Wender. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Randy Heidemann with Royal, an organized corporation with nonprofit exemptions, asking to lease property from the County that is within a floodplain as an extension of camp activities only on old Glen Jean School on Thurmond Road, which they have purchased. President Wender wants to hear more about this and requested that Mr. Heidemann be put on a future agenda. Commissioner Scalph motioned to continue the item until Mr. Heidemann can appear on the agenda. Commissioner Brenemen seconded. Unanimous decision.

President Wender left the meeting at 1:16 p.m.

Ms. Berry presented a request from Circuit Clerk Cathy Jarrett to use the room in their office which housed the voting tabulators, to be used for storage now that the voting machines have been removed. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to the employees regarding their vacation/sick report. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:31 p.m.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
JANUARY 16, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a special session on this 16<sup>th</sup> day of January, 2018.

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

The Commission held a discussion on precincts 9 and 13 which are usually held at the Scout Cabin in Oak Hill. The Scout Cabin is booked with a previous engagement that could not be changed. Deborah Berry, County Administrator, spoke with Bill Hannabass, City Manager of Oak Hill, and he told Ms. Berry we could use City Hall for this election. Ami Dangerfield, County Commission Assistant, spoke with the Secretary of State's office and they informed the Commission of the steps that need to be taken. Proper signage needs to be put at each place and someone needs to be present at the old polling place at 6:30 to announce that the polling has moved. Commissioner Scalph motioned to approve the polling place change for precincts 9 and 13 from Scout Cabin to Oak Hill City Hall and to properly mark the old precinct and the new precinct and someone will be present at 6:30 a.m.

to announce the change. Commissioner Brenemen seconded. Unanimous decision.

The meeting was adjourned at 9:35 a.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 26, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a canvass special session on this 26<sup>th</sup> day of January, 2018.

President Wender called the meeting to order at 9:03 a.m.

Eddie Young, Assessor, appeared to present a real property exoneration for Betty Moyer \$845.86. Commissioner Scalph motioned to approve the real property exoneration. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented personal property exonerations for David Blethen \$7.66; Gary Carl & Deborah G. Neely \$308.02; Arvella A. Daniels \$166.38; Steven L. Yarber, Jr. & Amanda McNeely \$725.90; Faren L. (Burnett) Settle \$179.06; Teresa L. Thompson \$30.34; Joanna Kay Wyant \$57.42; and Annetta L. & Kristin G. Sharp \$524.66. Commissioner Brenemen motioned to approve the personal property exonerations. Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on January 30<sup>th</sup>, 2018. Commissioner Brenemen seconded. Unanimous decision.

Estate Settlements were presented for James William Sullivan; Jo Ann Sundstrom; George Edward Amos; Jessica Marie Rhodes; Myrtle Irene McKinney; Ida Virginia Davis (McGuffin); Emma D. Radford; Esther Mae Thacker; Raymond Joe Menei; Alma Madge Pritt; David Patrick Parker; David Howard Wagner; Paul Barnard Dobbins, Jr.; Halley Harvey Hamrick; Roy Gene Crist; John Houston Myles; and George D. Smith. Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Deborah Berry, County Administrator, presented a Combine or Divide and Segregate Land Order for Gertie Frances McMillion. Commissioner Brenemen motioned to approve order and sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented the Fayette County Commission Minutes Zoning Portion of meeting for September 8<sup>th</sup> and 15<sup>th</sup>, 2017 and November 27, 2017 and an order denying the request from Mountain Valley Pipeline, LLC, Zoning Case Z-525-17-1 property legally described as Dee 754.56 Meadow Dale, Surf 20.32 Meadow Dale, 16.66 AC, near Springdale, New Haven District, from R-R (Rural Residential District) to H-1 (Heavy Industrial District) for the Fayette County Commission to approve and sign. Commissioner Brenemen motioned to approve and sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from White Oak PSD requesting to appoint Mike Whisman to replace Tom Dragan, who resigned and to reappoint Eddie Chornobay. Commissioner Brenemen motioned to approve the requests. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an Environmental and Public Health Protection Matters in and affecting Fayette County for signature of President Wender. This order was approved on October 13, 2017.

Ms. Berry presented a letter to the Commission from Mountain State Justice regarding the conclusion of the litigation related to the Fayette County Schools that transpired in 2016-17 and an invoice in the amount of \$27,536.93. Mountain State Justice is actually only asking for \$10,000.00 from the Commission; another \$10,000.00 came from a donation. President Wender will talk to Sam Petsonk, MSJ Attorney.

Ms. Berry presented a drawdown request for the Community Corrections Grant for the month of December, 2017 in the amount of \$11,456.65 for approval and signature of President Wender. Commissioner Brenemen motioned to authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision Ms. Berry also presented an 2<sup>nd</sup> copy of the approved September 2017 drawdown to be signed - original was lost in the mail.

Ms. Berry presented a request from the County Clerk's office to use space on the 3<sup>rd</sup> floor of the courthouse to store older probate records. The Commission will table this until they can review the area.

Ms. Berry presented a quote from Casto Technical Services to replace two valves for two steam radiators in the Voters' Registration office. The quote is for \$1,104.71. Commissioner Brenemen motioned to approve the quote. Commissioner Scalph seconded. Unanimous decision.

Kelvin Holliday, County Clerk, administered the oath to all canvass workers at 9:05 a.m.

Canvass was conducted.

Precinct 12 had an absentee ballot that was sent to the precinct on Election Day and it did initially appear to have been counted. Ms. Berry pulled the statement of ballots used and found that it was counted.

Mr. Holliday informed the Commission that there was a packaging error with the poll books. One box did not have any poll slips so no signature was received from any early voters. Mr. Holliday stated that everything else was properly done. The ballots were counted at the precinct on Election Day and every individual was identified through the new I.D. law. Prosecuting Attorney, Larry Harrah, stated that the ballots should be counted. Commission agreed.

Precinct 68 had one provisional where a voter was cancelled in another county in error. Mr. Holliday recommended counting the vote. The voter was Jerry Meadows, 3746 Patterson Road, Meadow Bridge, WV 25916. Commissioner Scalph motioned to approve the recommendation of Mr. Holliday and count the vote. Commissioner Brenemen seconded. Unanimous decision.

Precinct 67 provisional had missing poll slips. The ballots were still counted.

Canvass was concluded at 11:25 a.m.

The Commission entered into regular session at 11:30 a.m.

James Bennett and Kevin Walker appear to discuss snow removal at the 911 Center. A 911 employee fell in the parking lot on a Sunday morning. This issue needs to be fixed because the 911 Center works all weekend long and the area needs to be cleared. Mr. Bennett suggested either having maintenance come out for shift change or hire a contracted service to come in. The commissioners requested getting

quotes. The 911 Center wants someone at 6:00 am and 6:00 pm for shift changes. Discussion to be continued on January 31<sup>st</sup>, 2018 at 1:00 p.m.

Mr. Young reappeared to have a brief discussion on a legislative issue regarding phasing out industrial equipment. The proposal is over the next 6 years, the growth of WV is expected to be about 3 and 3.5% a year. Statewide will lose 140 million dollars. With the growth, State will guarantee to pay Fayette County their portion of 140 Million every year.

Stormy Parsons, Community Corrections, appeared to discuss Drug Court and how Community Corrections received their reimbursed amount. The amount we receive is \$19.50 a day. In the last two months, we have lost roughly \$247.00 offering Drug Court services. Drug Court is moving to FMRS but they will want DRC to provide transportation. This discussion will take place later once Ms. Parsons learns more.

Mayor Bonnie Hicks appeared to discuss water issues in Meadow Bridge. She is requesting financial assistance as well as ideas on how to fix issues. They had to have water hauled for \$4,200.00 & 10hp pump of \$2,000.00. The town has 50% water loss. This is due to unidentified leaks and they need a leak identifier. Total cost they need for all mentioned is roughly \$20,000.00. Service is cutoff to customers for seven hours a day so the tank can be filled.

Tom Oxley with Thrasher, engineering firm that the town hired, appeared to give his update. The firm was just hired and they are still doing assessments. The 50% water loss is a big issue. The town needs some temporary financial assistance now.

Lesley Taylor, Region 4 Planning & Development, spoke about the early stages of the project and anything given now can be included in the project for reimbursement.

Mr. Wender asked if Danese PSD would be willing to be contracted out to help with their leak finder. A Danese PSD representative spoke saying that it would be rough on their end because they need to take care of their lines and the two people that can operate it are not readily available outside of work hours. If a leak detector is purchased, the company will send someone to train employees. Total cost the town needs is \$19,700.00. The Town of Meadow Bridge can contribute \$5,000.00. Commissioner Wender suggested the State give \$7,500.00 and the Commission will contribute \$7,500.00. President Wender has some calls in to legislators and he is awaiting the State's answer. Ms. Taylor stated that John Tuggle spoke with Ron Miller and he doesn't feel that they can come up with the money. Infrastructural Council has an emergency repair fund. Ms. Taylor stated that the Commission would have to write a letter stating they gave a grant to the Town of Meadow Bridge. She also stated the Infrastructural Council will not meet until the end of February. She asked that the Commission approve the \$7,500.00 today then regroup after the IC meets on Feb 27<sup>th</sup>, 2018 then March 7<sup>th</sup>, 2018. A decision for the IC won't be until at least after March 7<sup>th</sup>. Commissioner Scalph motioned to approve the request for monies in the amount of a \$7,500.00 grant out of Coal Severance to start addressing the water issues in this area. Commissioner Brenemen seconded. Unanimous decision.

