

## 2014 MINUTES

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 3, 2014  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 3<sup>rd</sup> day of January 2014.

Commissioner Wender called the meeting to order at 9:30 a. m.

Commissioner Wender informed the first order of business is the Organization of the Fayette County Commission.

Commissioner Wender offered a motion to nominate, Commissioner Denise A. Scalph, the President of the Fayette County Commission for the year 2014. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to nominate Commissioner John H. Lopez as Purchasing Agent for the year 2014. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion that Stephanie Sears be designated as the Assistant Purchasing Agent and Deborah Berry, County Administrator, Earl Pauley, Park Superintendent, Joe Crist, Fire Coordinator and David Neal, 9-1-1 Coordinator be authorized to make purchases up to \$600.00 without prior County Commission approval for the year 2014. Commissioner Wender seconded. Unanimous.

Ms. Berry informed the Commissioners she has prepared the Organization Order informing that the regular sessions of the Commission be held on every other Friday beginning January 3, 2014 during the calendar year of 2014.

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Commissioner Wender offered a motion to adopt the Organization Order and the other items for the calendar year of 2014. Commissioner Scalph seconded. Unanimous.

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

Commissioner Wender offered a motion to approve and sign real property tickets for Omar Amy and Neil Lewis and Minnie Higginbotham. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign a refund for Minnie Higginbotham (\$15.52). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payrolls, checks to be released January 15, 2014. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve prior minutes for November 22 and December 6, 2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented bank forms for Commissioner Scalph to sign removing Commissioner Wender as President and adding Denise Scalph as President.

Commissioner Wender offered a motion to recess the County Commission at 9:50 a.m. Commissioner Lopez seconded. Unanimous.

The Commissioners reconvened the Commission meeting at 10:20 a. m.

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Ms. Berry presented to the Commissioners a letter she received from April Newell Storm, Chairman of the Fayette County Green Advisory Team requesting permission to use the Courthouse grounds for vendors and other activities for their Earth Day Event being held Saturday, April 19, 2014 and requesting permission to use the Fayette County Memorial Building as a back-up plan in case of inclement weather.

Commissioner Lopez offered a motion to approve the request of the Fayette County Green Advisory Team to use the Courthouse grounds for vendors and other activities for their Earth Day Event and approved use of the Fayette County Memorial Building as a back-up plan in case of inclement weather. Commissioner Wender seconded. Unanimous.

Ms. Berry told the Commissioners the Board of Equalization and Review has scheduled their mineral hearings for January 31, 2014 at 9:00 a. m. and has scheduled their industrial hearings for February 10, 2014 at 9:00 a. m.

The Commissioners planned the following dates and time for the purpose of reviewing and equalizing the assessments of the County:

January 31, 2014	Friday	9:30 A.M. (Mineral)
February 5, 2014	Wednesday	9:00 A.M.
February 10, 2014	Monday	9:00 A.M. (Industrial)
February 14, 2014	Friday	1:00 P.M.
February 19, 2014	Wednesday	9:00 A.M.
February 21, 2014	Friday	9:00 A.M.

Ms. Berry presented letters to Carl Harris, Prosecuting Attorney and Eddie Young, Assessor informing them of the dates and time of the Board of Equalization and Review hearings for the Commissioners to sign.

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Commissioner Lopez offered a motion to approve the scheduled dates and time for the Board of Equalization and Review hearings. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a Local Energy Efficiency Grant Program document for the Commissioners to sign.

Ms. Berry told the Commissioners they had signed documents requesting \$10,000.00 and John David became aware that he could apply for additional money.

Ms. Berry presented grant approval documents in the amount of \$18,000.00 for the Commissioners to sign.

Commissioner Wender offered a motion to edit the paperwork on the Local Energy Efficiency Grant application, an increase the amount from \$10,000.00 to \$18,000.00. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Public Notice from Tim Richardson, Zoning Officer, for an approval for a Public Hearing on proposed Amendments to the Fayette County Unified Development Code.

Commissioner Lopez offered a motion to approve the proposed Amendments for the Fayette County Unified Development Code. Commissioner Wender seconded. Unanimous.

Ms. Berry informed the Commissioners she received a response from J. Dan Snead and Associates, Inc. regarding the letter dated December 18, 2013 relating to their recent invoice for design fees concerning the 911 storage building.

Ms. Berry told the Commissioners that Mr. Snead informed her that since their invoice for this work raised questions, even though it was based on a fair market value for the storage building. Since it is

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his desire to maintain a good relationship with Fayette County, he is willing to revise his invoice as suggested by the Commissioners and base it on the contractor give-back amount of \$130,000.00. Total amount \$8,320.00.

Commissioner Wender offered a motion to approve the settlement of J. Dan Snead and Associates, Inc. for the 911 storage building in the amount of \$8,320.00. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding Dave Pollard, Fayette County Resource Coordinator proposal and plans for the Fayette County Urban Renewal Authority.

The Commission asks that he be scheduled to discuss at the next County Commission meeting being held January 17, 2014.

Fayette County Commission met with Stephanie Sears, Staff Accountant to discuss the budget preparations for March 2014 and her maternity leave.

Ms. Sears informed the Commission that she plans to prepare the Fiscal Year 2014-2015 Budget.

Ms. Sears request to the Commission is that she be allowed to take the six weeks for Maternity Leave.

Ms. Sears informed the Commission that while on this leave she will be working some hours at home on the Budget and request to add these hours as Comp. Time.

The Commission approved and instructed Stephanie Sears to keep these hours documented and give to Debbie Berry, County Administrator.

The Commission approved this one time working from home comp. hours and requested Ms. Sears to prepare budget figures for the last

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three (3) years for the Fayette County Commission to review for discussion on January 17, 2014. The Commission requested to allow 2 hours for this discussion.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources enclosing an Administrative Order EE-13-24 (without penalty) regarding the Kanawha Falls Community Water System.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the November Limited Video Lottery will be directly deposited on December 26, 2013, amount \$5,883.58

The Commissioners received and reviewed a letter from Brookfield Renewable Energy Group regarding the Hawks Nest Hydroelectric Project (FERC No. 2512), Glen Ferris Hydroelectric Project (FERC No. 14439) and Integrated Licensing Process Study Progress Report #3.

The Commissioners received and reviewed checks for 911 Fees from Lumos Network, amount \$654.61, Compliance Solutions, Inc., amount \$280.00, Public Service Commission, amount \$179,105.04 and a check from the West Virginia Development Office for Fayette County Park Improvements, amount \$5,000.00.

The meeting was adjourned at 11:30 a. m. The next scheduled meeting is January 17, 2014.

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## 2014 MINUTES

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 17, 2014  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 17<sup>th</sup> day of January 2014.

Commissioner Scalph called the meeting to order at 9:08 a. m.

Steve Fox from the Assessor's Office presented exonerations to be approved and signed to the Commissioners.

Commissioner Wender offered a motion to approve and sign real property tickets for Robert Larry and Glenna Bragg. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tickets for Ronald and Cecily Williams, Kimberly Pettry Moore, Alexander L. and Christina A. Louisos, Scott or Melissa Washington, Jamison Scott and Jamie Arbogast, Charles E. Mullins, Colton J. Hughart, Joey D. or Tina L. Baughman, Glen Large, Paul or Alice Dehart, Mark A. or Patricia L. Dick, Garry Dale Morris, and Steven B. and Rebecca Harding. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refund for Robert Larry Bragg (\$314.63). Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of December 18, 2013 Commissioner Wender seconded. Unanimous.

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Commissioner Wender offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released January 30, 2014. Commissioner Scalph seconded. Unanimous.

Dave Pollard, Fayette County Resource Coordinator appeared before the Commission to discuss the proposal of the Fayette County Urban Renewal Authority and his retirement plans.

Mr. Pollard presented the proposal to the Commissioners and gave a brief summary of what work he would be doing.

Mr. Pollard told the Commissioners that Rachel Davis would be responsible for the Fayette County Solid Waste Authority and the Water Projects.

Mr. Pollard told the Commissioners he would be working as a consultant for the Fayette County Urban Renewal Authority and he would be working at home.

Discussion was held regarding Fayette County preparedness for the next disaster. Present for the discussion were Dave Pollard, Theresa White, Shawn Wolford, Joe Crist and Mike Fridley.

Commissioner Wender asked if Fayette County prepared for the next disaster.

It was suggested that Fayette County Park have some kind of emergency plan. Andrea Mender, 4-H and Youth Agent with the WVU Extension Office informed the Commissioners she is willing to work with the Fayette County Park and Shawn Wolford, OEM Director to come up with an emergency plan.



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Commissioner Wender suggested forming a committee and get with the Fayette County Park and get on the Agenda for some time in March.

The Commission asked Debbie Berry to get with Fayette County Park to discuss an Emergency Plan. Carl Harris, Prosecuting Attorney suggested to the Commission to ask the Fayette County Park to submit an Emergency Plan.

Dave Pollard suggested that a contact list be established. Need more communication with Armstrong Public Service District, West Virginia American Water and the Kanawha Falls Public Service District.

Discussion was held regarding the water buffalo, Shawn Wolford having a conversation with CSX and West Virginia American Water and an Emergency Plan for Fayette County Park, generator requirements for cell towers.

Commissioner Wender suggested scheduling March 11, 2013 for further discussion.

The Commission recessed the Commission meeting at 10:50 a. m.

The Commission reconvened the Commission meeting at 11:05 a. m.

Angela Gerald, Dilapidated Program Manager appeared before the Commission to give them a report on Patricia Brown and Nancy Ratliff properties and give an update on the Dilapidated Housing Program.

Ms. Gerald told the Commissioners that Patricia Brown was here earlier but she had to leave for an appointment at 11:00.

Ms. Gerald told the Commissioners that Ms. Brown is requesting a 90-day extension to clean up her property.

Commissioner Wender offered a motion to send a letter to Ms. Brown informing her that the Commission has approved the 90-day

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extension for her to clean up her property. Commissioner Lopez seconded. Unanimous.

Ms. Gerald informed the Commission that Nancy Ratliff is a no show.

Commissioner Wender offered a motion to proceed with taking down Nancy Ratliff building. Commissioner Lopez seconded. Unanimous.

Ms. Gerald presented pictures of the cleanup of Thomas Miller and James Kincaid properties to the Commissioners.

Mike Bone, Camp Director and Kelly Murdock, President Fayette County volunteers appeared before the Commission to present a budget for Camp Kismet.

Mr. Bone told the Commissioners Camp is from June 16<sup>th</sup> to June 20<sup>th</sup>, 2014.

After reviewing the budget, Commissioner Wender offered a motion that Fayette County Commission makes an allocation of \$5,000.00 to Camp Kismet for the purpose of providing recreational and education benefits for Camp Kismet. This is to be paid out of this year current budget. Commissioner Lopez seconded. Unanimous.

Tyler Bragg, GISP Specialist for the Assessor's Office presented an Agreement for the Broadband Technical Assistance Grants Program for President Scalph to sign. President Scalph signed the Agreement.

Mr. Bragg told the Commissioners the grant is for \$26,694.00. Plans to fly are scheduled for March.

The Commission recessed the Commission meeting to go into an Executive Session at 11:50 a. m.

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Upon reconvening the Commission meeting at 12:15 a. m., Commissioner Scalph informed the Executive Session was held to discuss a personal matter, no decision was made.

The Commissioners met with Stephanie Sears, Staff Accountant to discuss the preparations for March Fiscal Year 2014-2015 Budget.

Ms. Sears presented copies of the spreadsheets of budget figures for the last three (3) years to the Commissioners for discussion.

(See Attached)

Ms. Berry presented Consumer Sales Tax Report for Commissioner Scalph to sign for the Fayette County Park.

Commissioner Wender offered a motion for Commissioner Scalph to sign the Consumer Sales Tax Report for the Fayette County Park.

Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter and an Order to sign, reappointing Mary Sue Gray, a Commissioner on the Gauley River Public Service District.

Commissioner Lopez offered a motion to approve and sign letter and Order to reappoint, Mary Sue Gray a Commissioner on the Gauley River Public Service District. Commissioner Wender seconded.

Unanimous.

Ms. Berry presented a letter and an Order to sign, reappointing Alfred J. Gannon, a Commissioner on the White Oak Public Service District.

Commissioner Lopez offered a motion to approve and sign letter and Order reappoint, Alfred J. Gannon a Commissioner on the White Oak Public Service District. Commissioner Wender seconded. Unanimous.

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Ms. Berry presented a drawdown request in the amount of \$7,445.82 for the Kanawha Falls Public Service District/Boonesborough Water Line Extension Project.

Commissioner Lopez offered a motion to approve drawdown request in the amount \$7,445.82 for the Kanawha Falls Public Service District/Boonesborough Water Line Extension Project. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a letter to Christy Bailey, Executive Director, National Coal Heritage Area Authority supporting a grant application for the Paint Creek Scenic Trail Association for the Commissioners to sign.

Commissioner Wender offered a motion to approve signing a letter of support for the grant application for the Paint Creek Scenic Trail Association. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented letters to Esther Morey in support of Grant Applications for CODA Mountain Music Academy for the Commissioners to sign. The Commissioners approved to sign letters.

Ms. Berry presented Change Order No. 1 in the amount of \$19,590.00 for Phase III of the Electrical Upgrade from Advanced Electrical Services, Inc. for the Commissioners to approve and signed.

Commissioner Lopez offered a motion to approve and sign Change Order No. 1 in the amount of \$19,590.00 for Phase III of the Electrical Upgrade from Advanced Electrical Services, Inc. Commissioner Wender seconded. Unanimous.

Melvin Withrow appeared before the Commission to discuss funds needed to pay utilities for the Animal Shelter.

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Mr. Withrow informed the Commissioners that all the heat at the Animal Shelter was going through the top of the building where rats have chewed through the duct work.

The Commissioners authorized Mr. Withrow to call Camco to give an estimate on repairs and give the Shelter a list of energy conservation measures they should take.

Commissioner Wender offered a motion. Commissioner Lopez seconded. All approved. The Commission authorized to spend up to \$1,000.00 and if over to call Commissioner Lopez for approval.

The Commissioners also discussed the water heater problem at the Animal Shelter.

Mr. Withrow explained to the Commissioners that they really needed two (2) water heaters. The workers using the water were not giving the tank enough time to heat. They were using consistently which would not allow water to heat.

The Commissioners requested that Melvin Withrow prepare a proposal for the two (2) water heaters for the Commission to review.

Ms. Berry presented to the Commissioners an estimate she received from Chief Deputy Mike Fridley for the cost of a camera for downstairs front of the Courthouse Building. The estimate is from American Micro Tech, amount \$1,249.00. The Commission did not approve at this time.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land for the Commissioners to approve and sign.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and segregate Land for Thomas Graham and Janette Neal et al. Commissioner Lopez seconded. Unanimous.

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The Commissioners received and reviewed a notice of hearing from the WorkForce West Virginia that Loralie N. Shahan (Claimant) has appealed from the decision of Tiffany A. Brown, Deputy Commissioner of WorkForce West Virginia, the hearing will be held on the appeal on Tuesday, January 14, 2014 at 9:40 a. m. at the Charleston Office, Room 101, 1321 Plaza East Shopping Center, Charleston, West Virginia.

The Commissioners received and reviewed a letter from Hendrickson and Long PLLC regarding Holley v. Central West Virginia Drug Force, et al Nicholas County Circuit Court Civil Action #13-C-714.

The Commissioners received and reviewed an e-mail from Esther Morey, Director of CODA Mountain Academy of Music requesting the allocation of \$4,000.00 the Commission approved for Fiscal Year 2013-2014.

The Commissioners received and reviewed an e-mail Pam Yost, Watershed Economist with the West Virginia NRCS attaching a copy of the Dunloup Creek Teleconference Agenda being held January 9, 2014 at 1:00 p. m.

The Commissioners received and reviewed a copy of a letter from Chief Deputy Mike Fridley to Deborah Aliff, Payroll Clerk informing that effective January 10, 2014 Glenn A. Chapman will resign from employment as a Deputy Sheriff with the Fayette County Sheriff's Department.

The Commissioners received and reviewed a letter from the West Virginia Development Office confirming that Fayette County Commission-Kanawha Falls PSD Boonesborough Water Extension use of CDBG-Small Cities Block Grant funding has received an Approval of Evidentiary

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Materials and has been granted a Notice to Proceed on Exempt/Categorically Excluded activities in accordance with the U. S. Department of Housing and Urban Development (HUD) Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities, in accordance with 24 CFR Part 58.

The Commissioners received and reviewed a letter from the West Virginia Development Office thanking the Fayette County Commission for submitting their 2013 Small Cities Block Grant (SCBG) application for the Fayette County Commission-Deep Water and Powellton Water Distribution Upgrade Project and informing that they are unable to accommodate the request from the 2013 allocation.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that the wine, liquor and private club taxes will be directly deposited on or before January 14, 2014, amount \$1,408.88, informing that the funds due for the coal county reallocation severance tax will be directly deposited on or before January 17, 2014, amount \$37,386.81, informing that the 75% of the coal severance tax will be directly deposited on or before January 16, 2014, amount \$127,871.98, informing that the 25% of the coal severance tax will be directly deposited on or before January 16, 2014, amount \$28,034.03.

The Commissioners received and reviewed a Pledge Statement from the SunTrust Bank giving a list that represents securities pledged to the Fayette County Commission as of December 31, 2013.

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The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the period of October 1, 2013 through December 31, 2013 and for the period December 1, 2013 to December 31, 2013.

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges informing that Nancy L. Carr, Claimant has elected to participate in the expedited process on the protest to the Claims Administrator's order of October 14, 2013 regarding Rejection of Claim, an expedited hearing is scheduled for January 30, 2014 at 1:00 p. m. at Beckley, 109 East Main Street, Beckley, WV.

The Commissioners received and reviewed a letter from the Town of Fayetteville requesting a grant request for the 2015 Budget of Fayette County Commission for a Storm Water Project Funding Request for the Town of Fayetteville in the amount of \$21,000.00 for the replacement and installation of a Box Culvert Piping, Class I stone Aggregate for Storm Water Control and pavement replacement for Storm-Water Control on Heslep Avenue and Wiseman Avenue.

The Commissioners received and reviewed a notice from the Fayette/Raleigh Metropolitan Planning Organization a reminder for planning purposes only when preparing the 2014-2015 budget a statement regarding the Fiscal Year 2014-2015 Assessments, amount \$4,101.00.

The Commissioners received and reviewed a notice from Region 4 Planning and Development Council a reminder for planning purposes only when preparing the 2014-2015 budget a statement regarding the Fiscal Year 2014-2015 Assessments, amount \$46,039.00.



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The Commissioners received and reviewed a letter from Kelvin E. Holliday, County Clerk naming Larry Dotson, Democrat and Richard Meadows, Republican WV Ballot Commissioners for Fayette County for 2014-2015.

The meeting was adjourned at 2:30 p.m. The next scheduled meeting is January 31, 2014.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
JANUARY 31, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 31<sup>st</sup> day of January 2014.

Commissioner Scalph called the meeting to order at 9:00 a.m.

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

Commissioner Wender offered a motion to approve and sign real property tickets for Millie Peterson, Larry B. Canterbury, Jr., ANG LLC, Robert L. Lively, Michael Brewer, Bruce L. Casis, Ryan Newell, Michael R. Lao, Dean Workman, Whispering Oaks, Indian Hills Sporting Club LLC and Megan Hamilton. Commissioner Lopez seconded. Unanimous.

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

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Before the Board of Equalization and Review convened Commissioner Wender asked Christopher Farmer, Chief Geologist what's happening to coal valuations and why have they declined so much? Mr. Farmer responded and gave a brief explanation.

The Commissioner convened the Board of Equalization and Review at 9:35 a.m.

Commissioner Scalph swore in Christopher Farmer, Chief Geologist, Rebecca L. Rodak, State's Attorney and Randy Hansford representative for Alpha Natural Resources Boone East Development.

Eddie Young, Assessor informed the Commissioners that Neil Redman had sent in a letter informing he would not be able to attend this schedule hearing.

Mr. Young told the Commissioners that the State had fixed the Sewell Valuation on the property.

Christopher Farmer, Chief Geologist informed the Commissioners they had decreased the Sewell Valuation on the property from a T20 to T40 on January 8, 2014, which caused a decrease in Mr. Redman's Sewell Coal Valuation to decrease from \$50,763 to \$5,076. Mr. Farmer told the Commissioners he doesn't understand why Mr. Redman wanted to further protest value but the State is not interested in decreasing the value from what has already been changed.

Carl Harris, Prosecuting Attorney informed the Commissioners that since Mr. Redman's not here and the change has already been made then there's nothing before the Commission since he's not here, the Commission should move onto the next scheduled appointment.

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The Commission recessed the Board of Equalization and Review hearings at 10:35 a.m.

The Commissioners reconvened the County Commission meeting at 10:35 a.m.

Ms. Berry presented a letter and Order to reappoint, Robert Williams, a Commissioner on the Page-Kincaid Public Service District for the Commissioners to sign.

Commissioner Lopez offered a motion that Robert Williams be reappointed to serve as a Commissioner on the Page-Kincaid Public Service District, term to expire October 1, 2019. Commissioner Wender seconded. Unanimous. Order and letter signed.

Ms. Berry presented a Small Cities Block Grant (SCBG) Contract Agreement in the amount of \$559,900.00 for the Kanawha Falls /Boonesborough Water Line Extension. The amended Grant Agreement will be combined with the \$200,000.00 awarded in Fiscal Year 2011 and the \$700,000.00 awarded in Fiscal Year 2012, for a total investment of \$1,459,900.00 in this project to the Commissioners.

Commissioner Lopez offered a motion to approve and sign the Small Cities Block Grant (SCBG) Contact Agreement in the amount of \$559,900.00 for the Kanawha Falls/Boonesborough Water Line Extension. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a letter to the Elected Officials and Department Heads requesting that each submit their detailed Budget request prior to March 1, 2014 to the Commissioners. The Commissioners approved and signed.

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Ms. Berry presented an Order to be signed designating that for the Primary Election to be held on May 13, 2014 the total number and type of Election Boards for the various Precincts to the Commissioners.

Ms. Berry told the Commissioners the County Executive Committees of the Democrat and Republican Parties are notified of the number of nominations for each party which may be Poll Clerks, Election Commissioners, Alternates, and Emergency Absentee Ballot Commissioners. A list of those persons nominated and the positions for which they are designated shall be filed in writing with the County Commission by February 20, 2014.

Ms. Berry told the Commissioners she sent out surveys related to the maintenance and improvements for the Courthouse and facilities.

Ms. Berry told the Commissioners that she and Dickie Smith, Maintenance Supervisor needs to sit down and discuss.

Ms. Berry gave copies of the surveys she received to the Commissioners.

Ms. Berry presented a Governor's Community Participation Grant drawdown request in the amount of \$250.00 for the African Heritage Educational Museum for Commissioner Scalph signature.

The Commissioners approved and Commissioner Scalph signed the drawdown request in the amount of \$250.00 for the African Heritage Educational Museum.

William Thornton, PE, PS, Vice President, Fayette County Region Terradon Corporation and Jim Downey, Vice President, Civil Engineering Terradon Corporation, Mayor Pete Hobbs of Ansted, Jeff Proctor and Kim

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Gross from the Governor's Office appeared before the Commission to present the Ansted Sewer Study.

Mr. Thornton and Mr. Downey gave brief summaries of the plans and presented spreadsheets to the Commission on the Ansted Sewer Study.

After the brief discussion, Commissioner Wender asked if they could trim the cost down.

Commissioner Wender suggested to Mr. Thornton to go in and do their trim and come back to the Commission.

Commissioner Wender also suggested that they talk with Dave Pollard, County Resource Coordinator and John Tuggle, Executive Director with Region 4 Planning and Development Council before they met with Chris Jarrett.

Commissioner Wender asked Mr. Thornton to lay out plan step by step.

The Commission recessed the County Commission meeting at 10:55 a.m.

Commissioner Scalph reconvened as the Board of Equalization and review at 10:58 a.m. The first hearing is for Boone East Development.

Chris Farmer, Chief Geologist informed they had three (3) protest on the Boone East Development property (1)-District 01-9999-0622-7852-0000-1.814.00 acres soil and gas. Last year legal description was transposed into our data base wrong it reflected that all they owned was the sewell seam when in fact they owned everything else but the sewell seam. So last year they were valued at \$1.00 an acre for mined out or barren. The legal description in the data base was fixed to reflect that they had everything except the sewell seam which the only

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other seam on that property was unmineable Beckley seam. So for 2014 they were valued at \$5.00 an acre unmineable. So they went from \$1.00 to \$5.00 an acre. Boone East Development was questioning why.

Mr. Farmer informed the Commissioners it was transposed in their system wrong. So there was no change on this protest on this tract for tax year 2014 because it is correct. Boone East Development is withdrawing their protest.

Mr. Farmer informed the Commissioners the second protest is District 02-9999-0623-0535.0000 as 21.78 acres less oil and gas of sewell seam on Dunloup Creek. The Beckley seam is deep there and the tax payer submitted three (3) new drill holes that the geological survey hadn't thus far been given possession of which changed the valuation from T20 to T40. They submitted new evidence that changed the valuation.

Mr. Farmer asked Mr. Hansford if he knew the dates the drill holes were done. Mr. Hansford responded he doesn't have the dates in front of him.

Mr. Farmer told the Commissioners this would decrease the value of just the coal from \$8,850.00 to \$800.85.

Mr. Farmer stated for the record that changing T20s to T40s is not something they can program into the computer and this might be a retrained column each and every year. We hope to get this taken care of earlier for now on.

Mr. Farmer presented the third protest to the Commissioners District 02-9999-0635-0281.0000, this was mineral and gas for 620

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acres on Paint Creek again they have seam restriction's problems on this one all that Boone East Development done was Cedar Grove seam and below. This means that on the reserve report the lower Chilton and the fire clay seams belong to someone else. The seam restriction was transposed in their system wrong. They will be repaired for their next tax season, so they had to remove the lower Chilton and the fire clay. Also, the new survey mapping showed fewer acres of coal in the Peerless and Fallton seam. The Peerless and the old mapping for tax year 2013 showed 66.76 acres the Peerless for this year 2014 only showed 31.06 acres, so they had to reduce the acres in the Peerless seam. In the Powellton the old contour showed 77.06 acres the new survey contour they used for tax year 2014 valuation only showed 67.35 acres, so they had to reduce the acres on both of those seams. There is a T20 on this reserve property called the Glen Alum Tunnel and again the survey map shows fewer acres then previously shown. They had to reduce it from 113.51 acres to 66.5 acres but they did leave as a T20. They did reduce the acres on those three (3) seams.

Mr. Farmer told the Commissioners that Peerless is now T40 they only have one T20. They did not change the acre value on any of the seams, just changed the amount on the sewell seams, for the reserve coal \$62,887.00 because of the seam restriction there are active mines on that property, at the Cedar Grove and what's below it and any active producing values should have gone to someone else. So they had to remove the active values for the producer New Land Leasing.

Mr. Farmer told the Commissioners this would drop the actual value on this tract from \$640,242.00 to \$536,844.00.

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Commissioner Scalph informed the Commission would take this evidence into consideration and makes a decision by February 21, 2014.

For further information please review the recorded tape of this hearing.

Ms. Berry presented to the Commissioners an Order giving the Assessor permission to make corrections to the initial assessment roll and that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County be corrected before the 21<sup>st</sup> day of February 2014.

