

FAYETTE COUNTY COMMISSION

April 28, 2015

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew D. Wender

The Fayette County Commission met in a special session on this 28<sup>th</sup> day of April 2015.

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

Commissioner Wender motioned to approve vouchers and invoices to be released today and approve 2<sup>nd</sup> half payroll, checks to be released on April 30<sup>th</sup>. President Scalph seconded. Unanimous decision.

Tim Richardson, Zoning, appeared to submit a request to amend the Unified Development Code, regarding injection wells. This would be similar to the Class D Landfill Amendment previously adopted. The amendment would be to add a heavy industrial and special use permit and would require 3 public hearings. Before an applicant could continue with their application, they will have to fill out a rezoning application. The rezoning application would also require 3 public hearings before going to the DEP for final approval. Commissioner Wender asked Larry Harrah, Prosecuting Attorney, if the Commission can pass an ordinance stopping injection wells from coming to Fayette County. Mr. Harrah will research this and report the legality of such an ordinance to the Commission. Commissioner Wender suggested proceeding with the UDC and Mr. Harrah will research the other option. The Commission will make a decision which avenue to pursue when we more knowledge is gained. Commissioner Wender motioned that the Planning & Zoning Commission will study the matter of injection wells

and draft language that will create and application and direct the issue on the Planning agenda for May 18, 2015. President Scalph seconded. Unanimous decision.

Deborah Berry, County Administrator, presented an Annual Memorandum of Agreement with WVU Cooperative Extension Service and the County Extension Service Committee for clerical work of Cassandra Bandy for President Scalph to sign.

Ms. Berry presented a grant agreement with the Division of Culture and History for a Records Management Grant and Preservation Board Grant for President Scalph to sign.

Ms. Berry presented a support letter for Rainelle Medical Center for a school based health center at Midland Trail High School. Commissioner Wender motioned to approve and sign the support letter. President Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Lafayette Huse Veterans Memorial Commission for \$7,000.00 for the memorial at Huse Memorial Cemetery property to recognize the local men and women who have served our country so honorably. The Commission requested that more details be presented and tabled the request until later.

Ms. Berry presented a request from Michael Pilato, secretary of the Fayetteville Lions Club, to use the parking lot on Wiseman Avenue on July 4, 2015. Commissioner Wender motioned to approve the Lion's Club to use the parking lot. President Scalph seconded.

The Fayetteville Lions Club also requested an allocation of \$500.00 from next year's budget to assist with the festival. Commissioner Wender motioned to amend the current year's budget and to

remove the amount in next year's budget in order to release the funds early. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to Willie C. Taylor, Regional Director with the U.S. Department of Commerce, Economic Development Administration notifying that the Fayette County Commission is actively involved in the planning process of the Region 4 Planning & Development Council for President Scalph to sign. The Commission feels that Region 4 Comprehensive Economic Development Strategy (CEDs) adequately serve the requirements of the planning process.

Ms. Berry presented a Small Cities Block Grant Program document related to the grant application signed April 6, 2015 for Armstrong PSD that needs President Scalph's signature.

Ms. Berry presented a quote from Atlas Geological Data, Inc. in the amount of \$2,200.00 for approval to inspect the recent Pictometry fly over of Fayette County. Tyler Bragg, Fayette County GIS Specialist, recommends this service. Commissioner Wender motioned to participate in the inspection. President Scalph seconded. Unanimous decision.

Angela Gerald, Building Safety Department, appeared to discuss the dilapidated properties of Danny Rennick and Donna McAllister and to first give an overview of the progress of this program to date. One-hundred seventeen properties have been removed by their owners. Nine properties were removed by the county. One-hundred fifty activated properties remain in the database. Twenty-four properties will be turned over to the City of Oak Hill because of the annexation of Minden. Ms. Gerald will obtain a copy of the HB 2701 that never

made it past introduction. The Commission will bring this up at their next legislative meeting in June.

President Scalph asked if any of the properties removed were commercial. Ms. Gerald stated that one commercial property was removed and the Prosecuting Attorney has another commercial property to be taken down.

Ms. Gerald presented the property of Donna McAllister, 95 Judges Court, Fayetteville, off of Gatewood Road. Ms. Gerald has tried to contact Ms. McAllister four separate times with no success. Ms. McAllister's name was placed in the newspaper however she did not appear before the Commission today. Commissioner Wender requested that this case be postponed for 30 more days. Ms. Gerald will post a letter on the doorstep and try again to make contact.

Ms. Gerald presented the Danny Rennick property, 4 Fields Lane in Scarbro. Ms. Gerald has sent letters and all have returned. Mr. Rennick's name was in the newspaper as deceased. Mr. Harrah gave Mr. Rennick's heirs 30 days to clean up the property and recommends postponing for another month. The Commission agreed.

Ms. Gerald presented Barbara Molchanoff, 67 Office Street, Oak Hill. The property has been for sale for 2 years but needs to be addressed. Commissioner Wender motioned to notify Ms. Molchanoff that she has 20 days after being served to come before the commission and detail her plan. President Scalph seconded. Unanimous decision.

Ms. Gerald presented Crystal Salisbury, 226 Mountain Top Lane, Fayetteville. Commissioner Wender motioned to notify Ms. Salisbury

that she has 20 days after being served to come before the Commission and detail her plan. President Scalph seconded. Unanimous decision.

Ms. Gerald explained what happens if someone wants to buy a property that the Commission has a lien on. The court would force a sale and an auction could be held for the sale of the property. The judge would send the minimum bid and the County Commission would have no say in it. The Commission would not be assured recovering the entire amount of the lien.

The Commission asked Mr. Harrah to start the process and the issue will be placed on a future agenda.