Discussion was held on the shooting range. The engineering firm of Terradon was picked to complete all the assessments. Priority one will be to decide which area will be best. Second will be to identify the number of acres to be timbered. A concerned neighbor asked if the County has looked at other areas within the county for the range. Sheriff Fridley stated he has researched and has found a couple



properties but the legalities would need to be worked out if that option has to be discussed after the engineering report. The scope of work is to identify the best area and complete a sound analysis, then return to the Commission with a report. Commissioner Scalph motioned to approve the amended contract not to exceed \$7,000.00 and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Sheriff Fridley appeared to discuss the Morton Property. Detective Willis got a price list for the Sheriff's office completing the work and a quote to have a contractor complete the work. Bottom line amount is \$16,500.00. A quote was received from a contractor and estimated \$30,000.00 with materials. The Commission did set aside \$25,000.00 in the General County budget for the Morton Building. Commissioner Brenemen motioned to release \$18,000.00 to the Sheriff's office to start the work at Morton's Building.

President Wender received a letter from Tom Syner requesting the Commission to write a letter to the DNR asking to allow him to lease land to place a tower on that sight. Commissioner Brenemen motioned to approve the letter to the DNR on behalf of The Syner Foundation and the Commission will sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to the Commission to sign to all Elected Officials and Department Heads requesting each to submit their detailed request for appropriations for FY 2018/19 Budget by March 1, 2018. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a discussion about an order from the Fayette County Commission regarding an Election Overtime Policy. The

Commission decided to revoke the order. Commissioner Brenemen motioned to revoke the previous order from October 2004 given that it is out of alignment from our manual and non-compliant with wage laws.

Commissioner Scalph seconded. Unanimous decision.

The Commission discussed the scheduled April 27<sup>th</sup> meeting. They agreed to move this meeting to April 30<sup>th</sup>.

Allen Ballard, Building Safety Department, appeared to present about the Community Ratings System and an approval letter for the Commission to sign. Mr. Ballard stated that they are also working to update the floodplain ordinance. 263 people in the county have floodplain insurance. CRS will give a 15% discount on the insurance. Starting in October a 5% discount will go into effect, and by May, with additional buyout paperwork, Fayette County can become a class 7, and the discount could raise to 15%. This is a graduated program and the discount can escalate yearly with additional paperwork completed. Fayette County will be the 8<sup>th</sup> community and one of 2 counties to qualify for the CRS discount. Communities must recertify each May and that is when the discount is reevaluated. This is through FEMA and the ISO.

President Wender mentioned a call from a voter from the Danese Community Center polling place. He claims there is black mold in the ceiling and a frozen and busted waterline. The mold in the ceiling is most likely due to a moisture and ventilation issue. Mr. Ballard will assess the issues. Ms. Berry stated that all of our precincts need to be reevaluated.

Commissioner Brenemen motioned to submit the certification for CRS and authorize President Wender to sign the letter. Commissioner Scalph seconded. Unanimous decision. Mr. Ballard stated they might

try to begin the application as a class 7 for May of 2018 rather than waiting for 2019.

President Wender discussed other places with dropping ISO ratings. Primarily fire departments. Ms. Berry will work with Joe Crist, Fire Coordinator, on a press release about this issue.

Angela Gerald appeared to discuss dilapidated buildings. 155 buildings have been taken down. Two more houses in Smithers are willing to allow the county to demo the house and then place a lien for property owner to make payment arrangements with the county. It is now up to the Town of Smithers to contact the Commission.

140 properties are still standing and only a few are on main roads. President Wender asked about getting those 140 properties in before the Commission at a meeting. Ms. Gerald will return on February 13<sup>th</sup> to give a list to the Commission to start bringing in property owners before the Commission. The County Line Bar property will be discussed on the last agenda in March. There are two openings on the Beautification Committee - the Commission would like recommendations.

Discussion is held on Building Permit fees. Mr. Ballard and Ms. Gerald prepared a report that included three years of permits issued.

Commissioner Brenemen motioned to enter an executive session at 2:11 p.m. to discuss a personnel matter. Commissioner Scalph seconded. Unanimous decision.

The Commission reconvened at 3:56 p.m. The Commission will ask the Auditor's Office for some guidance on a situation.

Commission adjourned meeting at 3:57 p.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 31, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met as the Board of Equalization and Review on this 31<sup>st</sup> day of January, 2018.

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

No appointments were made.

The Commission recessed as the Board of Equalization & Review at 9:01 am until 9:00 a.m. February 5<sup>th</sup>, 2018.

The Fayette County Commission met in a regular session on this 31<sup>st</sup> day of January, 2018.

President Wender called the meeting to order at 9:01 a.m.

The Commission certified the results of the Board of Education Special Levy Election held on January 20<sup>th</sup>, 2018.

Commissioner Brenemen motioned to certify the election.

Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present real property exonerations for Neal A. Portzen \$209.06; and Don Byers \$167.54.

Commissioner Scalph motioned to approve real property exonerations.

Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented 5 Correction of Assessments for Revelation energy totaling \$1,500.00. Commissioner Brenemen motioned to approve.

Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from January 5<sup>th</sup>, and January 16<sup>th</sup>, 2018. Commissioner Scalph seconded. Unanimous decision.

Deborah Berry, County Administrator appeared to presented a request from Active Southern WV to use the Fayette County Soldier and Sailors Memorial Building on October 19<sup>th</sup> and 20<sup>th</sup>, 2018, for the ASWV Bridge Day 5K even. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter from EnAct Community Action requesting the Commission to appoint a new board member to replace Judson Wallace. President Wender asked Ms. Berry who serves from Fayette County and what seat Mr. Wallace fills.

Lesley Taylor, Region 4 Planning & Development, appeared to present resolution #32 for Kanawha Falls PSD Small Cities Block Grant. The SCBG portion of this resolution is \$725.00. Commissioner Scalph motioned to approve Resolution #32 and authorize President Wender to sign for Kanawha Falls PSD SCBG. Commissioner Brenemen seconded. Unanimous decision.

Angela Gerald appeared for Tim Richardson to present an amendment to the UDC Floodplain Ordinance.(attached) This is required by the State. Commissioner Scalph motioned to accept the recommendation of the Planning Commission to adopt the amendment to the UDC siting the significance changes of the 1:1. Commissioner Brenemen seconded. Unanimous decision.

Sheriff Mike Fridley appeared to discuss HB 2065, which would consolidate all special elections into primary or general elections. Sheriff Fridley is very much against this and he has spoken with several others who are also against it. He requests the Commission

write a letter letting the House know how this would greatly affect our Law Enforcement, Fire and Library Levies.

Sheriff Fridley then discussed vehicles for his department and the Maintenance Department. He has a truck that Maintenance can use. Sheriff Fridley also requested the purchase of two new vehicles for him and his Chief Deputy. King Coal Chevrolet is giving \$11,000.00 trade in for two other vehicles. The truck he is going to give to Maintenance is currently being driven by the Chief Deputy. \$52,692.00 is total for the new vehicles. The Commission will let him know their decision at their next meeting on February 5<sup>th</sup>, 2018.

Jim Campbell appeared to discuss the Spartan Race at the Summit Bechtel Reserve. He presented a power point presentation with a briefing of the race. The race cost \$200,000.00. They have a \$30,000.00 shortfall and requested the Commission to consider an allocation in March for the 18/19 budget.

Steve Rawlings with WVCORP appeared to give an update on our insurance. Mike Rezaick was present as well. He presented the commission with some information about the program and the coverage they have added.

John Tuggle, Region 4 Planning & Development, appeared to discuss consolidation of Public Service Commissions. President Wender asked if the Public Service Commission could conduct a review to see if consolidation would be best for any of our PSDs. Mr. Tuggle said the most important step would be to evaluate the challenges to make rates equitable. President Wender asked if we could start with Armstrong-Deepwater and Kanawha Falls PSDs. Mr. Tuggle stated it could be reviewed. President Wender wanted the discussions and reviews to start.

James Blankenship appeared to discuss the Kanawha Falls abandoned road issue. The commissioners reviewed the map. Citizens that own the property adjoining the questioned property were present. This alley is used to reach the back side of their property. If the road is abandoned, they would lose the best way to the back of their property. They would not be able to get their trailer to make a 90 degree angle, which they would have to do make 2 90 degree angles in different places. The Commission did visit the site since their last discussion. The Commission feels that this is not the only way to reach the back of their property, even though it may be the most convenient at this time. President Wender motioned that the certain alleyway that separates 56 & 57, lot 54, be abandoned and the ownership goes half to the owner of 56 and half of the owner of 57. Commissioner Scalph seconded. Unanimous decision. It was noted that there was no visible proof of usage of the alleyway when Commissioners visited.

Randy Heideman, Camp Royal, appeared to discuss the Glen Jean Property. Camp Royal is a kid's camp which started in 2004. They would like to build a day camp for WV children 8-18. They have purchased an old school and have been working with all the correct authorities to do what is required. Mr. Heideman feels that with more property, more kids can be reached. Camp Royal would like to lease some properties that the County owns in the Dunloup Creek area which were purchased in the FEMA buyout. He provided the Commission with a list of the properties he would like to lease. No permanent structures would be built on the properties; they would be used for outdoor activities. The only available lots to be leased are 11, 13, 14 and 34 & 56. Mr. Heideman has marked other lots that he is

interested it, which are already leased. Ms. Berry informed Mr. Heideman that he should speak with Kevin Walker to see who leases those properties to see if they would let him take over the leases. He definitely would like to lease lots 11, 13, 14. Commission will discuss and continue the discussion and decision on February 8<sup>th</sup>.

