

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 9, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 9th day of January 2009.

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

Commissioner Lopez offered a motion to name Commissioner Kenneth L. Eskew as President for the year 2009. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to elect Commissioner John H. Lopez as Purchasing Agent, Debbie Berry be designated as Assistant Purchasing Agent and Charlotte Holly, County Administrator, Earl Pauley, Park Superintendent, Steve Cruikshank, OES Director, David Neal, E911 Coordinator be authorized to make purchases up to \$600.00 without prior County Commission approval for the year 2009. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she has prepared the Organization Order informing that the regular session of the Commission be held on the Friday immediately preceding the 15th of each month at 9:00 a. m. (unless the 15th is a Friday, then said Commission meeting will be held on the 15th) and the last Friday of each month at 9:00 a. m. during the calendar year of 2009.

Commissioner Wender offered a motion to adopt the Organization Order for the calendar year 2009. Commissioner Lopez seconded. Unanimous. Order signed.

Ms. Holly informed the Commissioners that the Board of Equalization and Review mineral hearings will be held on February 3, 2009 at 9:00 a. m. and the industrial hearings will be held on February 9, 2009 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 30, 2009	Friday	1.00 P.M.
February 3, 2009	Tuesday	9:00 A.M. (Mineral Hearings)
February 9, 2009	Monday	9:00 A.M. (Industrial Hearings)
February 13, 2009	Friday	10:00 A.M.
February 19, 2009	Thursday	9:00 A.M.

February 25, 2009

Wednesday 1:00 P.M.

The Commissioners signed a letter to Carl Harris, Prosecuting Attorney and Eddie Young, Assessor informing them of the dates and time of the Board of Equalization hearings.

The Commissioners tentatively scheduled the following County Commission calendar for 2009:

March 6, 2009	9:00 Regular meeting/elected officials
March 13, 2009	9:00 Budget Work Session
March 20, 2009	9:00 Budget Work Session
March 25, 2009	9:00 Regular meeting/approve Budget
April 10, 2009	9:00 Regular meeting
April 21, 2009	9:00 Regular meeting

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

Commissioner Lopez offered a motion to approve and sign real property tax ticket exonerations for David and Stephanie Coleman, II, Bessie Fox Estate, William R. and Esther M. Thacker, Value-Tech Auto Service and Jegg Group LTD. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tax ticket exonerations for David and Kristie Humphrey, David M. and Stephanie Coleman, Jr., Stanton O. and Linda D. Black, Sr., Allen L. and Karen L. Comer, and Edward E. Caston. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices to be released today and approved first half payrolls to be released January 15, 2009. Commissioner Wender seconded. Unanimous.

Carl Thompson, Agent for the Fayette County Extension for Community and Economic Development appeared before the Commission to

present his Monthly Programmatic Brief ending December 31, 2008 (See attached).

The Commissioners signed a letter to the West Virginia Development Office requesting drawdown for Architectural/Engineering Services for Miscellaneous ADA Improvements to the Fayette County Courthouse, amount \$3,500.00.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG grant, amount \$3,803.57.

Ms. Holly informed the Commissioners she received two (2) request from the Fayette County National Bank advising of the need to substitute certain securities pledged.

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

The Commissioners signed an Order and appointment to serve letter appointing Steve Kessler to serve the unexpired term of Sheriff William Laird on the Fayette County New River Gorge Bridge Day Commission, said term to expire August 8, 2010.

Ms. Holly informed the Commissioners that the State had decreased their mileage. Ms. Holly told the Commissioners for their mileage they set their reimbursement as set by the General Service Administration and as of today they have not changed.

The Commissioners approved to leave mileage reimbursement at 58.5¢ as set by the General Service Administration.

David Neal, E911 Coordinator, Joe Gonzales, Project Coordinator and Mike Todorovich, Coordinator for the State appeared before the Commission to discuss further the Homeland Security Grant.

Ms. Holly informed the Commissioners this will be an addition to her workload.

Mr. Neal told the Commissioners and Ms. Holly he is willing to take on as much of the workload he can. Mr. Neal told the Commissioners he is in favor of the project.

Mr. Gonzales told the Commissioners the Homeland Security Grant have to be administered on local level, Fayette County would be responsible for the bid, State will be here for pre-bid walk and bid evaluation, RFP for tower installation must meet Davis Bacon (tower building, generators and radios).

Grant application has to be completed by September 2010.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission will accept the responsibility as the bid agent for the tower construction pending what Ms. Holly find out today from other counties. Ms. Holly to make final decision by the end of next week. Commissioner Lopez seconded. Unanimous.

Hope White, Council Member for the Town of Meadow Bridge presented to the Commissioners a letter informing that at their regular meeting of the council on January 5, 2009 there were eight citizens (six that actually lived on Cow Town Road) in attendance to express their views on Barney Vandall's renewed efforts to change the name of Cow Town Road.

Ms. Hope told the Commissioners that a motion was made that council allow the eight citizens present to make the choice of whether or not to change the name. By a unanimous vote, the citizens chose to reject changing the name of Cow Town Road.

Commissioner Wender made a motion that Fayette County Commission has made every effort to determine the wish of the residents of Cow Town Road (in town limits and out of town limits) there appears to be no show of support for the change and based on the public hearing by the Town of Meadow Bridge, Cow Town Road will remain unchanged. Commissioner Lopez seconded. Unanimous. (See attached letter)

Carl Harris, Prosecuting Attorney informed the Commissioners that Attorney James Blankenship informed him that he would have to reschedule the Removal of Co-Executrix in the Estate of Allie Lee Williams because the certified notice of the hearing to the Co-Executrix was not accepted. Mr. Blankenship informed he would have to have the Sheriff deliver the notice.

The Commissioners recessed the County Commission to go into Executive Session at 11:25 a.m.

The Commission reconvened the Commission meeting at 12:03 p.m.

Rick Pyatt with the Heian Djin-Li Karate Dojo appeared before the Commission to request funding to send two students to participate in the 13th Iris Cup Championship in Dublin Ireland from June 12-22, 2009.

Mr. Pyatt told the Commissioners the cost would be \$2,600.00 for each student.

The Commissioners commended Mr. Pyatt on what he was doing for the young people in our community.

Carl Harris, Prosecuting Attorney told Mr. Pyatt that the Commission cannot legally fund private functions.

The Commissioners suggested to Mr. Pyatt to make request at the Lions Clubs and Rotary Clubs.

Commissioner Wender offered a motion that Dickie Smith be named the Assistant Maintenance Supervisor effective today. No salary increase in the near term. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission hires a full time temporary person for the maintenance department for day shifts with as many qualifications as possible (no benefits). Commissioner Lopez seconded. Unanimous.

The Commissioners asked that this position be advertised.

The Commissioners signed from Jim Lively Insurance Bond Release for Sheriff William Laird.

The Commissioners signed the State Sales Tax Quarterly Report for the Fayette County Park, amount \$94.35.

The Commissioners received and reviewed a request from Calentha Quesenberry, Director Historic Fayetteville Convention and Visitors Bureau requesting contribution for the Fayette County Law Enforcement Museum, amount \$1,500.00 for fiscal year 2009.

The Commissioners received and reviewed a letter from the U. S. Census Bureau asking the Fayette County Commission to provide a list of the "emergency and transitional shelters for people experiencing homelessness, soup kitchens, and regularly scheduled mobile food vans" in the area where people experiencing homelessness are known to

congregate to eat and live. The Commissioners asked that the original be sent to Aletha Stolar to complete.

The Commissioners received and reviewed from the West Virginia Association of Counties the 2009 Directory of County Officials form to be completed.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding the bathrooms at the 911 Center.

Ms. Holly told the Commissioners that the bathrooms have been fixed.

Ms. Holly presented the Renewal Notices on Flood Insurance for the Fayette County Animal Shelter (Dog Building, \$79,200, Cat Building, \$27,500, and the Wash Building, \$13, 200) to the Commissioners.

The Commissioners received and reviewed a request from Armstrong Public Service District requesting a double wide trailer for their Public Service District office.

The Commissioners received and reviewed a request from Sheriff Steve Kessler requesting a purchase order in the amount of \$1,500.00 for the purchase of equipment for the project Lifesaver Program.

Commissioner Wender offered a motion to authorize the Sheriff to spend \$1,500.00 of the \$3,500.00 previously authorized for Project Lifesaver. Commissioner Lopez seconded. Unanimous

The Commissioners received and reviewed an e-mail from Jenny Becksted regarding the West Virginia Department of Culture and History Grant. Ms. Becksted gave a job description for the Fayette County

Community Culture Plan Facilitator and informed that Gene Worthington would be paid \$500.00 a month.

Commissioner Wender suggested sending Gene Worthington an e-mail to notify him that the payments don't start until February.

Commissioner Wender offered a motion to nominate Miles Dean, a member of the Fayette County Planning Commission to fill the vacancy. Commissioner Lopez seconded. Unanimous.

The Commissioners approved for Laura Ketchum, Master Gardner to be build an elevated garden by the West Virginia University Extension Office.

The Commissioners received and reviewed a copy of a letter to the Public Service Commission from Armstrong Public Service District requesting a change in their tariff to include the cost of a minimum bill for a 3-inch meter.

The Commissioners received and reviewed a letter to Betty Gilkerson from the Public Service Commission responding to her request for water service for the Kanawha Falls community.

The Commissioners received and signed a drawdown request to the West Virginia Division of Criminal Justice Services for the Fayette County Community Corrections Grant, amount \$14,956.40.

The Commissioners received and signed a drawdown for the 08-PPF-TF-10 grant, amount \$2,893.19.

The Commissioners signed a letter to Corporal Jackie L. Brown informing they had been advised of his resignation from employment as a Fayette County Deputy effective December 31, 2008 and offered their

sincere appreciation for his 12 years of service to Fayette County and our citizens.

The Commissioners approved sign request for Keffer's Lane which also serves as the access to the Pax Sewer Plant.

The Commissioners signed a letter to the Fayette County Board of Education asking the Board if they would consider allowing the Appalachia Service Project to house in one of their schools this summer so that the residents of Fayette County can have the necessary home repairs made to their homes.

The Commissioners received and reviewed a letter from the Gauley River Public Service District enclosing a copy of the audit report for the fiscal year ended June 2008.

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

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement as of December 22, 23 and 31, 2008.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Bobby Holley request for water for the Town of Pax Municipal Water Department.

The Commissioners received and reviewed a letter from Wells Fargo Claim Service Center informing that the claim for Joyce Elder has been forwarded to our insurance carrier.

The Commissioners received and reviewed a Status Report from the 911 Center for the period January through December 2008.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing copies of the executed grant

award, state/local contract, and program forms for the Fayette County Commission-Boomer Park and Lewis Foundation Governors Community Participation Grant Project #08CPGP00335.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the county's park facilities built under LWCF Project Agreement #54-0260 have been reinspected for the Beckwith pool complex.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing an "Annual Employment Status Report" to be completed which will comply with the employment reporting requirements outlined within the Memorandum of Understanding for Project #157-Wolf Creek Park.

The Commissioners received and reviewed from the Internal Revenue Service Notice of Levy for Leonard L. Price and Denise H. Perry, amount \$48,251.76.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding the New Haven Public Service District contract No. 15-Notice of Award.

The Commissioners received and reviewed a letter from the Bank of New York Mellon informing they and its affiliates have decided to participate in the FDIC's Temporary Liquidity Guarantee Program which provide full FDIC insurance coverage for non-interest-bearing transaction accounts (other than accounts held in non-U. S. Branches of the Bank), regardless of dollar amounts.

The Commissioners received and reviewed a letter from the Division of Highways asking to make available (to anyone who wishes to

review them) the Statewide Transportation Improvement Program (STIP) modified listing of proposed amendments to the approved 2009-2014 STIP.

The Commissioners received and reviewed a letter from the Upper Kanawha Valley Economic Development Corporation thanking the Commission for their contribution to the Oktoberfest held in Montgomery, West Virginia on Saturday, October 18, 2008.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council informing of a site visit to the Southern Appalachian Labor School (SALS) dormitory.

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund thanking the Fayette County Urban Renewal Authority (FCURA) for their response to their request regarding the revised and proposed Parcel "A" land sale in Wolf Creek Park.

The Commissioners received and reviewed a letter from Delegate Margaret Stagers informing that the Fayette County Commission has her full support of HB 4525 (placing the Weatherization Program under the control of the Division of Energy).

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

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of the Water and Sewer Audits for fiscal year 2008.

The Commissioners received and reviewed Remittance by the County Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$58.50 for the month of November.

The Commissioners received and reviewed a copy of the Grant Adjustment Notice to the West Virginia Division of Criminal Justice Services for the SPF-SIG grant.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that effective January 1, 2009 Robert Blackburn salary will increase to \$27,000.00 annually and Cynthia Hysell salary will increase to \$26,000.00 annually paid from the Regular County Budget and John M. Bone salary will increase to \$25,800.00 annually paid from the PVC Payroll.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor asking to deduct one and one half days (12 hours) of compensation from the paycheck of Tara Tyree for the period ending January 15, 2009.

The Commissioners received and reviewed a letter from the Courthouse Facilities Improvement Authority thanking the Commission for their timely submission of an extension request for their 5th cycle project #10-01-100107.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the November Limited Video Lottery proceeds will be directly deposited on December 26, 2008, amount \$6,187.72, the 75% of the coal severance tax will be directly deposited on December 26, 2008, amount \$207,020.20 and the 25% of the

coal severance tax will be directly deposited on December 26, 2008, amount \$40,419.88.

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

The Commissioners received and reviewed Official Oath of Office from Michael Martin, Chris Perkins, Nancy Fraley, Paul M. Blake, Jr., Patricia Bailey members of the Fayette County Criminal Justice Board and Guy S. Dooley, Jr., and Jeffrey A. Proctor members of the Fayette County Urban Renewal Authority.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of December 19 to December 25, 2008, amount \$160, the week of December 26 to December 31, 2008, amount \$650.00, and the week of January 2 to January 8, 2009, amount \$140.00; the New River Humane Society Allotment, amount \$11,254.97 for the month of January 2009, Monthly Revenue and Activity Report for the month of December.

The Commissioners received and reviewed checks for 911 Fees from AT&T IXCs Alascom, ME, amount \$378.00, Public Service Commission, amount \$166,301.84, Cleartel Telecommunications, Inc., amount \$12.00, Cebridge Telecom, \$3,128.00, Granite Telecommunications, LLC, amount \$180.00, One Communications, amount \$2,019.54, Vonage Tax Account, amount \$106.00; Alarm Fees, amount \$1,205.00; Franchise Fees from

Bradley Communication, Inc., amount \$793.35, Suddenlink Communications, amount \$103,120.74; checks from Criminal Justice Service for TRIDENT, amount \$2,586.54; Homeland Security-Hazard Mitigation, amount \$25,075.16; and the Division of Human Services-Family Resource Network (FRN), amount \$10,000.00.

The Commissioners signed a letter to David Null, Principal of Fayetteville High School informing that in a regular meeting of the Fayette County Commission held On December 19, 2008, it was decided that your request to host the Fayette County Middle School Girls/Boys Basketball "AA" tournament at the Memorial Building did meet the public, non-profit guidelines and, consequently the \$1,000.00 rental fee will be waived. All other rules are applicable, including insurance, trash and custodian fees.

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

The Commissioners received and reviewed an e-mail from Commissioner Wender to Dave Pollard, County Resource Coordinator requesting that he do some research work on the County Infrastructure Projects.

The Commissioners received and reviewed an e-mail from Commissioner to Barbara Painter informing her of the outcome of the Fayette County Weatherization meeting.

The meeting was adjourned at 12:55 p.m. The next scheduled meeting is January 30, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 30, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 30th day of January 2009.

Commissioner Eskew called the meeting to order at 9:04 a.m.

Buren Renick presented exonerations to be approved and signed to the Commissioners.

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

Commissioner Lopez offered a motion to approve and sign refunds for Teresa A. Timmerman (\$232.48) and Riverview Lease/Loan Holding, Inc. (\$152.92). Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tax tickets for James and Goldie Parker, Anthony D. and Louis F. Fish, Carl L. Moore, Stavors Corp., Inc. and Roy T. Kincaid, etux. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of December 19, 2008 and January 9, 2009. Commissioner Lopez seconded. Unanimous.

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

Tom Syner with WQAZ-TV appeared before the Commissioners to present an Agreement for a local access channel from Suddenlink cable

as part of a retransmission agreement recently reviewed in Fayette County.

Mr. Syner told the Commissioners the objective and intention of this agreement is to promote tourism in Fayette County, including marketing the history of the County while also promoting future growth using the access channel.

Mr. Syner told the Commissioners he has talked with Sharon Cruikshank with the Fayette County Chamber of Commerce and have discussed with Suddenlink.

Commissioner Wender offered a motion that Fayette County Commission sign the Agreement once approved by Carl Harris, Prosecuting Attorney and authorizes Commissioner Eskew to sign. Commissioner Lopez seconded. Unanimous.

The Commissioners signed questionnaire letters to the State Treasurer's Office, J. P. Morgan Chase Bank, Fayette County National Bank, Branch Banking and Trust, and the Bank of Mount Hope informing the Auditor's Office is conducting an audit of our financial statements as of June 30, 2007. They are asking that the banks confirm that all of our demand and time deposits of Fayette County in excess of F.D.I.C. limits as of June 30, 2007 are collateralized by other secured assets by sending directly to our auditors, a statement of the securities held on behalf of Fayette County as collateral to secure the deposits of Fayette County.