A Public Hearing was held at 10:00 a.m. regarding the Early Voting locations for the Special School Bond Election. The three locations will be Danese Community Center, Fayette County Memorial Building and Montgomery Town Hall. Commissioner Wender motioned to open the three centers. President Scalph seconded. Unanimous decision.

Donna McAllister appeared at 10:08 a.m. Ms. Gerald was called back to the meeting.

Ms. McAllister was sent 2 letters on June 13<sup>th</sup> and August 14<sup>th</sup> of 2014. Mr. Harrah asked about her plan. Ms. McAllister stated that her daughter wants to fix up the home and live in it but it will take her some time to complete.

Mr. Harrah asked how long she will need. Ms. McAllister stated that the trash can be cleaned up. The Commission agrees to give her 60 days to see improvement. Ms. Gerald will inform Ms. McAllister

what needs to be done next. Ms. McAllister states that 1213 Waterplant Road is the best address to reach her.

Ms. Berry presented some materials from Chad Wykle, Executive Director of NRGRDA, for a local incentive program in Fayette County.

Fayette County would like to work with applicants to work with and consider waiving property taxes. The Commission is not committing anything, only agreeing to entertain a discussion when presented. Mr. Harrah agrees and approves. Commissioner Wender motioned that the Commission will offer a letter pertaining to the Commission's commitment. President Scalph seconded. Unanimous decision.

Discussion was held regarding the Courthouse roof project. The Commission had requested that they be allowed to hold funds from one grant cycle and use them in conjunction with a second grant to combine roof phases and ultimately save money. This request was denied by the Courthouse Facilities Improvement Authority. Commissioner Wender suggested talking with Dan Snead and ask him to break down what the \$120,000.00 grant would cover.

Discussion was held regarding the memorial bench for the Courthouse hallway. No plaques will be placed on the benches.

Marshall Murray, West Virginia American Water, and Peggy Bennett, Fayette County Park, appeared to discuss the Fayette County Pool.

The Commission asked if WVAWC can help the county with the amount of water that is being lost. The County has applied for a grant but will not know anything until fall 2015. 464,000 gallons of water is needed for the initial fill. Every two days they add 4 inches of water.

Mr. Murray states that the issue is that they we have other pools in our county that had to close because of the same issues. He states that there are other funding sources that the park can apply for. Adjustments will not be made but funds may be given to offset the costs. Laura Jordan is the person to contact regarding the application for this program.

President Scalph introduced Kelly Jo Drey, resource Coordinator, and Mr. Murray in the instance that he has further questions about the project.

Mr. Murray states that WVAWC is aware and awaiting the application.

Discussion was held regarding the pool season: June 13<sup>th</sup> will be opening day. The pool will close August 8<sup>th</sup>. The park staff is having issues finding lifeguards to work.

Commissioner Wender suggested that the Commission agree to reimburse for the lifeguard class at the end of the season. Mr. Harrah suggested talking with the Auditor's office before we proceed.

Discussion was then held about the exterminating quotes for the Fayette County Park. Three quotes were received. Commissioner Wender asked Ms. Bennett to tell Tony Sizemeore with General Exterminating (the county's usual exterminator, but highest quote) that money is important to the county and we can pay the lowest quote to see if he can quote a lower price. Ms. Bennett will report his response to the Commission.

Commissioner Wender also questioned the warranty. He asked Ms. Bennett to find out if the warranty expires and the bugs return, will the contract start over?

Commissioner Wender motioned to authorize up to \$6,500.00 for the removal of termites, beetles and other insects in the recreation hall, cabins and other buildings that were inspected. President Scalph seconded. Unanimous decision.

Discussion was held regarding a plaque for an eagle statue donated to the Commission by the estate of Pat & Helen Hamilton. The Commission is also requesting a sturdy shelf to attach the eagle, along with the plaque which will read "In Memory of Pat & Helen Hamilton." Ms. Berry will have information about this at the next meeting.

Gabe Pena, Assistant Resource Coordinator, informed the Commission of a possible conflict with the proposed medical clinic at Midland Trail High School between Rainelle Medical Center and New River Health. Commissioner Wender suggests withdrawing the support letter and discussing the issue with the Board of Education to gain clarification as to why they would propose one clinic over the other. New River Health has 7 locations in the county and Rainelle has 1. A letter will be written to the Board of Education asking for guidance. The letter will ask what factors were used to decide Rainelle over New River Health. The Commission agrees to pursue this action.

Stephanie Sears, Staff Accountant, appeared to present the E911 10 year budget. Commissioner Wender motioned to adopt the E911 10



year budget starting in 2015. President Scalph seconded. Unanimous decision.

James Bennett, 911 Coordinator, will be scheduled to attend a meeting in May to discuss the E911 phone system issue.

Ms. Berry presented a thank you letter for Jennifer Salvatore for her service on the Planning Commission for the Commissioners to sign.

The Commission entered into an executive session at 11:33 a.m.

The Commission reconvened at 11:41 a.m. after a discussion with Mr. Harrah.

Ms. Berry presented at Community Corrections drawdown for March 2015 for President Scalph to sign.

Commissioner Wender motioned to appoint 3 people to the Bridge Day Commission: Benjy Simpson as Rappel Representative, Marcus Ellison as the BASE advisory member, and Phillip Peelish as the Vendor/Community at large member. President Scalph seconded. Unanimous decision.

Mr. Harrah presented a request from the UKV Little League requesting their allocation for 2014/2015 fiscal year. The Commission approved releasing \$3,500.00 to the UKV little league out of the 2014/2015 budget.

The meeting was adjourned at 11:45 a.m.