Commissioner Wender offered a motion that the Assessor make corrections to the initial assessment roll and that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County be corrected before the 21<sup>st</sup> day of February 2014. Commissioner Lopez seconded. Unanimous. Order signed.

The Commission recessed the Board of Equalization and Review hearings at 11:15 a.m. and reconvened the County Commission meeting at 11:15 a. m.

The Commission recessed the County Commission meeting to go into an Executive Session at 11:17 a.m.

Upon reconvening the County Commission meeting at 12:15 p.m., Commissioner Scalph informed the Executive Session was held to discuss a personal matter no decision was made.

The Commission recessed the County Commission meeting at 12:17 p.m. to reconvene as the Board of Equalization and review.

Chris Downey with the State Tax Department presented to the Commissioners four (4) protests on the H3LLC property District 01-



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9999-0619-9954.0000, 301.48 acres Locust Grove upper seam no change in value, District 01-9999-0601-8123.0000, 331.45 acres on the Turnpike no change in value, District 01-9999-0601-1576.0000 upgraded to T40 removed the #2 gas seam, changed coal values from \$42,331.00 to \$33,457.00 seams weren't there and District 03-9999-0629-3833.0000, 22.60 acres on Mossey Creek this property was decreased from \$16,878.00 to \$113.00.

Commissioner Scalph informed if there are no other comments the Commission would take this evidence into consideration and makes a decision by February 21, 2014.

The Commission recessed the Board of Equalization and Review at 12:30 p.m. until February 5, 2014.

The Commission reconvened the County Commission meeting at 12:33 p.m.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land to the Commissioners to sign.

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Robert M. and Terri L. Harvey and Troy Eugene and Barbara Smith. Commissioner Lopez seconded. Unanimous.

The Commission signed a letter to Governor Earl Ray Tomblin expressing their concerns about correspondences that were sent to his office relating to matters that are of an importance to them and their constituents in Fayette County to which he has failed to acknowledge and respond.

## 2014 MINUTES

The Commissioners received from Stephanie Sears, Staff Accountant copies of General County Fund Taxes figures for the last three years for the Commission to review.

Commissioner Scalph signed the Management Representation Letter to the West Virginia State Auditor's Office for Fiscal Year June 2013.

The Commissioners received and reviewed from the United States of America Federal Energy Regulatory Commission an Order Certifying Incremental Hydropower Generation for Production Tax Credit for Hawks Nest Hydro, LLC, Project #2512-073.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk informing that William McGraw effective date of retirement is Friday, January 31, 2014.

The Commissioners received and reviewed a letter from the Division of Public Transit informing that as a result of their 2010 census and the designation of portions of Fayette-Raleigh counties as an urbanized area, portions of Fayette County are no longer eligible to receive 5311 funding.

The Commissioners received and reviewed a letter from Fayette County Park that Jake Spearin has given them his two-week notice effective January 31, 2014.

The Commissioners received and reviewed a letter from the WV Department of Environmental Protection regarding the EPA Brownfields Community-Wide Assessment Grant Application.

The Commissioners received and reviewed a copy of a letter from Eddie Young, Assessor to Debbie Aliff, Payroll Clerk informing that Keith C. Dempsey will be working part time in his office at \$9.50 per

## 2014 MINUTES

hour. He will be paid out of the PVC Fund and increase Darrell O'Dell pay to \$10.75 per hour and Herman Hundley to \$10.00 per hour. Both are paid from the PVC Fund.

The Commissioners received and reviewed a letter from the Workers' Compensation Office Judges, an Order Cancelling Hearing and Extending Time Frame in the matter of Nancy L. Carr, Claimant.

The Commissioners received and reviewed an Account Statement from Bank of New York for the period December 1, 2013 to December 31, 2013.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing funds due for the December 2013 Table Games Tax will be deposited on January 16, 2014, amount \$5,092.93, funds due for the December 2013 Greenbrier Table Games Tax will be deposited January 16, 2014, amount \$180.85 and funds due for the December 2013 Limited Video Lottery will be directly deposited on January 27, 2014, amount \$5,325.14.

The Commissioners received and reviewed checks for 911 Fees from Lumos, amount \$654.61, BullsEye Telecom, Inc., amount \$392.00, Frontier, amount \$64.50, AT&T Corp., amount \$304.50. Granite Telecommunications, LLC, amount \$612.50, Level 3 Communications LLC, amount \$112.00, IDT Corporation, amount \$7.00, MetTel, amount \$818.19, ProCom, amount \$34.30, Lingo Inc., amount \$7.00 and Y Max Communications Corp., amount \$7.00; a check for Franchise Fee from Shentel Telecommunication Co., \$6,685.58; and a reimbursement from FCSWA, amount \$798.15.

The meeting was adjourned at 1:55 p.m. The next scheduled meeting is February 5, 2014

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## 2014 MINUTES

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 10, 2014  
COURTHOUSE  
FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 10<sup>th</sup> day of February 2014.

Commissioner Scalph reconvened as the Board of Equalization and Review for the Industrial Hearings.

Commissioner Scalph swore in Deanna Wilson, State Tax Department, Tim Waggoner, Attorney for the State Tax Department, Steve Fox, Chief Deputy from the Assessor's Office and Jay Belinfante representative for Georgia-Pacific.

Mr. Belinfante gave a brief summary on the Georgia-Pacific building. Presented to the Commission a letter of a chart prepared by the Census Bureau which reflects the continued slowdown in new housing construction starts and a Producers Price Index chart that reflect the impact the decrease in housing starts has had on the sales price of lumber manufacturers' products (See attached copy of the letter).

Mr. Belinfante told the Commission they are requesting a 50% obsolescence adjustment be applied to the plant's spare parts production equipment, and a 10% obsolescence adjustment be applied to the facilities' real property assessment.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission grants the request of Georgia-Pacific

## 2014 MINUTES

to reduce the cost on their real and personal property as presented by the taxpayer. Commissioner Lopez second. Unanimous. (For more details of this hearing a recorded tape is available for review)

Commissioner Scalph informed they will recess the Board of Equalization and Review at 9:25 a. m. and will reconvene the Board of Equalization and Review on February 14, 2014.

Commissioner Scalph reconvened the County Commission meeting at 9:30 a. m.

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

The Commissioners received and reviewed the Emergency Absentee Policy request from Kelvin Holliday, County Clerk for the Commission to approve and sign.

Commissioner Wender offered a motion to accept and approve the Emergency Absentee Voting Policy as presented by the County Clerk. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a West Virginia Geological and Economic Survey Grant Agreement in the amount of \$6,500.00 to implement on-line filing of personal property to the Commission to approve.

Commissioner Wender offered a motion to approve and sign the West Virginia Geological and Economic Survey Grant Agreement in the amount of \$6,500.00 to implement on-line filing of personal property. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter to Steve P. McGowan, General Counsel for the Boy Scouts of America for the Commissioners to sign informing

## 2014 MINUTES

the Commission has reviewed the email containing the proposed West Virginia Constitutional Amendment and upon review and discussion the Commission did not pass a resolution to endorse the amendment.

Ms. Berry presented a letter from Bill Lanham, Town Superintendent for the Town of Fayetteville requesting to be scheduled on the next Fayette County Commission agenda to discuss the possibility of a Community Wide Cleanup Day.

Commissioner Wender offered a motion to adjourn. Commissioner Scalph seconded. Unanimous.

The meeting was adjourned at 9:40 a. m. The next scheduled meeting is February 14, 2014.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD  
OF EQUALIZATION AND REVIEW

**FEBRUARY 14, 2014**

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of February 2014.

Commissioner Scalph called the meeting to order at 9:20 a. m.

Eddie Young, Assessor presented exonerations and eight (8) refunds to be approved and signed to the Commissioners.

Commissioner Wender offered a motion to approve and sign real property tax ticket for Leslie J. and James R. Bowles. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign eight (8) refunds for Michael R. Lao (\$492.50), Dean Workman (\$381.70),

## 2014 MINUTES

Michael Brewer (\$430.68), Bruce L. Cassis (\$102.91), ANG LLC (\$428.10), Robert L. Lively (\$404.16), Millie Petersen (\$214.04) and Larry B. Canterbury (\$211.06). Commissioner Lopez seconded.

Unanimous.

Commissioner Lopez offered a motion to approve 1<sup>st</sup> half payrolls, checks to be released today. Commissioner Wender seconded.

Unanimous.

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

Commissioner Scalph offered a motion to approve minutes of January 17 and January 31, 2014. Commissioner Lopez seconded.

Unanimous.

Ms. Berry presented a drawdown request to the West Virginia Development Office in the amount of \$18,725.65 for the Kanawha Falls/Boonesborough Water Line Extension Project to the Commissioners.

Commissioner Lopez offered a motion to approve and sign drawdown request to the West Virginia Development Office in the amount of \$18,725.65 for the Kanawha Falls/Boonesborough Water Line Extension Project. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a Federal Financial Accountability and Transparency Act (FFATA) Form and Resolution for the amended Grant Agreement for the Small Cities Block Grant Program for President Scalph to sign.

Commissioner Wender offered a motion to approve and sign the Federal Financial Accountability and Transparency Act (FFATA) Form and Resolution for the amended Grant Agreement for the Small Cities Block

## 2014 MINUTES

Grant Program for Kanawha Falls/Boonesborough Water Line Extension Project. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented change order number 2 from Advanced Electrical Services, Inc. in the amount of \$2,393.00 for the Courthouse Facility Improvement Authority Grant to provide and install 3-way lighting in secretary's office, paint wire mold in Judge's and secretary's offices, install new conduit, wire and breaker for the 3<sup>rd</sup> floor baseboard heater to the Commissioners.

Commissioner Wender offered a motion to approve change order number 2 from Advanced Electrical Services, Inc. in the amount of \$2,393.00 for the Courthouse Facilities Improvement Authority Grant to provide and install 3-way lighting in secretary's office, paint wire mold in Judge's and secretary's offices, install new conduit, wire and breaker for the 3<sup>rd</sup> floor baseboard heater provided Dan Snead gives an explanation for the change order. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a drawdown request for the Courthouse Facility Improvement Authority Grant in the amount of \$61,168.00 for the Courthouse Electrical Upgrade.

Commissioner Lopez offered a motion to approve the drawdown request for the Courthouse Facility Improvement Authority Grant in the amount of \$61,168.00 for the Courthouse Electrical Upgrade. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a letter to Charity Sayre, Family Law Judge requesting reimbursement for rent in the amount of \$5,400.00 for the months of February and March.



## 2014 MINUTES

Commissioner Lopez offered a motion to approve and sign a letter to Charity Sayre, Family Law Judge requesting reimbursement for rent in the amount of \$5,400.00 for the months of February and March. Commissioner Wender seconded. Unanimous.

Ms. Berry told the Commissioners she received an appraisal from R. C. Toler for the parking lot by James Blankenship's Office. Ms. Berry told the Commissioners the cost would be \$1,000.00 to \$1,250.00. The Commissioners approved.

Ms. Berry presented a letter from the Fayette County Public Library requesting that Roberta (Robin) Sifers of Meadow Bridge be appointed a member of the Fayette County Public Library Board due to the resignation of Randall Patterson to the Commissioners.

Commissioner Lopez offered a motion to approve appointing Roberta (Robin) Sifers a member of the Fayette County Public Library Board due to the resignation of Randall Patterson. Commissioner Wender seconded. Unanimous. Order and a letter of appointment to serve signed.

Ms. Berry presented a request from the Fayette County Park to apply for a Business Membership to Sam's Club to purchase canteen and park supplies to the Commissioners.

Discussion was held the Commissioners asked Ms. Berry to check.

Ms. Berry presented an Order for the Commissioners to sign decreasing mileage reimbursement to fifty-six cents (\$.56) as of January 1, 2014.

Commissioner Lopez offered a motion to decrease the mileage from fifty-six and a half cent (\$.56.5) to fifty-six cents (\$.56) as of

## 2014 MINUTES

January 1, 2014. Commissioner Wender seconded. Unanimous. Order signed.

Ms. Berry presented a letter from Sheriff Steve Kessler requesting that the Commission sign a Federal Equitable Sharing Agreement and Certification form to enable the Sheriff's Office to be eligible to receive asset Forfeiture Funds from money and property seized and forfeited in the U. S. District Court.

Commissioner Wender offered a motion to sign the Federal Equitable Sharing Agreement and Certification form giving Sheriff Steve Kessler approval to be eligible to receive asset Forfeiture Funds from money and property seized and forfeited in the U. S. District Court. Commissioner Lopez seconded. Unanimous.

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

Upon reconvening the Commission meeting at 10:40 a. m., Commissioner Scalph informed no decisions were made.

Steve Slockett, owner of the New River Antique Mall in Fayetteville appeared before the Commission to discuss the 9-1-1 Alarm System issue during the break-in of his store.

Discussion was held regarding why this happened.

David Neal, E911 Coordinator reported that there was an error in the system.

Mr. Slockett asked the Commission if they would file an insurance claim.

## 2014 MINUTES

Commissioner Scalph offered a motion to take matter under advisement with Counsel and move forward with matter. Commissioner Lopez seconded.

Janie Hutchinson appeared before the Commission to discuss issues regarding the Estate of Harry Coleman, Jr.

Larry Harrah, Assistant Prosecuting Attorney told the Commissioners he had talked with Ms. Hutchinson and informed her that she would have to give notice to the people involved and suggested to her to seek Counsel.

Ms. Hutchinson informed the Commissioners that she has hired Anthony Ciliberti as her attorney and she will call to reschedule the appointment.

The County Commission meeting was adjourned at 11:15 a. m.

Commissioner Wender called the Board of Equalization and Review meeting to order at 1:00 p.m.

Since there were no hearings scheduled, Commissioner Wender offered a motion that the Commission adjourns the Board of Equalization and Review. The next Board of Equalization and Review hearing is scheduled for February 19, 2014.

The Board of Equalization and Review was adjourned at 1:10 p. m. The next scheduled meeting is February 19, 2014

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 19, 2014  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Denise A. Scalph, Matthew D. Wender

## 2014 MINUTES

The Fayette County Commission met in a special session on this 19<sup>th</sup> day of February 2014.

Commissioner Scalph reconvened as the Board of Equalization and Review at 9:20 a. m.

Commissioner Scalph swore in Mark Hoban representative for the Oak Hill Hospital Corp. and Eddie Young, Assessor.

Mark Hoban, Property Valuation Services representative for the Oak Hill Hospital Corp. appeared before the Commission to present his application for review of property assessment.

Mr. Hoban told the Commissioners they have been representing the hospital since 2000.

Mr. Hoban presented a list of the immediate repairs and the cost to replace the repairs.

Mr. Hoban told the Commissioners they have foundation problems, boiler problems and cracks in the exterior and plumbing issues.

Eddie Young, Assessor explained to the Commissioners why he would leave the value as is. Mr. Young presented three (3) Exhibits to the Commissioners to review.

Mr. Hoban objected to the use of the Summersville Hospital Exhibit.

For further information a tape of this hearing was recorded.

Commissioner Scalph asked if there were any other comments. The Commission will take this under advisement a decision would be made by February 21, 2014.

## 2014 MINUTES

Since there were no further hearings scheduled, the Board of Equalization and Review was adjourned at 10:15 a. m. The next Board of Equalization and Reviewed is scheduled for February 21, 2014.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 19, 2014  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Denise A. Scalph, Matthew D. Wender

The Fayette County Commission met in a special session on this 19<sup>th</sup> day of February 2014.

Commissioner Scalph reconvened as the Board of Equalization and Review at 9:20 a. m.

Commissioner Scalph swore in Mark Hoban representative for the Oak Hill Hospital Corp. and Eddie Young, Assessor.

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## 2014 MINUTES

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Mr. Hoban objected to the use of the Summersville Hospital Exhibit.

For further information a tape of this hearing was recorded.

Commissioner Scalph asked if there were any other comments. The Commission will take this under advisement a decision would be made by February 21, 2014.

Since there were no further hearings scheduled, the Board of Equalization and Review was adjourned at 10:15 a. m. The next Board of Equalization and Reviewed is scheduled for February 21, 2014.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 21, 2014  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 21<sup>st</sup> day of February 2014.

Commissioner Scalph called the meeting to order at 9:05 a. m. for the Board of Equalization and Review.

Commissioner Scalph informed the Fayette County Commission is sitting as Board of Equalization and Review this morning Friday, February 21, 2014. This is the last scheduled day for hearings for the Board of Equalization and Review for the upcoming fiscal year.

## 2014 MINUTES

Ms. Berry presented the Order certifying the Board of Equalization and Review.

The Commissioners asked Ms. Berry to read the Order.

Commissioner Wender offered a motion that Fayette County Commission declines any valuation changes as made and requested on behalf of Oak Hill Hospital in hearing the testimony that was brought before the Commission earlier, we haven't heard anything from any witnesses that would qualify to weigh in on the value of that property and don't know of anything that our Assessor's Office did that would have been outside the procedures that they would follow in determining the valuation of that property so he would like to make a motion that the assessment and the property taxes be as previously set.

Commissioner Lopez seconded. Unanimous.

Commissioner Scalph informed today we have nobody scheduled to discuss with the Board of Equalization and Review their tax assessment and this being the last day of the Board of Equalization and Review we will adjourn. However, Commissioner Scalph informed they have five (5) letters to sign to those mineral owners and industrial owners regarding the Commission response to their request of their property taxes.

The Commission signed letters to H3LLC, Boone East Development, Oak Hill Hospital, Inc., Neil Redman, and Georgia-Pacific.

The Chair would entertain a motion that we adjourn as Board of Equalization and Review for this fiscal year.

## 2014 MINUTES

Commissioner Wender offered a motion that since no additional matters came before the Commission today we would adjourn sine die as the Board of Equalization and Review. Commissioner Lopez seconded.

The Board of Equalization and Review was adjourned at 9:20 a. m.

The Commission reconvened the County Commission meeting at 9:20 a. m.

Ms. Berry presented a grant application and resolution for approval for a Governor's Community Participation Program for the Lillian James Learning Center in the amount of \$3,000.00 to purchase wood and refinishing supplies for the woodshop, as well as printed promotional materials for the Center.

Commissioner Wender offered a motion to approve and sign grant application and resolution for a Governor's Community Participation Program for the Lillian James Learning Center in the amount of \$3,000.00 to purchase wood and refinishing supplies for the woodshop, as well as printed promotional materials for the Center. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a grant application and resolution for approval for a Governor's Community Participation Program for the Fayette County Public Library in the amount of \$4,000.00 to purchase books for the Bookmobile.

Commissioner Wender offered a motion to approve and sign grant application and resolution for a Governor's Community Participation Program for the Fayette County Public Library in the amount of \$4,000.00 to purchase books for the Bookmobile. Commissioner Lopez seconded. Unanimous.



## 2014 MINUTES

Ms. Berry presented a Resolution legally authorizing Carl Harris, Prosecuting Attorney to execute agreements and legal documents with Wells Fargo Home Mortgage for property at 412 Highlawn Avenue, Oak Hill, WV for Southern Appalachian Labor School (SALS).

Commissioner Wender offered a motion that Fayette County Commission sign Resolution authorizing Carl Harris, Prosecuting Attorney to execute agreements and legal documents with Wells Fargo Home Mortgage for property at 412 Highlawn Avenue, Oak Hill, WV for Southern Appalachian Labor School (SALS). Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners she received from the Chairman of the Democratic Executive Committee and the Chairman of the Republican Executive Committee the list of Election Officials they desire to have appointed for holding the Primary Election on May 13, 2014.

Ms. Berry told the Commissioners she has prepared an Order for them to sign.

Commissioner Lopez offered a motion that the Fayette County Commission approve and sign Order appointing the Election Officials to hold the upcoming May 13, 2014 Primary Election. Commissioner Wender seconded. Unanimous.

Ms. Berry presented letters of support for the Commissioners to sign for Page-Kincaid Public Service District to Governor Earl Ray Tomblin and James Bush with the West Virginia Development Office for Appalachian Regional Community/Request for funding for the Robson/Mulberry Project.

## 2014 MINUTES

Commissioner Wender offered a motion that Fayette County Commission sign letters of support to Governor Earl Ray Tomblin and James Bush with the West Virginia Development Office for the Appalachian Regional Community/Request for Funding for the Robson/Mulberry Project. Commissioner Lopez seconded. Unanimous.

The Commissioners approved and signed Gas County Reallocated Severance Tax Fund Resolution.

Ms. Berry presented a request from Kelvin Holliday, County Clerk for five (5) new computers at a cost of \$7,594.73.

The Commission asked Ms. Berry to hold for Budget Session.

Ms. Berry presented a letter from Eddie Young, Assessor requesting that Karen Crist be given tax relief for tax year 2010, 2011 and 2012 in the total amount of \$1,646.40 in the form of a credit against taxes owing for the following year or years.

Commissioner Wender offered a motion to approve the request of Eddie Young, Assessor that Karen Crist be given tax relief for tax year 2010, 2011 and 2012 in the total amount of \$1,646.40 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented to the Commissioners three (3) quotes she received for water heaters for the Animal Shelter.

The Commission asked Ms. Berry to hold until the next Commission meeting.

## 2014 MINUTES

Shawn Wolford, Joe Crist, Dave Pollard, Mike Fridley, Tim Richardson appeared before the Commission to give a brief summary on the Fayette County Preparedness for the next disaster.

Tim Richardson gave an update on the Cell Tower generators.

Peggy Bennett and Susan Dufour appeared before the Commission to present the Fayette County Park Camp Rental Agreement for the Commission to review and approve.

Discussion was held regarding increasing the Camp Rental Fees for the next year.

Dave Pollard, Jim Criniti, William Thornton, Guy Dooley, Jr. members of the Fayette County Urban Renewal Authority and Kathy Calhoun member of the New River Gorge Regional Development Authority and a member of the Fayette County Urban Renewal Authority, Adam Hodges, Fayette County Extension Agent and in partnership with the New River Gorge Regional Development Authority, Tom Cochran with Raleigh County Airport Authority, Scott Worley, New River Gorge Regional Development Authority appeared before the Commission to discuss the development of the Wolf Creek Park. (Sign up sheet attached)

Kathy Calhoun told the Commission that Wolf Creek Park needs to develop a Shell Building Program.

Tom Cochran gave a brief update of the shell buildings he has developed and told the Commissioners that the Development Office helped to build the buildings.

Mr. Cochran told the Commissioners that the State may reinstate the Shell Building Program.

Scott Worley voiced his opinion on the Shell Buildings.

## 2014 MINUTES

Commissioner Wender discussed getting Dave Pollard to make an application for making an industrial access road for Wolf Creek Park.

After the discussion, Guy Dooley suggested getting the infrastructure in place.

The Commissioners asked Dave Pollard to get some figures to them for their Budget Session.

Bill Lanham, Superintendent for the Town of Fayetteville appeared before the Commission to discuss having a Community Wide Cleanup Day for the surrounding communities.

Mr. Lanham told the Commissioners he would like the Commission and the Fayette County Solid Waste Authority to help sponsor the event by paying the landfill fees and the hauling charges for the Roll-off Dumpsters needed for the event.

Mr. Lanham told the Commissioners the Town of Fayetteville could use their equipment and employees in the helping of residents of Fayetteville and Fayette County to unload and transfer litter, trash and cleanup debris from their pickup trucks into the dumpsters.

Commissioner Scalph informed the Commission would take under consideration and asked Mr. Lanham to get figures of the cost for this program for their budget.

The Commission suggested that Adam Hodges get with Bill Lanham and get figures together.

The Commissioners received and reviewed a letter Shawn Wolford, Director of Emergency Management to Deborah Aliff, Payroll Clerk informing of the following personnel changes: James Bennett Telecommunicator to Telecommunication Supervisor rate change to \$13.82

## 2014 MINUTES

an hour and Charles Bickford to full-time Telecommunicator at current pay rate of \$10.50 an hour and Charles Williams to full-time Telecommunicator pay rate change to \$10.50 an hour to reflect completion of training classes.

The Commissioners received and reviewed a memo from Carl Harris, Prosecuting Attorney regarding an Ordinance to ban waste from "fracking" being dumped in the County.

The Commissioners received and reviewed a thank-you note from the Family of Eddie Long.

The Commissioners received and reviewed a letter from Senator Joe Manchin, III informing that the U. S. Senate passed the *Homeowner Flood Insurance Affordability Act*.

The Commissioners received and reviewed an e-mail from Adam Hodges regarding an update on a potential meeting with the Division of Highways.

The Commissioners received and reviewed a check for 911 Fees from Frontier, amount \$26,390.52.

The meeting was adjourned at 12:30 p. m. The next scheduled meeting is March 11, 2014.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 11, 2014  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 11<sup>th</sup> day of March 2014.

## 2014 MINUTES

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

Eddie Young, Assessor appeared before the Commission to inform them that he has no exonerations to present today but would like to discuss his Budget for Fiscal Year 2014-2015.

Mr. Young is requesting a \$150.00 raise for each of his employees. Everything remains the same.

Mr. Young told the Commissioners that as of right now Bob Blackburn would be working as a part time employee, to be paid out of the General County Fund.

Mr. Young told the Commissioners he is not going to fill Bob Blackburn's position.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1<sup>st</sup> half payrolls, checks to be released March 14, 2014. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of January 31, 2014. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a grant application and resolution for approval for a Governor's Community Participation Grant Program for the Gauneka Ruritan Club in the amount of \$6,000.00 to purchase a security system, tree trimming around the playground and table and chairs for the Center to the Commissioners.

Commissioner Wender offered a motion to approve the grant application and resolution for approval for a Governor's Community Participation Grant Program for the Gauneka Ruritan Club in the amount of \$6,000.00 to purchase a security system, tree trimming around the

## 2014 MINUTES

playground and table and chairs for the Center. Commissioner Lopez seconded. Unanimous.

Tom Syner representative for WQAZ Radio 98.5 appeared before the Commission with a proposal to use the old 911 Center as a television studio. Mr. Syner told the Commissioners he has applied for a license for Nicholes, Webster, Braxton and Clay Counties.

Mr. Syner told the Commissioners he would pay rent.

After a brief discussion, Commissioner Wender asked Carl Harris, Prosecuting Attorney if the County can charge rent for the use of the building.

Mr. Harris told the Commissioners he would check into this.

Ms. Berry presented for approval and signature a letter to the West Virginia Courthouse Facilities Improvement Authority requesting a 3-month extension on the grant for the Fayette County Courthouse Phase 3 Electrical Upgrade.

Commissioner Wender offered a motion to approve and sign letter to the West Virginia Courthouse Facilities Improvement Authority requesting a 3-month extension on the grant for the Fayette County Courthouse Phase 3 Electrical Upgrade. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an Appraisal Contract from Toler Appraisal Group, LLC for the parking lot and Family Dollar Store. The appraisal cost \$850.00.

Commissioner Lopez offered a motion to approve the appraisal cost for the parking lot and Family Dollar Store in the amount of \$850.00. Commissioner Wender seconded. Unanimous.

## 2014 MINUTES

Ms. Berry presented a letter from Attorney James Blankenship resigning as Fiduciary Commissioner in the Estate of George Amos because of a conflict of interest to the Commissioners.

Ms. Berry presented an Order informing the Commissioners they would have to make a motion to appoint Phillip Tissue to serve as the Fiduciary Commissioners in the Estate of George Amos.