The Commissioners signed letters to Governor Joe Manchin, Senators William Laird and Randy White and Delegates David Perry, Margarete Staggars and Tom Louisos regarding various actions of state

legislators to reduce and in some cases eliminate funding for our state park units.

Ms. Holly informed the Commissioners she received two (2) request for use of the Memorial Building from the Fayetteville Little League and the Fayette County AAU WV Boys and Girls Hoopsters.

Commissioner Wender suggested getting a list of youth activities at the Memorial Building from Okey Skidmore, Manager and ask the Board of Education to help with expenses.

Commissioner Wender offered a motion to approve the request of the Fayetteville Little League to use the Memorial Building for the 2009 registration (on February 7, February 14, and February 21, 2009) one-day for inclement weather registration (February 28) and two-days for inclement weather tryouts (March 14 and March 21). The \$1,000 rental fee, custodial fee and trash service fee will be waived. All other rules are applicable including the insurance requirement; the Fayetteville Little League must submit a current certificate of insurance to you prior to any permitted use of the building.

Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve the request of the Fayette County AAU/WV boys and Girls Hoopsters to use the Memorial Building for AAU practice and instructional sessions for the coming year pending no conflict of schedule. The \$1,000 rental fee will be waived; however, this approval is until August 31, 2009. The requirements of the garbage and the custodian fees are also waived with the understanding that Philip Samples, Coach/Organizer of the Fayette County AAU/WV Boys and Girls Hoopsters shall be responsible

for the clean-up and security of the building and grounds after each practice; you will be directly responsible for the clean-up and security of the facility. The Commission will monitor this situation and if we receive any complaints, the Commission will withdraw this waiver. Commissioner Lopez seconded. Unanimous.

Ms. Holly on behalf of Amy Holly, Junior Class President Fayetteville High School asked for permission to use the Memorial Building for the Fayetteville High School 2009 Prom. The commissioners approved.

Commissioner Wender offered a motion to approve Tim Richardson, Zoning Officer request to use the Memorial Building for a public hearing for recommendation of amendment to the Unified Development Code to include a "Public Realm District," Monday, February 23, 2009 at 3:00 p.m. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented to the Commissioners the three (3) bids Okey Skidmore received for removing an existing current panel and replace with 100 amp 30 circuit 3 phase panel at the Memorial Building (H. G. Carte Electric, Inc. \$1,200.00, Greg Hurley Construction, Inc. \$1,905.50 and Payne's Electrical Contracting \$1,782.77).

Commissioner Wender offered a motion to approve the lower bid (H. G. Carte Electric, Inc. \$1,200) to start as soon as possible. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented to the Commissioners the four (4) bids received for the Courthouse Facilities Stormwater Abatement Project.

The Commissioners opened the bids from Noble Construction-\$59,125, Asbuilt Construction-\$97,037.48, The Hoover Contracting

Company, Inc.-\$97,897 and S. I. McAllister Construction Company, Inc.-\$110,000.

Commissioner Wender offered a motion to accept lower bid with Noble Construction (\$59,125) pending review by Dan Snead to review for compliance with specifications. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the Fayette County Sheriff's Department (\$9,000), Fayette County Park (\$27,000), Fayette-Nicholas Chapter America Red Cross (\$16,568), SELF Community Action (\$10,000), Fayette Starting Points (\$2,000), and WVU Extension Service (\$4,000) enclosing a Community Participation Program application for Fiscal Year 2009 for their projects. The Commissioners is asking that they complete and return to the office no later than February 13, 2009.

Commissioner Wender offered a motion to decrease mileage having been advised that effective January 1, 2009 the rate of reimbursement set by the U. S. General Service Administration (GSA) for mileage allowance will decrease to fifty-five cents (.55¢) per mile effective January 1, 2009. Commissioner Lopez seconded. Unanimous.

Attorney Gordon Billheimer and Dr. Scott Hurst appeared before the Commission to discuss raising money for the WVU Tech Pool.

Mr. Billheimer told the Commissioners the cost would be \$150,000 to remodel the pool. The pool needs a new filter, new liner, outside of the pool needs to be refurbished.

Mr. Billheimer told the Commissioners the pool would be used by WVU Tech and area group residents possibly could be used by high schools.

Commissioner Wender offered a motion that Fayette County Commission participates in the WVU Tech Pool Project at 2 levels if decided at \$75,000 minimum Fayette County Commission will contribute \$15,000, if they are able to do the full \$150,000 then Fayette County Commission will contribute \$20,000, both commitments are contingent upon WVU Tech Foundation raising the total amount for the Project. This is to be taken from contingencies to Kanawha Falls. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Office of the State Auditor confirming they will be auditing the Fayette County Commission for the fiscal years ended June 30, 2006 and June 30, 2007.

Commissioner Wender offered a motion to approve Petitions to Combine or Divide and Segregate Land for Audrey F. Young, Paul and Johnny Menefee, Christine Rene Monroe, and Jennifer Rena Griggs. Commissioner Lopez seconded. Unanimous.

The Commissioners signed revised letters to Carl Harris, Prosecuting Attorney and Eddie Young, Assessor regarding the dates and times for the purpose of reviewing and equalizing the assessment of the County for the year 2009.

The Commissioners signed letter to the Elected Officials and Department Heads requesting that each office, prior to March 2, 2009 submit a detailed request for appropriations for anticipated or expected expenditures for its respective office, including the compensation for its assistants, deputies, and employees for fiscal year 2009-2010.

The Commissioners signed the Addendum to Lease Agreement dated October 17, 2008 for the Family Law Master Court rent.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Day Report Center, amount \$17,829.37.

The Commissioners signed Order and Appointment to Serve letter appointing Miles Dean to fill the unexpired term of Jesse Bibb as a member of the Fayette County Planning Commission Board, term to expire August 3, 2009.

Commissioner Wender offered a motion that Fayette County Commission support the West Virginians Campaign for a Healthy Future. Commissioner Lopez seconded. Unanimous. Resolution signed.

Attorney James Blankenship appeared before the Commission to present a motion for removal of co-executrix Christina Williams Mazur Jeffries in the Estate of Allie Lee Williams.

Mr. Blankenship informed the Commissioners that the final statement has been prepared.

Commissioner Wender offered a motion that Christina Williams Mazur Jeffries be officially removed as co-executrix of the Estate of Allie Lee Williams. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from James Perdue, Maintenance Supervisor informing that he has been granted disability retirement effective February 1, 2009, therefore, Mr. Perdue submitted his resignation as maintenance supervisor effective January 30, 2009.

The Commissioners signed a letter to James Perdue informing they had been advised of his resignation from employment as the Maintenance Supervisor effective January 30, 2009. The Commissioners offered their sincere appreciation to him for his 28 years and 3 months of service to Fayette County and our citizens.

The Commissioners presented a Certificate of Appreciation to James A. Perdue, Maintenance Supervisor for his 28 years and 3 months of service to Fayette County and our citizens.

Commissioner Lopez informed the Commissioners that the Corp of Engineers can meet on February 17, 18 or 23, 2009 to discuss the Bluestone Dam.

Commissioner Lopez informed he would check with the City of Montgomery to see if they could have the meeting at the City Hall. Commissioner Lopez will call to confirm date and time.

The Commissioners decided to advertise for a full-time day shift custodian position.

Commissioner Lopez offered a motion to hire Dickie Smith as Maintenance Supervisor effective February 1, 2009, he's to assume James Perdue salary of \$26,880. Commissioner Wender seconded. Unanimous.

Dickie Smith presented to the Commissioners from Fayette Awning and Glass the cost to replace the door at the Courthouse Annex, cost \$4,800.

The Commissioners asked Mr. Smith to get an estimate from Jeff Atha with AAA Glass.

The Commissioners recessed the Commission meeting at 12:20 p.m.

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

Ms. Holly presented to the commissioners an Order giving the Assessor permission to make corrections to the initial assessment roll and that any errors created by the West Virginia Department of Tax and Revenue or by the Assessor of Fayette County be corrected before the 26th day of February 2009.

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 26th day of February 2009. Commissioner Lopez seconded. Unanimous.

Since no one appeared to protest and no hearings were scheduled, Commissioner Eskew asked that the Board of Equalization and Review hearing be adjourned.

The Commission will convene as Board of Equalization and Review on February 3, 2009.

The Commissioners adjourned the board of Equalization and Review hearing at 1:30 p.m.

The Commissioners reconvened the County Commission meeting at 1:30 p.m.

The Commissioners approved purchase of a printer for the prosecuting Attorney's Office, cost \$799.00.

Ms. Holly presented to the Commissioners the telephone maintenance agreement from Verizon, cost \$30,173.76.

Commissioner Lopez offered a motion to approve 3-year NEC Telephone from Verizon, cost \$30,173.76. Commissioner Wender seconded. Unanimous.

The Commissioners approved for Ms. Holly to start the bid process for Courthouse Computer system.

Commissioner Eskew informed the Commissioners he had talked with Earl Pauley, Park Superintendent, he is requesting purchasing two (2) vehicles (1 to replace the 1983 Chevy S-10 for courthouse maintenance and 1 dog truck to have as a spare if they have the one truck in the garage).

Commissioner Lopez offered a motion to approve purchase of two (2) vehicles from the West Virginia Surplus Property. Commissioner Wender seconded. Unanimous.

The Commissioners asked Ms. Holly to check with Earl Pauley to confirm that this is the lower bid for the chain link fence for the Skeet Range.

The Commissioners received and reviewed a letter from Governor Joe Manchin informing that the request for additional funding for the SALS Dormitory has been approved in the amount of \$100,000.

The Commissioners received and reviewed a letter from Sergeant Bill Scott resigning as a voting member of the Bridge Day Commission, effective February 1, 2009.

Commissioner Wender offered a motion that Commissioner Eskew sign when finalized the Memorandum of Understanding with the West Virginia Governor's Office of Economic Opportunity and the Capital Resource Agency. Commissioner Lopez seconded. Unanimous.

Dave Pollard, County Resource Coordinator introduced the Leadership Fayette County members to the Commissioners.

Ms. Holly told the Commissioners that she's uncomfortable with the Tower Grant Project.

The Commissioners approved purchase of a Laser printer for the Circuit Clerk's Office.

The Commissioners authorized Commissioner Wender to make copy of the Memorial Building blueprints and bill the County.

The Commissioners received and reviewed a copy of a letter to Governor Joe Manchin from the New River Convention and Visitors Bureau regarding the State Park Funding.

The Commissioners signed a letter to the Supreme Court of Appeals submitting a request for reimbursement for rent in the amount of \$2,632.50 for the Family Law Master for the month of February 2009.

The Commissioners received and reviewed the Statement of Actual and Estimated Revenue for the 50% allocation for the 4th Quarter Hotel Occupancy Tax to the New River Convention and Visitor's Bureau, amount \$25,033.77.

The Commissioners received and reviewed a letter from Governor Joe Manchin informing that the application to the SCBG program has been approved in the amount of \$1,500,000 to extend water service to the Stringtown Road area of Fayette County.

The Commissioners received and reviewed a letter from the Public Service Commission enclosing a copy of an Order regarding Case #08-1861-PWD-PC Petition for consent and approval to enlarge the

boundaries of Danese Public Service District to reduce the boundaries of New Haven Public Service District.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Sharia Brown request for water service in the Derryhale Hill Road area near Mount Hope, WV.

The Commissioners received and reviewed a letter from the Public Service Commission regarding David Preast request for water service on "Miller Ridge Road" which is near Fayetteville, WV.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Charles Hornsby's request for assistance in obtaining new water service extended to his property near Victor, WV.

The Commissioners received and reviewed a copy of letters to Debbie Aliff, Payroll Clerk from Sheriff Steve Kessler informing that Adam Edison Roberts and Nicholes Dewayne Hall will begin employment as Fayette County Deputy Sheriffs effective February 1, 2009, salary \$27,416.04.

The Commissioners approved paying invoices from the Lewis, Glasser, Casey and Rollins law firm regarding the LRC's, Inc. Bankruptcy, amount \$401.56.

The Commissioners received and reviewed a letter from the State Tax Department informing that the Property Valuation Training and Procedures Commission approved the requested revision(s) to the County Valuation Fund Budget for Fiscal Year 2008-2009.

The Commissioners received and reviewed a letter from Buckskin Council thanking the Commission for their contribution to their 2008 Friends of Scouting campaign of \$1,000.00.

The Commissioners received and reviewed an invitation from Plateau Action Network (PAN) inviting the Commission to their Annual Membership meeting, Tuesday, February 3, 2009 at 6:00 p.m.

The Commissioners received and reviewed a Grant Adjustment Notice to the West Virginia Division of Criminal Justice Services for the Fayette County Day Report Center.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of their minutes for the months of December and January.

The Commissioners received and reviewed a copy of a letter from Harvey Young, Assessor to Debbie Aliff, Payroll Clerk informing that effective January 16, 2009 James A. White will be working full time in his office. He is to be paid through the PVC Fund annual salary \$22,000.00 and Tommy F. Carte will be working part-time. He is to be paid through the PVC Fund at a rate of \$8.00 per hour.

The Commissioners received and reviewed a letter from Meridan Growth Strategy regarding the Economic Stimulus package.

The Commissioners received and reviewed a letter from the Fayette County Community Corrections Program informing they have hired Bonnie Spadaro for the position of a part-time van driver for the Day Report Center. The effective date of this employment is to be January 16, 2009, an hourly rate of pay \$9.00.

The Commissioners received and reviewed Official Oath of Office from Jill D. Smith, member of the Fayette County Criminal Justice Board and James E. Lively, Sr., member of the Fayette County Urban Renewal Authority.

The Commissioners received and reviewed a letter from Emergency Consulting Services, Inc. enclosing a complete copy of the Community Impact Statement for the Frasure Creek Mining, LLC-Glenco Hollow surface Mine.

The Commissioners received and reviewed a letter from EBI Consulting enclosing EBI's Capital Needs Assessment (CN) report for Project CNA Regina Apartments.

The Commissioners received and reviewed a letter from the U. S. Department of Commerce informing that the Economic Development Administration (EDA) has approved an Amendment to Financial Assistance Award with extends the Construction Completion as indicated on the CD-451, Amendment to Financial Assistance Award.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing copies of the executed grant awards for Fayette County Commission-Variou Projects-Governor's Community Participation Grant-Project #08LEDA0082 and Fayette County Commission-Boomer Park and Lewis Foundation Project #08CPGP0035.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a land and Water Conservation Fund (LWCF) Project Self-Inspection Report that needs to be completed for the Harlem Heights Park and Beckwith 4-H Camp Pool.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the December Table Games were deposited on January 16, 2009, amount \$3,744.41 and funds due for the December limited Video Lottery proceeds will be directly deposited on January 26, 2009, amount \$6,646.65.

The Commissioners received and reviewed Request for Reimbursement to the West Virginia Division of criminal Justice Service for Just For Kids, Inc., amount \$507.70.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) listing as of December 31, 2008 the securities held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements for the period December 1, 2008 through December 31, 2008 and for the period January 1, 2009 through January 23, 2008.

The Commissioners received and reviewed from Governor Joe Manchin and Commerce Secretary Kelley Goes an invitation from the West Virginia Department of Commerce inviting the Commissioners to a Forum for West Virginia's Business and Community Leaders.

The Commissioners received and reviewed a letter from the Fayette County Urban Renewal Authority to Mr. Criss informing that his office has been forwarded a copy of a septic system application for a proposed micro-brewery in Wolf Creek Park Mixed-Use Business Park.

The Commissioners received and reviewed a letter from the Fayette County Board of Education advising that the information regarding the

Appalachian Service Project has been forwarded to all Fayette County schools for their consideration.

The Commissioners received and reviewed a letter from Athylene Grimmatt informing that she refuses the disability benefits to be awarded to her from Brickstreet Insurance.

The Commissioners received and reviewed a Remittance by the County Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$72.00.

The Commissioners received and reviewed minutes of the Fayette County Planning Commission for January 26, 2009.

The Commissioners received and reviewed a letter from Stephen A. Broughman, member of the Troop Committee Boy Scout Troop 1335 informing he was found worthy of the rank of Eagle Scout, and in honor of this achievement they have scheduled an Eagle Scout Court of Honor for March 14, 2009 at 6:00 p.m. at the Jones Avenue church of God in Oak Hill, West Virginia.

The Commissioners received/reviewed and signed the Application for a Permit to Operate the Fayette County Park Swimming Pool.

The Commissioners received and reviewed a letter from Rapid Communications, LLC informing they are commencing the orderly sale of all of Rapid's cable television systems.

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

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing he has hired Tim Kincaid as the new

Chief Deputy stating salary \$31,200 per year effective January 16, 2009.

The Commissioners received and reviewed from the Circuit Court Amended Notice of Deposition's regarding Civil Action 07-C-243 lawsuit and an Order regarding Civil Action 09-6-3-H.

The Commissioners received and reviewed a letter from Frances, Nelson and Brian regarding Fisher v. Fayette County Commission lawsuit.

The Commissioners received and reviewed several Workers' Compensation claims.