The Commission held discussion regarding polling place changes. Precincts 9 & 13 which are currently at the Scout Cabin were moved to the City Hall in Oak Hill for the Special School Levy Election and moving forward, the Scout Cabin will not be available. The Commission is not sure City Hall can handle the traffic of 2 precincts during a normal election. President Wender asked that Ms. Berry check the SALS building. Ms. Berry stated that John David was contacted with no immediate response. President Wender and Commissioner Scalph received an email from Mr. David stating that he would be willing to discuss it. The Commission requested that Clerk Kelvin Holliday and Ms. Berry go to oak Hill City Hall and SALS to see if either would be possible. Ms. Berry mentioned the Church of God on Jones Ave and will call them as well. President Wender suggested combining the two precincts into one and Ms. Berry will see if this possible. Ms. Berry mentioned Precinct 32 at Bell Creek Baptist church. A citizen wants it to go back to Dixie Elementary School, which is officially in Nicholas County. There have been no other complaints and the current building is in Fayette County, so the Commission wants to keep it there. Ms. Berry mentioned Cannelton Local Union Hall. Pollworkers are not happy there; they say there is no heat and no water. Ms. Berry mentioned that the pollworkers told them of a church in the area. President Wender suggested Ms. Berry call Charlie Treadway to see if anything could be done at the Union Hall, and if not, look into the church.



Ms. Berry mentioned Loup Creek Fire Department which will be closing next year. Ms. Berry will research look other buildings, Page Fire Department or head start. Ms. Berry mentioned Danese Community Building. Allen Ballard will to look at the building. Discussion will take place if repairs are needed.

Discussion is held for Early Voting places. Ms. Berry asked if the Commission would want 3 Early Voting places and they do. Commissioner Brenemen motioned to authorize 3 early voting polling places, Fayette County Soldiers and Sailors Memorial Building, Danese Community Center & Montgomery City Hall. Commissioner Scalph seconded. Unanimous decision. Ms. Berry will advertise.

James Bennett, 911 Coordinator, appeared to discuss 911 Center snow removal. Mr. Bennett contacted 3 companies for quotes. Only two would give quotes. Roy Neal said between \$100.00 - \$150.00 plus the cost of salt. David Dickson quoted \$185.00 - \$250.00 plus the cost of salt. The Commission requested this quote from Roy Neal in writing. Commissioner motioned to approve Roy Neal for no more than \$150 plus salt and authorize Mr. Bennett to complete the deal. Commissioner seconded. Unanimous decision.

Ms. Berry presented a quote for boots and jacket for the Maintenance Department for \$630.86. Commissioner Scalph motioned to approve the purchase. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a quote for lighting at the Fayette County Memorial Building for \$2,200.00. Ms. Berry will speak with Okey Skidmore regarding the priority of this purchase. The Commission tabled this issue.

Ms. Berry presented that the Dog Tax Fund does not have money to pay their invoice. Staff Accountant Stephanie Sears has paid invoiced for the Dog Tax Fund totaling \$3,633.60 as of this date. The Commission will review.

Ms. Berry presented a request from the Fayetteville CVB to continue their lease for the Fayette County Jail Museum. Commissioner Scalph requested that they show how often and how much they have used the facility. The Commission would like a description of how it is used.

Ms. Berry presented for discussion and abandoned trailer containing bags of asbestos on Meadow River Rail Trail property. This discussion will be continued.

Commission adjourned meeting at 1:45 p.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
FEBRUARY 5, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 5<sup>th</sup> day of February, 2018.

President Wender called the meeting to order at 9:07 a.m.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve January 26<sup>th</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Estate Settlements were presented for William Kelly Sr.; Harvey Joe Yancey; Louis A. Rahall; Frank Johnson, Jr.; Elmer Leroy Harrell; Inge Antoine Elisabeth Harrell; and Calvin E. Sharpe, respectively. Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Sheriff Fridley appeared to discuss the fleet vehicles he requested last meeting. Commissioner Brenemen motioned to approve the purchase of the vehicles and trade in of the Tahoe and Trailblazer, net total \$52,692.00. A Silverado will be given from the Sheriff's Department to the Maintenance Department for their use. Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present real property exonerations for Randy L. Saunders \$43.04 & \$461.16; John M. Brown \$342.80, \$190.62, & \$522.64; Robert Scott Payne & Deb Irwin \$332.04; Haron Akhtar \$67.64; Patricia A. & William Niday \$22.68; and John H. & Mary Lopez \$195.74. Commissioner Scalph motioned to approve real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve a refund to Mr. Lopez in the amount of \$109.94 for the current tax year.

Ms. Berry presented a letter from Mr. Young requesting a refund be issued to John & Mary Lopez for incorrect tax assessment since 2011. Ms. Berry will prepare the order for next meeting.

Ms. Berry presented a Combine or Divide and Segregate Land order for Frank Dana & Andrea Mae Cafego. Commissioner Brenemen motioned to approve the order. Commissioner Scalph seconded. Unanimous decision.

The Commission recessed their regular meeting at 9:28 a.m.

The Commission reconvened as the Board of Equalization and Review at 9:28 a.m. The Commission did have one application to review and a conference call was set to discuss the request to decrease an assessment. Connor Morrow, with Lowe's Home Center Inc. Property attended the meeting via conference call. President Wender swore Mr. Morrow in. Mr. Morrow is concerned that the Lowe's property is assessed at about \$260,000.00/acre. The Walmart property is assessed at \$120,000.00/acre and the retail strip at \$121,000.00/acre. He feels since Lowe's has more property than both those businesses, more than double the acres, that Lowe's amount should be closer to Walmart or the retail strip. He requested a review be done on the property. President Wender swore in Harvey E. Young, Assessor. The floor is given to Mr. Young. He asked if the firm Mr. Morrow worked for gets paid based off the amount the taxes are decreased. Mr. Morrow stated that was confidential. Mr. Young presented a map to the Commission. Walmart has 10.39 of unusable acres making their acreage amount \$191,000.00/acre which is very close to Lowe's. In regards to the Retail Strip area, the acreage is divided by how the acreage is used. 1 acre is prime site and the rest is residual and secondary. So this will make their per acreage value less, based off of their prime site. Lowe's property has been previously reduced. Mr. Young also presented facts on the area restaurants' acreages. Mr. Young feels the county is being fair with the Lowe's properties. He sticks with the Assessor's office review. Mr. Morrow stated that his concern is the prime acreage. Mr. Young feels the adjustment that was made from the Assessor's office is an adequate enough adjustment. President Wender asked Mr. Young to send the information to Mr. Morrow. President Wender stated that if after Mr. Morrow received the info he still

disagrees or has questions, he can contact Ms. Berry so we can discuss this further.

The Commission recessed as Board of Equalization & Review at 9:48 a.m. having no other appointments, and will reconvene on February 8<sup>th</sup>, at 9:00 a.m.

The Commission reconvened their regular meeting at 9:50 a.m.

Ms. Berry presented minutes from the Fayette County Planning Commission for approval from January 31, 2018. Commissioner Brenemen motioned to approve and sign the minutes. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for signatures to the WV Supreme Court of Appeals requesting reimbursement for rent for the Family Law Judge. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Renee Harper to pay a student from WVU Department of Landscape Architecture for travel when he is working with the park this semester for design and assessment work at the Park. Ms. Harper is willing to take from the Park budget. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Circuit Clerk Cathy Jarrett to paint the room where the voting tabulator was previously stored, remove the door and install floor to ceiling shelving for files. The Commission request that Ms. Berry speak with Ms. Jarrett about free-standing shelves. The Commission decided to have maintenance take it to our storage area. Commissioner Brenemen motioned to approve the painting and remove the doors and for Ms. Berry to discuss shelving

options with Ms. Jarrett. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a tabled request from the County Clerk's office to use an area of the 3<sup>rd</sup> floor for storage. The Commission visited the area for review along with the basement. They also reviewed the items needing to be stored in the County Clerk's office and it was agreed that the items will be stored in a basement room.

Ms. Berry presented a tabled request from EnAct Community Action for a new Board Member to replace Judson Wallace. Ms. Berry will speak with Brent Pauley for a recommendation.

James Bennett and Chad Neal with Chad's Wrecker Service appeared to discuss the wrecker service rules and regulations. Mr. Bennett met with all the wrecker services that appeared at two meetings to go over the rules and regulations. Not many changes were made. They requested having 45 minutes to arrive on scene instead of 30 minutes. Another change was the original contract said the wrecker would take care of the entire accident. They've requested having more wreckers to help clean up the area faster; each company would send just one wrecker. The old policy stated that 911 dispatchers could send a wrecker before anyone else arrives on scene. Mr. Bennett stated that the dispatchers never do that; they wait for someone to assess the situation before a wrecker is sent. They would like that part removed from the policy since the 911 dispatchers have never done it anyway. Number 11 was added - Any Agency that wants a specific wrecker service will be responsible for contacting the wrecker service themselves and the request will not go through 911. Discussion was held on this. President Wender asked Mr. Bennett to give a breakdown of the companies' call outs. Change was made regarding grounds for removal

or Suspension in Number 2. There will be one warning, and with the second offence, the wrecker is removed from rotation. Commissioner Brenemen requested that a review is made to set a high and low number on the amount of wrecker service on rotation list, Numbers 3 & 4 on general guidelines. The committee will review and work with Mr. Harrah on necessary language. President Wender made sure that all companies on the Wrecker Service were aware of the changes. Mr. Neal and Mr. Bennett stated that all knew and were in agreement. Mr. Bennett will return on Feb 8<sup>th</sup>, 2018 to present finalized rules and regulations for the Commission to review and approve.