Commissioner Lopez offered a motion that Phillip Tissue be approved as the Fiduciary Commissioner in the Estate of George Amos due the resignation of James Blankenship because of a conflict of interest. Commissioner Wender seconded. Unanimous.

Ms. Berry presented an Order and a letter reappointing Stephen Pridemore a member of the Fayette County Building Commission.

Commissioner Lopez offered a motion to reappoint Stephen Pridemore, a member of the Fayette County Building Commission. Commissioner Wender seconded. Unanimous. A Letter to serve and an Order signed.

Ms. Berry presented letters to be signed by the Commissioners to Senators John D. Rockefeller and Joe Manchin, II and Congressman Nick Rahall related to the support for Birthplace of Rivers National Monument.

Commissioner Wender offered a motion to sign letters to Senators John D. Rockefeller and Joe Manchin, II and Congressman Nick Rahall related to the support for Birthplace of Rivers National Monument. Commissioner Lopez seconded. Unanimous.

Tim Richardson, Zoning Officer appeared before the Commission for



## 2014 MINUTES

a Public Hearing on the following proposed amendments to the Fayette County Unified Development Code:

Fayette County Unified Development Code, Article 1008 Board of Zoning Appeals, IX Public Hearings A, 1, "Publication in a general circulation newspaper of a Class I legal advertisement (one time) at least (30) days prior to the date of hearing";

Change (30) days to (15) days.

Fayette County Unified Development Code, Article 1008 Board of Zoning Appeals, IX, A, 4, "Both the legal advertisements and the mailed notices discussed in subsection XI, A,3.a. above shall include the time and place of the hearing and the action to be considered."

Change subsection XI to IX.

Mr. Richardson read the amendments, no one appeared to oppose the change.

Commissioner Wender offered a motion to change the Fayette County Unified Development Code, Article 1008 Board of Zoning Appeals, IX Public Hearings A, 1, "Publication in a general circulation newspaper of a Class I legal advertisement (one time) at least (30) days prior

## 2014 MINUTES

to the date of hearing," to Change (30) days to (15) days.

Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to change the Fayette County Unified Development Code, Article 1008 Board of Zoning Appeals, IX, A, 4, "Both the legal advertisements and the mailed notices discussed in subsection XI, A,3.a. above shall include the time and place of the hearing and the action to be considered," to change subsection XI to IX. Commissioner Lopez seconded. Unanimous.

Angela Gerald, Project Director with the Fayette County Beautification Committee appeared before the Commission to inform that she has three (3) houses to report on: Case #101903-Vanessa Shuler-15 Quinton Branch Road, Case #103331-Margaret Taylor-82 Boomer Hill Road and Case #103240-Maureen Clemons-162 Boomer Hill Road.

Ms. Gerald told the Commissioners that letters have been sent to the property owners and as of this date no changes have been made to the properties.

Ms. Gerald presented pictures of each of the properties.

Ms. Gerald reported they did check for asbestos on Vanessa Shuler house, the house has lots of mold.

Ms. Gerald told the Commissioners she is here today to request that the Commission approve for the Prosecuting Attorney's Office to send letters to Ms. Vanessa Shuler, Margaret Taylor and Maureen Clemons, requesting that they schedule a meeting with the Commission to discuss their plans.

Commissioner Wender offered a motion that Fayette County Commission approves the request of Ms. Gerald that in the matter of

## 2014 MINUTES

Vanessa Shuler that Ms. Gerald and the Prosecuting Attorney's Office send a letter to Ms. Shuler requesting that she schedule a hearing to appear before the Commission to discuss her plans. Commissioner Lopez seconded. Unanimous.

Ms. Gerald told the Commissioners that Ms. Taylor's house is beyond repair letters have been sent.

Commissioner Wender offered a motion that Fayette County Commission approves the request of Ms. Gerald that in the matter of Margaret Taylor that Ms. Gerald and the Prosecuting Attorney's Office send a letter to Ms. Taylor requesting that she schedule a hearing to appear before the Commission to discuss her plans. Commissioner Lopez seconded. Unanimous.

Ms. Gerald told the Commissioners there is no power in Ms. Clemons house. Ms Gerald told the Commissioners she was told by Ms. Clemons that she was going to burn the debris.

Commissioner Wender offered a motion that Fayette County Commission approves the request of Ms. Gerald that in the matter of Maureen Clemons that Ms. Gerald and the Prosecuting Attorney's Office send a letter to Ms. Clemons requesting that she schedule a hearing to appear before the Commission to discuss her plans. Commissioner Lopez seconded. Unanimous.

The Commission recessed the County Commission meeting at 10:40 a.m.

The Commission reconvened the County Commission meeting at 10:47 a.m.

## 2014 MINUTES

Brian Sparks, Agriculture Agent with WVU Extension Office appeared before the Commission to discuss his Budget for Fiscal Year 2014-2015.

Mr. Sparks told the Commissioners no change from the prior year, but there is an increase in fringe benefits.

Mr. Sparks is requesting a raise in salary.

Mr. Sparks told the Commissioners that the roof needs to be looked at again.

Commissioners Wender asked Mr. Sparks if he had prepared a to do list like he presented last year. Mr. Sparks replied no.

Ms. Berry told the Commissioners she would get a copy of the list he presented last year and let Mr. Sparks review.

Steve Kessler, Sheriff appeared before the Commission to discuss his upcoming FY 2014-2015 budget.

Sheriff Kessler told the Commission he included the decrease in the PERS.

Sheriff Kessler told the Commission he would like an increase for the Tax Office and the Office of the Treasury and a longevity increase for the Deputies. He also requested an increase for the Forensic Specialist, Excess Levy Fund longevity increase and a service process longevity increase.

Sheriff Kessler did not ask for an increase for the Dog Warden, overtime, uniform allowances or training and education.

Sheriff Kessler used the same figures from last year for Community Corrections, and requested six vehicles. Three 2014 Ford at \$24,099.99 each, and three 2014 Ford Utility at \$25,668.00 each.

## 2014 MINUTES

Requested an upgrade on radios, \$25,260.00 for sirens and lights on new vehicles.

The Commission told Sheriff Kessler they would review his budget requests and respond at a later date regarding their decision.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss his upcoming FY 2014-2015 budget.

Mr. Harris gave a brief summary of his budget to the Commission. Informed the Commission he had hired Allison Taylor in January at a salary \$50,000.00.

Mr. Harris told the Commission his budget is actually less than last year.

The Commission told Mr. Harris they would review his budget requests and respond at a later date regarding their decision.

The Commission recessed the meeting at 12:04.

The meeting reconvened at 1:10pm

Earl Pauley, Park Superintendent, Peggy Bennett and Susan Dufour appeared before the Commission to discuss the upcoming FY 2014-2015 park budget.

Susan Dufour appeared to discuss the Fayette County Park Maintenance Garage budget. Ms. Dufour is requesting an increase in salaries, maintenance and repair request of \$25,000 and an increase in auto supplies to \$125,000. A list of all the police vehicles was presented to the Commission.

Peggy Bennett appeared before the Commission. Ms. Bennett told the Commission she is requesting repairs to the house where Mr. Pauley resides. The roof needs to be repaired and a new heater is needed.

## 2014 MINUTES

Ms. Bennett presented two quotes for the new heater. She also told the Commission she would like to replace the screens with windows.

Ms. Bennett told the Commission she would like to divide Kristin King's salary (who left employment) between the other employees and requested an increase in maintenance supplies to \$5,000.

The Commission told Earl Pauley they would review his budget requests and respond at a later date regarding their decision.

Shawn Wolford, OEM director, appeared before the Commission to discuss the 911 center budget for FY 2014-2015.

Mr. Wolford requested salary increases, requested a generator (doesn't have the transfer switches in place.) He also requested a 10x12 trailer to hold up to 50 people and he would get a precise price on the trailer.

Mr. Wolford told the commission he's trying to get something long-term for storing supplies. Requested \$5,000 for emergency supplies.

Joe Crist, Fire Coordinator, told the Commission he used last year's budget. He bought new badges. Mr. Crist told the Commission he doesn't have any big items for this year. Mr. Crist is operating within the budget. He also requested salary increases.

David Neal, 911 Coordinator, requested increases in salaries, plugged in the decrease for PERS and increase for PEIA. Requested increase in overtime, requested an increase in computers to \$42,000. No change for training and education. Mr. Neal requested a \$500 increase for dues and subscriptions and an increase to \$150,000 for contracted services. Requested service and maintenance contracts for

## 2014 MINUTES

all additional equipment and services. Requested a decrease for materials and supplies and no change for contract other funds. Mr. Neal requested an increase in capital outlay and equipment to \$50,000 to purchase a new alarm monitoring system.

Mr. Neal also requested \$12,000 for a trailer mount, a 50kw generator, \$25,000 mountain top tower site security camera system for 6 sites. \$40,000 was requested for a top coat of asphalt for the 911 center parking lot. He requested to carry over \$20,000 from last year and reported that a 5<sup>th</sup> dispatch position hasn't been filled.

The Commission informed the OEM director, Fire and 911 coordinators that they would review their budget requests and respond at a later date regarding their decision.

Discussion was held regarding a full time IT position for the County. No decision was made

Deborah Berry, County Administrator, presented a request from Daniel Wright, Circuit Clerk, to have a graduate student for his office from May 19, 2014 to August 9, 2014.

Commissioner Wender offered a motion that the Fayette County Commission approve for Daniel Wright, Circuit Clerk, to have a graduate student for his office from may 19, 2014 to August 9, 2014 at the same rate paid last year. President Scalph seconded. Unanimous.

Ms. Berry presented a request from Samuel Parsons, Chief Magistrate, requesting a new microwave and compact wall oven for the Magistrate Court employee's kitchen.

## 2014 MINUTES

The Commission approved Chief Magistrate Parson's request to purchase a microwave and compact wall oven for the Magistrate Court employee's kitchen.

The Commission read and reviewed Dunloup Creek Teleconference Agenda for March 6, 2014.

The Commission read and reviewed a statement from WesBanco regarding the Fayette County Building Commission (West Virginia) Lease Revenue Bonds, Series 2011 Debt Service Payment #1085005933, interest due March 15, 2014 (for payment due April 1, 2014) amount \$47,500.

The Commission read and reviewed Notice of Grant Award Change from the Division of Justice and Community Service for the Fayette County Juvenile Truancy Division Project, amount \$80,697.75.

The Commission read and reviewed a copy of a letter from Senator Joe Manchin III informing the U.S. Senate passed the Homeowner Flood Insurance Affordable Act.

The Commission read and reviewed a copy of a letter from Eddie Young; Assessor to Debbie Aliff, Payroll Clerk, informing Bob Blackburn will be retiring on February 28, 2014 due to a family illness. Beginning March 1, 2014 he will be working part-time to be paid out of the regular County budget at an hourly rate of \$15.00 per hour.

The Commission read and reviewed a letter to Shawn Wolford, OEM Director, informing they received a response from the West Virginia Ethics Commission concerning certain emergency service employees being exempt from reporting mileage for personal vehicle use as a taxable fringe benefit.



## 2014 MINUTES

The Commission read and reviewed as e-mail from the NACo (National Association of Counties) informing of the 2014 Legislative Conference at the Washington Hilton Hotel March 1-5, 2014 in Washington, D.C.

The Commission read and reviewed an e-mail from NACo urging our U.S. House Members to vote "yes" on the Homeowners Flood Insurance Affordable Act of 2014.

The meeting was adjourned at 5:00 p.m.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 14, 2014  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 21, 2014  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 21<sup>st</sup> day of March 2014.

President Scalph called the meeting to order at 9:20 a. m.

President Scalph offered a motion to approve minutes from February 5, 2014, February 10, 2014, February 14, 2014 February 19, 2014 and February 21, 2014. Commissioner Wender seconded. Unanimous.

Commissioner Wender motioned to approve the minutes from the special meeting on February 27, 2014. Commissioner Lopez seconded. Unanimous.

## 2014 MINUTES

Commissioner Lopez motioned to approve vouchers and authorize the release of checks. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve 2<sup>nd</sup> half payroll and release checks on March 28, 2014. Commissioner Wender seconded. Unanimous.

Attorney James Blankenship appeared before the Commission and presented a Report of Claims dated February 24, 2014 for the Estate of Lester D. Hanshew, Ivan D. Hanshew, executor. Commissioner Wender offered a motion to approve order confirming report of Fiduciary Commissioner. Commissioner Lopez seconded. Unanimous.

Congressman Nick Joe Rahall appeared before the Commission reporting a wastewater treatment system will soon serve more than 100 people residing in Winona. Others in attendance: Roma M. Lively, Joe Massie, Adam Hodges, Mark Ehrnschwender, James Blankenship, Kenneth Hayes, Carl Frischkorn, Dave Arnold, Carl. L. Harris, Dave Pollard, Lesley Taylor, John Tuggle, Trish Kicklighter, Christopher Perdue, Eula Ewing.

Dave Pollard, Fayette County Resource Coordinator gave a history of the project and how local leaders banded together to collect data revealing dangerous levels of fecal coliform in creeks running through Fayette County and into the New River.

In February 2013, New Haven PSD closed the West Virginia Department of Environmental Protection financing to complete a more than \$3 million wastewater management project. The funds came from the DEP's Green Infrastructure Program.

## 2014 MINUTES

Fayette County Commission was responsible for \$125,000 of funding for the project.

President Scalph, Commissioner Wender and Commissioner Lopez thanked Congressman Rahall, Dave Pollard, Kenny Hayes with the New Haven PSD, and John Tuggle with Region IV Planning & Development Council, for working together to make this happen.

The Commissioners discussed a request from City of Smithers for an allocation to help with a sewer main collapse emergency repairs. The estimated costs of labor and repair was \$12,000.00. Commissioner Wender offered a motion to approve \$6,000.00. Commissioner Lopez seconded. Unanimous.

The Commissioners discussed Boomer Ballfield and Commissioner Wender offered a motion to authorize allocation in the amount of \$500.00 for Mike Scarbrough who takes care of the field for maintenance during the 2014 season. Commissioner Lopez seconded. Unanimous.

The Commissioners discussed the property adjacent to the Courthouse Annex owned by Attorney Anthony Ciliberti. Discussions were held to check if he would be willing to sell the property to the county. Prosecuting Attorney Carl Harris informed he had a conversation with Attorney Ciliberti and he informed he would consider and would respond to the Commission to let them know his decision.

Adam Hodges appeared before the Commission with a request to display a traveling exhibition by PAWV Preservation Alliance of West Virginia. The Traveling exhibition focuses on how historic preservation is beneficial to West Virginia. The display would be in

## 2014 MINUTES

the Courthouse the week of June 21, 2014. Adam will let the Commission know when they have the public announcement of the project.

Commissioner Wender offered a motion to approve. Commissioner Lopez seconded. Unanimous.

Adam also gave a report on projects he has been involved with. List attached.

Peggy Bennett with the Fayette County Park appeared to discuss the Fayette County Pool. Ms. Bennett gave a report on the pool and presented cost from Rollie Robinson with East Coast Pools.

The Commission felt the pool should be inspected first to determine exact areas and cost.

Commissioner Wender offered a motion to authorize \$1,500.00 for inspection. Peggy will contact East Coast Pools and get estimate. Commissioner Lopez seconded. Unanimous.

Peggy also reported that Phil Perone with the Fayette County Health Department had informed last year they would need a second lift to be ADA compliant and they would need to paint the pool.

The Commission authorized to get estimate on repairs before approving this request.

County Administrator Debbie Berry presented items to be approved.

Correction for order approving Early Voting sites. Order signed March 14, 2014 stated Danese Elementary. The legal posted read Danese Community Center. Commissioner Wender offered a motion to correct the order to Danese Community Center. Commissioner Lopez seconded. Unanimous.

## 2014 MINUTES

Ms. Berry presented a letter of support from John David with SALS for Housing Counseling Assistance. Commissioner Lopez offered a motion to approve. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a proclamation request to support the American Cancer Fund for Children and Kids Cancer Awareness Week for April 13<sup>th</sup> - 19<sup>th</sup>, 2014. Commissioner Wender motioned to approve and sign proclamation. Commissioner Lopez seconded. Unanimous. Copy attached.

Ms. Berry presented a resolution for adoption naming April as Fair Housing Month. Commissioner Wender motioned to approve and sign the resolution. Commissioner Lopez seconded. Unanimous. Copy attached.

Ms. Berry presented a memo from Chief Judge John, Hatcher concerning courthouse security. The Commission acknowledged said memo.

The Commission read and reviewed a letter from Greg Stone, Dunloup Creek Watershed Project Manager, asking for input on additional buyouts and utilities compensation. Commissioner Wender did not approve the request. A letter will be drafted.

Ms. Berry presented a letter from Town of Fayetteville Superintendent Bill Lanham requesting the Solid Waste Authority and Commission to sponsor a community Clean up Day before the Annual Earth Day Celebration on April 19, 2014. The estimated portion for the Commission is \$850.00. There was discussion that other areas would request assistance and that this will only benefit the Town of Fayetteville. Commissioner Wender offered a motion to approve,

## 2014 MINUTES

supporting the Town of Fayetteville with a cost of \$850.00.

Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an agreement from Architect Dan Snead for the Fayette County Courthouse roof replacement project. Payment to the architect would be nine (9%) of the actual construction cost. Grant \$96,000.00. Commissioner Lopez motioned to approve. Commissioner Wender seconded. Unanimous.

The Commissioners reviewed the Fiscal Year 2014/2015 budget with Staff Accountant Stephanie Sears. The Commissioners reviewed reasons for increase of last year's previous General Fund Budget and the difference in the beginning budget.

Coal Severance allocations were also reviewed.

After a discussion, Commissioner Wender offered a motion to approve the budget. Commissioner Lopez seconded. Unanimous.

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### FAYETTE COUNTY COMMISSION

April 11, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular meeting on this 11<sup>th</sup> day of April 2014.

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

Norma Williams and Deloris Nelson appeared before Commission to present the Early Voting keys to the Commission and Kelvin Holiday for the ballot cans.

Eddie Young, Assessor appeared before the Commission to present exonerations for real property. Three refunds for Ronald Yellots

## 2014 MINUTES

\$567.66, Ronald Yellets \$541.43 and Karen Crist \$562.48. Commissioner Wender offered a motion to approve exonerations and Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Checks to be released today. Approved 1<sup>st</sup> half payrolls, checks to be released April 15, 2014. Commissioner Wender seconded. Unanimous decision.

Commissioner Scalph offered a motion to approve minutes of March 14, 2014. Commissioner Lopez seconded. Unanimous decision.

Eddie Young, Assessor presented an order to combine or divide and segregate land for Franklin W. Berry and Larry Dale Ewing. President Scalph signed orders.

Several guest appeared before Commission to view their opinion on the incident at the animal shelter. List attached.

Commissioner Wender asks Debbie Berry to draft a letter to the Sheriff to see if they can conduct a meeting with everyone to move forward in this matter.

Angela Gerald, Project Director with the Fayette County Beautification Committee appeared before the Commission to inform that she had three(3) houses to report but two(2) had burned down. The other was for Yvette Brown, Lot 37 Thurmond Rd. Ms. Gerald told Fayette County Commission they had contacted owners but no response.

Ms. Gerald presented pictures of the property.

Ms. Gerald told Commissioners she was here today to request the Commission approve for the Prosecuting Attorney's Office to proceed with legal complaint.

## 2014 MINUTES

Commissioner Wender offered motion to approve request and Commissioner Lopez seconded. Unanimous decision.

James Blankenship presented order to recommend approval of fiduciary order for the estate of William Lynch. Commissioner Wender offered motion to approve the order to dismiss claim from Bank of America. Commissioner Lopez seconded. Unanimous decision.

Levi Rose appeared before Commissioners to discuss the Henry St. Project and Septic Tank Onsite Database. For informational purposes he updated Commission on the projects. Commissioner Wender asked him to provide a letter of what the project would show of the enhancements.

Tom Fast appeared before the Commission to ask for removal of Susan Epperly as Executrix for the estate of Sarah Hambrick. He asked that Edwin E. Hambrick be named as Executor. Commissioner Wender offered motion to approve and Commissioner Lopez seconded. Unanimous decision.

Bill Light and Michael Bolt from Division of Highways appeared to ask Commission of their approval and support for their salvage yard project. They will need the support of a deputy to go with them. The Commission supports the program.

Ms. Berry presented a draw down request for Governor's Community Participation Grant for Ansted Community Park Power Project in the amount of \$2,500.00.

Commissioner Wender offered motion to approve draw down request for Governor's Community Participation Grant for Ansted Community Park



## 2014 MINUTES

Power Project in the amount of \$2,500.00. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry submitted a letter to Mr. McMinn with the WV Office of Technology with the authorization to set up WV.GOV email accounts for county employees. Cost will be \$4.95 per month/per user.

Commissioner Wender offered motion to send letter authorizing for email accounts for Fayette County Employees and Fayette County Commission will be responsible for the \$4.95 per month/per user. Commissioner Lopez seconded. Unanimous decision

Commissioner Scalph signed a letter for approval to Willie C. Taylor, with the U.S. Department of Commerce with notification that the Fayette County Commission is actively involved in the planning processes of the Region 4 Planning and Development Council and the Region 4 Comprehensive Economic Development Strategy (CEDS) adequately serves the requirements of the continuous planning process.

Ms. Berry presented a letter for review to Greg Stone, Dunloup Creek Watershed Project Manager with response from letter dated March 17, 2014 asking the sponsors of the project to provide in writing their input whether the project should pursue additional buyouts or compensation for the affected utilities. The City of Mount Hope has requested approximately \$1.8 million as compensation for water and sewer customer fees lots to the city through actions of this project.

Commissioner Wender offered a motion to send a letter. Commissioner Lopez seconded. Unanimous decision. Letter attached.

Ms. Berry presented discussion related to existing DOH agreement with the NPS concerning the guided tours along the inspection walkway

## 2014 MINUTES

for the New River Gorge Bridge. Commissioner Wender asked Ms. Berry to send letter to them asking for more information.

Ms. Berry presented lease agreements for Hazard Mitigation Property for James and Patsy Wills, Gary Acord and Fred Buckley for Commissioner Scalph to sign. Lease agreements were approved and signed.

Ms. Berry presented an allocation request from the Son Rocks Ministries for their summer camp fest that they have every year at Fayette County Park.

Commissioner Lopez offered motion to allocate \$2,000.00 to Son Rock Ministries to offset cost of meals and Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented letters to be signed by elected officials for 2014 pay increase agreement. The Commission and other elected official signed the documents.

Ms. Berry presented request from Kelvin Holliday for new copier \$5,921.00.

Commissioner Lopez offered motion to approve request for copier \$5,921.00 and Commissioner Scalph seconded. Unanimous decision

Ms. Berry presented order to appoint Mary Hoke to the local Criminal Justice Board pursuant to 62-11C-6(d)(7) which states One member with a background in substance abuse treatment and services to be appointed by the Commission or Commission of the County or Counties represented by the Board.

## 2014 MINUTES

Commissioner Lopez offered motion to approve Mary Hoke to the local Criminal Justice Board and Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented order granting credit on future taxes in the amount of \$2,615.95 to Orval F. and Mary Ellen Coffey due to improper classification of property (10-02-0028.000 (surf15 Wolf Creek and Craigs Br)).

Commissioner Lopez offered motion to approve and sign order granting credit on future taxes in the amount of \$2,615.95 to Orval F. and Mary Ellen Coffey due to improper classification of property and Commissioner Denise Scalph seconded. Unanimous decision.

Ms. Berry presented request from Phil Samples to use Soldiers and Sailors Memorial Building for the AAU (Amateur Athletic Union) for basketball practices for the next six (6) months.

Commissioner Lopez offered motion to approve Phil Samples use of Soldiers and Sailors Memorial Building for the AAU (Amateur Athletic Union) for the basketball practices for the six (6) months and Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented request for permission to use Court House lawn on May 1, 2014 for National Day of Prayer.

Commissioner Lopez offered motion to approve use of Court House lawn on May 1, 2014 for National Day of Prayer and Commissioner Wender seconded. Unanimous decision

Ms. Berry presented a consultant agreement with David Pollard. No decision was made.

## 2014 MINUTES

Ms. Berry presented a draw down request for SALS for Local Energy Efficiency Grant Program.

Commissioner Wender offered motion for draw down for SALS Local Energy Efficiency Grant Program payments (1) \$2,240.00 and (2) \$2,240.00. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented request from John Nick Lopez to use the Fayette County Soldiers and Memorial Building for the 863<sup>rd</sup> Military Police Company Deployment ceremony.

Commissioner Lopez offered motion for John Nick Lopez to use the Fayette County Soldiers and Memorial Building for the 863<sup>rd</sup> Military Police Company Deployment ceremony. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented an order to appoint Denise A. Scalph to the New River Transit Authority under the Metropolitan Planning Organization.

Commissioner Lopez offered motion to accept order to appoint Denise A. Scalph to the New River Transit Authority under the Metropolitan Planning Organization. Commissioner Scalph seconded. Unanimous decision

Ms. Berry presented request from Cathy Jo Canterbury to place pin wheels in flower bed of the Fayette County Courthouse in recognizing April as National Child Abuse Prevention Month.

Commissioner Wender offered motion to accept request from Cathy Jo Canterbury to place pin wheels in the flower bed of the Fayette County Courthouse recognizing April as National Child Abuse Prevention Month.

## 2014 MINUTES

Commissioner Scalph called executive meeting at 12:47 p.m. for personnel matter.

Commissioner Wender reconvened the meeting at 2:25 p.m. The meeting was then adjourned.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

April 15, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special session on this 15<sup>th</sup> day of April 2014.

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

President Scalph read the order stating that pursuant to Chapter 11, Article 8, Section 10A of the Code of the State of West Virginia, as amended, and pursuant to the rates as approved by the State Tax Commissioner, the levy was laid for the fiscal year beginning July 1, 2014.

Commissioner Wender motioned to approve the levy for Fiscal Year 2014-2015. Commissioner Lopez seconded. Unanimous.

The Commission approved and signed letters to the elected officials and outside agency approving budgets and allocations for FY 2014-2015.

The Commission reviewed the consultant agreement with David W. Pollard. DWP Consultants will assist the Commission with ongoing and future projects in Fayette County.

## 2014 MINUTES

Commissioner Wender offered a motion to approve the agreement on a yearly basis, September 1, 2014 - August 31, 2015. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to adjourn the meeting at 10:00am. Commissioner Wender seconded. Unanimous.

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### FAYETTE COUNTY COMMISSION

April 25, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez

OTHERS: List Attached

The Fayette County Commission met in a regular meeting on this 25<sup>th</sup> day of April 2014.

Commissioner Scalph called the meeting to order at 9:00 a. m.

Eddie Young, Assessor appeared before the Commission to present exonerations for real property. Commissioner Lopez offered a motion to approve exonerations and Commissioner Scalph seconded. Unanimous decision

Eddie Young, Assessor presented an order to combine or divide and segregate land for Ruth Ann and David Bennett. The Commission approved and signed the order.