The Commissioners received and reviewed Unemployment Compensation claim for Jennifer D. Hewitt.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of January 9 to January 15, 2009, amount \$246.00, the week of January 16, to January 22, 2009, amount \$272.94 and the week of January 23, to January 29, 2009, amount \$198.00.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communication Company, amount \$45.10, Verizon, amount \$27,711.01, Vonage Tax Account, amount \$286.00, IDT Corporation, amount \$14.00, 8x8, Inc., amount \$58.00, Cleartel Telecommunications, Inc., amount \$12.00, Spectrotel, Inc., amount \$34.00, Bulls Eye Telecom, Inc., amount \$98.00, AT&T Communications of WV, amount \$502.00, Granite Telecommunications, LLC, amount \$166.00, Level 3 Communications, LLC, amount \$180.00, Matrix Business Technologies, amount \$36.00, One Communications, amount \$2,091.32 and Cebridge

Telecommunications, amount \$3,496.00; Franchise Fees from Suddenlink Communications, amount \$44,051.17; Criminal Justice Services-Community Corrections Grant, amount \$11,852.26 and SPF-SIG grant, amount \$9,303.01; West Virginia Development Office-HUD/SCBG Fund-Courthouse Accessibility Project, amount \$3,500.00; Soldier and Sailors Memorial Fund, amount \$25.00; Rent Fayette County memorial Building, amount \$500.00; City of Beckley DUI Patrols Reimbursement, amount \$744.92; Secretary of State, amount \$108.50 and Department of Health and Human Resources, amount \$72.00.

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

The Commissioners received and reviewed an e-mail from Ms. Holly to Kelvin Holliday, County Clerk regarding employees' salaries line item balance.

The Commissioners received and reviewed an e-mail from Brandi Blankenship, Grants Management Specialist, West Virginia Development Office regarding the Change of Scope Request for Grant #08CPGP0035.

The Commissioners received and reviewed an e-mail from Cintas Corp. regarding their Floor Mat Program.

The Commissioners received and reviewed an e-mail from Matthew Sattler with Granicus, Inc. regarding webcasting of public meetings.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Barbara Painter regarding the outcome of the Fayette County Weatherization Program meeting.

The meeting was adjourned at 2:40 p.m. The next scheduled meeting is February 3, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
FEBRUARY 3, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 3rd day of February 2009.

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

Dave Pollard, County Resource Coordinator appeared before the Commission to request that \$15,000.00 be advanced to the Fayette County Urban Renewal Authority to be repaid to the Commission within 30 to 60 days.

Commissioner Wender offered a motion that Fayette County Commission transfer an additional \$15,000.00 to the Fayette County Urban Renewal Authority with the understanding that the Fayette County Urban Renewal Authority will transfer back to the Fayette County Commission within 30 to 60 days. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that the \$140,000.00 previously advanced to the Fayette County Urban Renewal Authority is still outstanding.

Tim Richardson, Zoning Officer and Dave Pollard, County Resource Coordinator appeared before the Commissioners to give an overview of the Public Realm District.

Mr. Richardson told the Commissioners that a public hearing is scheduled for February 23, 2009 at the Memorial Building at 3:00 p.m.

The Commissioners signed letters to Capital Resources Agency, Inc. (\$9,000), Fayette-Nicholas Chapter American Red Cross (\$7,980), Village Tree Family Support Center (\$2,020), and Roy A. Smith, Honor Guard Commander (\$3,000) attaching a Community Participation Program application for Fiscal Year 2009 for their project to be completed and returned to the Fayette County Commission.

The Commissioners signed a letter to Okey Skidmore, Manager Fayette County Memorial Building approving the request of the Junior Class of Fayetteville High School to use the Memorial Building for their 2009 Prom being held May 2, 2009.

Commissioner Eskew signed the Memorandum of Understanding between the West Virginia Governors Office of Economic Opportunity (GOEO), the Capital Resource Agency (CRA), and the Fayette County Commission to provide optimum Weatherization Program services to the low-income citizens in Fayette County.

The Commissioners signed a letter to the West Virginia Division of Culture and History informing that it is their intent to proceed with the Circuit Clerk's preservation project (\$10,000 grant) to microfilm and digitize Civil Order Books at the reduced funding level.

The Commissioners approved request of the New River Garden Masters Club to put two (2) raised flower beds, compost and rain barrel behind the WVU Extension Office.

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

Ms. Holly told the Commissioners she talked with Earl Pauley, Park Superintendent about the bid from Fayette Awning and told him to get two more bids.

Ms. Holly told the Commissioners that per Carl Harris, Prosecuting Attorney they did not need to attend the hearing scheduled for Wednesday, February 11, 2009 regarding the Estate of Woodrow Butcher.

Commissioner Lopez informed the Commissioners the Bluestone Dam hearing with the Corp of Engineers has been scheduled for Tuesday, February 17, 2009 at 10:00 a. m. at the City Hall in Montgomery.

Commissioner Eskew signed the Agreement between the Fayette County Commission, Thomas C. Syner, dba WQAZ-TV, the Fayette County Chamber of Commerce, Cable Systems, Inc. dba Suddenlink Communications and Shentel Cable for a local access channel.

The Commissioners received and reviewed a letter from the State Tax Department enclosing Administrative Notices for use in any mineral or industrial property/assessment hearings that occur during the county Board of Review and Equalization.

The Commissioners received and reviewed a reminder from Region 4 Planning and Development Council for Fiscal Year 2009-2010 assessment, amount \$47,579.00 to be included in this year Budget.

Sheriff Steve Kessler appeared before the Commissioners to give an update on his office since taking over as Sheriff.

1. No gas over 87 octane.

2. Hired three (3) deputy sheriffs, bringing the total number to 31. Sheriff Kessler told the Commissioners that two of the hired deputy's will have to go to the Academy.

3. Tax Department needs computers replaced.

4. In the Sheriff's Office they need someone to work the RMS Visionars System. Sheriff Kessler told the Commissioners he's been talking with Raleigh County Sheriff. Shaun Hale is their IT person who takes care of their equipment.

Sheriff Kessler suggested integrating Fayette County and Raleigh County.

Sheriff Kessler proposed that Shawn Hale work with Fayette County for \$20,000 a year to help maintain computer updates and equipment. The server does not need to be replaced.

Commissioner Wender asked about paying on hourly basis.

Commissioner Wender asked Sheriff Kessler to find out with Mr. Hale about charging on per hour basis, retainer or on how many hours annually.

Sheriff Kessler told the Commissioners they have two old 4-wheel drive vehicles (2002).

Sheriff Kessler told the Commissioners he would like to replace the vehicles. Sheriff Kessler told the Commissioners that Stephen's Auto has 2-Dodge Durangos that he would like to purchase. Cost \$21,129.00 each is in stock police package. Total cost of the 2 vehicles is \$42,258.00. Would like to purchase now?

Commissioner Wender asked Sheriff Kessler to ask Earl Pauley for a vehicle report.

Sheriff Kessler told the Commissioners the Crown victoria are priced at \$22,733.00.

Commissioner Wender offered a motion that the Fayette County Commission purchases two (2) new Dodge Durangos 4-wheel cruisers to be paid out of the Coal Severance Fund. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Travelers Insurance informing that the bond number has been changed on the Tower/Structure Removal Bond. The original copy forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed several letters from Bowles, Rice, McDavid, Graff and Love LLP to the West Virginia Workers' Compensation Office of Judges regarding claimant Carl Dancy.

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

The meeting was adjourned at 11:20 a.m. The next scheduled meeting is February 9, 2009.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
FEBRUARY 9, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 9th day of February 2009.

Commissioner Eskew called the meeting of the Board of Equalization and Review Industrial Hearings to order at 9:00 a.m.

Eddie Young, Assessor, Carl Harris, Prosecuting Attorney, Judy Bays, State Tax Department, Neill Belt, Plant Manager and Leslie Patrick, Controller Georgia-Pacific appeared before the Commission.

Carl Harris, Prosecuting Attorney informed the Commissioners that Georgia-Pacific is here today to request release a reduction in taxes.

Neill Belt, Georgia-Pacific appeared before the Commission to ask for a 25% reduction of \$3,840,097 in the appraised value for economic obsolescence for the categories of machinery and equipment, molds, and pollution control equipment and not the 58% indicated in the model.

Judy Bays submitted packets for review for Georgia-Pacific Tax Year 2009.

Carl Harris, Prosecuting Attorney asked Mr. Belt how did he come up with these figures.

Mr. Neill informed they are asking for a 25% reduction in these three machinery equipment categories for economic obsolescence of \$3,840,097 and not the 58% indicated in the model. This would be a 19% reduction in the total personal property value and about 13% of the total real and personal property value.

Carl Harris asked that the packets from the Sate Tax Department be marked Exhibit I.

Commissioner Eskew informed the Commissioners would take under advisement and will get back with them the end of the month.

Commissioner Lopez offered a motion to approve and release invoices and vouchers today, approve and release payrolls on February 13, 2009. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed the Commissioners that Jim Zoya, Chief of State and Ed McGuire is requesting Fayette County to aid in hiring of individuals to negotiate with land companies to Gauley River to the New River Park presentation.

Commissioner Wender offered a motion that Fayette County Commission allocates \$5,000.00 to be spent over the next six months for Ed McGuire to negotiate with land companies to Gauley River to the New River Park presentation. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion on behalf of Fayette and Greenbrier County Commission we are requesting an additional 180-day extension of the deadline for negotiations with CSX Transportation. Commissioner Lopez seconded. Unanimous. The Commission signed the letter to the Surface Transportation Board.

Discussion was held regarding the replacement of Donald White as a member of the Armstrong Public Service District.

Commissioner Wender offered a motion that the Fayette County Commission sends a letter to the Armstrong Public Service District requesting they submit three names to be considered as members of the Armstrong Public Service District.

After further discussion Commissioner Wender withdrew his motion.

Ms. Holly told the Commissioners she talked with Jim Lively Insurance regarding the matter in the Tax Department.

Mr. Lively told her that the County coverage is \$60,000 if they prosecute.

Ms. Holly told the Commissioners she had talked with Mike Manley with Software Systems regarding setting up the new account system and training the employees in the Tax Department.

Commissioner Lopez offered a motion that Fayette County Commission approves setting up the Sheriff's new account system and training the employees in the Tax Department. Commissioner Wender seconded. Unanimous.

The Commissioners approved signing the 3-year Verizon Maintenance Agreement total price \$30,173.76.

The Commissioners signed and approved Request for Reimbursements to the West Virginia Division of Criminal Justice Services for TRIDENT, amount \$4,489.31 and SPF-SIG Grant, amount \$6,102.55.

Commissioner Wender offered a motion to approve minutes for December 5, 2008. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission designate 4-C Economic Development Authority to represent Fayette County for the purpose of participating in the West Virginia Certified Development Community (CDC) Program. Commissioner Lopez seconded. Unanimous. Resolution signed.

The Commissioners approved Daniel Wright, Circuit Clerk request that \$767.00 of his annual travel allowance is transferred to cover the costs of office equipment for his office.

The Commissioners received and reviewed All Star Program Coordinator Agreement for Carrie Chapman, All Star Facilitator Agreement for Debra Ferri and Torri Burke for the West Virginia Prevention Framework State's Incentive Grant (SPF-SIG).

The Commissioners signed a letter to Janice Kitzmiller, Family Law Master requesting reimbursement for rent in the amount of \$2,362.50 for the month of March 2009.

Ms. Holly told the Commissioners that the Fayetteville High School Prom has been changed from May 2, 2009 to April 25, 2009.

The Commissioners received and reviewed a letter from the Office of the State Auditor certifying the apportioned values of public utility property located within their county. The apportioned value in Fayette County for Fiscal year 2009-2010 is \$163,410,255.

The Commissioners received and reviewed a letter from Appalachian Power regarding APC-London/Marmet Hydroelectric Project and Winfield Hydroelectric Project. Original forwarded to Tim Richardson, Zoning Officer.

The Commissioners received and reviewed a letter from Senator Edwin J. Bowman regarding the study of the Recruitment and Retention of Volunteer Firefighters within West Virginia requesting that the West Virginia Legislature pass legislation to implement an LSOP Plan to be funded by the West Virginia tax payers. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District potential projects for Stimulation Package for Stringtown Road, Derry Hale, and sun Mine Road.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District Stringtown Road-Contract #15 Readiness to Proceed.

The Commissioners received and reviewed a letter from Governor Joe Manchin thanking the Commission for contacting his office regarding the State Park Funding.

The Commissioners received and reviewed a letter from Nicholas County Commission requesting the number of Deputy Sheriffs and their salary for Fayette County. A copy forwarded to Sheriff Steve Kessler.

The Commissioners received and reviewed a letter from the Sissonville-Millertown-Pocatalico and Guthrie Volunteer Fire Department informing the 3rd Annual 2009 Sissionville Fire and Rescue School is offering classes for State, County, and city emergency Planners and Administrator.

The Commissioners received and reviewed a notice from the Public Service Commission informing of the new local dialing procedure as of February 28, 2009.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of January 30 to January 31, 2009, amount \$20.00 and the week of February 1 to February 5, 2009, amount \$65.00, the Monthly Revenue Report and Activity Report for the month of January.

The Commissioners received and reviewed a copy of a letter from Carl Harris, Prosecuting Attorney to Debbie Aliff, Payroll Clerk requesting that Vickie Hylton's salary be increased from \$40,000.00 to \$40,500.00 effective February 1, 2009.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing that Thomas

Woodrum resigned his employment with the Tax Department on February 3, 2009.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing that he has increased Rebecca Jones salary to \$26,400.00 due to the recent increase of responsibilities within the Tax Department effective February 1, 2009.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing that he has appointed Cindy Renick as the new Chief Tax Deputy, yearly salary will be \$33,277 effective February 1, 2009.

The Commissioners received and reviewed a copy of a letter from ISO Insurance Services Offices, Inc. to Mayor Tom Skaggs regarding Public Fire Protection for Smithers and Fire Departments in Fayette and Kanawha Counties.

The Commissioners received and reviewed a letter from Jackie Cooper-Keiffer, Grant Writer and Research Specialist informing she was thrilled to learn that the Fayette County Commission had recently received their State grant funds of \$16,180.00 for the Fayette-Nicholas Chapter of the American Red Cross Grant Funds.

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

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, amount \$99.23; Franchise Fee from Bradley Communications, amount \$798.99; Criminal Justice Services-TRIDENT, amount \$2,893.19.

The Commissioners received and reviewed a letter from J. Dn Snead and Associates, Inc. regarding the Fayette County Courthouse Stormwater Abatement.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing the application deadline for Fiscal Year 2009 has been moved forward to April 20, 2009.

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulating the Commission on their recent award for the New Haven Public District-Stringtown Road Water Extension Project and for receiving an additional \$100,000.00 for the Fiscal Year 2004 SALS Dormitory Annex Project.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Darin E. Minor request for water service on "Dotson Ridge Road" in Hico, West Virginia.

The Commissioners received and reviewed from the Bank of New York Mellon an Account Statement for the period January 1, 2009 through January 31, 2009.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) an Account Statement for the period August 1, 2008 through January 31, 2009.

The Commissioners received and reviewed from Branch Banking and Trust Company (BB&T) a list of the securities held as collateral to secure the deposits of Fayette County Commission as of January 31, 2009.

The Commissioners received and reviewed a letter from Francis, Nelson and Brison regarding Fisher v. Fayette County Commission lawsuit.

The Commissioners received and reviewed several Workers' Compensation letters regarding Carl Dancy.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing funds due for wine, liquor and private clubs taxes were direct deposited on February 3, 2009, amount \$490.07.

The Commissioners received and reviewed several e-mails from the Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Randy Campbell regarding Upper Paint Creek at Pax.

The meeting was adjourned at 11:45 a. m. The next scheduled meeting is February 12, 2009.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
FEBRUARY 12, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 12th day of February 2009 as Board of Equalization and Review.

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

Scott Burgess and Lou Baker with the State Tax Department, Eddie Young, Assessor, Carl Harris, Prosecuting Attorney was present to hear the Board of Equalization and Review hearings.

Commissioner Eskew swore in Barry Whitt and everyone that would be speaking at this hearing.

Barry Whitt told the Commissioners that the Property is assessed twice as high compared to the surrounding properties.

Scott Burgess recommended to the Commissioners the GO Code 4 sewell coal be reduced a rate by a factor of 10 value \$963 to \$96.3 per acre. This should be changed from T20 to T40-8.5 x 96.3 = \$8,200 appraised value, \$4,900 assessed on reserve coal.

The Commissioners asked Mr. Whitt if he was okay with the State's recommendation. Mr. Whitt replied he agrees to the changes.

Commissioner Eskew asked if there were any further discussion. Commissioner Eskew informed the Commission will take under advisement and let Mr. Whitt know something by the 25th of February

Discussion was held. The Commissioners recessed the Board of Equalization and Review hearings to allow the State Tax Department to work with each individual property owner and report back to the Commissioners.

The Commissioners recessed the Board of Equalization and Review at 10:20 a.m.

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

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

Ms. Holly presented two drawdown requests from Region 4 Planning and Development Council to the West Virginia Development Office for

Elevator/SALS Dormitory Project, amount \$19,883.20 and Page-Kincaid Public Service District-Ingram Branch Wastewater System Extension Project, amount \$25,812.09 to the Commissioners.