Mr. Bennett presented an application for the wrecker service rotation for Kevin Willis, Oak Hill. President Wender requested that the application be held until the next meeting on the February 8<sup>th</sup>. The Commission asked how long Mr. Willis has been in business. Mr. Bennett stated only about a year. The policy and procedures stated that they have to have been in business for at least a year.

Mike Fox, Bud Fox Body Shop, requested that at a later date, the hours of the dispatchers be reviewed. Mr. Fox claims productivity decreases after 8 hours. The Commission stated they appreciate the request.

Les Thomas appeared to request funding for the Fayette County Historical Society. His request is for the Contentment House in Ansted. They are wanting to complete some maintenance within the one room school building. There is a center beam that has fallen over and they want to right it. They asked that the Commission provide supplies, wood and paint. He also requested any additional funding that the Commission could provide. President Wender requested a detailed written letter regarding the work they are doing and that

estimates be submitted for the Commission to review during budget session.

The Commission entered into an Executive Session regarding a personnel matter at 11:02 a.m. The Commission reconvened at 11:14 a.m.

The Commission adjourned the meeting at 11:14 a.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
FEBRUARY 8, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met as the Board of Equalization and Review on this 8<sup>th</sup> day of February, 2018.

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

No appointments were made.

The Commission recessed as the Board of Equalization & Review at 9:11 am until 9:00 a.m. February 13<sup>th</sup>, 2018.

Commissioner Brenemen motioned to approve January 31<sup>st</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present real property exonerations for Haroon Akhtar \$65.96. Commissioner Brenemen motioned to approve real property exonerations. Commissioner Scalph seconded. Unanimous decision.

Allen Ballard, Building Safety Department, appeared to discuss issues at the Danese Community Center which is an Early Voting Location and polling place. Mr. Ballard stated the building has a



moisture issue and condensation is falling from the ceiling. This will cause mold, electrical, fire and safety issues. The drop ceiling needs to be removed and Sky Foam Insulation can spray insulation on the ceiling for around \$7,000.00. If the county provides the demolition, the price will be \$5,500.00. There is an additional cost of \$972.00 (before Lowe's discount) to replace the drop ceiling. Damaged light fixtures will need to also be replaced, but it might be possible for the Community Center to cover that cost. Sarah Crook is the owner of the building.

Early Voting begins in late April and County Clerk Kelvin Holliday, stated that if the repairs cannot be accomplished in time, he would like to remove the Early Voting location in Danese for this election.

Ms. Berry will contact Community Corrections about using their clients for the demolition of the ceiling. Ms. Berry will ask Ms. Crook to attend a future Commission meeting for discussion and will also explore other options for polling places in Danese.

The Commission request that Mr. Ballard try to obtain a few more quotes. Mr. Holliday requested that Early Voting proceed as planned unless he receives something in writing from the Commission.

Randy Heideman, Royal Company, and Kevin Walker, OEM Director, appeared to discuss county owned property in Glen Jean which Mr. Heidmen would like to lease for a children's camp. Prosecuting Attorney Larry Harrah will review.

James Bennett, 911 Coordinator appeared to discuss the Wrecker Rotation Rules and Regulations. Out of 1,800 calls for a wrecker, 800 were customer requests. The other 1,000 were divided to about 100 calls per each of the 9 services. There is a problem with 911

dispatchers not marking who requests the wrecker. Mr. Bennett will conduct another 3 month study after making it clear with the dispatchers that they must mark who requests the call.

Mr. Bennett presented the new rules and regulations, marked with the changes.

Kevin Willis, DTE Repair, LLC, was also present with an application to be put on the rotation. Mr. Willis has fulfilled the requirements and has been established in the county for 2 years. Mr. Harrah and Mr. Bennett met previously about this application. Mr. Harrah stated that other companies on the rotation will push back against this application but we need to be fair. Mr. Bennett stated that the more resources, the better. The easy fix is to change the stipulations to allow 8 services for the plateau area.

Discussion was held on Number 11; it will be removed from the regulations. Mr. Harrah agrees.

Mr. Bennett asked that the Commission adopt the regulations as amended: increasing call time from 30 to 45 minutes; 2 wreckers can now be called out for better response time. President Wender asked Mr. Bennett to add amended as of February 8, 2018. (attached)

Commissioner Scalph motioned to approve the policy as amended. Section 4.11 will be eliminated. General guidelines will increase to no fewer than 5 and no more than 8 services per February 8, 2018. Commissioner Brenemen seconded. Unanimous decision.

Mr. Neal stated he spoke with the Public Service Commission regarding Mr. Willis' application and he is not following its rules. Mr. Walker stated that Mr. Willis is actually overqualified. He's been public with the PSC for 1 month, has a fenced yard and has worked for 2 years to become qualified. Now that he's put in the time and

effort, the rules have changed. Mr. Harrah stated that they cannot prohibit his application because it predates the adoption of the rules. Mr. Harrah stated that the rules are always at the discretion of the County Commission and they can change the regulations if there is a greater need.

Mike Fox, Bud Fox's Auto Body & Towing, LLC appeared to state that there are already too many services, that you can only divide the pie so many times. Sheriff Fridley asked about inside storage for evidence. Fox, Glen's Chad's and Danny's all have inside storage. Chad's service can handle 18 wheelers if they are separated and Glen's and Hutch's can handle large loads.

President Wender restated that the new policy has been adopted allowing space for 1 more service on the plateau. The new application will be heard on February 13 at 11:15 a.m.

Discussion was held regarding vacancies on the Board of Zoning Appeals. There has been a vacancy for 3 months and they anticipate another soon. 2 names were put forward: William Hughes, Valley and Jeff Atha, Plateau. President Wender suggests appointing Mr. Hughes today to fill Gary Davis' vacancy. Commissioner Brenemen motioned to appoint William Hughes to fill the unexpired term (2020) left by the resignation of Gary Davis. Commissioner Brenemen seconded. Unanimous decision.

Mr. Harrah reviewed the information for the Royal Company/Glen Jean property lease. The Commission can move forward on it. The Royal Company will insure the property with the County Commission as additional insured. Commissioner Scalph motioned to approve the land lease for the County owned Hazard Mitigation property in Glen Jean to

the Royal Company. Commissioner Brenemen seconded. Unanimous decision.

An order finding that all statutory, and regulatory requirements related to the dissolution of Arbuckle PSD have been met was tabled until the Board of Arbuckle PSD has executed the Settlement Agreement with Triad, the City, and the Sanitary Board.

Ms. Berry presented an order for a refund in the amount of \$461.71 for John H. Lopez for taxes paid due to a clerical error in the Assessor's office. Commissioner Brenemen motioned to approve to refund. Commissioner Scalph seconded. Unanimous Decision.

Ms. Berry presented the tabled request from EnAct Community Action for a new Board Member to replace Judson Wallace who resigned. Commissioner Brenemen motioned to appoint Les Thomas to the EnAct Board. Commissioner Scalph seconded. Unanimous Decision.

Ms. Berry presented a letter to the municipalities requesting an allocation for Dog Warden services. The letter does not ask for a specific allocation and figures have not yet been collected on how many animals are collected in each municipality. Commissioner Brenemen motioned to approve and sign the letters. Commissioner Scalph seconded. Unanimous Decision.

Ms. Berry presented a letter from Carol Vickers, UKVEDC, asking the Commission to become a contributing member for a \$100.00 membership fee. Commissioner Brenemen motioned to approve the request and become a member for the UKVEDC for a \$100.00 membership fee. Commissioner Scalph seconded. Unanimous Decision.

Ms. Berry presented a letter from Montgomery Mayor Greg Ingram, the Strategic Planning Council. The council would like to hire 2 directors, one for Kanawha and one for Fayette, and have asked the

Commission for a 3 year commitment for \$20,000.00. The initial discussion was 1 director and \$10,000.00 and the Commission questions why this has changed. Kanawha County Commission Kent Carpenter has agreed to match our contribution penny for penny, but has the same questions as our Commission. This discussion was tabled until Anne Cavalier and Greg Ingram can appear on February 13<sup>th</sup> or 16<sup>th</sup>.

Ms. Berry presented a form from the State Investment Pool for President Wender to sign.

Ms. Berry presented a letter to Stormy Parsons, Community Corrections Director, regarding the dramatic decrease in people being sentenced to the Day Report Center. Commissioner Brenemen will revise the letter. Discussion continued regarding the DRC with no decision made.

Ms. Berry presented a letter for signatures of the Commission to the Browns in response to the shooting range complaints.

Sheriff Fridley presented to the Commission a collection of \$80,000.00 on delinquent taxes. 209 people attended his church security event. And he suggested Hawks Nest Golf Course as a potential site for the shooting range.

Commissioner Brenemen motioned to enter into an executive session at 11:20 a.m. for a personnel matter.

Commissioner Brenemen motioned to return to regular session at 11:52 a.m.

President Wender stated that he sent an email to Mayor Bonnie Hicks of Meadow Bridge and she responded saying things have gone from bad to worse. The town's work crew was unable to address the issue and the only firm available for the job is in Charleston and charges \$350.00 per hour. Ed Shuck, engineer for New Haven PSD, contacted

President Wender and stated that a consolidation with Danese PSD and Meadow Bridge would be a good idea. Danese PSD has good and reliable water. John Tuggle, Region 4 Planning & Development will be contacted regarding a survey and emergency funding. County funds could be used but would need to be repaid. Mr. Tuggle will make sure Infrastructure Council protocol is followed. Another potential consolidation could be Armstrong Creek, Gauley Bridge and Kanawha Falls with WV American Water through Montgomery as the supplier. Gauley River PSD is supplied by Summersville and has good water. Discussion was held about a consolidation of Gauley River PSD and Wilderness PSD in Nicholas County.