Eddie Young, Assessor presented two (2) refunds in amount of \$249.48 and \$34.48 to Maccl Cook. Commissioner Lopez offered a motion to approve. President Scalph seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Checks to be released April 25<sup>th</sup> for invoices and approved 2nd half payrolls, checks to be released April 30, 2014. Commissioner Scalph seconded. Unanimous decision

## 2014 MINUTES

Ms. Berry presented a lease agreement for Family Law Judge. Commissioner Lopez made motion to approve and for Commissioner Scalph to sign lease agreement for Family Law Judge. Commissioner Scalph seconded. Unanimous decision

Larry Dotson appeared before Commission to introduce Barbara Harman and Jim Crader with WV Retirement Plus Plan. They explained the plan to the Commission and will come back tentatively May 13, 2014 to talk to employees about plan.

Paul Ryker, Attorney, appeared before the Commission concerning the estate of John T. and Nancy Cashion. Staci Criswell from Dinsmore and Shohl will represent Jane Cashion. Commissioner Lopez offered motion that Phil Tissue, Attorney, be appointed as Fiduciary to conduct hearing. Commissioner Scalph seconded. Unanimous decision.

Carl Harris, Prosecuting Attorney, presented an order for the estate of Lois Bowyer that Earl Bowyer, Regenia Wriston, Terry Palmaroy, Glen Cox and Tim Bowyer be removed as extruix of estate and refered to fiduciary commissioner.

Commissioner Lopez offered motion that James Blankenship is appointed to oversee and make recommendations. Commissioner Scalph seconded. Unanimous decision.

Gene Hogan appeared before Commission concerning Hawks Nest Golf Course Proposal. Commissioner Lopez and Commissioner Scalph stated this needs to be tabled until later date.

Ms. Berry presented a draw down request for SALS for the month of March in amount of \$2240.00.

## 2014 MINUTES

Commissioner Lopez made motion to accept draw down for Local Energy Efficiency Grant Program in the amount of \$2,240.00 for SALS for month of March, 2014. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented request from David R. Gay for Allocation from Fayette County Commission in the amount of \$200.00 for the Prince Railroad Station Authority. Commissioner Lopez offered motion to approve \$200.00 for the Prince Railroad Station Authority. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented request for James A. Rappold for reappointment to Fayette County Health Department. Commissioner Lopez offered motion to reappoint James A. Rappold to Fayette County Health Department. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented budget amendment for approval and signature for the Kanawha Falls Public Service District Project. Commissioner Lopez offered motion for approval and signature for the Kanawha Falls Public Service District Project in amount of \$36,000.00 for cost of Phase II Archaeological Study as required by SHPO. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a quote from Advanced Electrical for outdoor flood light replacement. This matter was tabled next meeting.

Ms. Berry presented request from Mayor John S. Kauff for March, 2013 for \$2,500.00 to repair damages from last year wind storm to the tourist information center and historic post office. Commissioner Lopez offered motion for draw down of \$2,500.00 for the Information



## 2014 MINUTES

Center and Historic Post Office. Commissioner Scalph seconded.

Unanimous decision.

Ms. Berry presented request from Fraternal Order of Police Lodge No. 118 to use Courthouse property for Police Officer Memorial on May 15, 2014. Commissioner Lopez offered motion to approve use of Courthouse on May 15, 2014 for Fraternal Order of Police Lodge No. 118. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented change order No. 4 in the amount of \$1,009.00 for the Fayette County Courthouse Upgrade-Phase III. Change order was to install arm to security monitor, add four (4) receptacles to wire mold in Karen Martin's office and relocate power pole and add two (2) receptacles. Commissioner Lopez offered motion to accept change order No. 4 in amount of \$1,009.00 for the Fayette County Courthouse Upgrade-Phase III. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a resolution from Theresa White for a grant application to the WV Division of Homeland Security and Emergency Management for signature from President Denise Scalph. Commissioner Lopez offered motion allowing President Denise Scalph sign resolution for grant application to the WV Division of Homeland Security and Emergency Management. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented applications from Fayette County Health Department that need President Denise Scalph signatures for:

Permit to operate a food establishment for the Park

Permit to operate for Boomer Ball Field

Permit to operate for the Fayette County Park

## 2014 MINUTES

Permit to operate for Harlem Heights Park

Commissioner Lopez offered motion for President Scalph signature.

Commissioner Scalph seconded. Unanimous decision.

Miscellaneous items reviewed:

House on 206 Church Street Fayetteville, WV 25840.

New River Water Treatment Plant -Source Water Protection Team  
from Levi Rose.

United Way of Southern WV, Inc. a community Baby Shower on April  
29<sup>th</sup>.

State Treasurer Distribution of Greenbrier Table Games.

Letter from Kelvin E. Holliday concerning early voting workers.

Copy of check for Fayette County Family Resource Network.

Invitation for Greater Kanawha Valley Foundation.

Letter from Just For Kids, Inc. for support.

Letter from Nick J. Rahall, II for great work done.

Copy of the Homeowner Flood Insurance Affordability Act.

Copy of code HB4473 Establishing voting precincts.

Copy of check from City of Beckley reimbursement.

Copy of Fayette County Animal Control Fees collected.

Copies of checks from MCIMETRO ACCESS TRANSMISSION SVCS.LLC.

Copy letter from AEP RE: Fayette County Area 138KV Transmission  
Improvement Project.

Letter for Support for New River Parkway John W. Tuggle.

The meeting was adjourned at 12:47 p.m. to attend memorial  
service for the late Robert K. Holliday.

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## 2014 MINUTES

FAYETTE COUNTY COMMISSION

May 9, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular meeting on this 9<sup>th</sup> day of May, 2014.

Commissioner Scalph called the meeting to order at 9:03 a.m.

Assessor Deputy Steve Fox presented exonerations and one refund. Commissioner Lopez approved seven personal property exonerations. Commissioner Wender seconded. Unanimous decision.

Commissioner Wender motioned to approve real property. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to approve the refund of \$23.00 to James Mooney. Commissioner Lopez offered a motion to approve vouchers and invoices and release checks. Approved 1<sup>st</sup> half payrolls, checks to be released May 15<sup>th</sup>, 2014. Commissioner Wender seconded. Unanimous decision.

Sheriff Steve Kessler presented the delinquent tax list to the Commission. Any taxes not paid by April 30<sup>th</sup>, 2014 are considered delinquent.

The Commission entered into executive session at 9:10 a.m.

The Commission reconvened at 9:45 a.m.

Russell Bennett appeared to request for the Commission to bid on Nuttall Middle School. He presented pictures of the property and stated his desire to keep that property a historic site. Commissioner

## 2014 MINUTES

Wender stated that the County must have a purpose for the building before purchase. The use of the fire training facility would not work for that building. Commissioner Wender gave some names of different people for Mr. Bennett to contact regarding the use of the Nuttall Middle School Building.

At 10:00 a.m. Alice King from Region IV Planning and Development Council appeared for a public hearing regarding a Small Cities Block Grant for Armstrong Creek Public Service District. The purpose of this hearing was to discuss the application with the WV Development Office for a Small Cities Community Development Block Grant for Armstrong-Deepwater Public Service District's Deepwater and Powellton Water Distribution Upgrade Project. The grant application will request \$1,500,000.00 from Small Cities. No one from the public attended.

Angela Gerald, Building Safety Department, presented the dilapidated and burned property of Charles Basham, Edmond Road. She has not received a response from Mr. Basham. Commissioner Wender motioned to advise the property owner to attend a public hearing but the Commission will move forward. Commissioner Lopez seconded. Unanimous decision.

Ms. Gerald presented the dilapidated and burned property of Jeremy Lowe, Charlton Heights. Commissioner Wender motioned to advise the Lowe family that the Commission is proceeding with a hearing. Commissioner Lopez seconded. Unanimous decision.

Ms. Gerald presented the dilapidated property of Linda Johnson, Minden. Ms. Johnson requested till the end of May to have trucks come

## 2014 MINUTES

in and clean up. If not cleaned by June 1<sup>st</sup>, Ms. Gerald will request a slot on the agenda to expedite the issue. Commissioner Wender requested that Ms. Gerald post the property. Commissioner Wender requested that Ms. Gerald send an e-mail explaining why the Commission cannot do anything further right now.

Rob Rosiek appeared to request funding to repair the Fayetteville High School and Oak Hill High School tennis courts. Mr. Rosiek gave background as to how the tennis courts originated. Mr. Rosiek told the Commission that the courts have not been regularly maintained and as they further deteriorate, the cost to repair will increase.

Carl Harris, Prosecuting Attorney, asked who is in charge of maintenance. Suggested that someone mismanaged the tennis court maintenance and this issue would need to be addressed before putting money into their repair.

Mr. Rosiek told the Commission that the cost for their suggested repairs to the courts is \$19,700.00 with an additional \$8,000.00 for replacement of nets and such. Commissioner Wender asked if an asphalt company could do this work. Mr. Rosiek said the answer is no because all quotes were from outside our area and due to the lack of maintenance, more work needs to be done than they can provide.

Commissioner Wender suggested an agreement between the Fayette County Commission, the Fayette County Board of Education and the City of Oak Hill, the Town of Fayetteville and the WV legislature to assist with this project.

Mr. Harris suggested looking for a grant. Mr. Rosiek will look toward local business as well because of the tourist centered location

## 2014 MINUTES

of the schools. President Scalph suggested researching for grants and coming to an agreement with the Board of Education and the City of Oak Hill.

Commissioner Wender suggested the Commission take the lead and make a commitment as long as the Board of Education, City of Oak Hill and legislators are on board.

Mr. Harris stated that part of an agreement would have to say that if the money is committed, the tennis courts are to remain public. The first step will need to be written approval from the Board of Education stating that the Commission has approval to work on their property.

Commissioner Wender requested that Mr. Rosiek contact Valley, Midland Trail and Meadow Bridge High Schools to get the status of their courts.

Mr. Harris suggested polling the high school principals to see how much public use the facilities receive. Mr. Harris will speak with the Board of Education the week of May 19<sup>th</sup>. Mr. Rosiek will visit these courts and the group will discuss further on May 23<sup>rd</sup> regarding this issue.

Michelle Gardner, Vista Worker; David Seay, Child Nutrition Director for the Fayette County Board of Education; Barry Crist, Director of the Fayette Institute of Technology appeared to discuss how to get more locally grown food into the school system. Issues with this will be the growing season of different vegetables.

President Scalph asked for a projection of cost. \$31,500.00 is projected to purchase a freezer, vacuum sealer and other essential

## 2014 MINUTES

items for this project. Mr. Crist told the Commission how the Fayette Institute of Technology is ready for this project.

Commissioner Wender suggested that the Fayette County Commission supports this project up to \$15,000.00 because they need time to plan and organize. Commissioner Wender motioned to participate in the program up to \$15,000.00 pending approval from Mr. Harris about the placement of the freezer. Commissioner Lopez seconded. Unanimous decision. This was not approved by Prosecuting Attorney Carl Harris.

Brenda Ballard appeared before the Commission to discuss the Fayette County Animal Shelter.

Commissioner Wender discussed some issues with the public. The Commission only has a certain extent in the issue of the Animal Warden; he is supervised by the Sheriff. An investigation was completed into the issue and the Sheriff took action. The Commission met with the Sheriff and the Prosecuting Attorney and a decision was made to have a meeting with a smaller group of concerned citizens, the Prosecuting Attorney and the Sheriff. The meeting will not be open to the public and a date will be determined later.

Roger Lambert, Assistant Prosecuting Attorney, made a statement for Mr. Harris. The Prosecuting Attorney is looking into the County Government structure. This is an internal employee matter. From a legal standpoint, this is a jurisdiction of the Sheriff.

Catherine Kutil appeared to handout some literature. Any new issue was invited to be discussed. Discussion was held concerning how future information would be delivered.

## 2014 MINUTES

Mr. Lambert suggested the Prosecuting Attorney research issues before the meeting to be scheduled for a later date.

The Commission recessed at 12:45 p.m.

The Commission reconvened at 1:30

Ms. Berry presented an addendum to the Rental and Lease Agreement by and between C&J Development Corporation and the Fayette County Commission for lease of the Family Law Judge Office. Commissioner Wender motioned to approve the agreement. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an Agreement for Services with the Fayette County board of Education for a Prevention Officer at Oak Hill High School for President Scalph's signature. Commissioner Wender motioned to approve the agreement and for President Scalph to sign. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented paperwork for the State Auditor's Office for "Consideration of Increased Salaries of County Officials" for approval and signatures. Commissioner Lopez motioned to sign the paperwork. Commissioner Wender seconded. Unanimous decision,

Ms. Berry presented letters and orders for the Fayette County Commission to sign designating the following incorporated banking institutions in the County to be named as Depositories of Public Monies:

Fayette County National Bank

Chase

Branch Bank and Trust (BB&T)

United Bank



## 2014 MINUTES

City National Bank of WV

Said banks shall file their bonds and/or securities by June 20, 2014 to be approved. Commissioner Wender motioned to sign the letters. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order and letter to sign appointing Randy Prince to the Fayette County Farmland Protection Board to replace Sid Howard, who has resigned. Commissioner Lopez motioned to sign the order and letter. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a quote for outdoor flood lights for the Courthouse for the Commission to review and approve. A decision was not reached. Then discussion was tabled for a later date.

Ms. Berry presented the date and list for advertisement for the Public Auction for the Commission to approve.

Ms. Berry presented a request from The Fayetteville Lions Club to user the parking lot on Wiseman Avenue for a car show on July 4, 2014. Approved.

Ms. Berry presented a request from Eric Hambrick, Fayetteville Elementary School, to use the Fayette County Memorial Building for their Spring Choir Show on May 16, 2014. Approved.

Ms. Berry presented a request from Richard Smith to use the Fayette County Memorial Building for at least two days a week for pick-up basketball games for 10-15 men. Was not approved.

Ms. Berry presented a letter for approval and signature to the Supreme Court requesting approval for reimbursement for rent for Family Law Judge for the month of May, 2014. Commissioner Wender

## 2014 MINUTES

motioned to approve. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order and letter for reappointment of Richard W. Kinder to the Danes Public Service District. Commissioner Lopez motioned to approve. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented an order and letter for reappointment of Michael S. Groves to the Kanawha Falls Public Service District. Commissioner Lopez motioned to approve. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a drawdown request for a Local energy Efficiency Grant Program for a SALS payment requested from April 2014 in the amount of \$2,240.00. Commissioner Wender motioned to approve. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Allen Ballard to attend the managing floodplain development training at Pipestem State Park on July 28<sup>th</sup>, 2014 from the Department of Homeland Security Federal Emergency Management Agency. There is no cost for the course but he will have expenses for lodging. Commissioner Wender motioned to approve. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an appraisal of parking lots for review and discussion. No decision at this time.

The Commission held a discussion regarding the Belinda Morton property. No decision at this time.

Ms. Berry presented an invoice from Ferrellgas in the amount of \$1,355.11 for the New River Humane Society. In addition to the

## 2014 MINUTES

\$4,500.00 transferred to the Dog Tax Fund from the General Fund, the Fayette County Commission has had to pay \$8,888.53 from January to March 2014 for heating costs at the Animal Shelter. Approved.

Ms. Berry presented Urban Boundary maps for review and discussion from Fayette/Raleigh MPO Technical Advisory Committee to provide any comments for consideration by the next meeting on Monday, May 12, 2014. No comments.

Ms. Berry presented a request from the New River Campground to increase the rent for Precinct No. 65's polling place. The addition of \$50.00 to the original fee was approved.

Ms. Berry presented a request for an additional \$502.01 to the \$1,520.00 match for the JAG grant for Law Enforcement computers. No decision at this time.

Ms. Berry requested that the Commission schedule a time for the Primary Election Day Test. The decision was for 5:00 p.m. on May 13, 2014.

The meeting was adjourned at 2:33 p.m.

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FAYETTE COUNTY COMMISSION

May 19, 2014

SPECIAL SESSION

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a special meeting on this 19<sup>th</sup> day of May, 2014 for the Primary Election Canvass.

Commissioner Scalph called the meeting to order at 9:00 a.m.

## 2014 MINUTES

The Commission conducted the test at 9:05 a.m. Precincts 24 and 59 were hand counted.

The canvass was adjourned at 12:00 p.m.

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FAYETTE COUNTY COMMISSION

May 23, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular meeting on this 23<sup>rd</sup> day of May, 2014.

Commissioner Scalph called the meeting to order at 9:04am.

Assessor Eddie Young presented exonerations. Commissioner Wender approved one real property exoneration. Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Checks to be released today. Approved 2<sup>nd</sup> half payrolls, checks to be released May 30<sup>th</sup>, 2014. Commissioner Wender seconded. Unanimous decision.

President Scalph motioned to approve minutes of March 11<sup>th</sup>, March 21<sup>st</sup>, April 11<sup>th</sup>, April 15<sup>th</sup> and April 25<sup>th</sup>. Commissioner Lopez seconded. Unanimous decision.

Debbie Berry, County Administrator, presented a budget revision for the General County Fund. Commissioner Wender motioned to approve the Budget Revision. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented information on the Belinda Morton property that was provided to her by Fayette County National Bank. The

## 2014 MINUTES

Commission authorized Ms. Berry to get an appraisal on that lot and the lot beside for parking. Commissioner Wender motioned approval of obtaining the appraisals. Commissioner Lopez seconded. Unanimous decision.

Rachel Davis appeared to discuss funding for the URA. They are in need of a rough cut gravel road in the amount of \$340,000.00. They requested that the Commission co-sign a loan, then use Reallocated Coal Severance money to pay back the loan for the infrastructure. This road will give access to a proposed distribution center wanting to be placed at Wolf Creek. The Commission can only guarantee for a year. This will need to be reviewed every budget session. Prosecuting Attorney Carl Harris suggested giving the bank a copy of a prior resolution for reallocated money to show the bank the Commission's approval.

Commissioner Wender suggested transferring the Trinity settlement money of \$79,000.00 to the URA. Commissioner Lopez says the money should be used for various Courthouse improvement projects. Commissioner Wender motioned to approve the guarantee allocation from Reallocated Coal Severance for payment on the loan for the road for \$340,000. Commissioner Lopez seconded. Unanimous decision.

Tim Richardson, Zoning, appeared to discuss two amendments to the Unified Development Code. Minutes attached.

Planning Commission unanimously voted to accept these additions and requests that the Commission accept them as well. Commissioner Wender motioned to accept these amendments regulating Class D

## 2014 MINUTES

landfills as they relate to rezoning application. Commissioner Lopez seconded. Unanimous decision.

Bill Lanham, Town of Fayetteville Superintendant, appeared to update the Commission with the results of the Keep America Beautiful Great American Clean Up held April 11 - 12<sup>th</sup> and April 19<sup>th</sup>, 2014. 38.89 tons of trash, appliances and electronics were collected from 501 Fayette County participants. Fayette County Commission's portion of the cost of the clean up was \$850.00.

Shawn Wolford, Director of Emergency Management, appeared to update the Commission on water issues. Mr. Wolford presented new legislation to the Commission.

Joe Crist, Fire Coordinator, Sheriff Steve Kessler, Mark Bass, Fire Association President and Tim Richardson appeared to discuss a project at the Fayette County Park between the Fire Association and the Fayette County Sheriff's Department.

Mr. Bass presented a request to the Commission to use an area (old Horse Creek area) for a fire training site and shooting range. The area is already gated off from the public.

Carl Harris requested that research into whether there are restrictions on the use of the property be conducted. Mr. Harris said he will research whether the County will have to lease the property or if there is another way it should be handled. This proposal is feasible but they need time to determine the best way to proceed. Mr. Harris told the Commission he will have the research completed by the June 6, 2014 meeting and the group will return at 11:00am that day to further discuss the project.

## 2014 MINUTES

Pat Gray, Ansted Volunteer Fire Department, appeared to discuss the department's Substation. They have purchased the old Mid-State building body-shop to renovate into their new substation. Mr. Gray told the Commission they are not requesting an allocation. The State Fire Commission requires approval from the County Commission and a letter stating that they do not object.

Commissioner Wender asked Mr. Gray how the Ansted Volunteer Fire Department can afford two buildings on one budget. Mr. Gray said that the old fire station use will decrease which will decrease expenses overall.

Commissioner Wender offered a motion to draft a letter to be in agreement with Ansted's Substation and authorized President Scalph to sign on behalf of the Commission. President Scalph seconded. Unanimous decision.

Ms. Berry presented a grant agreement between the Division of Culture and History and on behalf of Records Management and Preservation Board and the Fayette County Commission for signature. The Fayette County Assessor will receive \$9,091.00 to purchase an oversized color scanner that will enhance access to the County's property maps. The County Clerk will receive \$4,539.00 to rebind deed, assignment, birth and death books, and to encapsulate and rebind map books. Commissioner Wender offered a motion to authorize President Scalph to sign on behalf of the Commission. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Ron Cantley, Director of Operations for Fayette County Schools, appeared to discuss the tennis court repair at Oak Hill, Valley, Midland Trail and Fayetteville High Schools.

Discussion focused on who will maintain the tennis courts. Mr. Cantley said that there are no formal agreements between the Fayette County Board of Education and other separate entities to fix Oak Hill and Fayetteville High Schools' tennis courts, but he foresees this happening. Mr. Cantley mentioned that Valley High School does not use their courts as half the area was used for their new gym. Midland Trail High School is not in playable condition. There are not complaints about these courts; they are not used.

Complaints have been received about Oak Hill High School and Fayetteville High School and the condition of their courts. Oak Hill High School hosts tournaments and the condition of the courts is embarrassing. Mr. Cantley told the Commission that several schools are in need of new roofs and these are considered big needs. Because of this, the condition of the tennis courts is affected. Big needs are crucial and must be addressed and corrected. The Fayette County Board of Education can possibly participate in the tennis court renovation to some degree. Mr. Cantley recommends updating Oak Hill High School and Fayetteville High School because Midland Trail High School and Valley High School are not used.

Commissioner Wender spoke about the Commission's interest in this project due to the public use and he stated that the Commission will participate to the length our budget allows. The project is estimated at \$19,720.00 for crack repair and resurfacing and \$8,000.00 to reset



## 2014 MINUTES

net posts and other repairs. It is recommended to do this as one project.

Mr. Harris stated that there has to be assurance that the courts will remain open to the public or the Commission cannot allocate money.

The Fayette County Board of Education, Fayette County Commission, legislators, City of Oak Hill and Town of Fayetteville should be interested in updating these courts.

Commissioner Wender offered a motion to approve the allocation of \$8,000.00 from the Fayette County Commission to improve Oak Hill High School and Fayetteville High School's tennis courts. The Commission's part is contingent on the Fayette County Board of Education and legislators allocating the same amounts, the City of Oak Hill allocating \$6,800.00 and the Town of Fayetteville allocating \$1,200.00. An agreement will be drawn up to ensure availability to the public. Letters will be sent out to each entity. Should the total amount of the project change, the ratio for each entity will hold for the total cost. Commissioner Lopez seconded. Unanimous decision. Carl Harris then suggested that businesses are asked for donations.

John Kuhn with Eastern Electric appeared before the Commission to discuss the outdoor lighting problem at the Courthouse. The fixtures are outdated and Mr. Kuhn is very concerned with the high temperature readings. The frame registered 185° and the lens registered between 365° and 385° and the bulbs were in excess of 600°. Mr. Kuhn recommends replacing the fixtures with LED fixtures, especially around

## 2014 MINUTES

an area where lights are on the ground. Mr. Kuhn presented 4 options: 1) ground lights; 2) tower lights; 3) light outside Judge's chambers; 4) all lights. The Commission requested a list concerning this issue to see where we can obtain funding, possible grants. Ms. Berry will research.

Commissioner Wender motioned to approve the repair of the Courthouse light fixture that is not working. This is estimated at \$300-\$400.00. Commissioner Lopez seconded. Unanimous decision.

Commissioner Scalph suggests that a letter be written to the Southern Soil Conservation and copy Mr. Randy Prince to correct the Farmland Protection Agency appointment issue.

The Commission then discussed the Resource Coordinator position. Commissioner Wender presented a draft of the job duties for the Resource Coordinator that will run in the newspaper. They then discussed the interview board. The Commission suggested Margaret Pennington, Guy Dooley, Debbie Berry, Denise Scalph and Alice King.

Ms. Berry presented Change Order No. 005 in the amount of \$1,122.00 for the electrical upgrade. This will provide and install additional wire mold and receptacles in the Circuit Clerk's office as requested by Danny Wright. Commissioner Lopez motioned to approve Change Order No. 005. President Scalph seconded. Unanimous decision.

Ms. Berry presented a Governor's Participation Program Grant application for the Upper Kanawha Valley Community Center for \$10,000.00 to forward to Judson Wallace to compete for consideration of funding. Commissioner Lopez offered a motion to authorize the

## 2014 MINUTES

Upper Kanawha Valley Grant application. President Scalph seconded. Unanimous decision.

Ms. Berry presented a final drawdown of the Sportsman Recreation grant. Commissioner Lopez motioned to approve the drawdown for \$521.00. President Scalph seconded. Unanimous decision.

Ms. Berry presented a drawdown request for a Governor's Participation Grant for the Fayette Nicholas Chapter of the American Red Cross in the amount of \$2,500.00. Commissioner Lopez motioned to approve the drawdown request for \$2,500.00. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a drawdown request for a Governor's Participation Grant for the Fayette County 911 Center in the amount of \$15,000.00. Commissioner Lopez motioned to approve the drawdown request for \$15,000.00. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Nikki Lucas, Fayetteville Elementary School Principal, asking to use the Fayette County Memorial Building for an awards ceremony on Monday, June 9, 2014. Commissioner Lopez motioned to approve the request of Fayetteville Elementary School to use the Fayette County Memorial Building, Monday, June 9, 2014. Commissioner Scalph seconded. Unanimous decision.

Discussion was held concerning the West Virginia Jail Agency local meeting covering costs and services on Tuesday, June 3, 2014. President Scalph and Ms. Berry will attend.

## 2014 MINUTES

The Commission read and reviewed a letter from Michael Baker, Jr., Inc concerning the retaining wall design for the Henry Street parking lot renovation.

The Commission recessed at 1:25pm to wait for the certifying of the Primary Election results.

The Commission reconvened at 2:30pm to certify the Primary Election results, from the Primary Election held on May 13, 2014. The Certificates of Results were signed as well as the overall results.

The meeting was adjourned at 3:00pm.

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FAYETTE COUNTY COMMISSION

JUNE 6, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular meeting on this 6<sup>th</sup> day of June, 2014.

Commissioner Scalph called the meeting to order at 9:08am.

President Scalph informed that in accordance with §7-3-3 of the Code of West Virginia as amended, the Fayette County Commission authorized a Public Auction on the Courthouse steps to begin immediately.

Assessor Eddie Young presented exonerations. Commissioner Lopez motioned to approve personal property exonerations presented by Mr. Young. Commissioner Wender seconded. Unanimous decision.

Commissioner Wender motioned to approve real property exonerations presented by Mr. Young. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Mr. Young presented two refunds. Commissioner Lopez motioned to approve the refunds. Commissioner Wender seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Checks to be released today. Approved 2<sup>nd</sup> half payrolls, checks to be released June 13<sup>th</sup>, 2014. Commissioner Wender seconded. Unanimous decision.

Carl Harris, Prosecuting Attorney, appeared on behalf of Georgia-Pacific. Commission needs to approve Georgia-Pacific buying their bonds back so they are not paying as much on their lines of credit. Commissioner Wender motioned to authorize President Scalph to sign the Supplement of the Indenture and Resolution. Commissioner Lopez seconded. Unanimous decision.