Ms. Holly presented the SCBG Agreement for the Stringtown Road Water Extension Project (\$800,000) to the Commissioners.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to sign the necessary documents to execute agreements.

Commissioner Wender seconded. Unanimous.

Ms. Holly presented a letter from Eddie Young, Assessor informing that a credit is due for David and Stephanie Coleman, II due to an incorrect classification to the Commissioners. The property was incorrectly classed as Class 4 should have been a Class 2.

Commissioner Lopez offered a motion that subject to the approval of the Assessor, the Petitioners (David and Stephanie Coleman, II) be afforded tax relief for tax year 2006 and 2007 in the total amount of \$783.06 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 Wender seconded. Unanimous.

Commissioner Lopez offered a motion to appoint William Preston to fill the unexpired term of Jack Tamplin on the Fayette County Board of Health, term to expire June 30, 1013. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to Perry Ballard informing the Commission approved his request to hold a Professional and Amateur Boxing Show at the Memorial Building on April 11, 2009.

The Commissioners recessed the Commission meeting at 11:10 a.m.

The Commissioners reconvened as the Board of Equalization and Review at 11:10 a.m.

Commissioner Eskew swore in James Blankenship, Bill Keeney, and Rick Johnson.

Scott Burgess appeared before the Commission to present State recommendations for Nuttall, LLC, Rock n Roll Rafting, and the Taylor Company.

Mr. Burgess told the Commissioners for Nuttall, LLC account number 9999-0603-1698, 9999-0603-1741, 9999-0603-4702, 6088093-Map 53-Parcel42, Map 28-Parcel 46 no action is necessary already corrected by the State, managed timberland no change.

Rock n Roll Rafting - Mr. Burgess informed the Commissioners for account number 9999-0600-6163, 9999-0600-6172, 9999-0600-6181, 9999-0600-6207, 9999-0600-6225, 9999-0600-6234, 9999-0600-6145, 9999-0600-6136, 9999-0600-6127, 4-0012-0000.0000, 4-019-0000.0000 and 8-0028-0000.0000 no action is necessary already corrected by the State.

Taylor Company - Mr. Burgess informed the Commissioners for account number 9999-0600-0409 no action is necessary already corrected by State; account number 9999-0600-0301 will be changed in accordance with the evidence presented the State recommends going back to T40 last years values the appraised mineral value be changed to \$4,971.

Everyone present was in agreement with the State's recommendations.

Commissioner Eskew informed the Commissioners will take under advisement and let them know something by the 25th of February.

The Commissioners recessed the Board of Equalization and Review hearings at 11:20 a.m.

The Commissioners reconvened the Board of Equalization and Review hearings at 11:45 a.m.

Scott Burgess informed the Commissioners he had reviewed Richard L. And Peggy E. Armstrong property, account number 01-9999-0600-3497.0000 and 01-9999-0601-6143.0000 no action is necessary already corrected by the State. The Commissioners do not have to send a letter. Commissioner Eskew asked Mr. and Mrs. Armstrong if they accept the findings of the State. Mr. and Mrs. Armstrong replied yes.

Commissioner Eskew informed the Commissioners will take under advisement and let them know something by the 25th of February.

Scott Burgess informed the Commissioners he reviewed Danny Cochran property, account number 01-9999-0600-2853.0000 the valuation of the property in question will be changed from T20 to T40 the appraised miner value will be \$6,105 the assessed value would be \$3,660.

Mr. Cochran okay with State's recommendation.

Commissioner Eskew informed the Commissioners will take under advisement and let them know something by the 25th of February.

Scott Burgess presented WV Land Portfolio, LLC, the State recommends the following changes (See attached).

Peter Schreiber presented Joint Exhibit I to the Commissioners to review.

After a brief discussion, Commissioner Eskew asked Mr. Schreiber if he is in agreement with the State's recommendation. Mr. Schreiber replied yes.

Commissioner Eskew informed the Commissioners will take under advisement and let them know something by the 25th of February.

Scott Burgess told the Commissioners he reviewed Jim Harrah property, recommends that the appraised mineral value be changed to \$10,355 and the assessed value is \$6,210.

Commissioner Eskew asked Mr. Harrah if he was in agreement with the State's recommendation. Mr. Harrah replied yes.

Commissioner Eskew informed the Commissioners will take under advisement and let them know something by the 25th of February.

The Commissioners recessed the Board of Equalization and Review hearing at 11:45 a. m.

The Commissioners reconvened the Board of Equalization and Review hearing at 12:10 p.m.

Scot Burgess presented the recommendations of the Trio Petroleum and Waco Oil and Gas Company, Inc.-Map/Parcel #10-01-9999-0803-5468.0000 ($\frac{1}{2}$ int.)-Appraised Mineral Value \$5,100, Map/Parcel #10-01-9999-0803-5468.0000 ($\frac{1}{2}$ int.)-Appraised Mineral Value \$5,100, Map/Parcel #10-01-9999-0803-8768.0000-Appraised Mineral Value \$1,763, Map/Parcel #10-01-9999-0803-8759.0000-Appraised Mineral Value \$1,763, Map/Parcel #10-01-9999-0605-3316.0000-Appraised Mineral Value no change, Map/Parcel #10-02-9999-0804-0611.0000-Appraised Mineral Value \$\$72,353, Map/Parcel #10-01-9999-0602-7051.0000-Appraised Mineral Value \$5,846.

Attorney Robert Kiss told the Commissioners he is in agreement with the State's recommendations.

Commissioner Eskew informed the Commissioners will take under advisement and let them know something by the 25th of February.

Lightning, Inc.- Carl Harris, Prosecuting Attorney informed the Commissioners that on the mineral issue which is a 5/6 interest mineral on 46.22 located on Paint Creek Map/Parcel 02-9999-0622-1778.0000 that is a situation that the State Tax Department described early and they are rolling it back from the T20 to the T40 that it was last year and that will be the same assessment as it was last year. This was corrected by the State no action necessary.

Mr. Harris told the Commissioners the other two tracks there is an issue regarding the timber will have to wait until Eddie Young, Assessor can come up and discuss.

Mr. Gango and Eddie Young was sworn in.

Mr. Gango doesn't have any problem with the State's recommendation of Map/Parcel 02-27-0071.0000 (5/6 int.) tract in Paint Creek. Mr. Gango told the Commissioners the rates are all right but the distribution of the acreage is where he has a dispute with.

Eddie Young told the Commissioners he disagrees with that the grade of the woodland is not trees on the property it's the ability to grow trees.

Mr. Young told the Commissioners woodland values increased countywide.

Mr. Young told the Commissioners that what they did on Mr. Gango's property is consistent with every other property in Fayette County, if they changed this we are wrong all over the County.

The Commissioners told Mr. Gango they would get back with him by the end of the month.

Debra Meredith appeared before the Commissioners on behalf of Martha J. Craddock.

Commissioner Eskew swore in Ms. Meredith.

Scot Burgess told the Commissioners she has two parcels, one of which is a GEO Code 1 will be fixed which is a roll back no problem, the second one GEO Code 4-64.46 acre on Paint Creek Map/Parcel 10-02-43-0015.0000 66 acres. Mr. Burgess reduced from a T20 to T40 appraised mineral value \$6,446.

Commissioner Eskew informed the Commissioners will take under advisement and let them know something by the 25th of February.

Deitz, etal - Commissioner Eskew swore in Larry Deitz and Dan Groves representatives for Deitz, etal.

Carl Harris, Prosecuting Attorney informed there is going to be a Joint Exhibit that list the parcels and what changes have been made.

Scott Burgess told the Commissioners that on this Joint Exhibit they list 15 to 20 parcels they looked at each one individually made decision at times they kept the values as is and at times they made adjustments using the T factor. All the GO Codes 210 will be done programmatically through the State. The changes they made were T factor changes. Map/Parcel #10-01-9999-0600-4860.0000-Appraised Mineral Value \$6,000, Map/Parcel #10-01-9999-0623-1801.0000-Appraised

Mineral Value \$3,600, Map/Parcel #10-01-9999-0600-4888.0000-Appraised
Mineral Value \$3,000, Map/Parcel #10-01-9999-0622-1956.0000-Appraised
Mineral Value \$345, Map/Parcel #10-01-9999-0900-3263.0000-Appraised
Mineral Value \$130, Map/Parcel #10-01-9999-0600-6635-3001 ($\frac{1}{2}$ of $\frac{3}{4}$
int.) -Appraised Mineral Value \$2,008, Map/Parcel 10-01-9999-0600-
6635.3002 ($\frac{1}{2}$ of $\frac{3}{4}$ int.)-Appraised Mineral Value \$2,008, Map/Parcel
#10-01-9999-9918.3001 ($\frac{1}{2}$ of $\frac{1}{4}$ int.)-Appraised Mineral Value \$670,
Map/Parcel #10-01-9999-0600-9918.3002 ($\frac{1}{2}$ of $\frac{1}{4}$ int.)-Appraised Mineral
Value \$670.

Commissioner Eskew informed the Commissioners will take under advisement and let them know something by the 25th of February.

The Board of Equalization and Review was adjourned at 3:30 p.m. The next Board of Equalization and Review is scheduled for February 19, 2009.

The Commissioners received and reviewed a letter from the Public Service Commission regarding the Rules Governing Billing, collection and Remission of E911 Fees by Providers of Voice Over Internet Protocal Services.

The Commissioners received and reviewed Allotment to the New River Human Society for the month of February, amount \$13,441.42. The Commissioners received and reviewed a letter from the Ansted Historic Preservation Council informing of their meeting on Thursday, February 12, 2009 at 6:00 p.m. with the West Virginia Department of Environmental Protection to prevail upon them NOT to renew another permit between Ansted and Gauley Bridge for more than 400 acres.

The Commissioners received and reviewed an Application for Employment from Mitzi Suzanne Newberry.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator to Debbie Berry informing of the termination of Ms. Kelly Hatcher from the Fayette County E911 Center effective February 7, 2009. Mr. Neal informed that Kelly Hatcher is requesting that her last pay check be released today February 11, 2009.

The Commissioners received and reviewed a letter from Senator Randy White thanking the Commissioners for their letter regarding a feasibility study to enhance the economic potential of Hawks Nest State Park in particular and Fayette County in general.

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

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges regarding Athylene Grimmitt claim.

The Commissioners received and reviewed a letter from the Division of Highways asking to make available (to anyone who wishes to review them) the proposed amendment to the approved 2009-2014 STIP (Statewide Transportation Improvement Program).

The Commissioners received and reviewed letters to the Branch Banking and Trust Co. (BB&T), Chase Bank, Fayette County National Bank, Bank of Mount Hope and the State of West Virginia Treasurer's Office informing that the Auditor will be conducting an Audit of the financial statements of Fayette County as of June 30, 2008.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged to the Fayette County Commission as of January 30, 2009.

The meeting was adjourned at 3:30 p.m. The next scheduled meeting is February 19, 2009.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
FEBRUARY 19, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 19th day of February 2009.

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

Commissioner Lopez offered a motion to approve invoices and vouchers, checks to be released today, also approved second half payrolls to be released February 27, 2009. Commissioner Wender seconded. Unanimous.

Steve Cruikshank, OES Director appeared before the Commission to discuss the ambulance service in Fayette County and the Valley area.

The Commissioners signed a letter to Stephen Broughman offering their sincere congratulations upon his attainment of the rank of Eagle Scout.

The Commissioners received and reviewed a letter and a petition from Randy Bowen informing that a seat on the Armstrong/Deepwater Public Service District will become vacant in March 2009. Mr. Bowen is requesting that he be considered to fill the vacancy.

Commissioner Wender offered a motion to hold until the term expires. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the New River Alliance of Climbers requesting permission to setup informational booths on and around the Courthouse lawn from 7:00 a.m. to 10:00 a.m. on Saturday, May 16, 2009 for the 7th Annual New River Rendezvous.

Commissioner Lopez offered a motion to approve request for use of the Courthouse property with the conditions that no vehicles are permitted on the Courthouse lawn for any purpose including unloading, that no amplification is allowed on the Courthouse property and that all county property shall be cleaned up immediately after the vent concludes. Commissioner Wender seconded. Unanimous.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice for Just For Kids, Inc., amount \$507.69.

The Commissioners recessed the County Commission meeting at 10:00 a. m. for the Board of Equalization and Review hearings.

Commissioner Eskew called the Board of Equalization and Review to order at 10:00 a.m.

Carl Harris, Prosecuting Attorney informed the Commissioners that Joe Moreau was scheduled at 10:00 to appear here today.

The Commissioners had Mr. Harris to check in the hall and call for Mr. Moreau. At 10:20 a. m. the Commission considered Mr. Moreau a no show.

Ms. Holly presented a letter from the State Tax Department regarding some reserve coal parcels in Fayette County.

Commissioner Wender offered a motion that based on the recommendation by the State the Commission approves the adjustment of the appraised values back to the values finalized for Tax Year 2008 for those unmapped coal parcels that received values that appear questionable and reserve coal values that were erroneously generated as listed on the report for Fayette County. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that on February 9th the Commission scheduled the Board of Equalization and Review Industrial Hearing. Georgia-Pacific presented exhibits and request to the Commission to grant a reduction of \$3,840,097 in the appraised values for economic obsolescence for the categories of machinery and equipment, molds, and pollution control equipment.

Commissioner Lopez offered a motion to accept Georgia-Pacific request of a 25% reduction of \$3,840,097 in the appraised values for economic obsolescence for the categories of machinery and equipment, molds, and pollution control equipment. Commissioner Wender seconded. Unanimous. Letter signed.

Ms. Holly informed the Commissioners on February 12, 2009 the Commission scheduled the Board of Equalization and Review Mineral Hearings. The following decisions were made.

Nuttall, LLC -Commissioner Wender offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following

property in question Map/Parcel 10-01-28-0046-.0000 will not be changed in accordance with the evidence presented. Commissioner Lopez seconded. Unanimous. Letter signed.

WV Land Portfolio, LLC - Commissioner Lopez Offered a motion that the County Commission has consider their application for review of property assessment and has found that the valuation of the following properties in question (See attached) will be changed in accordance with the evidence presented and the recommendations of the State of West Virginia Department of Tax and Revenue. Commissioner Wender seconded. Unanimous. Letter signed.

Lightning, Inc. - Commissioner Wender offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following property in question Map/Parcel 10-02-27-0071-.0000 and Map/Parcel 10-02-34-0001.0000 will not be changed in accordance with the evidence presented. Commissioner Lopez seconded. Unanimous. Letter signed.

Trio Petroleum and Waco Oil and Gas Company, Inc. - Commissioner Lopez offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following properties in question Map/Parcel 10-01-9999-0803-5468.0000 ($\frac{1}{2}$ int.)-Appraised Mineral Value \$5,100, Map/Parcel 10-01-9999-0803-5468.0000 ($\frac{1}{2}$ int.)-Appraised Mineral Value \$5,100, Map/Parcel 10-01-9999-0803-8768.00000-Appraised Mineral Value \$1,763, Map/Parcel 10-01-9999-0803-8759.0000-Appraised Mineral Value \$1,763, Map/Parcel 10-01-9999-0605-3316.0000-Appraised Mineral Value no change, Map/Parcel 10-02-9999-0804-0611.0000-Appraised Mineral

Value \$72,353, and Map/Parcel 10-01-9999-0602-7051.0000-Appraised Mineral Value \$5,846 will be changed in accordance with the evidence presented and the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Wender seconded. Unanimous. Letter signed.

J. W. Walter, Inc. - Commissioner Wender offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following properties in question Map/Parcel 02-9999-0900-2719.0000-Appraised Mineral Value \$254, Map/Parcel 01-9999-0900-3261.0000-Appraised Mineral Value \$627, Map/Parcel 02-9999-0900-2666.0000-Appraised Mineral Value \$3, Map/Parcel 02-9999-0900-2667.0000-Appraised Mineral Value \$92, Map/Parcel 01-9999-0900-2986.0000-Appraised Mineral Value \$28,391 will be changed in accordance with the evidence presented and the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Lopez seconded. Unanimous. Letter signed.

Deitz, etal - Commissioner Lopez offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following properties in question Map/Parcel 10-01-9999-0600-4860.0000-Appraised Mineral Value \$6,000, Map/Parcel 10-01-9999-0623-1801.0000-Appraised Mineral Value \$3,600, Map/Parcel 10-01-9999-0600-4888.0000-Appraised Mineral Value \$3,000, Map/Parcel 10-01-9999-0622-1956.0000-Appraised Mineral Value \$345, Map/Parcel 10-01-9999-0900-3263.0000-Appraised Mineral Value \$130, Map/Parcel 10-01-9999-0600-6635.3001 ($\frac{1}{2}$ of $\frac{3}{4}$ int.)-Appraised Mineral Value \$2,008, Map/Parcel 10-01-9999-0600-

6635.3002 ($\frac{1}{2}$ of $\frac{3}{4}$ int.)-Appraised Mineral Value \$2,008, Map/Parcel 10-01-9999-0600-9918.3001 ($\frac{1}{2}$ of $\frac{1}{4}$ int.)-Appraised Mineral Value \$670, Map/Parcel 10-01-9999-0600-9918.3002 ($\frac{1}{2}$ of $\frac{1}{4}$ int.)-Appraised Mineral Value \$670 will be changed in accordance with the evidence presented and the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Wender seconded. Unanimous. Letter signed.