Discussion was held regarding a Community Development Block Grant priority list. Current priority is with Armstrong Creek PSD but they are not moving forward. New Haven PSD is aggressive and has a project to get water to 70 families. Commissioner Brenemen will attend the Kanawha Falls and Armstrong Creek meetings soon. Kenny Hayes, NHPSD, will be invited to a future Commission meeting.

Discussion was held on Meadow Bridge Town Hall which is owned by Meadow Bridge Fire Department. The floor of the Town Hall side is sinking and there is a disagreement over the repairs.

Discussion was held regarding the Animal Shelter and how well Russell Parker and the new director Amanda Withrow are working together.

The meeting was adjourned at 12:18 p.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
FEBRUARY 13, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission reconvened as the Board of Equalization and Review on this 13<sup>th</sup> day of February, 2018.

President Wender called the meeting to order at 9:01 a.m.

No appointments were made.

The Commission recessed as the Board of Equalization & Review at 9:02 am until 9:00 a.m. February 16<sup>th</sup>, 2018.

The Fayette County Commission met in a regular session on this 13<sup>th</sup> day of February, 2018.

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

Deborah Berry, County Administrator, presented a report of claims for the Commission to approve and sign regarding the Estate of Donald L. Withrow, prepared by James Blankenship. Commissioner Scalph motioned to approve the report of claims. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve a letter sent to Stormy Parsons, Community Corrections Director. (attached) Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release checks on 15<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented letters to the Democratic and Republican Executive Committees regarding the election boards. Commissioner Brenemen motioned to approve and send letters. Commissioner Scalph seconded. Unanimous decision.

Adam Hodges appeared to present the Commission with a report on his County activities in 2017. Mr. Hodges presented the Commission

with a handout. Mr. Hodges discussed a trail that could potentially come to Fayette County. President Wender asked Mr. Hodges to draft a letter for the Commission with bullet points as to why the House Bill regarding the Hatfield and McCoy Trail is a good idea. President Wender asked that Mr. Hodges get an enlarged copy of the map he presented showing the potential trail. The Commission will send this letter to all five delegates.

Sarah Crook and Allen Ballard appeared to discuss the Danese Community Center. There are some moisture issues within the building. Drop ceiling needs to be torn out. It is owned by the Danese Community Committee. The Day Report clients and park employees (if available) can work on tearing out the drop ceiling. Ms. Berry is going to check with Renee about getting some workers there as early as tomorrow. Ms. Berry to ask Tommy Harris to bring SWA dump truck over to load it and dump it.

Ms. Berry presented a proclamation declaring Fayette County as a Purple Heart County. Commissioner Brenemen motioned to accept the Purple Heart declaration. Commissioner Scalph seconded. Unanimous decision.

Discussion is held on the consolidation of Armstrong PSD and Kanawha Falls PSD. An agreement will need to be drawn up between boards then the 1<sup>st</sup> step is to decide how to mesh the two accounting situations. Mr. Tuggle said he's not sure of the debts on either side. Michael Griffith, CPA, will be asked to do an analysis of the accounting. After analysis, they will approach Public Service Commission and have a discussion about this. If the PSC is on board, then the work would be back to the accountant and the funding agencies that are owed. The mechanical issues will be discussed with the



accountant. A cost of analysis would be completed to decide that. President Wender asked if one of the agencies will be the inquired and the other be the inquiring, or should they be on equal footing? Mr. Tuggle stated inquired/inquiring is usually the smoothest. Mr. Tuggle suggested starting a discussing with Mr. Griffith. Ms. Berry will contact him.

Discussion was held on the Community Development Block grant and the Commission's backing of the Armstrong Creek project. It was brought to the Commission's attention that no progress is being made on the project. President Wender asked if the Commission is backing a project that is going nowhere. Other funding sources need to be acquired before Community Development Block Grant will be awarded. The Commission feels they should let Armstrong Creek know they are considering pulling their prioritization. Discussion will be held on February 22<sup>nd</sup> regarding the enthusiasm of Armstrong Creek and this project. Discussion will then be held regarding a new prioritization.

Bonnie Hick, Mayor of Meadow Bridge, appeared to discuss their water issue. They believe they found the main water leak. The next step for the town is to establish a rate increase; the leak finder is no longer necessary. There is a \$4,200.00 water cost and 2 pump options: \$4,200.00 for a pump and \$6,900.00 for a high water pump. The Commission discussed loaning \$10,000 until the project could be funded through a grant. Ms. Hicks is going to talk with her board to see if they're interested and let Ms. Berry know the board's decision. Ms. Berry will add to agenda if needed at later date.

James Bennett, 911 Coordinator, appeared to discuss the wording issue in the rules and regulation of wrecker service. He did not find stated anywhere that a wrecker service has to be established for one

year. It is included in the one that was adopted last meeting. The Commission stands by the adoption from last meeting.

Discussion was held on an application from Kevin Willis Wrecker Service. Mr. Willis will need to provide a copy of his paid business taxes. He needs to follow the 150 ruling in PSC State Code. He needs to provide confirmation that he's been in business for one year. He was issued the DOT number in April 2017.

Chad Neal spoke about Mr. Willis not getting his Tow for Hire permit until January 2018.

Mr. Harrah reminded the Commission Mr. Willis submitted his application before the new rules and regulations were adopted.

Mr. Bennett stated that it would be a good resource for the 911 center to have another contact.

President Wender motioned to deny adding Mr. Willis to the rotation list because of sufficient coverage in the county. Commissioner Brenemen seconded. Unanimous decision.

Angela Gerald appeared to discuss dilapidated buildings. Ms. Gerald presented a map marking the dilapidated buildings within Fayette County. She prioritized them based on their proximity to a main road. 20 properties are on main roads. Ms. Gerald will give a list to Prosecuting Attorney's office and they will review as time allows.

Discussion was held to contest the "proceed to construction" order from FERC. This contest must be filed by February 28<sup>th</sup>, 2018. President Wender asked Ms. Berry to let Attorney Wendy Greve know that she is to not practice law beyond what our insurance company will pay. Mr. Wender asked Ms. Berry to find out the status of the building permit issue.

The Commission entered into an executive session at 12:35 pm to discuss a personnel matter.

The Commission reconvenes at 12:59 pm.

Discussion was held with Gabriel Peña regarding looking into starting a day care with the county being the "sponsor". The Commission would like him to look for funding. Commissioner Scalph asked this issue to be put on the listserv. Mr. Peña will contact the Board of Education and will return to the Commission when he has received some information.

Commission adjourned meeting at 1:25 p.m.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

FEBRUARY 16, 2018

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G.

BRENEMEN-ABSENT

The Fayette County Commission reconvened as the Board of Equalization and Review on this 16<sup>th</sup> day of February, 2018.

President Wender called the meeting to order at 9:13 a.m.

No appointments were made.

The Commission recessed as the Board of Equalization & Review at 9:15 am until 9:00 a.m. February 22<sup>nd</sup>, 2018.

The Fayette County Commission met in a regular session on this 16<sup>th</sup> day of February, 2018.

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

Mike Bone from the Assessor's Office, appeared to present real property exonerations for Ernestine Phillips \$306.20; John H. Lopez \$473.26; Linda Light \$256.20; and Clinton S. Ridenour \$284.38.

Commissioner Scalph motioned to approve real property exons.

President Wender seconded. Unanimous decision.

Mr. Bone presented a personal property exoneration for Henry J. Nichols \$69.87. Commissioner Scalph motioned to approve personal property exoneration. President Wender seconded. Unanimous decision.

Mr. Bone presented 2 refunds for Henry J. Nichols \$69.87 and John H. Lopez \$461.44, respectively. Commissioner Scalph motioned to approve refunds. President Wender seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. President Wender seconded. Unanimous decision.

Deborah Berry, County Administrator, presented a Combine or Divide and Segregate Order for Nancy C. & Tim & Sandra Bragg. Commissioner Scalph motioned to approve and authorize President Wender to sign. President Wender seconded. Unanimous decision.

Ms. Berry presented an invoice for the Fayette County board of Education for the Special School Levy Election held January 20, 2018 for approval and signatures. Commissioner Scalph motioned to approve and sign the invoice. President Wender seconded. Unanimous decision.

Ms. Berry presented a request from the Fayette County Public Library Board of Directors to appoint Donna Smith to the Fayette County Public Library Board due to the resignation of Ann Folger. Commissioner Scalph motioned to approve the appointment. President Wender seconded. Unanimous decision.

Ms. Berry presented a Memorandum of Understanding between the Fayette County Commission and Fayette County Day Report Center for the Commission to approve and sign. This was tabled.

Ms. Berry presented for discussion an Animal Cruelty & Canine Tethering Ordinance. This was given to the Sheriff for review.

Ms. Berry presented for discussion a request from Ron Eagle for a Barking Dog Ordinance. Sheriff Fridley has reviewed an ordinance from Morgan County that he thinks can work for Fayette County. Prosecuting Attorney Larry Harrah will review.

James Bennett appeared to present an out of county tow service, Ryderz. He has supplied all documents required minus the business tax because he is out of county. The rules and regulations state that all out of county applicants are at the discretion of the County Commission. The representative from Ryderz is only offering large wrecker tow. James Bennett stated that we have good coverage. Commissioner Scalph motioned to deny the request of the application from Ryderz due to sufficient coverage having been established at this time. The request will be kept on file in the event the status changes. President Wender seconded. Unanimous decision.