Alicia Treadway, Voters' Registration, Kelvin Holliday, County Clerk, and Marion Tanner, Fayette County Democratic Executive Committee, appeared to discuss issues with precincts. The Ansted precinct has been brought up three times since redistricting. People show up to vote and they are not in the pollbook, but someone else from their household is in the pollbook and is eligible to vote.

Ms. Treadway called the Secretary of State and this can be fixed with the National Change of Address in November.

Commissioner Wender requested that postcards be mailed to voters whom have post office box addresses, asking for their physical addresses. President Scalph suggests a televised request telling voters the County is trying to fix the issue and we need voters to update their addresses in person at the Courthouse.

## 2014 MINUTES

Ms. Treadway will send out letters and report updates to the Commissioners.

Ms. Tanner told the Commission that she heard the larger precincts are in need of 2 IvoTronics. Commission agreed to discuss this issue later.

Fred Jesser, attorney and representative of the estate of William B. White, Jr., appeared to discuss said estate. Mr. White named his daughter, Elizabeth Neece, as executrix and has 2 other children named in the will. They requested that Ms. Neece be removed and replaced by Mr. White's other daughter, Alice White. An order needs to be signed by the Commission to complete this transaction.

Commissioner Wender motioned to approve the resignation of Elizabeth Neece as executrix of the estate of William B. White and approve the alternate executrix Alice White and approve the Commission to sign the order. Commissioner Lopez seconded. Unanimous decision.

Ray Crook appeared from the Lord's Blessing Food Pantry with a request to expand the pantry. A discussion was held regarding property owned by a church needing to be deeded to the non-profit organization. The Commission cannot allocate funds to a church property. The issue was tabled until the Prosecuting Attorney can research.

Bids were opened for the Courthouse roof at 10:01 am.

Dan Hill Construction - \$445,800.00

Tri-State Roofing - \$209,943.00

## 2014 MINUTES

Commissioner Wender motioned to approve the low bid as long as the bid specifications are met. Commissioner Lopez seconded. Unanimous decision.

Debbie Berry, County Administrator, presented a Governor's Community Participation Grant drawdown request for the Lewis House in the amount of \$4,000.00 for a new heating and cooling system for President Scalph to sign. Commissioner Wender motioned to authorize President Scalph to sign. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a Governor's Community Participation Grant contract and resolution for Falls View Community Center for \$6,000.00. Commissioner Lopez motioned to approve signing the contract and resolution. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a drawdown request for Community Corrections for December 2013 (\$27,725.87), January 2014 (24,542.96), February 2014 (20,593.43), March 2014 (20,721.46), and April 2014 (21,988.14) for approval and signature by President Scalph. Commissioner Wender motioned to approve and authorize President Scalph to sign. Commissioner Lopez seconded. Unanimous decision.

An invitation was brought before the Commission by Stormy Parsons, Director, to visit the Community Corrections Center on June 27<sup>th</sup> at 9:00am.

Joe Crist, Fire Coordinator and Steve Kessler, Sheriff, appeared to discuss property at the Fayette County Park. Mr. Harris said that restrictions exist but can't hold due to a reversion being filed. Mr.

## 2014 MINUTES

Harris said that the property is acceptable for the proposed project. Commissioner Wender suggested that Mr. Harris prepare an agreement.

The shooting range will be restricted to the Sheriff's department or supervised by Sheriff personnel. A warning will be posted when the shooting range is in use.

Commissioner Wender motioned to approve the use of the property at the Fayette County Park by the Sheriff and Fire Services and the Prosecuting Attorney will prepare paperwork stating terms and conditions for the Commission to sign. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented letters for signature to the West Virginia Public Service Commission and Secretary of State filing the updated list for Fayette County Public Service Districts as required by WV Code 16-13A-s(h). Commissioner Wender motioned to approve the letters and to sign. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Dennis Hanson for the Fayetteville Lion's Club requesting \$3,000.00 for their Fourth of July celebration fireworks. Commissioner Wender suggests a letter be sent stating that the Commission has always supported their Fourth of July event with \$500.00 and will continue to support with that amount. Commissioner Wender motioned to decline the request and to contribute the \$500.00 already budgeted. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Louis Tabit for \$5,000.00 for the Montgomery Wayside Park. A letter will be sent stating the budget session is in March and requests can be made then.



## 2014 MINUTES

Ms. Berry presented a letter from William S. Thornton resigning from the Building Commission. Commissioner Wender motioned to accept Mr. Thornton's resignation. Commissioner Lopez seconded. Unanimous decision.

Discussion held concerning the new personnel manual. Differences, additions and changes are attached. Discussion to be held whether there is cost to the County in converting sick time to retirement years of service.

Ms. Berry presented two Notices of Dilapidated Property Liens for President Scalph to sign for properties owned by ABC Lands and Jesse Wright. Commissioner Lopez motioned to authorize President Scalph to sign the liens. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry told the Commission a discussion needed to be held concerning a Source Water Protection team update of representation. Commission agreed to discuss this at a later time.

Ms. Berry presented appraisals for three separate properties.

1. \$2,000.00 for the Belinda Morton Property, E. Maple Ave.
2. \$850.00 for the parking lot beside the Prosecuting Attorney's office
3. \$650.00 for the grass lot between the Morton property and Marathon Bike Shop

Commissioner Wender motioned to approve entering into a contract to complete appraisals on the listed properties. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented the Interagency Agreement between the WV Division of Rehabilitation Services, State Licensing Agency for the

## 2014 MINUTES

Randolph Sheppard Program for further approval and signature for vending machines at the Fayette County Courthouse. The Commission agreed this contract needs further review. The issue was tabled.

Ms. Berry presented a request from the WVU Extension Office for a new copier/printer. Funds will come from transferring balances of Materials, Supplies and Travel into Capital Outlay and Equipment. Commissioner Wender motioned to approve to use unused funds to purchase a new copier/printer. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented budget revisions. Commissioner Wender motioned to approve revisions to the 2013-2014 FY Budget. Commissioner Lopez seconded. Unanimous decision.

The meeting was adjourned at 1:20 pm.

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FAYETTE COUNTY COMMISSION

JUNE 27, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular meeting on this 27<sup>th</sup> day of June 2014.

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

Assessor Eddie Young presented forms from the back of the tax books, certification that books have been delivered and inspected for the Commissioners to sign.

Mr. Young then presented exonerations; 2 sets of 2013 real estate, and 2013 and 2014 tax tickets.

Commissioner Wender motioned to accept the exoneration for the 2013 real estate. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Commissioner Lopez motioned to accept the exoneration for the 2013 personal property. Commissioner Wender seconded. Unanimous decision.

Commissioner Wender motioned to accept the exoneration for 2014 real property. Commissioner Lopez seconded. Unanimous decision.

Mr. Young presented two refunds: Frances. L. Foster for \$63.17 and Joann Lewis for \$265.48. Commissioner Wender motioned to approve the refunds. Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Checks to be released today. Approved 2<sup>nd</sup> half payroll, checks to be released June 30<sup>th</sup>, 2014. Commissioner Wender seconded. Unanimous decision.

President Scalph motioned to approve minutes of May 19<sup>th</sup>, May 23<sup>rd</sup> and June 6<sup>th</sup>, 2014. Commissioner Lopez seconded. Unanimous decision.

Debbie Berry, County Administrator, presented a quote for the Boomer Ballfield construction. Commissioner Wender motioned to approve. President Scalph seconded. Unanimous decision.

Ms. Berry presented a drawdown for an Energy Efficiency Grant for SALS for signature by President Scalph. Commissioner Wender motioned to authorize President Scalph to sign. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a drawdown for Kanawha Falls PSD for signature by President Scalph. Commissioner Wender motioned to authorize President Scalph to sign. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

The Commission requested to arrange a meeting with Senator William Laird to discuss the Kanawha Falls Scenic Area.

Ms. Berry presented a drawdown for New Haven PSD. No signatures were needed; merely informational.

Ms. Berry presented two grant agreements. Commissioner Wender motioned to authorize President Scalph to sign for the Fayette County Public Library Bookmobile, \$4,000.00. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to authorize President Scalph to sign for the Lillian James Learning Center, \$3,000.00. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a Governor's Community Participation Grant drawdown and certificate of grant completion for the Fayette County 4-H Shooting Sports grant for \$5,000.00. Commissioner Lopez motioned to approve. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a letter to the Supreme Court of Appeals for reimbursement for rent for the Family Law Judge, in the amount of \$3,375.00 for July 2014. Commissioner Wender motioned approval of letter and signatures. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order approving Fayette County banking institutions. Commissioner Lopez motioned to approve the institutions BB&T, Fayette County National Bank, Chase and Bank of Mt. Hope. Commissioner Wender seconded. Unanimous decision.

## 2014 MINUTES

Commissioner Lopez motioned to approve the Worthless Check transfer of \$4,513.58. Commissioner Wender seconded. Unanimous decision.

Commissioner Wender motioned to approve the General School transfer of \$120,072.93. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to approve the Magistrate Court Fund transfer of \$29,242.11. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented the Budget Revision. Commissioner Wender motioned to approve the Budget Revision. Commissioner Lopez seconded. Unanimous decision.

The Commissioners opened bids for the Dunloup Creek Buyout Program for Voluntary Budget Cultural Resources Document and Interpretive Sign Design. Theresa White, Emergency Management Planner, appeared with one bid with a letter from the department of OES stating that the specifications were met and recommended to approve the bid.

CRA, Inc Cultural Resource Analyst

Product 1: \$12,499.49

Product 2: 1,625.50 per sign, 14 signs

Commissioner Wender motioned to accept the bid on behalf of the properties purchased that have a historical presence in the amount per bid. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Ms. White discussed a training session she attended for natural and hazardous threats in our county. Handout attached. Ms. White reviewed the handout with the Commission.

Joe Crist, Fire Coordinator, appeared to discuss the Fire and 911 budgets for fiscal year 2014-2015. Commissioner Wender motioned to approve the Fire budget of \$578,116.00. Commissioner Lopez seconded. Unanimous decision.

Commissioners requested a meeting with David Neal to discuss the 911 budget on July 11<sup>th</sup> at 10:00 a.m.

Mike Lively, Jim Lively Insurance, appeared to review the insurance renewal. There will be a \$5,677.00 difference in the Travelers premium which includes the loss experience for the one large claim with Roaring River. A portion of this increase is due to property and equipment values rising from one year to the next. The Commission requested that Mr. Lively reappear with Return to Work specialists and invite Sheriff Kessler, Richard Smith, maintenance, and Debbie Aliff, payroll and benefits, to discuss our Return to Work policy. Commissioner Wender motioned to accept the insurance renewal presented by Jim Lively Insurance. Commissioner Lopez seconded. Unanimous decision.

Commission discussed a letter received from Friends of Lewis House. Commissioner Wender motioned to increase the \$500.00 allocation our of Coal Severance to \$2,500.00. Commissioner Lopez seconded. Unanimous decision. Ms. Berry will send a letter regarding this adjustment.

## 2014 MINUTES

Ms. Berry presented two quotes to replace the carpet in the Magistrate office with tile. Quotes with and with assistant offices:

\$4,591.00 just Magistrate office

\$6,390.00 including assistant offices

Commissioner Lopez motioned to approve \$6,390.00 for the Magistrate and assistant offices. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a quote from Harper Engineering for the HVAC system at the Annex. Commission requested receiving quotes from independent companies for a new system. Ms. Berry will also send a letter to Casto Technical and inquire about the inefficiency of the current system and what can be done to remedy the problems.

Ms. Berry presented an order and letter to reappoint Adam Hodges to the Solid Waste Authority. Commissioner Lopez motioned to reappoint Adam Hodges to the SWA. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented budget statements for the 2014-2015 year.

Stephanie Sears, Staff Accountant, appeared to discuss the Financial Stabilization Fund. The Commission agreed not to place any additional money into the fund. Requested that Ms. Sears survey other banks to find the best offer.

Commissioner Wender suggested Dave Barnhart for the vacant position on the Fayette County Building Commission. Commission approved this suggestion. Commissioner Wender will speak with Mr. Barnhart.

## 2014 MINUTES

Ms. Berry will inquire about the 206 Church Street property for parking matters. Discussion was held about the county owned lot between Water Stone and James Blankenship's law office. Item to be added to the agenda on July 11<sup>th</sup> at 10:30am.

Commissioner Wender motioned to approve the 2014-2015 budget statement directly under the Fayette County Commission plus the Fire and 911 Fund. Commissioner Lopez seconded. Unanimous decision,

Ms. Berry presented a letter from Kelvin E. Holliday, County Clerk, regarding asking the Ansted precinct 59 for physical addresses. Ms. Berry will rewrite the letter to clarify that we need *physical* addresses.

The meeting was adjourned at 2:06 p.m.

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FAYETTE COUNTY COMMISSION  
JULY 11, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: Denise A. Scalph, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular meeting on this 11<sup>th</sup> day of July, 2014.

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

Assessor Eddie Young appeared to present exonerations.

Commissioner Lopez motioned to approve the personal property tickets.

Commissioner Wender seconded. Unanimous decision.

Commissioner Wender motioned to approve exonerations for real property. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to issue refunds on seven properties. Commissioner Lopez seconded. Unanimous decision.



## 2014 MINUTES

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today. Approved 1<sup>st</sup> half payroll, checks to be released July 15<sup>th</sup>, 2014. Commissioner Wender seconded. Unanimous decision.

Mike Lively, Jim Lively Insurance, appeared with Tammy Roberts, BrickStreet to discuss the Return to Work Policy. The County has a credit of 1.22 which means our \*Emod number is 22%. The Board of Education receives a debit because they have someone who solely focuses on this policy. The County pays money every year and the Board of Education receives a refund.

If the Return to Work Policy is implemented, we could see improvements in our Emod number. The County must focus on getting the claimant back to work before the fourth day. BrickStreet trained Board of Education employees on their Return to Work Policy. Ms. Roberts suggested the Fayette County Commission do this as well. BrickStreet will also meet with local physicians and supply them with Return to Work informational packets.

Mr. Lively discussed how we can bring employees back sooner by placing them on light duty in other offices that need help. Commissioner Wender asked Carl Harris, Prosecuting Attorney, if the County can place employees in other positions outside of their job classifications. Mr. Harris will research.

Mr. Lively also mentioned that BrickStreet lets their employees work or volunteer with a non-profit organization and this is considered light duty work for their company.

## 2014 MINUTES

Commissioner Wender asked what can be done when an employee refuses to come back to work or to work anywhere besides their hired position. BrickStreet will not pay for those lost wages.

The Commission agrees that training and informational packets are good ideas. Debbie Aliff, Payroll, will run a report the 1<sup>st</sup> of each quarter.

Deborah Berry, County Administrator, presented a resolution for approval of the Commission and approval for President Scalph to sign authorizing Fayette County Urban Renewal Authority members Michael D. Smith, Dave Pollard and/or Rachel Davis to execute the application for Industrial Access Road funds for the Wolf Creek Park. Commissioner Wender motioned to approve. Commissioner Lopez seconded. Unanimous decision.

The Commission entered into an executive session at 9:40 a.m.

The Commission reconvened at 10:35 a.m.

David Neal, 911 Coordinator, appeared before the Commission to discuss the FY 2014-2015 911 budget.

Discussion was held regarding overtime. Mr. Neal handed out a sheet (attached) with a breakdown of why a large increase in overtime is needed. President Scalph asked about a previous discussion regarding hiring more part-time employees to cover vacations and holidays to decrease the amount of overtime.

Commissioner Wender asked why turnover is so great and if there is an exit interview. Mr. Neal said that low pay is to blame for the high turnover and he does conduct exit interviews but only for his benefit. Mr. Neal does not keep documentation of these interviews.

## 2014 MINUTES

President Scalph asked if the high turnover rate is just in Fayette County. Mr. Neal replied that no, all counties experience high turnover.

President Scalph suggests that there must be more to the high turnover than just pay rate. Commissioner Wender asked about the 12 hour work day and if employees enjoy the 12 hour shift. Mr. Neal said that a 12 hour shift is the best for employees and the budget.

Commissioner Wender suggested that maybe we hire two more full-time or four part-time employees to eliminate overtime and increase salaries for all 911 employees to improve our budget.

Commissioner Wender left the meeting at 11:00 a.m.

Mr. Neal requested increasing part-time staff. Mr. Neal said full-time employees would not help decrease overtime wages. President Scalph asked if more part-time employees were hired, what would be a better figure of needed overtime. Mr. Neal stated \$93,631.00.

Mr. Neal stated that he would like to hire three additional part-time employees.

Contracted Services increased because of contracts for the new equipment. Maintenance and Repair Equipment increased because of the final installation and additional antennas.

Commissioner Lopez asked where the money to cover overtime and part-time employees will come from. Stated that revenues are declining rapidly.

President Scalph asked how Mr. Neal can help to decrease the budget. Mr. Neal said he will run numbers.

The Commission states that they cannot approve deficit budget.

## 2014 MINUTES

Ms. Berry reminded Mr. Neal that gifts cannot be purchased for employees using County funds.

President Scalph asked if any money was budgeted for an IT position. Mr. Neal assured the Commission that there is no extra money budgeted for any IT help.

The Commission asked Stephanie Sears, Staff Accountant, to create a working budget for 911 based on the 10-year budget completed by Ms. Sears and Mr. Neal in 2011.

Ms. Berry presented a letter from Wells Fargo Securities related to Georgia-Pacific Corporation Project Series 1995 for \$11.6 million Solid Waste Disposal Facility Revenue Bonds for President Scalph to sign. Mr. Harris contacted Georgia-Pacific about wording of the document. The way it reads now it that the County is responsible for the bonds. The County should not be responsible and Mr. Harris is waiting for a return call to resolve this issue.

Commissioner Lopez motions that after Mr. Harris receives approval, President Scalph is authorized to sign the reissuance of the Georgia-Pacific bond. President Scalph seconded. Unanimous decision.

Discussion turned to BB&T documents. The statute does not allow the Commission to give standing on the approval. Mr. Harris does not approve of this. Ms. Berry will white out and return to BB&T.

Mr. Harris also advises the Commission that nothing can be posted on walls of the Courthouse in public areas without prior approval of the Commission. Ms. Berry will send a letter to employees stating this. A new Building and Maintenance Policy will be drafted.

## 2014 MINUTES

Ms. Berry presented a request from the New River Humane Society for the July allotment. President Scalph wants justification of why the payroll expenses were \$25,000.00 which was double June's request. Commissioner Lopez motioned to approve the payment. Commissioner Scalph seconded. Unanimous decision.

A discussion was held concerning the review and approval of the lease agreement between the County Commission and the New River Humane Society. This issue was tabled until the following meeting.

Tim Richardson, Zoning, asked the Commission for advice regarding an independent review for a Board of Zoning and Appeals hearing on August 4, 2014 for the Nuttall School Property. David Pollard, retired Resource Coordinator, used to handle these. Mr. Harris suggested that Mr. Richardson call the Transition Team together to obtain a review.

The Fayette County Fireman's Association, Inc. and the Fayette County Commission's agreement will be presented at the July 25<sup>th</sup> meeting. Early Pauley and other Fayette County Park employees will be invited to a meeting to discuss any concerns.

Ms. Berry presented a Program Income Report for the Kanawha Falls Public Service District Boonesborough Water Extension Small Cities Block Grant for President Scalph to sign. Commissioner Lopez motioned to authorize President Scalph to sign. President Scalph seconded. Unanimous decision.

Ms. Berry presented the Fayette County Fire Levy Protection Agreements for July 1, 2014 - June 30, 2015. Commissioner Lopez

## 2014 MINUTES

motioned to approve the presented agreements for the following departments:

Ansted Certified Fire Department, Inc.  
Armstrong Creek Volunteer Fire Department  
Boomer Volunteer Fire Department  
Danese Volunteer Fire Department  
Gauley Bridge Volunteer Fire Department  
Gauley River Volunteer Fire Department  
Loup Creek Volunteer Fire Department  
Meadow Bridge Volunteer Fire Department  
Montgomery Volunteer Fire Department  
Mount Hope Volunteer Fire Department  
Nuttall Volunteer Fire Department  
Pax Volunteer Fire Department  
Town of Fayetteville for Fayetteville Fire Department  
City of Oak Hill for the Oak Hill Fire Department

President Scalph seconded. Unanimous decision.

Ms. Berry presented minutes approved in a prior meeting for President Scalph to sign.

Ms. Berry presented a Local Energy Efficiency Grant Program drawdown for SALS in the amount of \$2,240.00 for the month of June 2014 for President Scalph to sign. Commissioner Lopez motioned to approve. President Scalph seconded. Unanimous decision.

Ms. Berry presented a support letter for the Commission to sign for John David with SALS for a Housing Preservation Grant to assist very low and low income homeowners with repairs and rehabilitation of homes in Fayette County. Commissioner Lopez motioned to approve the letter. President Scalph seconded. Unanimous decision.

Ms. Berry presented agreements for the Electrical Inspectors for the Commissioners to sign.

Ms. Berry presented a letter requesting a refund for a shelter at the park. The current policy states that refunds will be given for a

## 2014 MINUTES

cancelation no fewer than 90 days before the scheduled event. This particular event was only booked 45 days prior to the scheduled date. The Commissioners asked that the policy be adjusted to accommodate shorter rental agreements.

The meeting was adjourned at 1:25pm.

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### FAYETTE COUNTY COMMISSION

July 21, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

The Fayette County Commission met in a special meeting on this 21<sup>st</sup> day of July 2014.

President Scalph called the meeting to order at 10:05 a.m.

Commissioner Wender offered a motion to go into executive session. Commissioner Lopez seconded. Unanimous decision.

The special session involved developing job descriptions for the New Resource Coordinator, Kelly Jo Drey and Resource Coordinator Assistant, Rachel Davis.

Kelly Jo will be employed as Resource Coordinator effective August 11, 2014 at a salary of \$40,000.00.

Rachel Davis will be Resource Coordinator Assistant; the Commission approved an increase of \$6,000.00 per year for Rachel Davis effective August 1, 2014.

The meeting adjourned at 11:40 a.m.

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### FAYETTE COUNTY COMMISSION

July 25, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

## 2014 MINUTES

The Fayette County Commission met in a regular meeting on this 25<sup>th</sup> day of July 2014.

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

Eddie Young, Assessor appeared before the Commission to present exonerations for personal property for Thomas E. Akers \$91.50; James T. & Anna Ayers \$415.68; Karen Crist \$21.16; Arrison llc \$18.46; Berton Atkinson \$56.96; Brian Eugene & Elizabeth A Cole \$79.52; Anise G Morris, Jr. \$401.42; Johnny D and Deanna M. Critchley Jr. \$62.16; Eltina C. & Frank W. Arrington; 1,057.74; James D. Bowyer \$917.68; City Wrecker \$469.66; Grayson Willis \$158.02. Commissioner Wender offered a motion to approve exonerations and Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor presented exonerations for real property for Robert Bohn, etux \$128.10; Earl & Connie Wood \$221.36; Lonnie P. & April J. Warwick \$210.58; Mary C. Kincaid \$306.20; Hubert Eugene McKinney, Jr. \$163.72; Shaffer Supply Corp \$2,868.02; Portee Ltd Corp \$295.00; Jim Dangelo etux \$21.00; Robert L. & Friezella Lewis \$43.00; John M. Gilkerson \$215.20; R.F. Koontz \$108.26; Raymond Koontz \$66.48; Bobby & Alma Knight \$373.60; Kenneth K. Kruger \$444.44; Cora Mitchell \$136.60; Corine Humphrey \$122.86; Thomas K. & Lisa K. Fast \$683.29; Kenneth R. & Sandra Miller \$677.44; Christine Parham \$216.74; Johnny D. Critchley \$266.72; Eric L. Pugh \$83.70; William R. Bennett \$256.20; Artie A. Wriston \$175.16; Beverly Dean-Bowles \$136.82; Brandy Jones \$382.26; Carol Jean Jeffries \$282.70; Charles Ray Johnson \$213.68; Mallie H. Samms \$248.26; Ronald S. Hayslette \$209.06; Kate Richardson



## 2014 MINUTES

Revels \$4.14; Kate Richardson Revels \$595.16; Gordon Barnard, \$237.42; Joseph Cuthbertson \$215.56; Suzanne Hall Pennington \$110.92; David Shaun Coleman \$456.06; Rufus R. Keeney \$505.50; Chris Robinson \$308.20; Corrine Humphrey \$95.32; Ronald Lee Epperly \$305.56; Christopher Franklin \$156.60; Christopher Franklin \$167.56; Norman B. Kelly \$256.20; Mary E. Cole \$198.30; Joan Collins \$118.36; Brenda Sue Smith \$256.20; Ronald Lee Smith \$305.56; County Commission of Fayette \$268.24; Clarence G. Martin \$256.20; Gerald Cornell, Sr. \$385.85; Richard Akers \$127.40; Michael T. Connelly \$60.60; Beneficial West Virginia \$106.32; June G. Dickinson \$256.20; Earl M. Fair Jr. \$88.38; Norman C. Richardson \$188.84; James E. Anderson \$277.46; Bonnie M. Lively \$1,757.78; Allen J. Nelson, Sr. \$668.26; Freddie Wingfield \$256.20. Commissioner Wender offered a motion to approve exonerations and President Scalph seconded. Unanimous decision.

Commissioner Wender offered a motion to approve vouchers and invoices. Checks to be released July 25<sup>th</sup> for invoices and approved 2nd half of payroll, checks to be released July 30, 2014. President Scalph seconded. Unanimous decision.

The Commission discussed the interim Director of the Office of Emergency Management. President Scalph recommended Theresa White for the interim position. Commissioner Wender motioned to authorize Theresa White as interim Director of the Office of Emergency Management. President Scalph seconded. Unanimous decision.

Donald Carte appeared before the Commission to inform the Commission of a problem on Arrowcreek Road in Dodson Ridge. Mr. Carte does not have water service. He was supposed to get water but

## 2014 MINUTES

something happened and caused a lawsuit with West Virginia American Water and then his water was turned off. Mr. Carte requested the help of the Commission by way of funding or water testing. Commissioner Wender requested to have Kenny Hayes from New Haven PSD and Donald Carte placed on the agenda of a future meeting to further discuss the issue.

Ms. Berry presented an order for the commission to sign to approve a tax credit for Andrew and Amanda Worthington. Commissioner Wender motioned to approve the order authorizing a tax credit for Andrew and Amanda Worthington as requested by Assessor Eddie Young. President Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for the Commission to sign to John David with application for the Governor's Community Participation Grant Program. Commissioner Wender motioned to forward the application to John David. President Scalph seconded. Unanimous decision.

Ms. Berry presented the Budget Revision. Commissioner Wender motioned to approve the revision request to approve the budget to bring our fund balance up to actual with an increase of \$84,000. President Scalph seconded. Unanimous decision.