James L. Harrah - Commissioner Lopez offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following property in question Map/Parcel 10-01-6000-1000.0000, account no. 06008143-Appraised Mineral Value \$10,355 will be changed in accordance with the evidence presented and the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Wender seconded. Unanimous. Letter signed.

Martha J. Craddock - Commissioner Lopez offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following property in question Map/Parcel 10-02-43-0015.0000-Appraised Mineral Value \$6,446 will be changed in accordance with the evidence presented and the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Wender seconded. Unanimous. Letter signed.

Danny W. Cochran - Commissioner Lopez offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following

property in question Map/Parcel 10-01-9999-0600-2853.0000-Appraised Mineral Value \$6,105 will be changed in accordance with the evidence presented and the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Wender seconded. Unanimous. Letter signed.

Taylor Company - Commissioner Lopez offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following property in question Map/Parcel 10-01-9999-0600-0301.0000-Appraised Mineral Value \$4,971 will be changed in accordance with the evidence presented and the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Wender seconded. Unanimous. Letter signed.

Barry Wayne and Barry Whitt - Commissioner Lopez offered a motion that the County Commission has considered their application for review of property assessment and has found that the valuation of the following property in question Map/Parcel 10-01-34-0090-0000.0000-Appraised Mineral Value \$8,200 will be changed in accordance with the evidence presented and the recommendation of the State of West Virginia Department of Tax and Revenue. Commissioner Wender seconded. Unanimous. Letter signed.

Gary Bateman was scheduled but was a no show.

Commissioner Eskew recessed the Board of Equalization and Review at 11:00 a.m. The next Board of Equalization and Review is scheduled for February 25, 2009.

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

Attorney Gary Ooten appeared before the Commission to present two Annexations for the Town of Fayetteville. Also, present were Jim Akers, Mayor, Bill Lanham, City Manager and Ralph Davis.

Carl Harris, Prosecuting Attorney told the Commissioners he needed more information.

Mr. Ooten told the Commissioners he had asked Paul Clay to get hold of Mr. Harris because documents needed landowners' name.

After a brief discussion, Commissioner Lopez offered a motion to accept the Town's recommendation for the Two Annexations. Commissioner Wender seconded. Unanimous. Orders signed.

Commissioner Wender offered a motion to hire two people to work in the maintenance department, one full-time with benefits on probation, and one part-time his hours will be determined by the Maintenance Supervisor with no benefits. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented an estimate from AAA Glass and Awning Company, Inc. for \$2,200 for the exterior door at the Assessor's Office at the Courthouse Annex to the Commissioners.

Commissioner Lopez offered a motion to accept the lower bid for the exterior door at the Courthouse Annex, amount \$2,200. Commissioner Wender seconded. Unanimous.

The Commissioners recessed the County Commission meeting to go into an Executive Session at 11:50 to discuss a matter related to LRC Holdings, LLC.

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

Commissioner Lopez offered a motion to authorize Commissioner Eskew to sign Agreement for the Stormwater Abatement. Commissioner Wender seconded. Unanimous.

Ms. Holly reminded Commissioner Wender and Commissioner Eskew the County Commissioners' Association meeting is being held February 22-24 at the Charleston Marriott.

The Commissioners received and reviewed a letter from Attorney Kevin Burgess regarding the State Delinquent Land Sale.

The Commissioners received and reviewed a letter from the Fayetteville Public Library requesting permission to use the Memorial Building on March 23 from 5-8:00 p.m. to celebrate the DVD release of *Twilight*.

Commissioner Wender offered a motion to approve the use of the Memorial Building for the Fayetteville Public Library to celebrate the DVD release of *Twilight* on March 23, 2009. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 6 to February 12, 2009, amount \$222.00.

The Commissioners received and reviewed a Remittance by the County Assessor's Office to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$70.50 for the month of January.

The Commissioners received and reviewed a letter from the West Virginia Statewide Addressing and Mapping Board reminding of the County Reimbursement Deadline of March 31, 2009.

The Commissioners received and reviewed a letter from CSX Transportation approving the extension request of the NITU negotiating period for 180-days to August 24, 2009.

The Commissioners received and reviewed a Status Report from the 911 Center for the month of January 2009.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds due for January 2009 Table Games will be deposited on February 17, 2009, amount \$3,866.49.

The Commissioners received and reviewed an Audit Report of the Gauley River Volunteer Fire Department for the Fiscal Year ended June 30, 2008.

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

The Commissioners received and reviewed several correspondences from Frances, Nelson and Brison regarding Fisher v. Fayette County Commission lawsuit.

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

The Commissioners received and reviewed several Workers' Compensation correspondences.

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$27,293.20, Citizens Communications Company, amount

\$45.10, dPi Teleconnect, LLC, amount \$149.04 and Vonage Tax Account, amount \$286.00

The meeting was adjourned at 2:00 p.m. The next scheduled meeting is February 25, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
FEBRUARY 25, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew and Matthew D. Wender

The Fayette County Commission met in a regular session on this 25th day of February 2009.

Commissioner Eskew called the Board of Equalization and Review hearing to order at 9:20 a.m.

Thelma Grasty was scheduled at 9:00 a. m. to appear before the Commission.

Eddie Young, Assessor informed the Commissioners that after talking with Ms. Grasty she did not need a hearing.

Neil Redman appeared before the Commission to discuss his application for review of property assessment.

Commissioner Eskew swore in Eric Neil Redman and Eddie Young, Assessor.

Mr. Young presented to the Commissioners Mr. Redman's last years and this year values.

Mr. Young told the Commissioners it is his opinion to roll back to 2008 values based on prior year approval of the State Tax Department.

Commissioner Wender offered a motion to roll back to 2008 values based on prior year appraisals of the State Tax Department. The 2009 rate of 104.21 appraised as mineral. Commissioner Eskew seconded. Unanimous.

Robert Neal appeared before the Commissioners to discuss his application for review of property assessment.

Commissioner Eskew swore in Robert Neal.

Mr. Neal told the Commissioners he is here today to discuss his concerns regarding his property in the Roaring River subdivision of Fayette County. Mr. Neal told the Commissioners that the property is not worth \$50,000.

Eddie young told the Commissioners he reduced every lot by 80%.

Property was appraised at \$51,480 reduced to \$17,006.

Commissioner Wender informed that he was not in favor of taking any action on this today.

Commissioner Wender offered a motion that they not offer any reduction in the appraised or assessed value on this property.

Commissioner Eskew seconded. Unanimous.

Commissioner Eskew informed that this concludes all the scheduled hearings.

Commissioner Eskew read an Order certifying they have examined each and every item and valuation fixed by the Assessor and have made such corrections and fixed such valuation, and that record shows the complete valuation and assessments of the land of Fayette County for the tax year 2009. Order certifying the Board of Equalization and Review hearings signed.

Commissioner Wender offered a motion to adjourn, will hear no further matters as Board of Equalization and Review this tax year. Commissioner Eskew seconded. Unanimous.

Commissioner Eskew asked if there is any further discussion. The Board of Equalization and Review stand adjourned sine die at 9:55 a. m.

The Commissioners reconvened as the County Commission meeting at 9:55 a.m.

Ms. Holly presented a Petition to Combine or Divide and Segregate land for Roy T. Kincaid to the Commissioners.

Commissioner Wender offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Roy T. Kincaid. Commissioner Eskew seconded. Unanimous.

Eddie Young, Assessor presented exonerations for real and personal property to be approved and signed to the Commissioners.

Commissioner Wender offered a motion to approve and sign real property tickets for Clinton Junior McGuire, Kenneth Wayne Morrison, Margaret L. Schoolcraft, Emmett E. Harron, Jr., Thelma Mae Grasty, and Annie Wiley. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tickets for Ronda L. and Myron Lively, Justin Vass, Hayes Samuel Braenovitch, Danny Allen Hamilton, Danny Harold and Loretta N. Hypes, Erica Straub Farley, New River Gorge Camp Grounds, William T. Stanley, James M. and Ashleigh Y. Pettry, Jerry Whitlock and Ewell Wilson. Commissioner Eskew seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refund for Sherri L. Claydon (\$578.90), and Roy T. Kincaid (\$88.40).

Commissioner Eskew seconded. Unanimous.

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

Commissioner Wender informed he has no prior minutes to be approved.

Tim Richardson, Zoning Officer appeared before the Commission to discuss what happened in the public hearing of February 23, 2009 regarding the proposed (change in Land classification) Section 11, Article 1100 to the Fayette County Unified Development Code, defined as Public Realm District.

Mr. Richardson informed the Commissioners that the Planning Commission decision was to table the proposed public realm district ordinance. Vote passed 13-0 to accept.

Carl Harris, Prosecuting Attorney, James Blankenship and Dave Pollard, County Resource Coordinator voiced their opinions and questions to the Commissioners.

Carl Harris suggested to the Commissioners to let the Planning Commission decide what to do.

Commissioner Wender suggested to Tim Richardson and Dave Pollard to develop a strategy ideal on how the County Commission could proceed.

Commissioner Eskew thanked everyone for coming. The hearing was adjourned at 10:45 a.m.

The Commissioners signed a letter to Neil Redman informing his application for review of property assessment, and has found that the valuation of the property in question will be changed in accordance with the evidence presented and the recommendation of the Assessor of Fayette County, Map/Parcel 01-19-00056-0000.0000, Account #06014029, Appraised Value \$2,714.

The Commissioners signed a letter to Robert L. Neal informing his application for review of property assessment, and has found that the valuation of the property in question Map 16C, Parcel 1, Account #09004145 will not be changed in accordance with the evidence presented and the recommendation of the Assessor of Fayette County.

The Commissioners signed a letter to the Fayetteville Public Library approving their request to use the Memorial Building to celebrate the DVD release of "Twilight" on March 23, 2009 from 5-8:00 p.m.

Commissioner Wender offered a motion to approve the request of David Null, Principal Fayetteville High School to play one (1) A Sectional boys' Basketball tournament game at the Memorial Building, March 2, 2009. Commissioner Eskew seconded. Unanimous. Letter signed.

Theresa White presented invoice requesting direct payment from the Hazard Mitigation DR-1522 Account, amount \$70,345.10 for the completion of the Buy-out.

Commissioner Wender offered a motion that Fayette County Commission acknowledges that the buy-out is complete and we owe the State \$66,202.10. Commissioner Eskew seconded. Unanimous.

Ms. Holly presented an Amended Agreement from Noble Construction with a correction regarding the insurance. Commissioner Eskew signed.

Ms. Holly informed the Commissioners that at their last meeting they authorized Dickie Smith to hire a full-time and part-time custodians.

Ms. Holly asked the Commissioners when will they start and what would be their salary.

The Commissioners informed they will start March 1, 2009. The salary for the full-time custodian is \$15,000 a year plus benefits, salary for the part-time custodian is \$7.21 per hour with no benefits.

The Commissioners received and reviewed a letter from Bowles Rice confirming agreement on behalf of the firm to act as counsel to Fayette County Commission with respect to the Athylene Grimmatt Workers' Compensation claim.

Commissioner Wender offered a motion to acknowledge request of Bowles Rice in the Workers' Compensation case and authorize Commissioner Eskew to sign on behalf of the Commission. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed from the Bank of New York Mellon an Account Statement for the period January 23, 2009 to February 20, 2009.

The Commissioners received and reviewed a copy of a memo from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing that after reviewing the records Thomas Woodrum had accrued 30 days of vacation and needs to be paid for his leave, amount \$3,839.40.

The Commissioners received and reviewed a copy of a memo from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing that Cindy Richardson has earned 58 hours of annual leave, amount \$551.58.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that it is required on Section 23-4-1b of the Workers' Compensation Statue that injuries must be reported to BrickStreet Insurance within 5 days of notification.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 13 to February 19, 2009, amount \$70.00

The Commissioners received and reviewed a fax from Benjamin Husch, Editor, Carroll Publishing requesting an update of their directory for Fayette County Officers.

The Commissioners received and reviewed an Official Oath of Office from William Preston, member of the Fayette County Board of Health.

The Commissioners received and reviewed minutes of the Fayette County Planning Commission held on February 23, 2009.

The Commissioners received and reviewed a letter from Delegate David Perry informing the Commission that he placed the Commission name on the mailing list of the West Virginia Legislative Services Office to receive the weekly Legislative Newsletter.

The Commissioners received and reviewed a notice informing that the Local Government Leadership Academy Spring 2009 has been scheduled for April 25 and 26, 2009.

The Commissioners received and reviewed a spreadsheet prepared by the Associated Press which provided information for Fiscal Year 2008 on limited video lottery.

The Commissioners received and reviewed a Quarterly Report from Dave Pollard, County Resource Coordinator for the month of February.

The Commissioners received and reviewed a Resume for Employment from Paul A. Schulte.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties endorsing Point and Pay as the State's preferred provider for electronic payments, which includes credit cards, debit cards, and electronic checks.

The Commissioners received and reviewed from the West Virginia Association of Counties informing that Senator John Unger announced some of the highlights of the stimulus package for West Virginia. Also enclosed a list of all capital improvements projects that are ready to go and a list of the Department of Transportation proposed projects.

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

The Commissioners received and reviewed from Bowles Rice regarding Carl Dancy's Workers' Compensation claim.

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

The Commissioners received and reviewed checks for 911 Fees from One Communications, amount \$2,215.48, Granite Telecommunications, LLC,

amount \$168.00, IDT Corporation, amount \$14.00, Clear TeleCommunications, ME, amount \$12.00, Level 3 Communications, LLC, amount \$194.00, AT&T IXCs and Alascom, ME, amount \$550.00, Cequel Communications Holdings, ME, amount \$3,556.00, and 8x8, Inc., amount \$56.00.

The meeting was adjourned at 11:40 a. m. The next scheduled meeting is March 6, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 6, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 6th day of March 2009.

Commissioner Eskew called the meeting to order at 9:16 a.m.

Mary K. Weatherford, chief Deputy from the Assessor's Office presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign refund for Steven Allen Gill (\$188.30). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Jimmy R. Smith, Donald T. and Tara E. Legg, Mark D. or Prisuave Walker, Rickey Stewart, Gene A. or Marian J. Bowen, Francis and Marilyn Wilson, and Steve Allen Gill. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tickets for James Homer and Mary Virginia Fox. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve first half payrolls, payrolls to be released on Friday, March 13, 2009. Commissioner Wender seconded. Unanimous.

The Commissioners decided to schedule a Work Session for Fiscal Year 2009-2010 Budget on March 9, 2009 and cancel the Work Session on March 13, 2009.

Commissioner Wender offered a motion to appoint Randy Bowen to the Armstrong Public Service District for a term of six years, the term to expire March 6, 2015. Commissioner Lopez seconded. Unanimous. Order and appointment to serve letter was signed.

Commissioner Wender offered a motion to approve minutes of January 30, February 3, 2009. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to execute documents for the Purdue Pharma Asset Forfeiture Funds Grant application. Commissioner Wender seconded. Unanimous.

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss his upcoming Fiscal Year 2009-2010 Budget.

Mr. Harris told the Commissioners he has included the PEIA and PERS increases in his budget.

Mr. Harris recommended to the Commissioners to make Larry Harrah's half position to a whole position.

Commissioner Lopez informed the Commissioners that Eddie Young, Assessor would not be here today, but informed him that his upcoming Fiscal Year 2009-2010 Budget would be the same including the PEIA and PERS increases.

Debbie Tate, WVU Extension Office appeared before the Commission to discuss her upcoming Fiscal Year 2009-2010 Budget.

Ms. Tate told the Commissioners they did hire someone to fill Dianne Meadows position. She will be working in Fayette and Nicholas Counties effective March 13, 2009.

Ms. Tate told the Commissioners no increase in salaries included the increase for PEIA and PERS, would like travel to be increased by \$500.00.

The Commissioners told Ms. Tate they would review and get back with her regarding their decision.

Ms. Holly told the Commissioners they need to have a public hearing to maintain current levy rates.

The Commissioners asked that this be scheduled for Friday, March 20, 2006 at 9:00 a.m.

Sheriff Steve Kessler appeared before the Commission to discuss his upcoming Fiscal Year 2009-2010 Budget.

Sheriff Kessler told the Commissioners he increased the longevity pay, included the increase in the PEIA and PERS.

Sheriff Kessler is asking for five vehicles. Sheriff Kessler told the Commissioners that the Ford Explorers are the cheapest, cost \$21,940, Crown Victoria's, cost \$22,732.

Sheriff Kessler told the Commissioners that he has eight (8) vehicles that have more than 150,000 miles on them and are 10 years old, would like an increase in overtime from \$65,000 to \$70,000, canine supplies \$4,000, part-time \$11,000, Project LifeSaver \$3,500, uniforms an increase of \$3,000, training and education \$5,000.

Sheriff Kessler told the Commissioners he would be hiring two additional deputy sheriffs.

The Commissioners told Sheriff Kessler they would review and get back with him.

Kelvin Holliday, County Clerk appeared before the Commissioners to discuss his upcoming Fiscal Year 2009-2010 Budget.

Mr. Holliday told the Commissioners he's not asking for anything and presented the same budget as last year with the increase in the PEIA and the PERS.

The Commissioners told Mr. Holliday they would review and get back with him.

Daniel Wright, Circuit Clerk appeared before the Commissioners to discuss his upcoming Fiscal Year 2009-2010 Budget.