Mr. Bennett presented a violation of the wrecker service agreement. Mr. Bennett received a complaint on February 9<sup>th</sup> that Prudence Towing Service was towing using a vehicle with dealer tags, which is illegal. Mr. Bennett spoke with DOT and confirmed that it was running on dealer tags. Representative from Prudence spoke and said that it was a mistake on his driver's part. He has no excuses, his driver just messed up. DOT has already removed the tag so it could not be used and the driver was reprimanded. According to the rules and regulations, it is a first offense warning and a letter will be written and put in the file. Second offense is removal from rotation. Commissioner Scalph motioned to follow the rules and regulations. This is a first offense for Prudence and a letter will be sent and recorded in his file. Second offense will be removal from the rotation. President Wender seconded. Unanimous decision.

Greg Ingram and Anne Cavalier appeared to discuss the UKV Planning Commission request. President Wender received a letter on behalf of the Commission and Kent Carpenter received a letter on behalf of Kanawha County Commission for funding requests. Smithers and Montgomery does have money from WVU and they have asked the Commission to allocate \$20,000 to help hire a person for economic development. Commissioner Carpenter spoke with President Wender and stated that Kanawha County feels this is a Fayette County issue and KCC will match the Fayette County allocation. President Wender asked the UKV Planning Commission to give a run-down of the positions they are wanting to hire so the Commission knows what this request is for. There are a lot of plans out there for economic development and the WVU Law Clinic offered to help pool and organize all the plans. Both City of Smithers and Montgomery have worked well together. A Strategic Initiative Council was created comprised of two mayors, two city council members and two business at large members. They started interviews and had two individuals that were very well qualified and can do a lot of the things for the area. These individuals will get federal monies to help with all these plans. Both cities feel that this will help their areas. They feel this will make initiate action in the Valley and the alleviate concerns for the County Commission from that area. They feel this funding request will improve the area. They are willing to give progress, monthly and financial reports. President Wender asked if this is an immediate need or something that can be discussed in March for Fiscal Year 2018/2019 budget. Ms. Cavalier and Mr. Ingram would have to look into that. Over the next three years, WVU contributions will be \$75,000 to the City of Smithers, and \$150,000 to the City of Montgomery. President Wender

stated that the Commission could not allocate \$20,000.00. He feels \$10,000.00 would be the top amount but the Commission would need to hold discussions after a County financial update. Commissioner Scalph mentioned that maybe they could just hire one individual in the first phase. Ms. Cavalier and Mr. Ingram said that is something they can review. Commissioner Scalph motioned to approve the request of \$10,000.00 for Fiscal Year 2018/2019 and indicated that other municipalities will be able to participate in this initiative. President Wender seconded. Unanimous decision.

The Commission recessed at 10:30 a.m. to attend a conference call.

The Commission reconvened at 11:25 a.m.

Andy Austin appeared to discuss the New River Transit Authority (NRTA) and presented a handout to the Commission. NRTA is starting a night run from 5:00 p.m. to 1:00 a.m. Ridership is increasing.

Mayor Bonnie Hicks of Meadow Bridge appeared to request funding from the County Commission on behalf of the Meadow Bridge Sanitary Board. She presented the Commission with a breakdown of what they had to pay out of pocket which was \$33,000.00. The Town of Meadow Bridge contributed \$5,000.00 and the Commission has already allocated \$7,500.00. Meadow Bridge is going to increase their contribution to \$5,000.00. The Commission has discussed treating the next allocation from the County Commission as a loan. \$16,000.00 is the short fall. It would be paid back by way of an application for a project just as was done on New Haven PSD and Arbuckle PSD. Lesley Taylor, region 4 Planning & Development, asked that any money used by The Town of Meadow Bridge, copies of receipt and check copies be kept to be included in the application for approval. The Commission's monies

would go directly to The Town of Meadow Bridge but the Commission asked that the town submit copies to the County as proof of how the money was spent. Commissioner Scalph motioned to lend \$16,900.00 to The Town of Meadow Bridge. \$8,500.00 for a well pump, \$8,400.00 for high lift pump repairs, which will be paid back to the County at the time the project is implemented by Region 4. Meadow Bridge will then pay vendors and provide proof to the County that invoices were paid with Town of Meadow Bridge funds, and the County will stand to collect its loan upon the funding for the application that Town will put forth. President Wender seconded. Unanimous decision.

The Commission recessed at 12:11 p.m.

The Commission reconvened at 1:50 p.m.

A proclamation was read in support of Fayette County Teachers and Service Personnel. Commissioner Scalph motioned to accept and approve the proclamation and sign and send to the legislature in Charleston. President Wender seconded. Unanimous decision.

The Commission signed proclamation in support of County Teachers and Service Personnel. (attached)

The meeting was adjourned at 2:15 p.m.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
FEBRUARY 22, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission reconvened as the Board of Equalization and Review on this 22<sup>nd</sup> day of February, 2018.

President Wender called the meeting to order at 9:04 a.m.



James Blankenship appeared to represent Taylor Company. Eddie Young, Assessor, was sworn in. Mr. Blankenship spoke on behalf of Taylor Company who has asked the Commission to review the assessment of property on Mill Creek which Taylor Company owns. The Reserve Coal value increased 10 times. In discussions with the state and the Assessor's office, the value has been decreased.

The Commission recessed as the Board of Equalization & Review at 9:16 am. Commission will reconvene this afternoon with recommendations from Mr. Young. The Commission will make decisions then.

The Fayette County Commission met in a regular session on this 22<sup>nd</sup> day of February, 2018.

President Wender called the meeting to order at 9:13 a.m.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on February 28<sup>th</sup>, 2018. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve February 5<sup>th</sup>, 8<sup>th</sup> and 13<sup>th</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve and authorize President Wender to sign estate settlements for Mary Frances Swartz; Louise R. Rosiek; Roger K. Bess; Peggy Selvey Gherke; Henry Melvin Bailess; Clarence James Crist; Hazel May Conner; Janice Marie Criss; Loretta Fox Hagen; Patricia Ann Persinger; Susan Marie Moore; and James Prather, Sr., respectively. Commissioner Brenemen seconded. Unanimous decision.

Deborah Berry, County Administrator, appeared to discuss polling place changes for precinct numbers 9, 13 & 42. Precincts 9 & 13 previously voted at the Oak Hill Scout Cabin and they will move to SALS Historic Oak Hill School. Precinct 42 used to vote at the Loup Creek Volunteer Fire Department and they will move to the Christian Revival Center. Commissioner Brenemen motioned to accept the polling place changes. Commissioner Scalph seconded. Unanimous decision.

Discussion was held on Armstrong PSD. The Armstrong PSD Commissioners are aware that they have a problem; however, they are not receptive to changing to WV American water or to consolidation. They are more receptive about consolidation than WV American Water. Commissioner Brenemen will continue to work with Lesley Taylor and Armstrong PSD to develop a resolution.

Discussion was held regarding the Commission's priority for the Community Development Block Grant. President Wender asked if the Commission should change their priority to New Haven PSD from Armstrong PSD. Commissioner Brenemen said the system will fail in the next two years. This discussion is tabled until 10:00 a.m.

The Commission entered into an executive session at 9:36 a.m.

The Commission reconvened at 10:12 a.m.

Discussion was continued on Armstrong PSD with Lesley Taylor, Region 4 Planning & Development. The Commission asked Ms. Taylor her thoughts on the Commission's priority for the Community Development Block Grant. At the PSD meeting yesterday they talked about other funding sources for Armstrong PSD. Ms. Taylor scheduled a work group for next week so the PSD can prioritize how they want to proceed. President Wender asked how long the Commission had until they need to decide the priority of the CDBG. Ms. Taylor stated 3 weeks from when

the grant is released by the state. Ms. Taylor will let the PSD know that the Commission would like a good plan in order to keep their CDBG priority with Armstrong. Armstrong PSD needs to increase their rates 1.5% which would increase payments to roughly \$43.00. Ms. Taylor does not think they will increase to what they need and she will need to have a very frank conversation with them, or they will not get any funding. They are losing over half their water. President Wender wants this on the agenda for March 2<sup>nd</sup>. He feels if we wait then the Commission will be too close to having to make their decision. Ms. Taylor stated that she recommended leaving them as priority for now. President Wender wants to hear from them before he agrees with that. Ms. Taylor would like to talk with them at the work session and let the Commission know. President Wender is still against it; he wants a plan presented to the Commission before he agrees to keep the County priority with Armstrong PSD. Ms. Taylor will let us know if everyone is available March 2<sup>nd</sup>.

Discussion was held regarding the Meadow River Rail Trail bridge. Kevin Walker, OEM Director, spoke about this being a very large scale project and all expenses will need to be watched closely. No funds have been received as of this morning. Large scale projects can receive funds up front. If the county removes some debris before money is received, the County runs the risk of not being reimbursed. Department of Highways (DOH) will be a party to bidding out the new bridge. Once the County receives the bid, the money will be written to DOH. All invoices will be paid by DOH. Doug Hylton spoke regarding a time line. His timeline factors in Greenbrier County as well as Fayette County. Chapman will be the engineering firm working

on the design of the bridge. Mr. Hylton said this project will start within weeks.

Mr. Hylton gives an update on the 6.2 miles that goes towards Rainelle. They have purchased the property and are waiting on the deed from CSX. Mr. Hylton received a recreational grant.