Greg O'Neal addressed the Commission by way of a conference call to discuss why he requested to be on the agenda for the current meeting. Bill Hannabass, John Tuggle and Lesley Taylor also appeared in person. Mr. O'Neal stated that Arbuckle PSD had previously been in great need of funding however that need has lessened. Triad Engineering Company has agreed to complete work with the understanding

## 2014 MINUTES

that payment will not be received until a grant is approved. John Tuggle and Lesley Taylor appeared before the Commission in light of the financial problems of Arbuckle PSD. They discussed having a letter of intent drafted quickly. Mr. O'Neal stated Mr. Kelish is working on the letter of intent and will send to his attorney to review as soon as possible. Mr. O'Neal inquired about who will be responsible until work is completed. Mr. Hannabass stated the letter of intent will cover all of the information Mr. O'Neal is questioning. Mr. O'Neal reiterated the emergency of this situation. Mr. Tuggle then stated that as long as Arbuckle PSD stays in compliance nothing will happen. Ms. Taylor stated that a preliminary application has been started for the Emergency Funding however nothing can move forward until Triad reports the estimated costs. Commissioner Wender inquired about the situation if emergency funding does not go forward and asked how Triad will be paid. Mr. O'Neal stated that Triad has agreed to continue working in lieu of Emergency Funding. Commissioner Scalph stated this is a time sensitive issue and everyone knows what needs to be done and it has to be done as soon as possible. Commissioner Wender suggested that the Commission consider paying Arbuckle's attorney to help move the project along. The Commission asked Mr. O'Neal to get the estimated figure so that they may hold a discussion to proceed with payment. The Letter of Intent is in draft form and should be completed by Monday, July 28<sup>th</sup>. Ms. Taylor is to be in touch with Arbuckle's attorney regarding an estimated figure from today to Letter of Intent completion. No figures from past work, just

## 2014 MINUTES

forward. The Commission must do something to affirm they are entirely behind this consolidation.

Carl Harris, Prosecuting Attorney, stated the Commission does not have much leverage in regards to Kanawha Falls Public Fishing Area. Ms. Berry will write a letter to Ross Kirk.

Senator William Laird appeared and acknowledged the letter sent to them regarding the Fayette County BOE tennis courts. Senator Laird stated that the legislature will contribute \$8,000.00. The Town of Fayetteville will also contribute, however the City of Oak Hill has not agreed to participate. President Scalph suggested letting Oak Hill know that the other entities have agreed to fund the project. The Commission will invite the tennis court group to another meeting for further discussion.

Senator Laird stated that he received a letter concerning Bridge Walk and he still is in support.

Angela Gerald and Tim Richardson appeared to discuss a 90-day plan for dilapidated property. Ms. Gerald presented a picture of a property that has been cleared. She also presented the 90-day plan. Nine of the properties are due for hearings, four of the properties have had action taken on them and Ms. Gerald is preparing paperwork to start demolition on Monday July 28<sup>th</sup>. Twenty of the properties will receive final notices in the next 90 days and appear before the Commission. First notices will be sent to thirty-eight of the properties in the Valley and thirty in Minden.

The Commission held a discussion about the loan of \$400,000 through the WV housing fund. Mr. Harris suggested making a payment

## 2014 MINUTES

because interest is being accrued. Ms. Berry asked for a statement on the interest, Ms. Gerald is to give Ms. Berry contact information for the office in Beckley.

Van M. Burks has contacted Ms. Gerald about purchasing his neighboring property that the Commission owns and has a lien on. Mr. Harris states that the property in question will have to be taken to court with appraisal and then a public auction will be held. Ms. Gerald will discuss with Mr. Burks and inquire about how much he is willing to pay because of what the Commission will go through.

Dickie Smith, Head of Maintenance, appeared to present the Maintenance 90 Day Plan. Commissioner Wender requested filling in the potholes with asphalt in the Sheriff's parking lot. Ms. Berry requested sealing the lot before winter. Commissioner Wender asked for an update on the Fayette County Memorial Building basement and requested that walls be removed to make way for records storage. Load bearing walls will be identified, then all other walls will be removed. The main door needs fixed, either new door or new locks. Mr. Wender suggests asking David Neal to identify all wires and get electricians to come in and remove unnecessary wires. Ms. Berry requested installing a sink on the third floor of the Courthouse. Melvin Withrow will check the walls.

Mr. Wender inquired about the Animal Shelter heating duct in the new building.

Commissioner Lopez arrived to the meeting at 11:20 a.m.

Mr. Withrow is to meet with Bruce and discuss these issues with him and ask for a solution.

## 2014 MINUTES

Mr. Withrow and Mr. Smith will return August 8<sup>th</sup> to discuss these issues after more research has been completed.

Paul Clay, Attorney and Matthew Bradford with Lusk & Associates, and Ronda Falk, Tax Office appear to discuss the removal of Sheriff as executor on estate of Phillip Todd Ridenour. Lusk & Associates appointed the Sheriff because of unfairness between Mr. Ridenour's current and ex wives. Mr. Clay represents Tammy Ridenour, widow. Tammy Ridenour wants to be appointed as the executor. Lusk represents Cindy Ridenour, the ex-wife. The statute states that Sheriff can only be appointed if no one else is available. Mr. Harris states since there is someone available now that it should be handed over. Lusk's concern is the trust of Tammy Ridenour versus the trust of Sheriff. Mr. Harris suggests Tammy Ridenour take over the estate because she would know better about the estate than the Sheriff, considering the Sheriff cannot even locate any assets. Commissioner Wender suggests the Sheriff stay the executor. Commissioner Scalph agrees with Mr. Harris. Paul Clay tables the motion until he speaks with his client, they will either withdraw it or reschedule.

The Commission then discussed properties. Pertaining to the parking lot between Water Stone and Blankenship Law if the Commission leases or sales property, it must be advertised. Mr. Wender would like to ask for rent for the parking spots. He also suggests leasing the property and advertise for sale. If there is no interest, then post the property for Courthouse parking only. Ms. Berry will send a letter to Jamie Blankenship and Water Stone notifying them of the

## 2014 MINUTES

Commission's plans. Ms. Berry will count spaces and offer a minimum of \$35 per space and that will be the minimum bid.

Commissioner Wender motioned to offer Fayette County National Bank \$70,000 for the Belinda Morton property and further authorized Ms. Berry to approve future offers if Fayette County National Bank approves. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a funding request from Greg Boggs with Restlawn Memory Gardens for money to erect a giant American Flag at the cemetery. Mr. Harris stated Commission cannot give money to private property.

Ms. Berry presented order approving the total number and type of election boards for the various precincts for the November 4, 2014 General Election for the Commission to sign. Notification of the list will be sent to the Democratic and Republican Executive Committees by August 29, 2014. Commissioner Wender motioned to approve the order to Executive Committees. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented and inspection agreement between the Building Code Office and Appalachian Inspection for President Scalph to sign. Commissioner Lopez motioned for authorizing President Scalph to sign agreement. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a quote to replace the mats at Fayette County Memorial Building in the amount of \$2,052.83. Commissioner Wender offers motioned to purchase 23 mats from Phillip's Supply. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Ms. Berry presented a request from Okey for a new push lawn mower for the price of \$199.00. Commissioner Wender motioned to approve. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a Notice to Proceed Letter related to the Dunloup Creek Cultural Resources work from Pam Yost with the NRCS for the Commission to sign. Commissioner Wender motioned to sign the letter of product 1 and product 2 for the bids of the kiosks. Commissioner Lopez seconded. Unanimous decision.

The Commission held a discussion about the Informational Technology position. Ms. Berry will write a letter to David Neal and ask how the trainer is currently being paid. Commissioner Wender suggested putting a message on the list serv asking about other IT positions and rate of pay.

The meeting was adjourned at 1:09 p.m.

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FAYETTE COUNTY COMMISSION

AUGUST 8, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew D. Wender, John H. Lopez

The Fayette County Commission met in a regular meeting on this 8<sup>th</sup> day of August, 2014.

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

Steve Fox, Assessor Chief Deputy, appeared before the Commission to present exonerations for personal property for Denver T. Fleming \$1,377.52; Benny & Diane May \$514.26; Tomara L. & David C. Keffer \$912.08; Leslie (Scarborough) Tweedie \$134.76; Carl Arthur & Lisa W. Hansen \$640.24; Kate Marie Flournoy \$165.88; John M. & Donna S. Bowling \$652.84; John Lewis & Ruth O. Nicholas \$287.04; Drema F.



## 2014 MINUTES

Taylor \$146.42; Nathan W. & Anthony Miller \$122.80; Charles & Lita (Mullins) Cozart \$53.04. Commissioner Lopez offered a motion to approve exonerations and Commissioner Wender seconded. Unanimous decision.

Mr. Fox presented exonerations for real property for Heather Stanley \$174.78; Christina & Bowling M. Woolwine \$20.42; Christina & Bowling M. Woolwine \$16.28; Richard & Kimberly Canterbury \$ 205.00; Linda V. Randall \$112.00; Virginia Johnson \$16.56; Pervis C. Major III \$3,056.72; Pervis C. Major III \$1,509.18; Kathie & James Small \$325.88; MWV Community Dev & Land LLC \$331.00; MWV Community Dev & Land LLC \$4,949.88; Susan Kirby \$6.42; James Kirby \$6.42; Gregory & Ava Nuckols \$582.96; Randall & Cathy Stover \$206.76; Bradley S. Kennan \$115.30; Rufus & Marilyn Kenney \$256.20; Sharon & Paula Blackwell \$373.08; Robert & Robin Pauley \$265.18; Robert & Robin Pauley \$235.18; Carol J. Gilliam \$5.38; Carol J. Gilliam \$6.16; Ellen Stover \$305.56; Teddy J. Williams \$296.82; Page Kincaid PSD \$9.22; Billy McCallister \$256.20; Dennis & Evelyn Hazelwood \$459.10. Commissioner Wender offered a motion to approve exonerations and Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Approved checks for invoices to be released August 8<sup>th</sup> and approved 1<sup>st</sup> half payroll checks to be released August 15<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Sheriff Steve Kessler appeared to sign the Community Corrections grant. \$163,762.00 grant was approved. This is considerably lower than the previous year. The County will allocate 30%. Community

## 2014 MINUTES

Corrections will cut some expenses and the Sheriff will offset any costs to keep the program running. President Scalph mentioned that monies are available to help with costs. Debbie Berry, County Administrator, will meet with the Sheriff about this information. Commissioner Wender motioned to authorize President Scalph to sign the grant agreement. Commissioner Lopez seconded. Unanimous decision.

Discussion was then held regarding the new personnel M=manual. Commissioner Wender motioned to approve the personnel manual with all updates and changes as of today. Commissioner Lopez seconded. Unanimous decision.

David Neal, 911 Coordinator, appeared to discuss some issue with the 911 Center. Discussion was held regarding the HVAC system. Everything is working well. Appalachian Heating and Johnson Controls are covering costs. Ms. Berry will write a letter to Dan Snead about the issue and costs. President Scalph wants to make sure that doors are being closed. She asked Mr. Neal to make sure employees are shutting doors all of the way.

Discussion was then held about the phone system issue. Mr. Neal said that an independent vendor is working to get tower 619 on our radar. Mr. Neal has contacted Wireless Industry and Frontier regarding this issue and he is waiting on a response. 911 calls are being routed to a number that is not monitored 24 hours a day. Commissioner Wender requested that Mr. Neal raise this issue with the Public Service Commission. Mr. Neal will ask his list serv to see if any other county has found a solution.

## 2014 MINUTES

Discussion then turned to the 911 budget. Mr. Neal stated that he has been working to decrease overtime. He made adjustments to scheduling and staffing. Mr. Neal has no update on the budget to present. President Scalph will forward to Mr. Neal e-mail discussion she has conducted with other counties. Stephanie Sears, Staff Accountant, will work with Mr. Neal to develop a working budget. Ms. Sears will present this budget on August 29<sup>th</sup>.

Discussion was held regarding Arbuckle PSD. Arbuckle has an emergency expense of \$150,000.00. West Virginia Infrastructure and Jobs Development Council (IJDC) will pay half and is looking for a partner to pay the other half. County Commission will agree to be the partner as long as we are guaranteed that we will be repaid. The issue is a damaged containment ring. The Fayette County Commission wants a Letter of Intent from Arbuckle PSD and City of Oak Hill stating they are in agreement with consolidation and a guarantee the Commission will be repaid.

President Scalph excused herself at 10:30 a.m. but will return. Arbuckle PSD does not meet again until August 21<sup>st</sup> for a chance to sign the Letter of Intent. If the Letter of Intent is not signed, the project will not be funded and the Commission and State will lose this money. The DEP has issued an order stating Arbuckle is responsible for fixing the issue.

Commissioner Wender motioned to approve paying half of the expected costs up to a total of \$150,000.00 for Arbuckle PSD to fix the emergency plant issues with the restriction of the Commission receiving the Letter of Intent to Consolidate signed by Oak Hill

## 2014 MINUTES

Sanitary Board, Oak Hill City Council and Arbuckle PSD. The Fayette County Commission will pay on a dollar by dollar basis along with the Infrastructure Council. The Fayette County Commission understands that we will be reimbursed once permanent money is received for the consolidation. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented letters and orders for the Commission to sign reappointing George Becker, Al Gannon, Pat Day and Bobby Kirby to the Fayette County Planning Commission. Commissioner Lopez motioned to approve these reappointments. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a letter for the Commission to sign for Charles "Shad" Dummitt thanking him for his service.

Ms. Berry presented a request from Nikki Lucas, Principal of Fayetteville Elementary School, to use the Fayette County Memorial Building on August 11<sup>th</sup> for Student/Parent Orientation. Commissioner Lopez motioned to approve the use of the Fayette County Memorial Building with the understanding that they have insurance. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented property clean-up complaints to sign for the following: David M. Bragg, Nannie A. Fruit, and Patricia M. Brown. Commissioner Wender motioned to draft letters to Mr. Bragg, Ms. Fruit and Ms. Brown advising them that the Commission will take action to remove the dilapidated structures from their properties. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented the Building Code Inspector agreement for President Scalph to sign. Commissioner Wender motioned to authorize

## 2014 MINUTES

President Scalph to sign the agreement for the City of Oak Hill.

Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to authorize President Scalph to sign the agreement for the Town of Fayetteville. Unanimous decision.

Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a Division of Homeland Security and Emergency Management Sub Grant award document and Billing for Local Expenditures for EMPG grant for President Scalph to sign. Commissioner Wender motioned to authorize President Scalph to sign the document.

Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a letter of support for John David with SALS for HUD funding for a Fair Housing Initiative Program for the Commission to sign. Commissioner Wender motioned to approve the support letter. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a letter to Gabe Pena appointing him to the Fayette County Solid Waste Authority. Commissioner Lopez motioned to appoint Gabe Pena to the Fayette County Solid Waste Authority.

Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a letter to West Virginia American Water regarding the Rt. 60 fire hydrants, appearance of the hydrants and their responsibility to maintain these hydrants. The Commission signed said letter.

Carl Harris, Prosecuting Attorney appeared regarding the Fiduciary Commission. Commissioner Wender motioned to accept the recommendation from the Fiduciary Commission with one exception. No two parties will be appointed but Lynn Pollard will be assigned and an

## 2014 MINUTES

order will be prepared jointly and signed by the Commissioner.

Commissioner Lopez seconded. Unanimous decision.

Rob Rosiek appeared to discuss the Fayette County tennis courts. The Fayette County Commission sent letters to each involved party requesting help with this issue. The Fayette County Board of Education, State Senate, Town of Fayetteville, and the Fayette County Commission all agreed to their said amounts. Delegate David Perry said he can submit a request but money is tight so it is not guaranteed. Ms. Berry will write a letter to the House of Delegates stating the commitments that have already been made.

Delegate Perry suggested contacting the agencies that originally contributed and ask if any money is available. Ms. Berry will call. Commissioner Wender asked if the Board of Education can bid out the project to get the ball rolling while we wait for responses. Mr. Harris said that the Board of Education could do this as long as the bid request states that we have the right to reject all bids. Delegate Perry will speak with the Board of Education and see if a bid is permissible. Mr. Lopez inquired if Valley High School would be involved in this bid. Commissioner Wender requested that bidding for Valley be a separate bid and to continue with Fayetteville High School and Oak Hill High School. Delegate Perry will report the Board of Education's response by August 29<sup>th</sup>.

President Scalph returned at 12:10 p.m.

Discussion on the New River Humane Society (NRHS) was held. Bob Korn, a financial donator, feels that what the County wants is reasonable. He feels the Board should be expanded to seven members

## 2014 MINUTES

but he doesn't think there is enough interest. This has been a family run business. He thinks NRHS pulling out of the shelter would be a mistake. He didn't agree with it to begin with and he hopes a compromise can be reached.

President Scalph mentioned that it was not the Commission's intent to dissolve the agreement with the NRHS. The Commission understands the hard work that the board has put into the shelter. The Commission just wants backup for the budgeted \$225,000.00 for our auditors.

Mr. Korn's suggested going to a seven member board and have accountability for the County funds. President Scalph reminds Mr. Korn's that the original agreement stated that any monies raised should be reported.

Commissioner Wender agreed with both Mr. Korn's and President Scalph that the 5 member board has done a great job with the shelter. Commissioner Wender does not feel that the Commission's requests are unheard of. Internal control needs to be addressed. Four of the five current members will stay on and three new spots will be available. President Scalph stated that the new presented agreement and the original agreement are not very different. The Commission is not asking for anything new. Mr. Korn's suggest having an election to get the seven member board with the board only having a vote. The Commission would hire a shelter manager who would also serve as the Commission representative on the Board.

Commissioner Wender stated that the Commission's request does not mean the original four board members will have to run in the election.

## 2014 MINUTES

Mr. Korn suggested having an election for the other two spots. Gloria King, NRHS, states that they do not want to dissolve the relationship but she feels they didn't have enough time and they have some changes. Ms. King stated they thought they were given an ultimatum of either yes or no and there would not be a discussion.

President Scalph and Commissioner Wender stated that this was not the Commission's intent. President Scalph asked Carl Harris for his input. Mr. Harris stated that delaying the signing of this agreement by 30 days would not hurt the agreement. The agreement is not the issue but the by-laws are and the Commission had suggested some changes.

Ms. King wants some time to review this information with the Board. The Commission agreed to have more discussion regarding the by-laws and subsequently held the discussion.

The Commission suggested following up in two weeks to work with the by-laws and the Board can submit the NRHS suggestions. Further discussion can be held when the NRHS and the Commission are ready within the next two weeks.

The Commission enters into an executive session at 1:45 p.m.

I do not have minutes after the executive session



## 2014 MINUTES

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

The Fayette County Commission met in a regular meeting on this 29<sup>th</sup> day of August 2014.

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

Eddie Young, Assessor appeared before the Commission to present exonerations for personal property. Commissioner Lopez offered a motion to approve exonerations and Commissioner Wender seconded. Unanimous decision.

Eddie Young, Assessor presented exonerations for real property. Commissioner Wender offered a motion to approve exonerations and Commissioner Lopez seconded. Unanimous decision.

Mr. Young presented a coal valuation on a piece of property with two (2) individual owners to discuss. The Commission needed to decide whether to issue a refund or exoneration. Commissioner Wender motioned to offer one refund and one exoneration. Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Approved checks for invoices and 2nd half of payroll, all to be released August 29<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

President Scalph motioned to approve minutes from June 27<sup>th</sup> and July 11<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Debbie Berry, County Administrator, presented an order appointing election officials and alternates for the November 4, 2014 General Election for the Commissioners to sign. Commissioner Wender motioned

## 2014 MINUTES

to approve the list of election workers. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a Governor's Community participation Grant application for President Scalph to sign with a Resolution for Page Kincaid PSD to purchase a generator in the amount of \$18,000.00. Commissioner Wender motioned to approve the resolution for Page Kincaid PSD. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a drawdown for the County Records Management and Preservation Grant Program and Final Project Report for a grant for the Circuit Clerk's office to recover fourteen (14) immigration and naturalization books in the amount of \$5,250.00. Commissioner Lopez motioned to approve the drawdown. Commissioner Wender seconded. Unanimous decision.

Commissioner Wender motioned to approve a sign stating "Courthouse Parking Only, All Others Will Be Towed", and issuing window hangers for the employees who are going to park in the lot between Waterstone and Blankenship Law Office. Commissioner Lopez seconded. Unanimous decision. Ms. Berry will make courtesy calls to the surrounding property owners regarding this decision.

Ms. Berry presented a drawdown for a West Virginia Division of Energy Local Energy Efficiency Grant Program for John David (SALS) in the amount of \$2,240.00 for the month of July 2014 for President Scalph's signature. Commissioner Lopez motioned to approve President Scalph to sign the drawdown. Commissioner Wender seconded. Unanimous decision.

## 2014 MINUTES

Ms. Berry presented a certificate of substantial completion for President Scalph to sign for Phase III Electrical Upgrade. The final drawdown is in the amount of \$34,832 and letter of completion for President Scalph to sign. Commissioner Wender motioned to authorize President Scalph to sign the certificate and approve the final drawdown and sign the letter of completion. Commissioner Lopez seconded. Unanimous decision.

Carl Harris, Prosecuting Attorney, handled the Donna Hudson agenda item, pertaining to the removal of the executor of the estate of                     .

Sheriff Steve Kessler and Stormy Parsons, Director of Community Corrections, appeared to discuss the Community Corrections budget. Ms. Parson presented the budget. Commissioner Wender suggested a letter be written to the state asking what the criteria is for the funding received for Community Corrections. Ms. Berry will draft a letter to the chair. Commissioner Wender requested a bullet points list of our success with the Community Corrections program be attached.

A discussion was then held concerning the grant budget. Commissioner Wender requested that Stephanie Sears, Staff Accountant, compile a list of County Commission contributions to the Community Corrections program during Fiscal Years 2014 and 2015.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
September 5, 2014  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

## 2014 MINUTES

The Fayette County Commission met for a special meeting on this 9<sup>th</sup> day of September 2014.

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

The Commission discussed the position of 911 Coordinator.

Carl Harris, Prosecuting Attorney, discussed what the Commission needs to do in regard to James Bennett and his brother Charles Bennett. The Commission must put in writing that James Bennett cannot advise or supervise Charles Bennett. Charles Bennett is to report to Theresa White, Interim OEM Director, and the County Commission will resolve any issue that may arise. Scheduling will be closely monitored. Special treatment shall not be given.

It is understood that scheduling of work is a matter that cannot be delegated to another individual, and with that recognition James Bennett agrees that there will not be any favoritism shown for Charles Bennett's work or vacation schedule. In the event there are any conflicts which arise as a result of scheduling, the same shall be resolved by the Commission.

Commissioner Wender offered a motion to hire James Bennett as the 911 Coordinator on a six month probationary period with a review of the progress at three months. It is understood that Mr. Bennett will sign an agreement in regards to his brother. Starting pay is \$38,000 then increases to \$39,000 after probationary period. This is effective immediately. Commissioner Scalph seconded. Unanimous decision.

Debbie Berry presented letters for the Commission to sign that were approved in previous meetings.

## 2014 MINUTES

The meeting was adjourned at 9:30 a.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

September 12, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

Others attending: Donald Carte, C. George Kenney, Maureen Clemons,

Mike Pauley, Darrell Tomas

The Fayette County Commission met for a regular meeting on this 12<sup>th</sup> day of September, 2014.

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

Eddie Young, Assessor appeared before the Commission to present a refund and exonerations for personal and real property. Mr. Young presented one refund for William E. Comer, Sr. \$979.34. Commissioner Wender offered a motion to approve the refund and Commissioner Lopez seconded. Unanimous decision.

Mr. Young presented exonerations for personal property for Three JS DBA Coffee Club \$505.54; Linda J. Puckett \$571.70; John D. & Sheila L. Leshner \$410.28; Carol Thompson \$180.78; Carol Thompson \$151.42; Daniel Ray & Deloris Lyons \$46.10; Angela Patterson \$314.82; Crystal Ball \$174.48; Mickey S. & Melinda S. Burdette \$468.52; Steve Bird \$430.44; Steven M. & Teresa D. Bird \$201.94. Commissioner Lopez offered a motion to approve exonerations and Commissioner Wender seconded. Unanimous decision.

Mr. Young presented exonerations for real property for Johnny R. Jane Keith \$129.90; David K. & Sandra Scarborough Jr. \$166.02; John P. Casto \$316.56; Gregory L. & Janna L. Fetz \$132.98; Richard E. Eads

## 2014 MINUTES

Etux \$311.28. Commissioner Wender offered a motion to approve exonerations and Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Approved checks for invoices to be released September 12<sup>th</sup> and approved 1<sup>st</sup> half payroll checks to be released September 15<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Mike Bone appeared to give a review of Camp Kismet. He said that 90 kids attended and that camp went well. Mr. Bone presented the Commission with cards and photos.

Maureen Clemons appeared regarding her dilapidated property in Boomer. Ms. Clemons said the property is being taken care of. She turned the property over to SALS.

A Public Hearing was held regarding Early Voting sites for the General Election. Commissioner Wender motioned to approve three Early Voting sites: The Fayette County Memorial Building, Danese Community Center and Montgomery City Hall. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to approve the employment of Early Voting poll workers. Commissioner Lopez seconded. Unanimous decision.

Attorneys Lynn Pollard and Erwin Conrad appeared to discuss the estate of Mark Pino. The attorneys requested to first speak privately with Larry Harrah, Assistant Prosecuting Attorney.

Stephanie Sears, Staff Accountant, presented the delinquent property tax list from the Sheriff.

## 2014 MINUTES

Ms. Sears presented a Financial Statement for approval and for President Scalph to sign. Commissioner Wender made a motion to authorize President Scalph to sign the statement. Commissioner Lopez seconded. Commissioner Lopez offered a motion to approve vouchers and invoices. Approved checks for invoices to be released August 8<sup>th</sup> and approved 1<sup>st</sup> half payroll checks to be released August 15<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Ms. Sears presented a letter from Angela M. Henson, Executive Director of Region 1 Workforce Investment Board recommending the appointment of Kelly Jo Drey to the Region 1 Workforce Investment Board. Commissioner Wender motioned to approve the recommendation. Commissioner Lopez seconded. Unanimous decision.

Ms. Sears presented a letter to Ray Crook, President of the Layland Miner's Memorial with a Governor's Community Participation Grant application to be considered for funding in the amount of \$2,500.00 for the Commission to sign. Commissioner Wender motioned to sign the letter. Commissioner Lopez seconded. Unanimous decision.

Ms. Sears presented a letter for the Commission to sign to the Supreme Court of Appeals requesting reimbursement for rent for the Family Law Judge for the months of August and September, 2014. Commissioner Wender motioned to sign the letter. Commissioner Lopez seconded. Unanimous decision.

Ms. Sears presented a proposal from Cincinnati Floors to screen the existing wood gymnasium floor then tack the area to remove all dust and grit at a quote of \$2,985.00 from Okey Skidmore for

## 2014 MINUTES

discussion and approval. The Commission tabled this till the next meeting so that the original contract can be reviewed.

The Commission decided a Special Meeting will need to be added on October 17, 2014 at 9:00 a.m. to conduct an Election Test of equipment for Early Voting.

Discussion was held to change the September 26, 2014 Commission meeting so that President Scalph may attend the Building Preservation Training Conference in Huntington. President Scalph motioned to move the meeting from September 26<sup>th</sup> to September 24<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Ms. Sears presented orders giving credit on future taxes for Kenneth K. Kruger \$1,832.51 and Steven White \$1,581.51 for the Commission to sign due to errors made in the Assessor's office. Commissioner Wender motioned to allow future credit for Mr. Kruger and Mr. White. Commissioner Lopez seconded. Unanimous decision.

Ms. Sears presented an order giving a refund for Beverly Dean-Bowles \$560.88 due to an error in the Assessor's office. Commissioner Wender motioned to approve the refund. Commissioner Lopez seconded. Unanimous decision.