Mr. Wright told the Commissioners he's not asking for anything and presented the same budget as last year with the increase in the PEIA and the PERS.

The Commissioners told Mr. Wright they would review and get back with him.

Okey Skidmore, Manager Fayette County Memorial Building appeared before the Commissioners to discuss his upcoming Fiscal Year 2009-2010 Budget.

Mr. Skidmore told the Commissioners he's not asking for anything presented the same budget as last year with the increase in the PEIA and the PERS.

The Commissioners told Mr. Skidmore they would review and get back with him.

Ms. Holly asked the Commissioners if they had heard anything from Senator Randy White regarding the letters that was sent stating that the Commission had been awarded \$20,000 for the Fayette County Memorial Building to replace the exterior doors and \$10,000 for the Fayette Senior Program to purchase a dishwasher and a bathroom upgrade at Ansted.

The Commissioners asked Ms. Holly to call Senator White and get a follow-up on the letters.

The Commissioners signed letters to the New River Human Society, Inc. and the Fayette County Sheriff's Department enclosing a copy of the Agreement for the Legislative Digest grant in the amount of \$5,000 for the New River Human Society and the amount of \$4,800 to purchase computers and equipment for the Fayette County Sheriff's Department.

The Commissioners signed letters to Congressman Nick Rahall, Senators John Rockefeller and Robert Byrd expressing their sincere appreciation for the work that they did in passing the economic stimulus package.

The Commissioners signed a letter to Janice Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of April 2009.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing the security pledged to the Fayette County Commission will not be available for pledge as of March 6, 2009 they will substitute the security.

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

The Commissioners signed a Letter of Understanding from the State Auditor confirming the terms of their agreement to conduct the Audit of the Fayette County Commission for the fiscal year ended June 30, 2008. The fee for these services will be \$29,200 for the audit.

The Commissioners signed Request for Reimbursements to the West Virginia Division of Criminal Justice Services for the 08-PPF-TF-10 grant, amount \$4,589.82, for the 08-SIG-05 grant, amount \$4,493.06, the TRIDENT grant, amount \$1,100.27, and for the Community Corrections grant, amount \$23,325.23.

Earl Pauley, Park Superintendent appeared before the Commission to discuss his upcoming Fiscal Year 2009-2010 budget.

Maintenance Garage Budget - No increase in salaries, included the increase for PEIA and PERS, increased overtime, requesting tire changer amount \$2,695 and heater for garage amount \$2,050.

Park Budget - Extra help will hire four for the shooting range, increase Donna Cooper from \$7.40 an hour to \$7.90 an hour, requesting switch and go bed for truck, \$20,717, ice maker for Park, \$4,175, water coolers, \$860.90, Cabin #4 windows need to be replaced, \$3,961.70, Cabin #3 concrete and drywall, \$362.77, concrete front and back porches, \$1,272, parks roads \$1,245, canteen restroom, \$28,000 would need to be approved for labor cost for Rick Myles Construction.

The Commissioners told Mr. Pauley they would review and get back with him.

Discussion was held regarding using the property behind the Fayette County Health Department as a parking lot.

Ms. Holly presented an estimate from Safe and Sound Security Systems, Inc. to move control of the courthouse fire alarm system from the old jail to the new panel located by the back door of the courthouse, cost \$2,609.25 to the Commissioners.

Ms. Holly told the Commissioners that David Neal, 911 Coordinator feels the proposed estimate submitted is a very good option.

Commissioner Lopez offered a motion to approve the estimate from Safe and Sound Security Systems, Inc., amount \$2,609.25 to move control of the courthouse fire alarm system to the new panel located by the back door of the courthouse. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council inviting the Commission to join both regional councils and Cumberland Plateau Planning District for a dinner meeting at Beckley-Raleigh County Convention Center on

Thursday, March 12, 2009 at 5:00 p. m. The purpose of this meeting is to meet with the representatives of Cumberland Plateau Planning District and hear how they propose to bring a high speed broadband system into West Virginia to increase employment and business development into the area.

The Commissioners received and reviewed a letter from Judge John Hatcher requesting that the Sheriff and/or County Administrator write and submit an appropriate grant application to purchase an eight-channel digital video recorder with built-in DVD Burner.

Ms. Holly told the Commissioners that Sheriff Steve Kessler is preparing grant application to include this request.

Ms. Holly informed the Commissioners that David Neal, E911 Coordinator has resubmitted their request for the final reimbursement from the State Addressing/Mapping Board (SAMD).

The Commissioners signed Grant Application to the West Virginia Division of Criminal Justice Services for TRIDENT.

The Commissioners received and reviewed Petitions from Ed Sawyer opposing the National Park Services Public Realm District.

The Commissioners received and reviewed a letter from the Consolidated Public Retirement Board informing that beginning in March 2009, the West Virginia Treasurer's Office is requiring consumer check that are received for deposit by the West Virginia Consolidated Public Retirement Board and deposited with the Treasurer's Office to be converted to electronic debits from the consumer's bank accounts.

The Commissioners received and reviewed a letter from the U. S. Department of Justice informing of the funds that may be available to

organizations and constituents through the American Recovery and Reinvestment Act of 2009 (Recovery Act).

The Commissioners received and reviewed a letter from Jan Worthington regarding the Proposed "Public Realm District" being added to the Unified Development Code.

The Commissioners received and reviewed an invoice from Software Systems, amount \$242.00 for repair to a computer in the Circuit Clerk's Office.

The Commissioners received and reviewed Certificate of Liability Insurance from the Fayetteville Little League.

The Commissioners received and reviewed a letter from the Fayetteville Little League informing they no longer need the building on March 14 but would like to ask for March 28. This is only in case of inclement weather.

The Commissioners received and reviewed a letter from the Page-Kincaid Public Service District enclosing a copy of the minutes of February meeting.

The Commissioners received and reviewed from the West Virginia Division of Criminal Justice Services Grant Application Information.

The Commissioners received and reviewed letters from Sheriff Steve Kessler informing effective March 2, 2009 he has hired Anita Barker Broome as a secretary for the Sheriff's Department, salary \$21,600, Rhonda G. Falk, Tax Deputy, salary \$18,000 and transferred Anna Frost secretary for the Sheriff's Department to Tax Deputy effective March 1, 2009, salary \$22,600.

The Commissioners received and reviewed New Pledged Security Notifications from Wachovia Bank, N. A.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period January 24 to February 23, 2009 and February 1 to February 28, 2009.

The Commissioners received and reviewed from Branch Banking and Trust a list of securities that were held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission as of February 28, 2009.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged as of February 27, 2009.

The Commissioners received and reviewed a letter from the Office of the State Treasury informing that funds due for the January Limited Video Lottery will be directly deposited on February 26, 2009, amount \$6,195.57.

The Commissioners received and reviewed an Accident Report of Deputy William Callison.

The Commissioners received and reviewed a letter from the Bank of New York Mellon and its U. S. Bank officials informing they are participating in the TAGP (Transaction Account Guarantee Program) and in exchange for the full coverage provided, the FDIC is assessing a 10-basis point annual rate surcharge on uninvested balances.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding the New Haven Public Service District-Ramsey/Saturday Road Extension.

The Commissioners received and reviewed a Notice of Grant Award Change from the West Virginia Development Office regarding SCBG Elevator/SALS Project.

The Commissioners signed the Sunoco Tax Exemption and Reporting Enrollment Form.

The Commissioners received and reviewed a letter from the Office of the State Auditor regarding Accounting Guidance Related to Senate Bill 622.

The Commissioners received and reviewed a message from Al Martine, Principal at meadow Bridge High School requesting the Commission to fund money for their trip to Washington, D.C. The Commissioners denied their request.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services announcing that effective March 1, 2009 Lora J. Maynard, Senior Justice Programs Specialist with the West Virginia Division of Criminal Justice Services will be permanently responsible for the state-wide coordinator/administration of the West Virginia Community Corrections Grant Program.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of a request for an application kit for the PPF:ALT Grant Funds (Purdue Pharma Asset Forfeiture Funds-Advanced Law Enforcement Training Grant Program).

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

effective March 16, 2009 the annual salary of Tara Tyree will be increased to \$18,200 she is to be paid out of the PVC fund.

The Commissioners received and reviewed a letter from Francis, Nelson and Brison regarding Fisher v. Fayette County Commission lawsuit.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Revenue Report for the month of February, New River Humane Society allotment, amount \$13,469.39 for the month of March, and Weekly Fees Collected for the week of February 20 to February 26, 2009, amount \$1,113.00, the week of February 27 to February 28, 2009, amount \$162.00 and the week of March 1 to March 5, 2009, amount \$104.00.

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

The Commissioners received and reviewed from the Unemployment Compensation Division a claim from Kathy J. Hatcher.

The Commissioners received and reviewed check for Jail Fees from the Town of Fayetteville, amount \$95.00; West Virginia Development Office-Page-Kincaid Public Service District-Ingram Branch Water Extension, amount \$25,812.09 and SALS/Dormitory, amount \$19,883.20; Criminal Justice Services-Just For Kids, amount \$07.70 and Community Corrections Grant, amount \$12,039.08; Supreme Court-FLM rent, amount \$14,512.50; Refund-River City Gun and Pawn, amount \$900.00; Rent-Memorial Building, amount \$1,000.00, Fayetteville High School, amount \$432.96 and Fayetteville High School, amount \$500.00.

The Commissioners received and reviewed several e-mails from the Public Service Commission regarding Arbuckle Public Service District and Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Alice King, Region 4 Planning and Development Council to John David listing copies of the portions of the SCBG drawdowns.

The Commissioners received and reviewed an e-mail from Senator Randy White informing of the number of bills that's been introduced in the Senate and the number of bills he has cosponsored.

The Commissioners received and reviewed an e-mail from Mike Smith regarding bringing his risk management/loss control folks in to do a Capabilities Presentation/Clarification on Loss Runs.

The Commissioners asked to defer and Jim Lively Insurance to remain agent. Commissioner Wender will notify Mike Smith.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding an update on the Regina Apartments.

The Commissioners received and reviewed an e-mail from Dusty Hurley, Executive Assistant, West Virginia Courthouse Facilities Improvement Authority informing that Kanawha County Commission will be hosting a Grant Writing Workshop on Tuesday, March 10, 2009 from 9:00-4:00 p.m. at the Kanawha County Ambulance Authority.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Weatherization Program.

The meeting was adjourned at 1:05 p.m. The next scheduled meeting is March 9, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 20, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 20th day of March 2009.

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

Commissioner Wender offered a motion to approve minutes of February 12, February 25 and March 9, 2009. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew informed the Commissioners are here to have a public hearing and to make a decision on the proposed tax increase.

Commissioner Eskew asked Ms. Holly to give an update on the proposed tax increase.

Ms. Holly informed the Commissioners that every year the Fayette County Commission proposes to increase property tax levies. The total assessed value of property, excluding additional assessments due to new or improved property, exceeds last year's total assessed value of property by 3.30 percent.

Ms. Holly informed the Commissioners that anything above this percentage they have to have a public hearing.

Ms. Holly told the Commissioners the tax rate per \$100 of assessed value on each Class of property would be Class I-14.27, Class II-28.54, Class III-57.08, and Class IV-57.08.

Ms. Holly told the Commissioners that without the public hearing the Commission would have to roll back the taxes with this public

hearing they can set tax rates. Ms. Holly told the Commissioners the tax rate would be the same as last year.

Ms. Holly told the Commissioners that the revenue projected under the rate increases is \$11,774.

Commissioner Eskew informed that no one is here today to express any comments on this tax matter.

Commissioner Wender offered a motion to approve and maintain tax rates per \$100 of assessed value on each class of property as last year, Class I-14.27, Class II-28.54, Class III-57.08 and Class IV-57.08 for Fiscal Year 2009-2010. Commissioner Eskew seconded. Unanimous.

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

The Commissioners signed a letter to Congressman Nick Rahall, II requesting his support for the Fayette and Greenbrier County Commissioner's efforts toward the acquisition and enhancement of the 16.7 mile Nicholas, Fayette and Greenbrier Railroad for conversion into the Meadow River Rail Trail.

The Commissioners received and reviewed a copy of a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing of the termination of James Bowles as a Fayette County Deputy Sheriff effective March 17, 2009.

The Commissioners received and reviewed a letter from J. Brett Lively informing of his resignation as a member of the Fayette County Farmland Protection Board effective March 16, 2009.

The Commissioners received and reviewed a letter from Armstrong Deepwater Public Service District informing that Donald Navarro a member of the Armstrong Deepwater Public Service District term will expire April 1, 2009 and recommend that he be reappointed to serve for another term of six years.

Commissioner Lopez offered a motion to reappoint Donald Navarro, a member of the Armstrong Deepwater Public Service District for a term of six years. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed bids from H. G. Carte Electric, Inc. (\$1,200), Greg Hurley Construction, Inc. (\$1,905.50), and Payne's Electrical Contracting, Inc. (\$1,782.77) to replace an existing breaker panel in the main lobby of the Fayette County Memorial Building.

Commissioner Wender offered a motion to accept the lower bid of H. G. Carte Electric, Inc. (\$1,200) to start as soon as possible. Commissioner Lopez seconded. Unanimous.

The Commissioners received and signed from Region 4 Planning and Development Council a drawdown request for the Danese Public Service District Water Extension, Project #07ARCP15639, amount \$21,958.51.

The Commissioners received and signed from Region 4 Planning and Development Council a drawdown request for Page-Kincaid Public Service District-Ingram Branch Wastewater Project #04SCBG0057, amount \$42,259.68.

The Commissioners received and signed from Region 4 Planning and Development Council a Letter of Understanding, Fair Housing Resolution, Complaint Resolution Procedures and ADA Complaint Hatch

Act Resolution, Equal Employment Opportunity (EEO) Policy, SCBG 3-Day Rule Compliance Policy, Executive Order #11625 National Program for Minority Business Enterprise Code of Conduct, Labor Compliance Procedure, and Section 3 of the United States Housing Act of 1968 for the Community Development Block Grant Program for administration of the Fayette County Commission's New Haven Public Service District Stringtown Road Water System Extension Project.

The Commissioners signed letters to Arbuckle Public Service District, New Haven Public Service District, WV Division of Environmental Protection, the Public Service Commission of WV, WV Water Development Authority, USDA Rural Utility Service and the WV American Water requesting their presence at a meeting to discuss solutions to the Public Service Commission Case #07-0101-PSD-19A Arbuckle Public Service District Sewer calling for the Arbuckle Public Service District to be placed in receivership. Said meeting is scheduled for Friday, April 17, 2009 at 10:30 a.m. in the Commission Hearing Room.

The Commissioners received and reviewed a letter from the Public Service Commission enclosing an original and twelve (12) copies of the "Staff's Response to the Exceptions of Arbuckle Public Service District to Administrative Law Judge's Recommended Decision dated October 20, 2008 and Support for letter dated March 13, 2009" submitted by the Staff of the Public Service Commission of WV (Case #07-0101-PSD-19A, 07-0103-PWD-19A, and 07-1101-PSWD-G1).

The Commissioners received and reviewed a bid from H. G. Carte Electrical, Inc. informing that after reviewing the replacement of the

existing breaker panel in the main lobby of the Fayette County Memorial Building. Mr. Carte found that it would take more work than in the original quote. Mr. Carte submitted another quote.

The Commissioners asked Ms. Holly to review prior bids received.

Commissioner Wender offered a motion to approve if H. G. Carte Electric, Inc. is still the lowest bid received. Commissioner Lopez seconded. Unanimous. Commissioner Wender informed the Commissioners if the bids come back different they would discuss further.

The Commissioners received and reviewed a letter from Jan-Care Ambulance Service, Inc. informing they intend to bid on an RFP from Tucker County to take over EMS for that area. Jan-Care Ambulance is requesting that the Fayette County Commission confirm their experience of providing EMS for the past thirty-nine years in Fayette County.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 6 to March 12, 2009, amount \$375.00.

The Commissioners received and reviewed a letter from the WV Housing Development Fund regarding Wolf Creek Park Phase I-State Route 16, Fayette County Loan Disbursement Request.

The Commissioners received and reviewed a letter from the Division of Highways requesting assistance in making available (to anyone who wishes to review them) the modified listing of proposed amendments to the approved 2009-2014 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing they would be making

an On-Site Visit for Grant #06-JAG-40 on February 10, 2009 at 2:00 p.m.

The Commissioners received and reviewed a letter from Congressman Nick Rahall, II on behalf of Ed Sawyers regarding the concerns he has raised relative to the National Park Service wanting to zone his property.

The Commissioners received and reviewed a thank-you note from the family of Cyndi Richardson.

The Commissioners received and reviewed a thank-you note from the Parson's Family.

The Commissioners received and reviewed a letter from the Ford Motor Company reminding that the 2005 Crown Victoria has not had the charge recall completed.

The Commissioners received and reviewed a copy of a letter from the Division of Homeland Security and Emergency Management in Charleston, West Virginia to the U. S. Department of Homeland Security in Philadelphia, Pennsylvania informing that the project titled "Fayette County Acquisition" FEMA HMGP Project #FEMA-DR-1552-WV-Project 005 is complete.

The Commissioners received and reviewed a notice from the U. S. Department of Justice informing that the Bureau of Justice Assistance (BJA), Office of Justice Program is pleased to advise that the local jurisdiction is eligible for Recovery ACT: Edward Byrne Memorial Justice Assistance Grant (JAG) funding.