Mr. Walker appeared to discuss the Dunloup Creek inspection. In August, there was inspection done on all properties. This inspection is done every year. Nothing was found. In November, the state office had them do it again for the fiscal year. The FY 2018 inspection is complete, and things have fallen apart: new tenants have moved in but they are not leasing the property; 5 infractions were found on 3 parcels; there is a camper that is squatting; vehicles parked on another with gravel - gravel is not allowed; bundle of railroad ties sitting on our easement. Most of these infractions have been corrected. Mr. Walker showed the Commission some pictures of what is on the County property. They did remove vehicles off the property and Tommy Harris, Solid Waste Authority, with DRC workers are cleaning up site. The private property owner adjacent to the County owned property is in violation of zoning because they do not have a special use permit and they have a privacy fence put up on the county property. Mr. Walker is working to gather everything, then he will address it with a Deputy Sheriff present. Everything that is on an easement has been evaluated.

Gabriel Peña, Deputy Resource Coordinator, presented a letter of support for Recovery Point. The Commission signed.

Alicia Treadway, Voters' Registration, appeared to give update on new voting equipment and training. Everything is ready to go. Ms. Treadway spoke with the Secretary of State's Office and they informed

her since our tabulations and machines are at the Memorial Building, we can conduct election night and canvass at the Memorial Building.

The Commission entered into an executive session at 12:13 p.m.

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

The Commission reconvened at 1:03 p.m.

James Bennett, 911 Director and Kevin White, Addressing, appeared to present information regarding EMP Solutions Lightning Suppression. A power point is presented. President Wender asked about the insurance policy. The Company will cover \$500,000.00 of a strike. The device cannot be altered or moved and they won't protect against outside sources. Insurance on the device is good for 10 years and an annual inspection is required. Grounding system is covered for 5 years because copper and wiring will start degrading. President Wender asked if we pay for insurance and annual inspection. Annual inspection cost will be minimal. \$400.00 is the average cost per year. President Wender asked that they provide us with the policy, warranty, and options beyond 10 years for warranty and insurance coverage and leasing options.

Mr. Bennett presented a quote for an outbuilding at the 911 Center. 44x52 with 14 foot ceiling. The cost is \$29,000.00 from Eastern Builders. He knows he needs to advertise and get bids but this is a starting point. He has \$15,000.00 in this current budget and he wants \$15,000.00 out of next budget. This will be discussed during budget session.

Eric Pories and Adam Stephens appeared to discuss the Fayetteville CVB jail lease. The tenant would be the CVB and revenue sharing would be between the CVB and Eric Pories' company. President Wender stated that the Auditor's office would have to sign off on this

partnership on County property. The Commission will also let Prosecuting Attorney Larry Harrah review everything. Mr. Pories asked if the Commission could show their support in any way with the Auditor's office. Commissioner Scalph stated that most things are in state code and the Auditor's office's previous response was based on two other WV court hearings. Commissioner Scalph read the state code that if Commission does not want to oversee the control of the property, the Commission can appoint a 3-5 member board. The lease with the CVB will have to be renewed since it was recently dissolved.

Stephanie Sears, Staff Accountant, gave a financial update.

The Commission reconvened as Board of Equalization and Review at 2:41 p.m. to decide on the cases presented for review during the month of February.

On the matter with the Lowe's property, Mr. Young recommended no change. Commissioner Brenemen motioned to accept Mr. Young's recommendation and the Commission will not change the Lowe's Companies' assessment. Commissioner Scalph seconded. Unanimous decision.

On the matter of Taylor Company, Commissioner Brenemen motioned to change the assessed value per the State's recommendation. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to adjourn as Board of Equalization and Review sine die at 2:45 p.m. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 2:55 p.m.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 2, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 2<sup>nd</sup> day of March, 2018.

President Wender called meeting to order at 9:01 a.m.

Commissioner Scalph motioned to approve February 16<sup>th</sup>, 2018 minutes. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve February 22<sup>nd</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present real property exonerations for Bobby L. & Pearle Elaine Payne for \$391.24. Commissioner Scalph motioned to approve real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented 2 refunds for Ernestine Phillips \$149.27, and Linda Light \$255.88, respectively. Commissioner Brenemen motioned to approve the refunds. Commissioner Scalph seconded. Unanimous decision.

President Wender asked Mr. Young what was the reason for Fayette County being moved back to class one. Mr. Young stated that there were several factors, new structures being the main driver.

Amanda Smarr, Region 4 Planning & Development, appeared to present a Community Development Block Grant Agreement and Evidentiary Materials. Commissioner Scalph motioned to approve the agreement and evidentiary materials and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Deborah Berry, County Administrator, presented an Order Appointing Election Officials for approval. Commissioner Brenemen motioned to approve the order. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry told the Commission that a request from the Fayetteville CVB to use the Courthouse lawn for an Easter Egg Hunt event was withdrawn since they will be using Fayetteville Town Park.

Ms. Berry presented a support letter request for approval and signatures of the Commission from Brent Pauley, CEO of EnAct, for a Community Economic Development Project grant with the U.S. Department of Health and Human Services. The employment program would seek to hire low-income individuals for a program called Sparkle Squad Maid Service. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a Casto Technical Service Maintenance Agreement for the boiler and pump at the Courthouse. \$8,200.00 yearly or \$2,050.00 per quarter, same as last year. Commissioner Brenemen motioned to approve and sign the agreement. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a Final Dissolution Order for Arbuckle PSD. Commissioner Scalph motioned to approve the final dissolution of Arbuckle PSD and sign the order presented. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a Settlement Agreement and Release of Claims document for the Commission to authorize President Wender to sign for Redden vs. Fayette County Commission. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.



Kelly Jo Drey, Resource Coordinator, appeared to present her office's 2018/2019 Budget Request. There are no major changes from her prior year's request. Ms. Drey included monies to set up another work station for a grant funded employee.

A bid opening was held at 10:00 a.m. for the HVAC system at the Courthouse Annex. 5 bids were received from:

Casto Technical - \$383,000.00

Childers Enterprises - \$384,675.00

Dan Hill Construction - \$338,724.00

Tri-State Roofing & Metal- \$322,840.00

Pennington - \$299,000.00

Commissioner Scalph motioned to supply the bids to Dan Snead for review for technical efficiency and, unless Mr. Snead informs the Commission otherwise, we will accept the low bid. Commissioner Brenemen seconded. Unanimous decision.

Renee Harper, Park Director, appeared to present the park and garage budget. Bottom line item of each is the same request as last year. Ms. Harper discussed the current budget and the park survey being taken out of her budget. She felt it should be taken out of County Commission budget. The Commission wanted it taken out of Commission line item.

Ms. Harper discussed the Fayette County Memorial Building budget. The park and rec board is starting to look at the Memorial Building and some projects that need completed. Ms. Harper had a list to present to the Commission.

Sheriff Fridley appeared to present his 2018/2019 Budget Request. Additionally requested items are broken down in his request. Sheriff Fridley requested 7 new police cruisers.

Discussion regarding the Armstrong PSD Community Development Block Grant was held. Tuesday, there was a workgroup to prioritize the issues. Ray Tilley with E.L. Robinson gave a recap of the work group meeting. Primary issues are replacing the water tank and water lines in Powellton. The project first asked \$1.5 mil from SCBG and \$1 mil from RUS. Now the request is \$400,000.00 from the RUS grant and roughly \$600,000.00 of loan and \$1.5 mil from SCBG. Rates will have to be raised to pay for the loan. The Commissioners of the PSD are working on a rate increase. Their customer base is a senior citizen age and the PSD Commissioners are working to be fair. There is 50% water loss system wide. The PSD figures if the Powellton tank and lines are fixed, then it would fix most of their 50% water loss issues. All other area lines are newer lines. Mr. Tilley does believe that the PSD can pull this all together to receive the funding needed to complete this project. They are looking at drinking water funding. Commissioner Brenemen motioned to name Armstrong Deepwater PSD as their priority for the SCBG/CDBG. Commissioner Scalph seconded. Unanimous decision.

Discussion is held on PSD consolidation. President Wender would like to see that consolidation discussion move forward. The County Commission by no means is suggesting that WV American Water take over the system. The County Commissioners are very supportive of PSDs.

Larry Harrah, Prosecuting Attorney, appeared to present the Prosecuting Attorney's office 2018/2019 budget request. Mr. Harrah requested a new Assistant Prosecuting Attorney.

The Commission recessed for lunch at 12:45 p.m.

The Commission reconvened at 1:50 p.m.

Tyler Bragg, Assessor's Office, appeared to discuss Global Science & Technology contract for Commission to sign. Commissioner Brenemen motioned to Authorize President Wender to sign contract. Commissioner Scalph seconded. Unanimous decision.

Mr. Bragg also presented the Commission with a contract with Suddenlink to increase our MBPS internet. Commissioner Brenemen motioned to authorize President Wender to sign the contract. Commissioner Scalph seconded. Unanimous decision.

Mr. Bragg presented a quote from Eagleview for our Pictometry Connect renewal. This amount gets paid by each department that has a user. Commissioner Scalph motioned to approve the Pictometry Connect renewal for the County Commission, not to exceed \$388.00. Commissioner Brenemen seconded. Unanimous decision.

Mr. Bragg presented a quote from Eagleview for a flyover of the county. This will update the aerial photography used in Pictometry. This plan is to be flown in April 2019. In 2013 Assessor, Fire Association, Sheriff, 911 Center & Emergency Services split the price.

Eddie Young presented 2 refunds for Landquest \$146.62 and \$129.25. Commissioner Brenemen motioned to approve the refunds. Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present his 2018/2019 Budget Request. No changes were requested from last year except a pay increase for his employees.

Joe Crist, Fire Coordinator, appeared to present a Budget Request for the Fire Levy. No changes were made from last year.

Kevin Walker, OES Director, appeared to present a Budget Request for the OES department. He included the Pictometry fee and an

increase in emergency council dues. He also requested two new computers and software.