Ms. Sears presented a memorandum of understanding for James J. Bennett, 911 Coordinator for the Commissioners to sign. Commissioner Wender motioned to accept and sign the agreement. Commissioner Lopez seconded. Unanimous decision.

Ms. Sears presented a drawdown for the West Virginia Division of Energy Local Energy Efficiency Grant Program Grant for President Scalph to sign. Commissioner Wender motioned to authorize President



## 2014 MINUTES

Scalph to sign to drawdown. Commissioner Lopez seconded. Unanimous decision.

Ms. Sears presented a drawdown for Community Corrections for the month of August 2014 for President Scalph to sign. Commissioner Lopez motioned to authorize President Scalph to sign the drawdown. Commissioner Wender seconded. Unanimous decision.

Ms. Sears then presented the 911 budget. The budget was discussed and then tabled for approval.

At 10:41 a.m. Commissioner Lopez made a motion to go into an executive session with legal counsel. Commissioner Wender seconded. Unanimous decision.

The Commission reconvened at 10:52 a.m. to revisit the estate of Mark Pino. The Commission was to consider the report of claims by Fiduciary Blankenship. The Commission cannot receive evidence. Commissioner Wender motioned to approve fiduciary back to James Blankenship for additional findings. Report will be made available in 30 days. Commissioner Lopez seconded. Unanimous decision.

Darrell Thomas appeared before the Commission in opposition of the annexation of Minden. The Commission explained that the issue had not been brought before them; therefore they could not take any action.

Theresa White, Interim Emergency Management Director, presented a disaster plan proposal. Everbridge has the most features for \$13,000.00 per year. The Commission suggested trying to get municipalities and utilities to also sign the contract and asked that Ms. White and James Bennett see if they can get partners.

## 2014 MINUTES

Kevin White, 911 Addressing, went to a tower site but could not get through due to the road being washed out. The Department of Highways can scrape the roads until a long term fix can be estimated. Ms. White will send a letter to the state to see if they will fix the road.

Ms. Sears then presented the Commission with a title search on the Belinda Morton property, 106 E. Maple Avenue, for approval. Commissioner Wender motioned to hire an attorney for the title search. James Blankenship will provide title insurance. Commissioner Lopez seconded. Unanimous decision.

Ms. Sears presented a letter from the Department of Highways concerning Bridgewalk. Commissioner Wender motioned to send a letter to the Department of Highways stating that we cannot participate. Commissioner Lopez seconded. Unanimous decision.

Ms. Sears presented a joint funding request for Thurmond Gage. This was tabled until the September 24<sup>th</sup> meeting.

Ms. Sears presented orders to Combine or Divide and Segregate Land for President Scalph to sign. Commissioner Wender motioned to sign the orders. Commissioner Lopez seconded. Unanimous decision.

The Commissioners held a discussion about the walkway dedication for Richard Treadway. This will take place on October 10<sup>th</sup> at noon and will be placed on the agenda for that day.

The Commissioners asked that Tom Rist, Attorney, attend the October 10<sup>th</sup> meeting to discuss the DEP challenge to the Danny Webb permit.

## 2014 MINUTES

The Commission discussed bids for the Fayette County Pool.

Debbie Berry, County Administrator, will prepare bids for the pool.

The Commissioner asked that new outdoor lighting be put a future agenda.

The Commissioners inquired about the rotation list for the county's wrecker service. They would like to know if Hutch's is still on the list.

The Commission discussed the Page-Kincaid dedication event on September 16<sup>th</sup>. It was decided that Kelly Jo Drey, Resource Coordinator, would attend the event.

Ms. Sears stated to the Commission that the budget had been finalized.

The Commission agreed to visit Community Corrections on September 24<sup>th</sup> at 8:30 a.m.

The IWJW Wrestling event approved to be held at the Fayette County Memorial Building was canceled due to lack of funding.

The Commission discussed getting new quotes for a door for the Building Safety Department.

Magistrate Sam Parsons has requested new tile. Ms. Berry will ask Lee's Carpet for a quote.

The Commission called an executive session for a personnel issue at 12:59 p.m.

The meeting was adjourned at 1:10 p.m.

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## 2014 MINUTES

FAYETTE COUNTY COMMISSION

REGULAR SESSION

September 24, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

The Fayette County Commission met for a regular meeting on this 24<sup>th</sup> day of September, 2014.

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

Cindy Hysell from the Assessor's office presented exonerations. Commissioner Lopez motioned to approve the personal property for Alma Jane & James W Haynes, \$454.18; NCR Corporation, \$364.96; Marissa M. Law, \$72.14; Elenore & Gerald Perry, \$220.56; Ezra Lee Jr. & Angela Halstead, \$1,109.42; David Duncan, \$450.66; Manderville Jr. & Sherry Cabell, \$328.18. Commissioner Wender seconded. Unanimous decision.

Commissioner Wender motioned to approve the real property for Nancy and Quinten G. Bragg, \$195.42; David J. Rogers Sr., \$510.34; Geneva L. Smith & Melvin Dove, \$305.56; Sylvester O'Boyle, \$38.42; Kenneth K. Kruger, \$888.90; John Amelio White, \$1,581.56.

Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to approve a refund to John Amelio White, \$771.01. Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez motioned to approve vouchers and invoices to be released today and approved 2<sup>nd</sup> half payroll to be released on September 30<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Kenny Parker, Water Stone Outdoors, appeared to discuss the parking issues near the Courthouse. Mr. Parker wanted to make the Commission aware he has a new policy that his employees will not park

## 2014 MINUTES

in the Courthouse lot by his business. Mr. Parker suggests a discussion be held to find a space to purchase that could be used for County/Municipal parking. He also suggested finding a lot for employee parking. Further discussion was held about the lot between Blankenship Law Office and Water Stone.

The Commission then discussed the Courthouse roof. Tri-State Roofing cannot continue waiting for approved funding. The first part of the \$175,697 will start soon. The second phase will be an additional \$38,700.00 if completed at the same time. If completed separately, it would increase the cost to \$80,000.

Commissioner Wender motioned to authorize President Scalph to sign the contract with Tri-State to complete both sections of the roof at the cost of \$209,000.00. Commissioner Lopez seconded. Unanimous decision.

Debbie Berry, County Administrator, presented a letter to Jim Ellars the IJDC indicating the Commission will commit the \$75,000.00 for the emergency repairs for Arbuckle PSD for signatures. Commissioner Wender motioned to approve signing the letter. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented the Courthouse Facilities Improvement Authority 12<sup>th</sup> Cycle Grant application. Commissioner Wender motioned to authorize all of the commissioners to sign the grant application for Phase II of the Courthouse Roof Project. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a drawdown for Kanawha Falls PSD approving invoices relating to Kanawha Falls/Boonesborough Water Line Extension

## 2014 MINUTES

Project in the amount of \$9,036.58. Commissioner Wender motioned to approve and sign the drawdown. Commissioner Lopez seconded.

Unanimous decision.

Ms. Berry presented a request from WVPRO for a Joint Funding application. Commissioner Wender motioned to assist WVPRO in keeping Thurmond Gage open and authorized President Scalph to sign the Joint Funding application. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a funding request of \$125,000.00 from Page-Kincaid PSD to assist with the design cost for a reliable and sound sanitary sewer system to more than one-thousand customers in the stretch of Loop Creek from Oak Hill to Deepwater. Commissioner Wender motioned to turn down the funding request. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to table the reappointment of Bruce Carson to Arbuckle PSD. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented two appointments to the Planning and Zoning Commission. Commissioner Wender motioned to sign the letters and orders appointing Neal Sears and Richard Keith Forren to the Fayette County Planning and Zoning Commission to replace Shad Dummitt and Miles Dean, respectively, both of whom resigned. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Judy Gunsaulis to reappoint Susan Woods to the Library Board. Commissioner Wender motioned to

## 2014 MINUTES

reappoint Susan Woods as a member of the Fayette County Library Board. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a letter from Phil Samples requesting to use the Soldiers and Sailors Memorial Building for AAU teams and individual workouts for the next 6 months. Commissioner Wender motioned to approve the request. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to send a letter to Twila Cooper thanking her for her donation of a drawing of the Fayette County Courthouse. Commissioner Lopez seconded. Unanimous decision.

The meeting adjourned at 10:34 a.m. so that the Commission could attend a ground breaking event for the Meadow River Rail Trail in Nallen.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

October 10, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

OTHER PRESENT: John Tuggle, Tom Oxley, Anthony Brown Mary Jane Kincaid, James Kincaid, Carton Jackson

The Fayette County Commission met for a regular meeting on this 10<sup>th</sup> day of October, 2014.

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

Eddie Young, Assessor appeared before the Commission to present refunds and exonerations for personal and real property.

Mr. Young presented exonerations for personal property for Associates Equipment Funding \$394.44; Dawn Farley \$120.04; Leslie J. Perry \$17.26; George David Bumgarner \$45.96; John P. & Rosemary

## 2014 MINUTES

Saddler 436.56; David Eels \$134.34, \$165.40. Commissioner Lopez offered a motion to approve personal property exonerations and Commissioner Wender seconded. Unanimous decision.

Mr. Young presented exonerations for real property for David J. Rogers, Sr. Etal \$489.00; Joshua Daniel Towner \$145.26; Gary H. & Melissa Campbell \$738.48; Paul E. Dehart \$95.52; Leonard B. & Jerry L. Critchley \$284.38; Susan Robinson \$182.00; Charles E. Jones \$270.56; Marilene D. & Earl K. Bibb \$88.00; Richard W. & Irene Barker \$59.18; Iris Williams 232.12; Carl & Sylvia Hopkins \$315.96, \$309.54, \$345.78, \$510.72; Charlotte Ridolfo & Carlos McGraw \$141.42; Robin Y. & Kevin Lucas \$522.50; Paul Shaw \$661.50, \$23.06. Commissioner Wender offered a motion to approve real property exonerations and Commissioner Lopez seconded. Unanimous decision.

Mr. Young presented refunds for Charlotte Ridolfo & Carlos McGraw \$139.65 and Leonard B. & Jerry Critchley \$277.26. Commissioner Wender offered a motion to approve the refunds and Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez offered a motion to approve vouchers and invoices. Approved checks for invoices to be released October 10<sup>th</sup> and approved 1<sup>st</sup> half payroll checks to be released October 15<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Norma Williams & Deloris Nelson appeared to present the keys for the Fayetteville Early Voting site.

Debbie Berry, County Administrator, presented a drawdown request for Community Corrections for the month of September 2014 in the amount of \$13,759.96 for President Scalph to sign. Commissioner



## 2014 MINUTES

Wender motioned to authorize President Scalph to sign the drawdown. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a Community Participation Grant application and Resolution for President Scalph to sign for Layland Miners Memorial requesting \$2,500.00 to help with a retainer wall at the Memorial. Commissioner Wender motioned to authorize President Scalph to sign the application and Resolution. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a grant agreement with the Coal Heritage Highway Authority for President Scalph to sign for Layland Miner's Memorial Group in the amount of \$9,465.00 for additional work on the Layland Miner's Memorial. Commissioner Wender motioned to authorize President Scalph to sign the agreement. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a Progress Report and Grant Closeout Form for the Local Energy Efficiency Grant Program for President Scalph to sign. Commissioner Wender motioned to authorize President Scalph to sign the Closeout Form. Commissioner Lopez seconded. Unanimous decision.

Discussion was held concerning a proposal via Okey Skidmore from Cincinnati Floor to screen the existing wood gymnasium floor and then tack the area to remove all dust and grit at a quote of \$2,985.00. The Commission did not approve.

Kenny Parker, Water Stone Outdoors, appeared to discuss the parking lot beside his business. Mr. Parker is an interested bidder

## 2014 MINUTES

for the parking lot. Discussion was held on other parking areas in the town of Fayetteville.

Commissioner Wender motioned to enter into a public auction for the property, which lies between Water Stone and Blankenship Law Office, at a date to be determined by the County Administrator. Commissioner Lopez seconded. Unanimous decision.

John David and James Kincaid appeared to discuss the Page Kincaid PSD. Mr. Kincaid gave a history of events for the Page Kincaid PSD. They are seeking grants that are currently available. Page Kincaid PSD needs help paying for engineers to have a study completed before they can acquire funds.

Mr. David presented a handout to the Commission. More discussion was held regarding why Page Kincaid needs this completed. The DEP has green money available. Page Kincaid PSD would like a plan similar to Winona's.

Anthony Brown with Thrasher Engineering Group appeared to explain the new green technology system.

John Tuggle, Region IV Planning & Development, appeared to talk about the Commission's funding of the Winona project with intentions of being refunded. There was no mention of the Commission being repaid in the paperwork. Mr. Tuggle will research this issue. The Page Kincaid PSD engineering project would cost roughly \$200,000.00.

Tom Oxley, Thrasher Group, appeared concerning discussion with New Haven PSD regarding their rates being increased to pay back the County. Kelly Jo Drey, Resource Coordinator, will follow up with the discussion and report to the Commission during their next meeting.

## 2014 MINUTES

Libby Campbell appeared to discuss the Gauley Bridge Pier and the elevation certificate needed. Allen Ballard, Building Code Official, stated that a Hydraulic and Hydrology study in flood plain areas needs to be completed. Mr. Ballard recommends going to the Corps of Engineers to ask them for information. Commissioner Wender suggests Mr. Ballard attend the next Gauley Bridge town council meeting and explain this to the council.

Carl Harris, Prosecuting Attorney, appeared to discuss the Lois Bowyer Estate. Mr. Harris read a letter from Fiduciary Commissioner James Blankenship. Commissioner Wender motioned to accept the report as presented by Mr. Blankenship. Commissioner Lopez seconded. Unanimous decision.

Angela Gerald, Building Safety Department, appeared to give an update on dilapidated properties. Jerome Fruit and David Bragg took care of their buildings.

Ms. Gerald presented properties owned by Heather Jones, John Sink, Jr. and Richard & Kimberly Canterbury, respectively. Commissioner Wender motioned to advise these property owners to come before the Commission to convey their plans to remove dilapidated structures, otherwise the Commission reserves the right to remove said structures. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request to appoint David Barnhart to the Fayette County Building Commission. Commissioner Wender motioned to approve the request. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Donald Carte appeared to discuss water service in the Hico area. He is requesting that the County Commission subsidize the project so he can receive water. He asked the Commission for advice about what can be done.

Patty Giles with the Fayette County Health Department spoke on behalf of Arrowwood Creek residents. Their wells are drying up due to mines and the ease of hauling water no longer exists. Commissioner Wender suggested that Kelly Jo Drey look into this situation. John Tuggle, Region IV and Kenneth Hayes, New Haven PSD, need to be present for further discussion.

Ms. Berry presented an order for the Special Election for February 7, 2015. Commissioner Wender motioned to schedule the Special Election for Law Enforcement, Library and Fire Levies. Commissioner Lopez seconded. Unanimous decision.

The Commission recessed at 11:45 a.m. to attend a ceremony dedicating the Deputy Roger Lee Treadway Memorial Bridge.

The Commission reconvened at 1:00 p.m.

Ms. Berry presented an order to Divide & Segregate or Combine Land. Commissioner Wender motioned to approve the order. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order and letter for the Commission to sign reappointing Aletha Stolar to the Beautification and Dilapidated Buildings Committee. Commissioner Wender motioned to approve reappointing Ms. Stolar. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Ms. Berry presented a lease agreement with the Fayette County Board of Education to use the Fayette County Memorial Building. Commissioner Wender motioned to approve the lease agreement for the purpose of using the Fayette County Memorial Building with the same terms and conditions as the previous year. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a letter and order to reappoint Bruce Carson to the Arbuckle PSD. Commissioner Wender motioned to reappoint Mr. Carson. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Nikki Lucas, Principal of Fayetteville Elementary School to use the Fayette County Memorial Building on October 30<sup>th</sup> to hold their Halloween Costume Parade. Commissioner Wender motioned to approve. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Susan Hanson of the Fayetteville Women's Club to use the Fayette County Memorial Building for their Annual Craft Show on December 6, 2014. Commissioner Wender motioned to approve. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented one quote for the waterline break repair. Pannell & Son's for \$15,863.48. Commissioner Wender motioned that the Fayette County Commission will accept the quote from Pannell & Son's, and will proceed with this repair seeing as the Commission deems this an emergency and several contractors reviewed the situation yet only one gave a quote. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Ms. Berry presented a quote for a new door for the Prosecuting Attorney's office. Commissioner Wender motioned to accept the quote for \$3,992.65 to replace the door. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a quote for a door for the Building Code Enforcement Office for \$1,965.83. This quote was tabled.

Discussion was then held regarding new Vision & Dental Insurance. Debbie Aliff, Payroll and Benefits, will research about in-network doctors.

Commissioner Wender motioned to approve new carpet for the Payroll office at a cost of \$643.00 and President Scalph will approve the color. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a West Virginia EMPG Division of Homeland Security and Emergency Management grant from Theresa White, OEM Interim Director, for signature. Commissioner Wender motioned to sign the application. Commissioner Lopez seconded. Unanimous decision.

The Commission entered into an executive session at 2:16 p.m.

The Commission reconvened at 3:20 p.m.

Kelly Jo Drey, Resource Coordinator, appeared to update the Commission on the Fayette County Pool grant. Ms. Drey submitted the grant application to the WV Development Office. However, a detailed price quote is still needed. The grant may not be approved in time for work to be completed by early spring. It takes the Parks Service several months to review all submissions.

Commissioner Wender suggested stating in the advertisement that the contractor must hold the quoted price for 5 months. Commissioner

## 2014 MINUTES

Wender suggested writing to Congressman Rahall, making him aware this is a time sensitive situation.

Discussion was held concerning the Commission choosing a spot for the signs at Dunloup Creek. Ms. Drey will ask a consultant for a compelling story with ethnic history to present on the signs. Commissioner Wender suggested the old Mount Hope High School as a possibility.

Ms. Drey then updated the Commission on county fire hydrants.

The meeting was adjourned at 4:10 p.m.

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FAYETTE COUNTY COMMISSION

**October 17, 2014**

SPECIAL SESSION

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special meeting on this 17<sup>th</sup> day of October, 2014.

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

The Early Voting and Election Day Test was performed on the IVotronics. The Commissioners and Ballot Commissioners signed the results.

Rachel Davis, Assistant Resource Coordinator, appeared to discuss the Records Management Grants that are being submitted for offices in the Courthouse. Offices were ranked Fayette County Commission, Prosecuting Attorney and the Assessor.

The meeting was adjourned at 11:00 a.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

## 2014 MINUTES

**October 28, 2014**

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

OTHER PRESENT: John Tuggle, Tom Oxley, Anthony Brown, Mary Jane Kincaid, James Kincaid, Carton Jackson

The Fayette County Commission met for a regular meeting on this 28<sup>th</sup> day of October, 2014.

The Commission convened at 8:30 a.m. at the Day Report Center for a visit.

The Commission recessed at 9:25 a.m. to travel to the Courthouse for their regular meeting.

The Commissioner reconvened at 9:45 a.m.

Steve Fox, Assessor Chief Deputy, appeared before the Commission to present a refund and exonerations for real property.

Mr. Fox presented exonerations for real property for Wilga Stover \$170.12; Mariah Hibarger \$1,063.64; Norman K. Breckenridge, Jr. \$59.94; Edwards C. Longstreth \$6.40, \$6.42; Carl & Sylvia Hopkins, Jr. \$304.54, \$315.96; Neil J. Pleasants, Jr. \$316.56; Jesse Braenovich \$222.90; Dock & Robin Holbrook \$256.20; Irene Gill \$167.56; Reva Blevins \$35.12; Nannie Alice Fruit \$22.04; Johnny Hawkins \$446.06; William C. Wolfe \$256.20; Terry & Luanne Stanley \$312.06; Elizabeth Carol Legg \$348.18; Fred H. Phyllis A. Wright \$256.20; Melissa & Charles Dunn \$170.62; James A. & Connie Ruff \$331.20; Patricia S. & David McClintic \$390.06, \$271.32; Brandy Jones \$347.78; Carol & James Sullivan \$163.36. Commissioner Wender offered a motion to approve exonerations and Commissioner Lopez seconded. Unanimous decision.



## 2014 MINUTES

Mr. Fox presented 6 refunds: Mariah Hibarger \$518.82; Mildred A. Ellison \$3.77; Carl and Sylvia Hopkins, Jr. \$309.54, \$172.89, \$157.98; Carl Hopkins, Jr. \$255.36. Commissioner Lopez motioned to approve refunds. Commissioner Wender seconded. Unanimous decision.

President Scalph approved minutes of prior meetings from July 25<sup>th</sup>, August 29<sup>th</sup> September 5<sup>th</sup> and October 17<sup>th</sup>. Commissioner Lopez seconded. Unanimous decision.

Page Kincaid PSD received a Community Participation grant with efforts from our delegates for a generator, Page Kincaid PSD Board Members and Delegates David Perry, John Pino and Margaret Staggers were present in recognition of this grant and for a photo opportunity.

Debbie Berry, County Administrator, presented the Fayette County Pool grant. Kelly Jo Drey, Resource Coordinator was unavailable for the Commission Meeting but requested to be contacted to discuss the grant. The Commission decided that it wasn't necessary to contact Ms. Drey. Carl Harris, Prosecuting Attorney, has an acknowledgement that the park is used for recreational purposes for the Commission to sign to be presented with the grant. The Commission is to match \$10,000.00 in kind services and a \$62,500.00 money match. The total grant amount is \$72,500.00. Commissioner Wender motioned to sign the grant request. Commissioner Lopez seconded. Unanimous decision.

Ronn Robinson, Scott Markwell and Jeff Maynor appeared before the Commission to discuss current line situations. Commissioner Wender suggested Mr. Robinson come back to discuss preparedness and reliability of power across the county. Mr. Markwell and Mr. Maynor will also appear.

## 2014 MINUTES

Ms. Berry resented Budget Revision Number 2 for the Fayette County General Fund for the Commission to approve and sign.

Commissioner Wender motioned to approve the Budge Revision in the amount of \$86,921.00. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a letter to Joel Ferris who requested to use the parking lot adjacent to Water Stone Outdoors to discuss public policy on the upcoming election. Discussion was held regarding insurance. Ms. Berry will contact Mr. Ferris. Commissioner Wender suggests having a conversation with our insurance company about the county purchasing coverage for these types of events. Commissioner Wender motioned to approve the use of the parking lot provided the group can supply liability insurance. President Scalph seconded. Unanimous decision.

Ms. Berry presented a GIS software quote for ESRI for Fayette County Health Department Septic Tank Data Base in the amount of \$1,800.00 (approved at a prior meeting) for signature.

Discussion was then held concerning Courthouse handicap parking space located behind the main courthouse near the handicapped ramp. Carl Harris, Prosecuting Attorney, suggested setting a time limit on the handicap parking space. Commission approved a new sign stating 1 hour parking only. Commissioner Wender suggested putting a sign over their spots stating they are handicapped parking, and then remove the sign when the Commission meets. All approved.

The Belinda Morton property is ready to close. Discussion was held about what the building would be used for. The State did not

## 2014 MINUTES

approve using the property for the Family Law Magistrate.

Commissioner Wender suggested using it as the WVU Extension Services office and use the existing WVU Extension Services property as additional parking. Commissioner Scalph suggested that Ms. Berry send a letter to the state letting them know about the reason we are looking for a new space is due to the noise issue above the current law office. Commissioner Wender suggested continuing with the purchase of the property even though the state may not approve moving the family law magistrate and devise a plan at a later date.

Commissioner Wender motioned to authorize payment for the formally called Belinda Morton Property, 106 E. Maple Ave, at a set closing. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented for discussion the box trailer on the Meadow River Rail Trail property. It is on County property. It was suggested to remove the trailer. A notice was posted for 2 weeks and Mr. Harris noted that is a significant amount of time. The County would be responsible to move the trailer. Mr. Harris said to place a notice stating that if the trailer isn't moved in one week, the County Commission will remove it.

Discussion was then held on the Mt. Hope water service issue. Patricia Connelly appeared to start the discussion. Ms. Connelly presented the Commission with a handout regarding the increases in water and sewer rates. Mayor Michael Martin and town council stated that revenues have declined due to the Dunloup Creek buyout. One-hundred four businesses and homes were lost in Mt. Hope due to the buyout. By 2016, Mt. Hope will have the highest rates in West

## 2014 MINUTES

Virginia. The residents want the Commission to reconsider the request from the City of Mt. Hope to receive compensation for utilities.

George Smith appeared to speak on behalf of the City of Mt. Hope to request the Commission to approve this compensation.

Commissioner Wender spoke on this issue. Nothing was done by Mt. Hope in the beginning stages of the buyout to secure this funding. Mr. Wender feels this request is coming in late. Funds have already been depleted.

Ms. Connelly feels the residents are being punished because Mayor Martin didn't put in a request because he didn't know the exact number of homes being purchased through the buyout.

Mr. Harris feels that if this wasn't discussed at the public meeting and ear marked from the beginning then the money cannot be given.

Mr. Smith said that no blame is given to the Commission. He states this is a failure on the city government. He said trust was put in the government on behalf of the citizens and the government did not follow through. Numerous attempts were made for a meeting with Mayor Martin but nothing has happened yet. Mr. States that the NRCS says that this is not a closed door issue. Mr. Smith asks that the Commission work with the NRCS as they devise a solution. Commissioner Wender suggest contacting Kevin Wickey, State Conservationist with the NRCS, Congressman Rahall's office, Mayor Martin's office Pam Yost with the NRCS, and Region IV and inviting them all to a meeting to decide what the amount would be and how to correct this. The Commission will

## 2014 MINUTES

also advise the state legislators and Patricia Connelly about this meeting.

Ms. Connelly read a letter she received from Kevin Wickey. The letter stated a rundown of how everything started. A formula was sent to Mayor Martin twice to help come up with an amount to request for a refund. No feedback was ever received from the Mayor's office until 2014. They are still working on this issue. Copy of the letter was given to the Commission.

Ms. Berry presented a letter from Stuart T. Stickel, CPA with the West Virginia State Auditor's office with suggestions for improving our Purchasing Card Operations and the recent P-Card audit for the Commission to review.

Ms. Berry presented National Association of Counties (NACo) Financial Service information for the Commission to review. The Commission will decide whether to schedule a future meeting to discuss future investment opportunities after reviewing the presented materials.

Ms. Berry presented for final decision the dental and vision insurance company change from VSP to Guardian to the Commission. Discussion was held concerning benefits and changes for the new plan. Commissioner Wender motioned to approve changing to Guardian Dental and Vision Insurance as of January 1, 2015. Current plan will end December 31, 2014. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented the West Virginia Housing Development Fund Grant. Grant money is with the Fayette County Urban Renewal Authority and discussion is held regarding repayment of the loan. The

## 2014 MINUTES

Commission will pay the earmarked \$200,000.00 out of Coal Severance and a letter will be sent to the URA requesting the remaining amount to pay off the loan.

Ms. Berry presented a Hazardous Mitigation Property Leases Agreement for: Mike Fisher, Joseph Criss, Ronald Campbell, Kenneth Cottle, Eddie Bragg, Juddie Buckley and James & Patsy Wills for President Scalph to sign. Commissioner Lopez motioned to approve and authorize President Scalph to sign the property lease agreements. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented the West Virginia Homeland Security Grant Program application for President Scalph to sign. Commissioner Wender motioned to approve the grant application for the purpose of a generator. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a letter of support for the 2015 Promise Zone application for the Commission to sign. Commissioner Wender motioned to send a letter of support for 2015 Promise Zone. Commissioner Lopez seconded. Unanimous decision.