The Commissioners received and reviewed a letter from the Community and Technical College at WVU Tech informing that the Higher

Learning Commission of the North Central Association is conducting a continued accreditation site-visit for the Community and Technical College at WVU Tech (CTC at WVU Tech) March 23 to 25, 2009.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History inviting the Commission to a reception recognizing the recipients of Records Management and Preservation Board grant awards for fiscal year 2009-2010.

The Commissioners received and reviewed a copy of a letter from Reta Griffith, Pocahontas County Commissioner to the WV Infrastructure and Jobs Development Council informing that as an individual county commissioner she does not concur with the letter that states that the Pocahontas County Commission would like the West Virginia Infrastructure and Jobs Development Council to provide no further funding to the Pocahontas County Public Service District at this time.

The Commissioners received and reviewed from the 911 Center a Status Report for January and February.

The Commissioners received and reviewed from the National Council on Compensation Insurance enclosing a current Workers' Compensation Experience Rating worksheet.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$70.50 for the month of February.

The Commissioners received and reviewed an Official Oath of Office from Randel Bowen member of the Armstrong Public Service District.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant 09-CD-395, for the month of January, amount \$23,368.14 and the month of February, amount \$18,159.51; Just For Kids 06-JAG-40, amount \$1,015.38 and Grant #09-T-54, amount \$25,350.82.

The Commissioners received and reviewed a letter from the Office of the Treasurer informing funds due for February Table Games will be directly deposited on March 16, 2009, amount \$3,876.32.

The Commissioners received and reviewed a letter from the Bank of Mount Hope regarding their responsibilities to various needs and concerns of the citizens, communities, and various activities within their servicing area.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. enclosing Performance Bond, Payment Bond and Certificate of Liability Insurance he received from Steve Wickline of S. W. Noble Construction, Inc. for the Fayette County Courthouse Stormwater Abatement.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. to Steve Wood of Flat Top Construction regarding Fayette County Courthouse ADA Improvements.

The Commissioners received and reviewed a list of Senator Robert Byrd secured \$123 million for 60 projects in West Virginia through the \$410 billion federal omnibus spending bill for the upcoming year.

The Commissioners received and reviewed from Travelers Claim Department an estimate of the 2009 Ford Crown Victoria.

The Commissioners received and reviewed a letter from Francis, Nelson and Brison regarding Fisher v. Fayette County Commission lawsuit.

The Commissioners received and reviewed a letter from Wells Fargo informing that Claim #01-119644-00078 has been forwarded to our insurance carrier.

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

The Commissioners received and reviewed BrickStreet Employer's Report of Injury for Russell E. Parker.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communication Company, amount \$45.10, Vonage America, amount \$286.00, and Verizon, amount \$27,038.94; United States Treasury-JAG Law Enforcement Equipment Acquisition and Training Grant, amount \$6,577.55; Criminal Justice Services-Just For Kids, amount \$1,015.38, Community Corrections Grant, amount \$14,956.90 and SPF-SIG, amount \$3,803.57; Supreme Court-FLM rent, amount \$2,362.50, and Travelers Insurance Claim, amount \$9,395.90.

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

The Commissioners received and reviewed an e-mail from Bill Hannabass to Commissioner Wender regarding the closing out of the White Oak Rail Trail grant for paving.

The meeting was adjourned at 10:10 a. m. The next scheduled meeting is March 25, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 25, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 25th day of March 2009.

Commissioner Eskew called the meeting to order at 9:13 a.m.

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

Commissioner Wender offered a motion to approve and sign real property tax tickets for Jack and Betty Jo Johnson, Leslie G. Thomas, Earl E. Maynus, Gary L. and Melanie A. Moten. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tax tickets for James and Wanda Schoolcraft, Greg Coleman, Vannesa Rae Stover, John C. and Melena Redden and Titan Mining, Inc. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices, and second half payrolls, payrolls to be released Friday, March 27, 2007. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners that the Dog Tax Fund has an overdraft. Ms. Holly asked the Commissioners if they would approve transferring \$4,500 from the General County Fund to the Dog Tax Fund.

Commissioner Lopez offered a motion that the sum of \$4,500 is transferred from the Fayette County General Fund to the Dog Tax fund. Commissioner Wender seconded. Unanimous.

The Commissioners signed an Order and an Appointment to Serve Letter reappointing Donald Navarro a member of the Armstrong Deepwater Public Service District.

The Commissioners received and reviewed a letter from Brad Mankin requesting that Sergeant Kenneth E. Tawes fill the unexpired term of Sergeant William Scott on the New River Gorge Bridge Day Commission.

Commissioner Lopez offered a motion that Sergeant Kenneth E. Tawes be appointed to fill the unexpired term of Sergeant William Scott on the New River Gorge Bridge Day Commission due to Sergeant Scott's resignation. Commissioner Wender seconded. Unanimous. An Order and an Appointment to Serve Letter signed.

The Commissioners signed a letter of support to Dr. Mark Wilson, Associate Professor of Economics for the reopening of the WVU Tech Swimming Pool in Montgomery.

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

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Earl Maynus, David and Sharon Seay, Larry W. Tincher, and Leonard W. Washington. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew informed they are here today to adopt the Budget for the Fiscal Year 2009-2010.

Commissioner Eskew gave a brief summary of what the Commission approved for the Fiscal Year 2009-2010.

Commissioner Eskew told the elected officials they appreciate their help and support and asked that everybody tighten up their budgets.

Commissioner Eskew informed there will be no pay raises for this fiscal year, PEIA increased, County is picking up the full amount, PERS increased and the Regional Jail cost will increase.

Commissioner Eskew informed the Budget for this Fiscal Year 2009-2010 General County Budget is \$8,175,349 and the Coal Severance Fund is \$623,139. Commissioner Eskew asked for a motion to approve this year's Fiscal Year Budget 2009-2010.

Commissioner Wender offered a motion to adopt the Budget for Fiscal Year 2009-2010 for the General County Fund (\$8,175,349) and the Coal Severance Fund (\$623,139). Commissioner Lopez seconded. Unanimous. The Commissioners signed the Fiscal Year Budget for 2009-2010.

Commissioner Eskew thanked the Elected Officials.

Commissioner Wender made a comment about the Elected Officials giving raises after an employee leaves.

Commissioner Wender offered a motion that the Fayette County Commission apply for the Community Oriented Policing Services (COPS) grant and authorizes Commissioner Eskew to sign with the provision that if this grant is approved it will pay 100 percent of the entry-level salary and benefits package for these Deputy Sheriffs for a period of three (3) years. Commissioner Lopez seconded. Unanimous.

Attorney Loren Allen appeared before the Commission to file an application to appoint the Sheriff of Fayette County Administrator of the Estate of Michael D. Goff.

Discussion was held, Carl Harris, Prosecuting Attorney told the Commissioners he would assist with preparing the order.

Commissioner Wender offered a motion that Fayette County Commission appoints Sheriff Steve Kessler Administrator of the Estate of Michael D. Goff in accordance with West Virginia Code 44-1-11. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners received and reviewed a request from the Ben Argento Basketball League requesting the use of the Fayette County Memorial Building for their 4th Annual Summer Program.

Commissioner Wender offered a motion to approve request for the Ben Argento Basketball League to use the Memorial Building two nights per week in July and August for their youth summer program pending no conflict of schedule. The \$1,000.00 rental fee will be waived. The requirements of the garbage and the custodian are also waived with the understanding that Richard Meadows is to supervise the clean-up of the building and grounds. All other rules are applicable including insurance. Insurance is required before program starts. Commissioner Lopez seconded. Unanimous.

Clyde McComas appeared before the Commissioners to request exonerations of 2007 taxes.

Also present were Eddie Young, Assessor and Judy Bays, State Tax Department.

Mr. McComas informed the Commissioners that the Titan Mining, Inc. has filed bankruptcy. Their equipment was taxed in Fayette County should have been taxed in Kanawha County.

Ms. Bays and Mr. Young confirmed that the equipment should have been taxed in Kanawha County.

Commissioner Wender offered a motion to approve exonerating Titan Mining Company (Acct. #10033465) for tax year 2008 reduce from \$24,250 to \$10,700 today. Commissioner Eskew seconded. Unanimous.

Jodie Ward, Bob Meadows members of the Fayette County Gun Club and Attorney Kevin Burgess appeared before the Commission to get status on the shooting range.

Mr. Meadows asked why Earl Pauley haven't used the \$40,000 the Commission allocated for the concrete, asphalt and fencing.

The Commissioners made a conference call to include Earl Pauley in the meeting.

Mr. Pauley told the Commissioners that the fencing would be \$3,000, concrete work is estimated at \$13,000 to \$15,000 would include shooting pad, asphalt is estimated at \$15,000.

Bob Meadows asked Mr. Pauley about the time frame for completing the project.

Mr. Pauley replied, three or four days to do the trap side and five or six days for the other side.

Commissioner Wender asked Mr. Pauley to contact Ed Hambrick regarding getting bids for the paving and concrete and give Commissioner Eskew a call on Friday on the three bids, if the bids

come in less than \$15,000 they would authorize Commissioner Eskew to proceed.

Commissioner Wender offered a motion to approve Commissioner Eskew to agree to any estimates less than \$15,000 for concrete, fencing and paving at the Fayette County Park. Commissioner Lopez seconded. Unanimous.

The Commissioners asked to put David Neal, E911 Coordinator on the agenda for April 10, 2009 at 10:30 a.m. to discuss Reverse 911.

Dickie Smith discussed the lights in the Commission Room, the emergency lights and the fire extinguishers.

Commissioner Lopez authorized Mr. Smith to check around and get cost for repairing the emergency lights and the cost for replacing the emergency lights.

The Commissioners received and reviewed the Fayette County Planning Commission minutes for March 23, 2009.

The Commissioners received and reviewed a letter from Maple Coal Company informing they would conduct blasting activities as approved by the State regulatory authority on Monday through Saturday between sunrise and sunset (except Sunday) during April 11, 2009 through April 10, 2010.

The Commissioners received and reviewed a letter from the WorkForce West Virginia regarding an Unemployment Compensation claim for Kathy J. Hatcher.

The Commissioners received and reviewed a letter from the Office of the State Auditor an enclosed copy of an approval for an audit extension received from the U. S. Department of Justice.

The Commissioners received and reviewed a letter from The Wooton Law Firm, William R. Wooton informing he will not be available to attend the meeting scheduled for April 17 regarding Case E07-0101-PSD-19A Arbuckle Public Service District Sewer Operations.

The Commissioners received and reviewed a letter from the Department of Health and Human Services regarding Armstrong Public Service District and Deepwater Public Service District Water Systems.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council inviting the Commission to attend the Region 4 Planning and Development Council's spring dinner meeting, Wednesday, April 15, 2009 to be held at the Fire Department in Webster Spring.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 13, 2009 to March 19, 2009, amount \$537.00.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period March 1, 2009 to March 20, 2009.

The Commissioners received and reviewed a telephone message from Judy Moses regarding a complaint on the Fayette County Animal Shelter who picked up her dog and put him up for adoption.

The Commissioners received and reviewed a letter from Jai B. Kim, P. E. Ph.D enclosing information about the development and use of a unique method for increasing the load carrying capacity of aged steel truss bridges economically and expeditiously with no extended interruptions of bridge traffic.

The Commissioners received and reviewed a Notice of Mediation regarding the Frances M. Fisher v. Town of Fayetteville v. Fayette County Commission lawsuit.

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

The Commissioners received and reviewed checks for 911 Fees from the PSC-Wireless E-911, amount \$161,812.09, 8x8, Inc., amount \$52.00, Level 3 Communications, LLC, amount \$194.00, AT&TIXCs & Alascom, ME, amount \$308.00, Access Point, Inc., amount \$1,448.00, Cequel Communications Holdings, ME, amount \$3,836.00, IDT Corporation, amount \$14.00, Granite Telecommunications, LLC, amount \$170.00, ClearTel Communications, ME, amount \$12.00, One Communications, amount \$2,198.02 and Mountain Communications, amount \$95.31.

The meeting was adjourned at 12:30 p.m. The next scheduled meeting is April 10, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 10, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present:

John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 10th day of April 2009.

Commissioner Lopez called the meeting to order at 9:25 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 tax tickets for Israel and Autumn Harris, Francisco C. Franco, David Franco, Diana Frisby Beard, Barry Wayne and Barry A. Whitt, and Sarah and Wiggins Edith Cillins. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign personal property tax tickets for Charles Ray and Wanda A. Webb, Billy E. and Pamela A. Hunt, Jr., Jerry L. and Sarah Kincaid, Frederick and Frederick O. Palmer, Tina M. or Gene Pullen, Almeda and Darren Stover, Davis E. and Victoria Johnson, Jennifer Hewiss and Denver R. and Peggy and Lori Cose Moore. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refunds for Earl E. Maynus etux (\$83.74) and Davis E. and Victoria Johnson (\$327.75). Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve vouchers and invoices release for payment today. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve first half payrolls, release for payment on April 15, 2009. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of February 9, and February 19, 2009. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Carl Harris, Prosecuting Attorney had written a response to Richard Pemberton request to lease a portion of the rail trail property.

Mr. Harris told Mr. Pemberton it was permissible to grant a right-of-way for a water line, etc. it is not permissible to lease any of the rail to trail property to individuals for personal use. This is prohibited under the terms and conditions of the acquisition.

The Commissioners received and reviewed a letter from Nathan Johnson regarding overpayment of his taxes.

Ms. Holly informed the Commissioners she forwarded a copy of the letter to Eddie Young, Assessor.

Mr. Young informed the Commissioners after reviewing the deed he found that Nathan Johnson's name had not been added to the computer records. This resulted in Mr. Johnson being put into class three and this resulted in an overpayment of taxes for 2005, 2006 and 2007 total amount \$2,291.63.

Commissioner Wender offered a motion that subject to the approval of the Assessor, Nathan Johnson be afforded tax relief for tax year 2005, 2006, and 2007 in the total amount of \$2,291.63 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.

The Commissioners signed a letter to the Bureau for Public Health Office of Environmental Health Services informing that after much research and discussion, the Fayette County Commission is of the opinion that the permit should be granted and the project at Armstrong Creek/Deepwater is started as soon as possible.

The Commissioners signed a letter of support for John David regarding the application of the Southern Appalachian Labor School (SALS) for the Coalfield Youth Mentoring Project.

The Commissioners signed a letter to Janice Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for rent for the month of May.

The Commissioners signed a letter to the West Virginia Development Office requesting the first and final drawdown for the Lewis Community Center, amount \$7,500.00

Ms. Holly presented several Grant Information Sheets for the 2009/2010 Community Partnership Project Requests Priority List she submitted to Senator William Laird to the Commissioners.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to sign Resolution on behalf of the Fayette County Commission. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she has submitted several digest request to our Legislators.

Carrie Strunk, Director SPF-SIG of the Fayette County Prevention Partnership appeared before the Commissioners to give an update on the SPF-SIG Grant.

Ms. Strunk thanked the Commissioners for agreeing to be the fiscal agent for this grant.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$5,213.81.

Ms. Strunk asked about the \$2,500 Administration cost that's included in the SPF-SIG grant. Discussion was held, Commissioner Wender offered a motion that the \$2,500 Administration Cost becomes available for use in the SPF-SIG Grant. Commissioner Lopez seconded. Unanimous.

Carl Thompson and Alan Wickline members of the Fayette County Farmland Protection Board appeared before the Commission to discuss purchase of an easement for the McClintic Farm (\$193,000).

Commissioner Wender informed Mr. Thompson that since this was not on the agenda to discuss he feels this should be rescheduled for the next Commission meeting, April 21st. Commissioner Wender suggested having Carl Harris, Prosecuting Attorney to review.

Carl Thompson presented two candidates (Timothy A. Keeney and Eddie Whitt) to fill the vacancy on the Fayette County Farmland Protection Board due to the resignation of J. Brett Lively to the Commissioners.

Commissioner Wender offered a motion to approve Timothy A. Keeney to replace Brett Lively to fill the unexpired term. Commissioner Lopez seconded. Unanimous.

David Neal, E911 Coordinator appeared before the Commission to discuss the Reverse 911.

Commissioner Wender suggested to Mr. Neal to make a few phone calls and gather information on some ideals on how much this would cost the County.

Mr. Neal also told the Commissioners there would be something coming regarding the Fire Tower, core drilling has been done.

Ms. Holly presented on behalf of Charlie Bryant the Fayette County Community Corrections Grant application.

Commissioner Wender offered a motion to authorize the Fayette County Commission to sign the Fayette County Community Corrections Grant application and authorize Commissioner Eskew signature be affixed by way of stamp on the application. Commission Lopez seconded. Unanimous.

Ms. Holly presented a drawdown request for Region 4 Planning and Development Council to the West Virginia Development Office requesting payment for J. Dan Snead and Associates, Inc. Architectural/Engineer, amount \$133.35, SALS, amount \$514.00, and Flat Top Construction, Inc., amount \$14,000.00 total amount \$14,627.35.

Commissioner Wender offered a motion to approve drawdown request to the West Virginia Development Office for \$14,627.35. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received from the Office of the State Auditor Notice of Approval of the Levy Estimate (Budget) for the fiscal year beginning July 1, 2009.