James Bennett, 911 Director, appeared to present the 911 Center 2018/2019 Budget Request. He requested different capital outlay items.

The Commission entered into an executive session at 3:00 p.m. regarding a personnel matter.

The Commission reconvened at 3:45 p.m.

The Commission entered into a budget work session at 3:46 p.m.

The meeting was adjourned at 4:54 p.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 9, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 9<sup>th</sup> day of March, 2018.

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

Mike Bone, Assessor's Office, appeared to present personal property exonerations for Charles Edward & Deborah Bryant \$172.53; Charles L. Jr. & Jane Hardy \$379.92 & 382.68; Mary D. Neal \$234.26; John A. Middleton \$260.54; Rex A. & Christina Thomas \$526.58; Kevin Adkins \$33.80; Brandon Mathis \$41.12; Thomas r. Carpenter \$7.64; Barbara F. McKinney \$271.30; Sara Willis \$74.32; Shannon R. & Stacey L. Morris \$522.74; Billy Dunfee \$49.94; Wayne Jackson Yarber \$401.44; Linda Walker \$108.00; Dennis M. III & Tara McGraw \$521.08; Nathan H. Coleman \$521.30; Dale L. & Tera L. Chappell \$712.44; Curtis L. II or

Danielle Dixon \$754.60; Priscilla A. & Matthew S. Griffith \$255.82; Wayne A. (Helper) Hepler \$30.98; George Jr. or Elsie Sodder \$84.00; Charles Jr. & Beli Jacobowski \$197.90; Rebecca R. & Mark E. Hurd \$177.64; and Janet Johnson \$309.36. Commissioner Brenemen motioned to approve personal property exonerations. Commissioner Scalph seconded. Unanimous decision.

Mr. Bone presented a Correction of Assessment for Marvelene C. & Charles Heltman for \$366.52. Commissioner Scalph motioned to approve the Correction of Assessment. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release the checks on the 15<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers & invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve March 2<sup>nd</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Bonnie Sue Parker; James Lee Bragg; Charles Coles; Pamela E. Zickafoose/AKA Pamela E. Dixon; Daisy Marie Fitzwater; Kenneth Edward Sigmon; Alice Sizemore Clonch; Lena Louise McNeely; James Ray Ellison, Sr.; Clarence Lee Vaughn; Teddy H. Thomas; Charles Bernard Perry; Betty Jean Vickers/AKA Betty B. Vickers; Lorena Jane Legg; Patsy Sue Perry; Linda Lou Butler; William Roger Markham; and Edna Gayle Thomas, respectively. Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented the Tenth 3-Year Cycle Calculation Plan Outline for review from Fayette County Assessor Eddie Young. The Commission acknowledged receiving the valuation.

Ms. Berry presented a request from Phil Samples, Coach/Organizer with AAU to use the Fayette County Memorial Building from April 1, 2018 to March 31, 2019 for team and individual workouts. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented support letters for the Commission to approve and sign for YouthBuild and Adult ABC POWER for John David with SALS. Commissioner Scalph motioned to approve and sign the letters. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from John Hoffman, Chairman of the Fayette County Board of Zoning Appeals to appoint Jeff Atha to replace Scott Pugh who resigned. Commissioner Brenemen motioned to appoint Jeff Atha to the Board of Zoning Appeals for an unexpired term. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request for reappointments to the New River Gorge Bridge Day Commission for K. E. Tawes, Dennis Hanson, Philip Peelish, Benji Simpson, Marcus Ellison and Duane Michael. Commissioner Scalph motioned to reappoint said six members of the New River Gorge Bridge Day Commission. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter for approval and signatures to the WV Supreme Court requesting reimbursement for rent for the Family law Judge for the month of April 2018. Commissioner Scalph motioned to approve and sign the letter. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a support letter for the application of Adventures on the Gorge (AOTG) to extend the footprint of their liquor license for the Brewgrass Reunion to be held on June 9, 2018. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for approval and signatures to WV Attorney General Patrick Morrissey requesting his opinion of leasing county owned property to the Fayetteville CVB and allowing them to partner with Epic Escape Game New River Gorge for a percentage of fees charged for each escape game participant. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Christina Cowley, United Way of Southern West Virginia, appeared to present about 2-1-1. Ms. Cowley presented a PowerPoint and handouts to the Commission for review. 2-1-1 is a phone service and website where a resident can call or search to receive information regarding the area such as utility assistance, help paying for medication, senior services, etc.. The funding request is for \$963.61 per year. President Wender stated that he would like to see the Commission allocate to this program in this current budget and then consider it in 2018/2019 budget. Commissioner Brenemen motioned to approve the request of \$963.61 out of the current 2017/2018 budget contingent on other counties contributing. Commissioner Scalph seconded. Unanimous decision.

Will Thornton, Terradon, appeared to discuss the Fayette County Sheriff's Department shooting range. Mr. Thornton presented a handout for the Commission to review. It is a draft proposal totaling \$1,635,900.00. President Wender requested the cost be put into 3

phases and asked what we would need to do to begin Phase 1. President Wender asked for that a report be kept here and some copies available for pick up for the surrounding citizens to review and to let them know when we are meeting again. Ms. Berry stated a meeting with Terradon for the citizens might be beneficial. They will return on an April agenda.

Sheriff Mike Fridley appeared to present and discuss the Community Correction budget and Memorandum of Understanding for the Commission to sign. The Board of DRC met and named Jeri Sarafin as the interim director. They will run an ad to hire a new director. The Board will meet to review the resumes after the ad ends and present a recommendation to the Commission for hire. The director should be, and will be, a Commission employee according to the state office.

Ms. Berry presented a Memorandum of Understanding with The Fayette County Criminal Justice Board for the Commission to review and sign. Commissioner Scalph motioned to approve the MOU and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Amanda Withrow and Kathy Gerancer with the New River Humane Society appeared to present their budget request for 2018/2019. They requested an increase in pay for all workers. They also presented a list for capital improvements. President Wender stated that most of these capital improvements need to be completed now as this list has been presented to the Commission several times before.

Stephanie Sears, Staff Accountant and Eddie Young, Assessor, appeared to discuss the upcoming budgeted revenues.



The Commission met with the office holders to explain the tough budget situation that the Commission has to work with this year , and how they arrived at the numbers.

Ms. Berry presented a letter opposing HB 2843 Re: TIF districts for municipalities, for the Commission to review and sign. Commissioner Brenemen motioned to approve and sign letter. Commissioner Scalph seconded. Unanimous decision.

Commission entered into a budget work session at 1:40 p.m.

The meeting was adjourned at 4:30 p.m.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 14, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a special session on this 14<sup>th</sup> day of March, 2018.

President Wender called the meeting to order at 9:07 a.m.

The Commission entered into a budget work session.

The meeting was adjourned at 12:45 p.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 16, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 16<sup>th</sup> day of March, 2018.

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

Commissioner Brenemen motioned to approve March 9<sup>th</sup> & March 14<sup>th</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Allen Ballard, Building Safety, appeared to discuss the insulation work at the Danese Community Center. The Commission asked that Mr. Ballard let them know the warranty that comes with the spray insulation.

Tim Richardson, Zoning, and Kevin Walker, OEM Director, appeared to discuss the property leased to an individual in Kilsyth. The Commission is concerned that a business is being operated in a residential area. Mr. Walker stated that he did not believe the business is being operated there, they are just parking their equipment there. Mr. Richardson stated that it is in violation of zoning. The individual needs to come to the Zoning office with a business plan so Mr. Richardson can review to make sure the zoning is correct. The Commission requested a letter be sent to the individual stating that if he does not present a business plan for review to Zoning, the Commission is not interested in renewing the lease in November.

Debbie Berry, County Administrator, presented a letter to the Sheriff regarding conservatorship fees and the Commission's full

support of collecting 5% fees from conservators. Commissioner Brenemen motioned to approve the letter and for the Sheriff to make every effort to collect 5% on each conservator. Commissioner Scalph seconded. Unanimous decision.

Discussion is held on Mountain State Justice invoice. President Wender spoke with them and they agreed to accept \$10,000.00. \$5,000.00 will be paid out of FY 2018 and \$5,000.00 out of FY 2019. Commissioner Scalph motioned to approve the payment and adjustment of the budget. Commissioner Brenemen seconded. Unanimous decision.

A Public Hearing was held for Early Voting sites for the Primary Election to be held on May 8<sup>th</sup>, 2018. Early Voting sites will be Danese Community Center, Fayette County Memorial Building, & Montgomery Town Hall. Commissioner Brenemen motioned to approve the order naming the early voting sites April 25 - May 5, 2018 8:00 a.m. - 4:00 p.m. during the week and 9:00 a.m. - 5:00 p.m. on Saturdays. Commissioner Scalph seconded. Unanimous decision.

The Commission entered into a budget work session at 10:30 a.m.

Commissioner Scalph motioned to approve adopting the 2018/2019 General County Fund of \$9,780,975.00 as presented. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve adopting the 2018/2019 Coal Severance Fund of \$573,550.00 as presented. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter regarding the central purchasing agent being set as the Fayette County Commission for the Commission to approve and sign. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph left the meeting at 11:15 a.m.

Discussions were held regarding the decreases in the budgeted revenues.

Discussion was held on the Division of Rehabilitation Services moving out of Fayette County. Bill Laird called in by phone to discuss a possible resolution. Commissioner Brenemen motioned to approve the County Administrator to draft a resolution and prepare cover letters to the Director of Rehabilitation Services, Governor Justice and Fayette County mayors, requesting they also adopt the resolution. President Wender seconded. Unanimous decision.

The meeting was adjourned at 12:55 p.m.

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