Discussion was held on the 2013 Tahoe designated for the OEM director. Theresa White, Interim OEM Director and James Bennett, 911 Coordinator suggest using the Tahoe for training and conference travel between Ms. White and Mr. Bennett and would be in charge of scheduling its use. Commissioner Wender suggests agreeing to leave the Tahoe at the 911 center but only for use to travel to conferences and training. Mr. Wender also suggested not hiring a full time replacement for the OEM Director until the budget is reviewed.

## 2014 MINUTES

The Commission entered into an executive session at 1:15 p.m. to discuss 911 and OEM personnel.

The Commission reconvened at 1:45 p.m. The Commission added December 19<sup>th</sup> to their meeting dates.

The meeting was adjourned at 2:00 p.m.

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### FAYETTE COUNTY COMMISSION

#### REGULAR SESSION

November 7, 2014

#### COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

OTHER PRESENT: Bradley Kennan, Tom Oxley, Tom Rist, Adam Hodges, Gene Kistler, Jeff Prior, Heidi Prior, John Stewart, Donald Carte, Carolyn J. Amick, Pat McKinney, Joy McKinney, C. George Kenney, Eric Jarrell, Garnet Simms.

The Fayette County Commission met for a regular meeting on this 7<sup>th</sup> day of November, 2014.

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

Eddie Young, Assessor, appeared before the Commission to present 2 refunds and exonerations for real and personal property.

Mr. Young presented exonerations for personal property for Keith H., Donna K. & Ryan K. Campbell \$826.36; Debra Sue or Clyde Richmond \$453.46; Sara A. Gilkey \$40.80; David W. & Tina Thomas \$6.40; Patricia L. Armstrong \$147.58, \$30.72; Joseph D. Kelly \$342.38.

Commissioner Lopez motioned to approve refunds for personal property.

Commissioner Wender seconded. Unanimous decision.

Mr. Young presented exonerations for real property for Ira Jess Martin \$34.60; Onnie & Jennifer Morgan \$256.20; Mildred A. Ellison

## 2014 MINUTES

§3.82. Commissioner Wender offered a motion to approve exonerations and Commissioner Lopez seconded. Unanimous decision.

Mr. Young present refunds for William C. Wolfe \$253.96; Elizabeth Carol & Steve Legg \$169.74. Commissioner Wender motioned to approve refunds. Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez motioned to approve vouchers and invoice and release checks today and approve 1<sup>st</sup> half payroll to be released on November 15<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

President Scalph returned from the public auction at 9:15 a.m. There was one bid from the owners of Water Stone Outdoors for \$24,000.00. The bid is under advisement and discussion will be held.

Debbie Berry, County Administrator, presented a list of legal holidays for 2015 for the Commission to sign. Commissioner Wender motioned to approve the 2015 holiday list. Commissioner Lopez seconded. Unanimous decision.

The Commission approved February 3<sup>rd</sup>, 2015 for the Board of Equalization and Review mineral hearings. The Commission will hold a regular meeting on January 23<sup>rd</sup> and the first Board of Equalization and Review hearing will be on January 30<sup>th</sup>.

Ms. Berry presents a grant application and resolution for the Commission to sign for a Community Participation Grant for Page Kincaid PSD to purchase a generator to operate the water plant during power outages. Commissioner Wender motioned to approve the resolution and authorize President Scalph to sign. Commissioner Lopez seconded. Unanimous decision.



## 2014 MINUTES

Kelly Jo Drey, Resource Coordinator, appeared to discuss the pool grant. The grant was submitted for \$73,000.00 with a match of \$62,500.00 and committed park staff for an additional \$10,500.00 match. This includes an ADA lift, chlorine system and liners. Commissioner Wender suggests hiring a hydrological engineer to review to ensure everything will function correctly.

Carl Harris, Prosecuting Attorney, suggested talking to West Virginia Tech to ask if there would be a class that could accomplish that task.

Ms. Berry will call WV Tech and if that is not possible, will contact other engineering firms for proposals.

According to the West Virginia Development Office, if the grant is selected, funds will not be available until Labor Day 2015. The Commission requests finding out how many gallons of water are lost while the pool is full and operating.

Tim Richardson, Zoning, appeared to discuss the Fayette County Land Use Master Plan for 2014. A public hearing was held.

There are five (5) coal properties that will be released for commercial use. The Planning Commission recommends that the Commission adopt this plan and attach it to the Unified Development Code. Commissioner Lopez motioned to approve the Planning Commission's recommendation. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order to divide and segregate land for Wilga Stover, Valley district. Commissioner Lopez motioned to approve the order. Commissioner Wender seconded. Unanimous decision.

## 2014 MINUTES

Ms. Berry presented a request from Richard A. Smith, Jr., President of the Ben Argento Basketball League to use the Fayette County Soldiers and Sailors Memorial Building for the upcoming basketball season from December, 2014 to March 2015. Commissioner Lopez motioned to approve the used of the Memorial Building. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a request from Suzette Hardy to have a rally in front of the courthouse to object to homosexual marriage. The Commission agreed that she must have proof of liability insurance. President Scalph inquired about the exact time of use. The issue was tabled until Mr. Harris could return to the meeting.

Tom Rist, Attorney, appeared to discuss an update on the fracking injections at a well operated by Danny Webb near Lochgelly and what he is doing on behalf of Fayette County citizens. 1.6 billion barrels have been injected. Mr. Rist thinks they are leaking. Mr. Webb has the permit from the WVDEP to perform the injections.

Mary Rahall, Fayetteville, appeared to discuss the health matters that come from fracking. Air pollution is a concern along with water contamination. Ms. Rahall tells the Commission that WVDEP finally shut down the Lochgelly injections in June 2014 but for several years we have been drinking and breathing this pollution. Ms. Rahall is making the public aware. She hopes that the Commission will enforce the ordinance: §7-1-3kk Authority to provide for the elimination of hazards to public health and safety; penalty. Mr. Harris informed he has researched and the County has no authority with

## 2014 MINUTES

this matter. The permits and authority lie with the DEP at the state level.

President Scalph states that the Commission is aware of this issue and that no job is worth a person's life. The Commission will take action and make every effort to right this wrong.

Discussion then returns to Ms. Hardy's request to use the courthouse lawn. Mr. Harris stated that she needs to be more specific about what will take place on the property. President Scalph states that it is allowed as long as she provides liability insurance and definitive time. She cannot interfere with courthouse business. Volume must be kept down due to court being held. The Commission limits the time to 30 minutes 12:00 to 12:30 p.m. on November 18<sup>th</sup>. Commissioner Wender motioned to approve the request with the stated limitations. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry read a letter from Kelvin Holliday, County Clerk, regarding pay for workers who carry out supplies on the Saturday before the election. He requested Saturday workers be paid for a full day at the rate of \$65.00. The Commission tabled this issue until Mr. Holliday can be present to discuss.

Ms. Berry presented a contract with the State Auditor's office to conduct the 2013-2014 Audit for the Commission to sign. Commissioner Wender motioned to sign the agreement. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order to the County Executive Committees to submit a list of poll clerks, elections committees, alternates and emergency absentee ballot committee for the Special Levy Election in

## 2014 MINUTES

February 2015. Commissioner Wender motioned for the Fayette County Commission to hire thirty-nine teams that will be a standard board and the Commission will notify the Democratic and Republican executive Committee. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order and letter to Sharon Cruikshank appointing her to serve as the Fayette County Chamber representative to the Fayette County Bridge Day Committee. Commissioner Wender motioned to approve and sign the letter. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender requested an accounting of the incoming revenue for all sources to cover Bridge Day.

Kenny Hayes, New Haven PSD (NHPSD) and John Tuggle, Region IV Planning & Development, appeared to discuss water services in Hico. Water sampling has been completed in the Arrowwood Creek Road/Dotson Ridge area.

Not all of the top 4 areas have been sampled. NHPSD is working with Stafford Consultants to update all information. The top 4 areas are ranked by the number of customers and cost per customer. Mr. Hayes is to contact people to take charge in the other three areas where water was tested. Mr. Hayes will then give a list of these individuals to Patty Giles at the Fayette County Health Department to move this along.

\$4,200.00 per customer approved by West Virginia American Water (WVAW) to be given in grants. Anything above that is probably going to have to be some kind of loan money which will lead to a surcharge to the customers. The lowest cost per customer is \$31,514.00 in the

## 2014 MINUTES

Saturday Road area. Mr. Hayes suggested a Small Cities Block Grant (SCBG).

Donald Carte, Hico, appeared with some results of the water testing for Arrowwood Creek/Dotson Ridge area. Mr. Hayes suggested that the NHPSD pay for the water testing then the Commission will reimburse the PSD. Bills come from the State Health Department. New income surveys need to be done in the area. NH PSD is waiting on the mapping before an income survey can be completed.

Commissioner Wender suggested Kelly Jo Drey and Mr. Hayes to have Ms. Giles perform the testing. Then have Mr. Tuggle come to the Commission and speak about the SCBG. President Scalph suggested asking Ms. Giles to inform the Commission of the water test results and explain said results.

President Scalph then opened the floor. Joy McKinney said that five people in her area haul water and wondered if that is taken into consideration. Mr. Tuggle stated that it does make the application stronger. Ms. Drey stated that the community representative could tell how many people in each area do not actually have water.

Carolyn Amick stated she hauls water and occasionally has a little water. On the day water testing was done she had a little water but has not had a drop since.

Mr. Harris then reappeared to present the estate of Harry Cleatis Coleman. Commissioner Wender motioned to remove Pamela Coleman as executrix. Ms. Coleman is ordered to file a partial settlement within 30 days. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Mr. Harris then presented the Mark Pino estate. Commissioner Wender moved to adopt the report of the Fiduciary Commissioner and deny the exceptions to the report. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an invoice from Pannell and Sons for \$15,863.28 for payment for the waterline work. Commissioner Wender motioned to approve payment; it was an emergency situation and was not advertised. Commissioner Lopez seconded. Unanimous decision.

Commissioner Wender motioned to accept Dave Pollard's letter of resignation from his consulting position with the County. Commissioner Lopez seconded. Unanimous decision.

The meeting was adjourned at 12:22 p.m. to hold a County Commissioner's Association of West Virginia Roundtable Session.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

November 10, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

The Fayette County Commission met for a special meeting to canvass the general election on this 10<sup>th</sup> day of November, 2014.

Commissioner Wender called the meeting to order at 9:05 a.m. Commissioner Lopez and Wender unlocked the voting room on the third floor of the courthouse.

President Scalph arrived at 9:10 a.m.

## 2014 MINUTES

Precincts 31 and 42 were randomly drawn to be counted by hand.  
The canvass ended at 12:37 p.m.

The Commission then met to discuss other business.

Discussion was held concerning the County Clerk's request for equal pay for Saturday workers for carry out day and carry down day. Commissioner Wender offered a motion to equalize pay this year for the half day workers that carried supplies out to match that of the workers that carried supplies down. All will be paid \$65.00 each this year. Commissioner Lopes seconded. Unanimous decision. Commissioner Wender suggested that in the future, the carry down of supplies be performed by maintenance workers and paid overtime if needed.

Discussion was then held on the parking lot by Water Stone Outdoors. Commissioner Wender motioned to sell the parking lot property, which secured the amount equal to the appraisal (\$24,000.00) to the only bidder, Kenny Parker, owner of Water Stone Outdoors. Commissioner Lopez seconded. Unanimous decision.

The meeting adjourned at 1:05 p.m.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
November 21, 2014  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew Wender, John H. Lopez

The Fayette County Commission met for a regular meeting on this 21<sup>st</sup> day of November, 2014.

## 2014 MINUTES

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

Eddie Young, Assessor, appeared before the Commission to present exonerations for real property.

Mr. Young presented exonerations for real property for Donald R. & Laura Lilly \$176.78; Charles Darrell Meadows \$38.20 & \$769.32; Donna Sue Sayre \$910.78; John R. & Yulonda L. Chambers \$485.38; Louise Mary Thompson \$550.32; Melissa & Sadie Ritter \$290.54; Michael Todd Payne \$284.16; Blake & Mary Snodgrass \$370.46 & \$336.24; North by Northwest VI LLC \$131.82. Commissioner Wender motioned to approve the real property exonerations. Commissioner Lopez seconded. Unanimous decision.

Commissioner Lopez motioned to approve vouchers and invoice and release checks today and approve 2<sup>nd</sup> half payroll to be released on November 26<sup>th</sup>. Commissioner Wender seconded. Unanimous decision.

Debbie Berry, County Administrator, presented a letter for signatures to the Supreme Court of Appeals requesting reimbursement for Family Law Judge rent for the months of October and November 2014.

Ms. Berry presented a drawdown for Community Corrections grant in the amount of \$13,644.25 for the month of October 2014 for President Scalph to sign. Commissioner Lopez motioned to authorize President Scalph to sign. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a request for a vehicle quote for Allen Ballard, Building Code Inspector, from Surplus Property. The request is for a 2007 Jeep Grand Cherokee for \$7,895.00. Commissioner Lopez motioned to approve the purchase of the vehicle. Commissioner Wender seconded. Unanimous decision.



## 2014 MINUTES

Ms. Berry presented a request from the Ansted Improvement Motivators (AIM) Group requesting funds to help with the renovation of property the group has purchased on Main Street. Commissioner Wender suggests that Ms. Berry ask what the critical needs are, who is working on the project and what the reasonable request is. If it is a large amount, it needs to be a budget item.

Ms. Berry presented items to certify the election. Commissioner Lopez motioned to approve and sign the order certifying the election. Commissioner Wender seconded. Unanimous decision.

The Commissioners signed all forms for the Secretary of State and County Clerk's offices and each individual on the ballot.

James Bennett, 911 Coordinator, appeared to discuss a Mass Notification System for the County. Mr. Bennett informed the Commission about the different kinds of systems available. Mr. Bennett told the Commission that Theresa White, Interim OEM Director, is also researching different grants available for these systems.

John David, SALS appeared before the Commission to request funding for a boiler for the Historic Oak Hill School. The current heater/boiler blew up. Mr. David presented a summary and a quote for \$36,000.00. Commissioner Wender suggested Ms. Berry speak with Region IV's John Tuggle to see what money is available. Commissioner Lopez motioned to approve the allocation of \$5,000.00 for the Historic Oak Hill School provided that Prosecuting Attorney Carl Harris can find legal authorization to make that allocation. Commissioner Wender seconded. Unanimous decision.

## 2014 MINUTES

Discussion was held regarding a survey being completed for the parking lot between Blankenship Law Office and Water Stone Outdoors. Commissioner Wender motioned to approve paying up to \$1,200.00 for a survey on the property sold to PKI, LLC. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented an order for the Commission to sign approving lists of poll workers for the Special Levy Election to be held February 7, 2015. Commissioner Lopez motioned to approve the poll workers for the Special Levy Election. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a Petition for Consolidation of Real Estate for Assessment Purpose. Commissioner Lopez motioned to approve the petitions. Commissioner Wender seconded. Unanimous decision.

Commissioner Wender suggested Ms. Berry draft a letter to West Virginia American Water telling them the Commission's desire to keep the Fayette County Pool open to the public and to request them to assist with our cost.

Ms. Berry presented documents for the Kanawha Falls Boonesborough water Line Extension Small Cities Block Grant for President Scalph to sign. The Commission authorized President Scalph to sign the Environmental Assessment Determinations and Compliance Findings for HUD-assisted projects.

Commissioner Wender called the meeting into an executive session at 11:05 a.m. because of a personnel matter and the meeting will adjourn following.

The meeting adjourned at 11:15 a.m.

## 2014 MINUTES

FAYETTE COUNTY COMMISSION

REGULAR SESSION

December 12, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

The Fayette County Commission met for a regular meeting on this 12<sup>th</sup> day of December, 2014.

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

Eddie Young, Assessor, appeared before the Commission to present exonerations for real property.

Mr. Young presented exonerations for personal property for Susan C. England \$159.28; Petra Industrial Services Inc \$11,973.08; Michelle F. Laird \$502.46; Billy J. Butler \$3.20; Damon Rodger & Ruby Runyon \$390.66; Erin M. Beal \$217.00; Shanon Dixon \$368.44.

Mr. Young presented exonerations for real property for Timothy Holcomb \$21.52; H3LLC \$9.98; Kimberlee Crist \$119.14; John W. & Sandra L. Pyatt \$463.48; Samuel M. Jasper \$415.26. Commissioner Lopez motioned to approve personal and real property. President Scalph seconded. Unanimous decision.

Commissioner Lopez motioned to approve vouchers and invoices and release checks and approved 1<sup>st</sup> half payroll to be released on the 15<sup>th</sup>. President Scalph seconded. Unanimous decision.

President Scalph motioned to approve minutes for July 21, July 25, August 8, August 29, September 5, September 12, September 24,

## 2014 MINUTES

October 10, October 17, October 28, and November 7. Commissioner Lopez seconded. Unanimous decision.

Kelvin Holliday, County Clerk, appeared to introduce a new employee, Angel Williams.

President Scalph presented a check for \$5,619.05 for reimbursement on the design for the Winona water project.

Sheriff Steve Kessler appeared to present a final disposition on the land sale.

Debbie Berry, County Administrator, presented a Courthouse Facilities Improvement Authority grant cycle contract for President Scalph to sign. Commissioner Lopez motioned to authorize President Scalph to sign the 2<sup>nd</sup> phase of our Courthouse Roof project for \$96,000.00. President Scalph seconded. Unanimous decision.

Ms. Berry presented a Small Cities Block Grant project documents for the Kanawha Falls/Boonesborough water project for President Scalph to sign. Commissioner Lopez motioned to approve. President Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for signatures to the Supreme Court of Appeals requesting reimbursement for rent for the Family Law Judge for the month of December, 2014. Commissioner Lopez motioned to approve signing for the reimbursement. President Scalph seconded. Unanimous decision.

Mike Moore with Silling Architects appeared to discuss the Belinda Morton property. The existing structure is not large enough to hold the Family Law Magistrate Office. Mr. Moore will visit the

## 2014 MINUTES

property. There are a few options for moving forward. Maintenance employees can assist with some of the work to save costs.

Commissioner Wender entered the meeting at 9:45 a.m.

The lot next to the property may need to be purchased to have enough room to build a new one story structure. The USDA loan program is the most used funding source across the state for judicial annex buildings. It would need to be 2,500 to 3,000 square feet. The Supreme Court will reimburse for Magistrate Court. Ms. Berry will check with Fletcher Adkins and Cindy Wessel.

Commissioner Wender suggests a feasibility study to be completed by Silling.

The Commission entered into an executive session for legal counsel at 10:14 a.m. Commissioner Lopez motioned the executive session. President Scalph seconded. Lopez motioned to approve. President Scalph seconded. Unanimous decision.

The Commission reconvened at 10:30 a.m.

Carl Harris appeared to inform the Commission of his retirement on December 31, 2014. Commissioner Wender motioned to appoint Assistant Prosecuting Attorney Larry Harrah to complete the remainder of Mr. Harris' term. Commissioner Lopez seconded. Unanimous Decision.

Angela Gerald, Building Safety Department, appeared to present dilapidated properties. Commissioner Wender motioned to authorize the demolition of the Mayard Nichols property at 366 Logan Rd, Page and to advertise for the demolition. Commissioner Lopez seconded. Unanimous decision.

## 2014 MINUTES

Ms. Gerald presented the Virginia Massey property, 22674 Midland Trail, Victor. Notices have been sent to Ms. Massey. Commissioner Wender motioned to accept the complaint and ask Ms. Massey to a future meeting regarding her plans for the building. Commissioner Lopez seconded. Unanimous decision.

Ms. Gerald presented the Tom Neal property, 51 Nancy Jane Drive, Oak Hill. Mr. Neal purchased the home then it burned with previous owner, Mike Allen, still residing in it. There are two insurance companies involved due to the house was sold as a foreclosure. Commissioner Wender motioned to accept the complaint and notify both Mr. Neal and Mr. Allen to come before the commission and relay their plans for removal of the structure. Commissioner Lopez seconded. Unanimous decision.

Bill Hannabass appeared to submit an application for annexation for minor boundary adjustments, West Virginia Code 8-6-5. Carl Harris, Prosecuting Attorney reported what will happen next. The Commission will review the submission and then determine if it meets the guidelines to move forward. By December 19<sup>th</sup>, if reviewed and found satisfactory, the Commission will accept then determine a hearing date. The Commission will accept or reject the application on December 19<sup>th</sup> at 10:30 a.m.

Lynn Pollard appeared regarding the estate of Charles E. Dixon. Attorney Robert Dunlap from Beckley, who represents Mr. Dixon, also appeared. Commissioner Wender motioned that since it is consistent with all parties that Theodore J. Dixon be appointed executor of the estate. Commissioner Wender motioned that Mrs. Pollard be excused as

## 2014 MINUTES

curator because her work in that position is complete. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from April Newell Storm, Fayette County Green Advisory Team, for the use of the Courthouse grounds for vendors and other activities, especially children's activities on Saturday, April 25, 2015 from 12:00 noon 5:00 pm for Earth Day. Commissioner Wender motioned to approve and make available the courthouse grounds with restrictions set forth. President Scalph seconded. Unanimous decision.

Ms. Berry presented two forms to add to the personnel manual regarding donated leave. Commissioner Wender motioned to add these two forms into the personnel manual. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request for a new door for the Building Code Enforcement office in the amount of \$1,965.83. Commissioner Wender suggests obtaining more quotes, possibly five or six. Mr. Harris believes all requests need to be submitted during budget session unless it is an emergency. It will need to be determined if the amount is within the County's money limits.

Commissioner Wender suggested tabling this request and during the next budget session, we make an allocation called Unencumbered Emergency Funding. President Scalph suggested having a rate sheet set up for our budget session.

Adam Hodges suggests that the Commission request a final funding report be submitted by people who receive allocations.

## 2014 MINUTES

Mr. Ray Crook appeared to request funding for their food pantry. The program increased from 20 to 1,200 participants. He presented a budget statement. He asked to be considered for funding in March. Lord's Blessing has a recycling program where people receiving donations bring recycling back as payment for the food and Lord's Blessing recycles the materials for cash. Discussion is held as to if they are considered a non-profit or a church. The IRS said that they are a separate entity from the church but the Commission has requested this in writing from the IRS.

Discussion is held on the Coalbed methane fund. Commissioner Wender motioned to approve the use of the Coalbed Methane Fund of \$15,000.00 to be written to the FCURA to pay down their line of credit. Commissioner Lopez seconded. Unanimous decision.

The Commission reviewed the dates for upcoming meetings:

January -Wednesday 7<sup>th</sup>, Friday 23<sup>rd</sup>  
Board of Equalization and Review  
January - Friday 30<sup>th</sup>  
February - Tuesday 3<sup>rd</sup>, Monday 9<sup>th</sup>, Friday 13<sup>th</sup> - 1:00 pm, Friday 20<sup>th</sup>  
Special Levy Election Canvass  
February - Friday 13<sup>th</sup>  
Budget Sessions  
March - Wednesday 4<sup>th</sup>, Tuesday 10<sup>th</sup>, Friday 13<sup>th</sup>, Wednesday 18<sup>th</sup>,  
Wednesday 25<sup>th</sup>  
April - Wednesday 8<sup>th</sup>, Tuesday 14<sup>th</sup>, Wednesday 29<sup>th</sup>

Commissioner Wender requested having AT&T and Frontier representatives come to an upcoming meeting to give updates.

The Commission approved 2<sup>nd</sup> half payroll to be paid on December 23<sup>rd</sup>.

Kelly Jo Drey appeared to give updates on her projects. Commissioner Wender suggested the Ms. Drey write the responsibilities for an assistant and set up a meeting with Allen Ballard about cross training Angela Gerald. Mr. Wender also asked that Teresa White be included to discuss her needs and an IT position for the county.



## 2014 MINUTES

The Commission asked for James Bennett, 911 Coordinator, be placed on an upcoming agenda to discuss the response time for JanCare.

Discussion was held on the Land Trust property purchase. The decision lies with the state and they will let Eddie Young, Assessor, know whether it is taxable or non-taxable on or before February 28<sup>th</sup>, 2015.

President Scalph presented a request for pay increase for an employee at the 911 center. Discussion was held. It was tabled until discussion on January 7<sup>th</sup>.

The meeting adjourned at 1:45 p.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

December 19, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

The Fayette County Commission met for a regular meeting on this 19<sup>th</sup> day of December, 2014.

President Scalph called the meeting to order at 9:21 a.m.

Commissioner Lopez motioned to approve vouchers and invoices to be released today and approve 2<sup>nd</sup> half payroll to be released December 23<sup>rd</sup>. Commissioner Wender seconded. Unanimous decision.

Debbie Berry, County Administrator, presented the General School Fund transfer of \$108,958.90 to the General County Fund. Commissioner Wender motioned to approve the transfer. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Judge Hatcher to complete renovations to probation.

## 2014 MINUTES

Jerry Willoughby appeared to discuss the situation. Commissioner Wender motioned that the Fayette County Commission agree to pay its portion of the renovations. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented letters to Eddie Young and Carl Harris approving Board of Equalization and Review dates for the Commission to sign.

Kellie Lilly appeared to discuss giving up her executrix duties of Mary Margaret Tincher estate. Carl Harris, Prosecuting Attorney, reviewed her paperwork. Mr. Harris advised Ms. Lilly to file a document with the County Clerk's stating what was in her possession and what left. Then she can be removed as executrix and the estate will remain open until someone steps forward as executor. Mr. Harris will further discuss this with Ms. Lilly.

A Public Hearing was held for the Early Voting sites for the Special Levy Election, to be held in February 2015. Locations were Danese Community Center, Montgomery City Hall and the Fayette County Memorial Building. Kelvin Holliday, County Clerk, requested only opening the Memorial Building as an Early Voting site. Commissioner Wender motioned for the Fayette County Commission to designate the Fayette County Memorial Building as the Early Voting site for the Special Levy Election. Commissioner Lopez seconded. Unanimous decision.

James Bennett, Director of 911, appeared to discuss the EMS agreement with wrecker services. Mr. Bennett presented information from A & Towing requesting to be added to the rotation list. All

## 2014 MINUTES

necessary documents were reviewed. Commissioner Wender motioned to approve adding A & E Towing to the list. Commissioner Lopez seconded. Unanimous decision.

Amanda Alderson appeared representing Anthony's Truck Repair of Alderson. She informed that this company does not own property in Fayette County but would like to be placed on the rotation list. She expressed that the company would be willing to make a donation. Carl Harris, Prosecuting Attorney, informed that the Commission cannot do that. Commissioner Wender suggested to Ms. Alderson that the company consider purchasing property in Fayette County.

Discussion was held regarding the Oak Hill annexation of Minden. A copy of the proposal will be available on the town's website and available at Oak Hill Town Hall. Discussion was held on a date for the public hearing. It will take place Friday, January 30<sup>th</sup>, 2015 in Judge Hatcher's courtroom in the Fayette County Courthouse. Commissioner Wender motioned that the Fayette County Commission will hold a public hearing on the Oak Hill annexation of Minden on Friday, January 30<sup>th</sup>, 2015 at 5:00 p.m. Commissioner Lopez seconded. Unanimous decision.

The meeting adjourned at 11:15 a.m.