

**FAYETTE COUNTY CODE ENFORCEMENT AGENCY
FAYETTE COUNTY, WEST VIRGINIA**

RESOLUTION NO. 2021-04

Resolution temporarily adopting the Proposed Administrative Record for the Johnson Fork-Loop Creek Pollution Abatement Project, **FCoWV CEA Matter # 2019-002** pending receipt and review of public comments, if any, and Authorization for publication of newspaper notice to the public of the opportunity to comment on the proposed Permanent Administrative Record for the Johnson Fork-Loop Creek Watershed Pollution Abatement Site.



WHEREAS, on August 17, 2018, the Fayette County Commission adopted Fayette County Ordinance # 2018-001, entitled “The Fayette County Comprehensive Public Nuisance Abatement Ordinance” with an effective date of August 17, 2018; and

WHEREAS, as required by West Virginia § 7-1-3ff, the Fayette County Commission, by enactment of Section VII(a) of The Fayette County Comprehensive Public Nuisance Abatement Ordinance, created the Fayette County Code Enforcement Agency to have the expertise and jurisdiction to investigate and lawfully respond to known or suspected hazards to public health and the environment within Fayette County, and to address as promptly as possible the Environmental and Public Health Protection priorities and sites within Fayette County that present endangerments to the Public Health, Safety, Welfare or the Environment, or that impair or imminently threaten to impair any beneficial use of any Natural Resource within Fayette County that is held in trust for the use and benefit of present and future generations of the Public; and

WHEREAS, the Fayette County Code Enforcement Agency is authorized to undertake investigations of places, conditions, locations, structures, objects or activities within or affecting Fayette County where reasonable grounds exist for suspecting that any condition may exist or activity is being engaged in that constitutes or may constitute a **Public Nuisance** as defined and declared in Section V of **Fayette County Ordinance 2018-01**; and

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WHEREAS, the Fayette County Code Enforcement Agency has been investigating the Johnson Fork-Loop Creek Pollution Abatement Project, FCoWV CEA Matter # 2019-002, and has received and reviewed numerous documents related to this project: and

WHEREAS, D. Scott Simonton, Ph.D., P.E., FCoWV CEA Project Manager for Johnson Fork-Loop Creek Pollution Abatement Project has assimilated these documents which can be viewed by the public at <https://www.dropbox.com/sh/y4gcrj8sqpj4jzn/AAA9bAxvNuoXZnG87MvAD6Gha?dl=0> ; and

WHEREAS, D. Scott Simonton, Ph.D., P.E., FCoWV CEA Project Manager for Johnson Fork-Loop Creek Pollution Abatement Project has recommends to the CEA that it temporarily adopt the Proposed Administrative Record for the Johnson Fork-Loop Creek Pollution Abatement Project, FCoWV CEA Matter # 2019-002 pending receipt and review of public comments, if any, following newspaper notice to the public of the opportunity to comment on the proposed Administrative Record.

NOW, THEREFORE, BE IT RESOLVED by [unanimous] [majority] vote of those members of the Fayette County Code Enforcement Agency present and authorized to vote that the FCoWV CEA temporarily adopts the Proposed Administrative Record for the Johnson Fork-Loop Creek Pollution Abatement Project, FCoWV CEA Matter # 2019-002 located at <https://www.dropbox.com/sh/y4gcrj8sqpj4jzn/AAA9bAxvNuoXZnG87MvAD6Gha?dl=0> pending receipt and review of public comments, if any, following publication of newspaper notice to the public of the opportunity to comment on the proposed Administrative Record, which publication is hereby authorized; and

IT IS SO RESOLVED AND DONE by the majority vote of the Members of the Fayette County Code Enforcement Agency present and entitled to vote, a quorum being present, at its duly-noticed Public Meeting on this 4th day of May 2021.

FAYETTE COUNTY CODE
ENFORCEMENT AGENCY
FAYETTE COUNTY, WEST VIRGINIA

By: *Aletha L. Stollen*
Its Chairperson

Act *Per vote due to*
Chair not here
Present

ATTEST:

Act *Tammy Rothmann*
Secretary and Member
FAYETTE COUNTY CODE ENFORCEMENT
AGENCY

Per vote due to Secretary
Act to done

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