The Commissioners received and reviewed an invoice from the City of Oak Hill in the amount of \$541.01 for work performed on the Rail Trail Paving Project involving purchase and installation of signs.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$5,213.81.

Thomas Steele, Assistant Prosecuting Attorney told the Commissioners that Carl Harris, Prosecuting Attorney suggested that

one of the Commissioners attend the Fayette County Planning Commission meetings on regular basis.

Bob Meadow, Jodie Ward and Earl Pauley appeared before the Commission to give an update on the Shooting Range.

Earl Pauley told the Commissioners he received two (2) bids for fencing estimates Ellison Fence Company, \$2,850 and Fayette Awning and Glass, \$6,500.00-paving estimates Southern WV Paving, Inc, \$15,300.00 and Ed's Paving and Excavating, \$14,995.00.

Mr. Pauley told the Commissioners that the Fayette County Park people can do the work.

Mr. Pauley gave a breakdown on how he plans to do the work and the cost for each job. (See attached)

The Commissioners asked Jodie Ward, Bob Meadows and Earl Pauley to schedule a hearing for April 21 to give another update on the shooting range.

The Commissioners asked Mr. Pauley to order the Clubhouse.

The Commissioners received and reviewed a request from Camp Kismet requesting a discount on the rental rate for the park.

After a brief discussion, Commissioner Wender offered a motion to waive the camp fee for 2009, 100% this year based on the economy, will reconsider for next year 2010. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Earl to work a schedule with county employees so not to put additional work on lifeguards.

The Commissioners authorized Dickie Smith to unlock and lock tabulator room to replace lights.

Discussion was held regarding the carpet in the Probation Office.

The Commissioners received and reviewed two (2) bids for carpet in the Probation Office, Lee's Carpet and Floor Covering (\$3,695) and Floor Show, Inc. (\$4,805).

The Commissioners recessed the Commission meeting to review carpet in the Probation Office.

The Commission reconvened the Commission meeting.

The Commission did not approve replacing the carpet in the Probation Office. The Commission asked Dickie Smith to talk with Allen Ballard about repairing the carpet.

The Commissioners approved for Dickie Smith to replace emergency lights (\$22.50 each) for approximate 25 lights.

The Commissioners received and reviewed a request from the Fayetteville Churchwomen United requesting permission to conduct a National Day of Prayer Service on the front of the Fayette County Courthouse lawn on Thursday, May 9, 2009 at 12:00 noon.

The Commissioners approved for a non-denominational community service same terms as last years.

The Commissioners received and reviewed an e-mail from Thomas Bias, Assistant Editor, West Virginia Public Affairs Reporter informing of news from the West Virginia Association of Counties. With their work with the West Virginia Development Office they are now able to offer county officials who plan to attend the Local Government Leadership Academy (LGLA) from distressed and at-risk counties a 100-dollar travel stipend.

The Commissioners received and reviewed from Okey Skidmore, Manager Fayette County Memorial Building three (3) bids to replace the existing breaker panel in the Lobby (H. G. Carte Electric, Inc., amount \$2,200, Greg Hurley Construction, Inc., amount \$2,150, and Payne's Electrical Contracting, Inc., amount \$2,007.77).

Commissioner Wender offered a motion to approve Payne's Electrical Contracting, Inc. the lower bidder to replace the breaker panel at the Fayette County Memorial Building. Commissioner Lopez seconded. Unanimous.

The Commissioners set the tentative County Commission schedule dates for 2009: May 8, May 22, June 12, June 26, July 10, July 24, August 14, August 28, September 11, September 25, October 9, October 23, November 13, November 23 and December 11, and December 21, 2009.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources regarding the Armstrong Public Service District and Deepwater Public Service District Water Systems.

The Commissioners received and reviewed a telephone message from O. T. Sizemore complaining about the sitting room in the Magistrate Lobby. No action taken by the Commission.

The Commissioners signed 1st Quarter Sales Tax Report for the Fayette County Park, amount \$157.92.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding the Fayette County Urban Renewal Authority Financial Statement and Audit.

The Commissioners received and reviewed a letter from Senator William Laird acknowledging his receipt of the Community Partnership Project Request Forms from the Commission.

The Commissioners received and reviewed a letter from the Town of Fayetteville informing of their disappointment to learn that Mrs. Pat Wendell would not approve of the planting of a tree on the grounds of the Fayette County Courthouse for their Earth Day Celebration.

The Commissioners received and reviewed a copy of a letter from Ed Sawyer protesting the Zoning Board's recommendation on Case #Z-516-09-01 Public Realm District and this district is to be applied as an overlay in the New River area.

The Commissioners received and reviewed a copy of a letter from Judge Janet Frye Steele to the West Virginia Supreme Court of Appeals regarding concerns as to the facility for the Family Court in Fayette County being inadequate as to space.

The Commissioners received and reviewed Official Oath of Office from Donald Navarro member of the Armstrong Public Service District.

The Commissioners received and reviewed a copy of a thank-you letter from Jackie Powers to Senator William Laird response regarding the Community Participation Project monies granted for the installation of a fire hydrant to be located at Mountain View Estates off Prudence Road.

The Commissioners received and reviewed from Oren Thornhill with Capital Resource Agency information regarding the Natural Resources Conservation Service Emergency Watershed Protection-Floodplain

Easement. Copies forwarded to Steve Cruikshank, OES Director, Tim Richardson, Zoning Officer and Allen Ballard, Building Inspector.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Christine Dempsey request for assistance in obtaining a new water service extension to her property on Horse Shoe Road located off of Saturday Road near Victor, WV.

The Commissioners received and reviewed a Petition from Residents of Horseshoe Creek Road requesting assistance in obtaining funding for public water for the remaining 2.5 miles of Horseshoe Creek Road.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council to the West Virginia Housing Development Fund enclosing documents for Final USEDA Outlay Report and Request for Reimbursement for Construction Programs, Final USEDA Project Expense Logs, Final Project Expenditure Schedule, and letter dated March 27, 2009 from Thrasher Engineering that addresses concerns regarding construction Change Order No. 8.

The Commissioners received and reviewed letters from the State Tax Department enclosing a summary of the county's appraisal ratio study comparing the accuracy of CAMA values to market values for real property subsequent to the meetings as a Board of Review and Equalization.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of the application for Fiscal Year 2010 Justice Assistance Grant Program stimulus funds in the amount of \$80,000.

The Commissioners received and reviewed a copy of a Grant Adjustment Notice from the West Virginia Division of Criminal Justice Services.

The Commissioners received and reviewed a telephone message from Bonnie Hicks, Town of Meadow Bridge inviting the Commission to attend a public hearing at the Town Hall in Meadow Bridge on Wednesday, April 8, 2009 at 10:00 a.m. regarding their water and sewer problem.

The Commissioners received and reviewed a letter from the State Tax Department informing they were asked to review Herman Hawver account(s) for possible appraisal errors for the Tax Year 2009. There record indicates that errors occurred due to incorrect percentage of ownership. They have provided the recommended non-producing mineral corrections.

The Commissioners received and reviewed a letter from Stafford Consultants, Incorporated regarding New Haven Public Service District/Stringtown Road.

The Commissioners received and reviewed from Upper Kanawha Valley Enterprise Community, Inc. Financial Statement for year ended September 30, 2007 and Independent Auditor's Report.

The Commissioners received and reviewed a letter from the National Council on Compensation Insurance, Inc. regarding information about Workers' Compensation Insurance.

The Commissioners received and reviewed a telephone message from Laura Ketchum-Schappert regarding the Farmer's Market.

The Commissioners received and reviewed a telephone message from Senator Randy White regarding wanting to talk with the Commission about funds for the Sewer Plant at Pax.

The Commissioners received and reviewed Status Report from the 911 Center for January, February and March.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the January Limited Video Lottery will be directly deposited on March 26, 2009, amount \$7,378.73 and funds due for wine, liquor and private club taxes will be directly deposited on April 10, 2009, amount \$367.55.

The Commissioners received and reviewed from the Fayette County Control Center/NRHS Monthly Revenue Report, Activity Report for the month of March, New River Humane Society Allocation, amount \$13,640.78 for the month of April and Weekly Fees Collected for the week of March 20 to March 26, 2009, amount \$165.00, for the week of March 27 to March 31, 2009, amount \$161.00, for the week of April 1 to April 2, 2009, amount \$96.00 and for the week of April 3 to April 9, 2009, amount \$456.56.

The Commissioners received and reviewed letters from Francis, Nelson and Bison regarding the Fisher v. Fayette County Commission lawsuit.

The Commissioners received and reviewed several letters regarding Workers' Compensation claims.

The Commissioners received and reviewed Pledge Statement from SunTrust Bank listing securities pledged as of March 31, 2009.

The Commissioners received and reviewed from Branch Banking and Trust Company a list of the securities pledged as of March 31, 2009.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement as of March 23, 2009 and Account Statement as of March 31, 2009.

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

The Commissioners received and reviewed checks from the Criminal Justice Services for Just for Kids, amount \$1,015.38, SPF-SIG Grant, amount \$6,088.72, TRIDENT, amount \$3,633.29, Community Corrections Grant, amount \$17,829.37, TRIDENT, amount \$4,589.82, SPF-SIG Grant, amount \$4,479.22; Soldiers and Sailors Fund, amount \$50.00; WV Development Office-HUD/SCBG-Page-Kincaid Public Service District Wastewater, amount \$42,259.68 and Danese Public Service District Water Extension, amount \$21,958.51; Division of Human Services-FRN, amount \$10,000.00; Reimbursement, amount \$6.75.

The Commissioners received and reviewed an e-mail from NACo informing they would be offering a series of free webinars designed to provide you with information and ideas about coping with and recovering from the recession.

The Commissioners received and reviewed an e-mail from Ron Booker asking that his e-mail address be changed to bookman1@sudenlink.net.

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

The Commissioners received and reviewed an e-mail from Mark Wilson thanking the Commission for their letter of support for the West Virginia Tech Pool.

The Commissioners received and reviewed an e-mail from Judy Radford, Executive Director 4-C Economic Development Authority informing of an investment opportunity with Mike Sandefer, New Business Development Manager for NAPA.

The Commissioners received and reviewed an e-mail from Barbara Painter informing of Grant Information Sessions.

The meeting was adjourned at 12:40 p.m. The next scheduled meeting is April 21, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 21, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 21st day of April 2009.

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

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

Commissioner Lopez offered a motion to approve and sign personal property tax tickets for Erica K. (Straub) Farley, June G. (Armstrong) Castle, Wilburn J. and Rebecca L. Asbury, Donald L. Martin and Kathy S. or Charles Vaught. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tax tickets for Cybil A. DeLaney, Cindy J. and Frisby, Jerry P. Elswick, Jack D. and Betty Jo Johnson, Rock-N-Roll Rafting. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve invoices, vouchers and 2nd half payrolls, payrolls to be released on April 30, 2009. Commissioner Wender seconded. Unanimous.

Discussion was held regarding the property purchase of the property behind the Fayette County Health Department parking lot. Commissioner Eskew told the Commissioners he would be talking with the owner this afternoon.

Commissioner Wender offered a motion to authorize Commissioner Eskew to offer up to \$10,000.00 for the property to be used for parking. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding Rock-N-Roll Rafting request to be exonerated for tax years 2007 and 2008.

Ms. Holly informed the Commissioners she received a copy of an e-mail from Pat White, GISP Tax Unit Supervisor to Eddie Young, Assessor informing that Rock-N-Roll Rafting has failed to file the Annual Appraisal fo Reserve Mineral Report for natural resources properties owned since they acquired the ownership.

Ms. White suggested to the Assessor they could take the total (\$4,583) and divide in half (\$2,292) and inform Rock-N-Roll Rafting that they failed to appeal and/or file the proper report in a timely fashion.

Commissioner Wender offered a motion that in the matter of Rock-N-Roll Rafting mineral taxes, the Commission approves to split the difference for tax years 2007 and 2008. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Kanawha Falls Public Service District recommending that Michael S. Graves fill the vacancy that the board currently has due to the untimely passing of Franklin Ferrell.

Commissioner Lopez offered a motion that Michael S. Graves fill the unexpired term of Franklin Ferrell. Commissioner Wender seconded. Unanimous. Order and appoint to serve letter signed.

Ms. Holly informed the Commissioners she received from the State Auditor Office Notice of Approval of the Levy Estimate (Budget).

Commissioner Lopez offered a motion to approve Levy Rates for Fiscal Year 2009-2010. Commissioner Wender seconded. Unanimous. Order and Levy Order and Rate Sheet for Fiscal Year 2009-2010 signed.

Commissioner Wender offered a motion to approve Lease Agreement with the Fayette County Farmer's Market to use the courthouse parking lot for operation of a farmer's market from 6:30 a.m. to 2:00 p.m. each Saturday commencing on May 9, 2009 and ending November 28, 2009. Commissioner Lopez seconded. Unanimous. Lease Agreement signed.

Attorney James Blankenship appeared before the Commission to inform them that on October 28, 2008 Byrl Keith Skaggs and Gaymond G. Preast, Jr. appeared by counsel pursuant to the Notice of Hearing that a hearing would be conducted before the Commission requesting that the Report and Recommendation of the Fiduciary Commissioner Philip J.

Tissue be approved, at which time the said Fiduciary Commissioner appeared in person, and Frances Preast appeared by counsel, Clinton R. Bishoff.

Mr. Bishoff counsel for Frances Preast requested that the matter be continued for a period of thirty (30) days for Frances Preast to determine whether she would pay for and tender a transcript of the testimony taken before the Fiduciary Commissioner upon which said Report and Recommendations were made, and counsel for Frances Preast agreed to advise the Commission her intention to do so within said thirty(30) day period.

Mr. Blankenship told the Commissioners that a period of more than five (5) months has elapsed since the hearing and he has not received any further communication, correspondence or pleading in regard to the Report and Recommendation of the Fiduciary Commissioner or whether a transcript would or would not be prepared.

Mr. Blankenship told the Commissioners he is here today to present an Order to the Commission to approve and sign the Report and Recommendation of the Fiduciary Commissioner.

Commissioner Wender offered a motion to approve the Report and Recommendation of Philip Tissue, Fiduciary Commissioner in regards to the Estate of Helen Rose Skaggs during so since Frances Preast and counsel Clinton Bishoff has not responded since the hearing took place. Commissioner Lopez seconded. Unanimous. Order signed.

Beverly Walkup and Christine Dempsey appeared before the Commissioners to request that the Commission reimburse them for water

testing in the Community of Ramsey and requesting that the Commissioners pay for 39 homes to be tested.

Commissioner Wender offered a motion that the Fayette County Commission would pay the Fayette County Health Department to do water tests on bacterial for the thirty-nine (39) homes in Ramsey and reimburse the sixteen (16) who paid on their own for the water test. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to go into Executive Session (10:25 a.m.) to discuss a personnel matter and property values in Kanawha Counties. Commissioner Lopez seconded. Unanimous.

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

Carl Thompson and Alan Wickline members of the Fayette County Farmland Protection Board appeared before the Commission and presented a list of members that needed to be reappointed to the Board (Matthew D. Wender, Carl Thompson, Douglas Kincaid, Tim Keeney, and David Alan Rice).

Commissioner Lopez offered a motion to reappoint Matthew D. Wender, Carl Thompson, Douglas Kincaid, Tim Keeney and David Alan Rice members of the Fayette County Farmland Protection Board for another four(4) year term, term to expire May 16, 2013. Commissioner Wender seconded.

Mr. Thompson informed the Commissioners they have completed all the work on the McClintic Farm Deed of Conservation Easement (149.1 acres).

Commissioner Lopez offered a motion to approve purchase of the Deed of Conservation Easement for the McClintic Farm for \$193,000. Commissioner Eskew seconded. Unanimous.

Mr. Thompson told the Commissioners that the closing of the property easement will be on May 8, 2009.

Commissioner Wender asked Mr. Thompson if he would try to have some publicity for th closing.

Sheriff Steve Kessler appeared before the Commission to request that the Commission approve to pay 50% Federal Grant share prior to receipt of grant funds from Bulletproof Vest Partnership Grant, amount \$3,500.00 total amount is \$7,090.42.

Sheriff Kessler told the Commissioners he will pay the balance from the Concealed Weapon Fund, amount 3,590.42.

Commissioner Lopez offered a motion to pay to Gall's the 50% Federal Grant share (\$3,500.00) prior to receipt of grant funds from Bulletproof Vest Partnership Grant. Commissioner Wender seconded. Unanimous.

Earl Pauley, Jodie Ward and Bob Meadows appeared before the Commission to give an update on the shooting range.

Mr. Pauley informed the Commissioners that Ed Hamrick told him that as soon as he finishes the church he will work on the shooting range.

Mr. Pauley told the Commissioners he has to lay interlocking blocks, forms for the clubhouse are all built, since the last meeting they only got to work three (3) days, the high house is done, the low house has been poured.

Commissioner Eskew asked if the weather permitting do you think it can be done by the end of the month?

Ms. Holly informed the Commissioners they need to work on the Lease.

Commissioner Eskew thanked everyone for their hard work.

Earl Pauley presented a bid from Allen and Son Construction for repairs to the office and garage roof to the Commissioners.

Commissioner Wender offered a motion that Fayette County Commission authorizes Commissioner Eskew to approve bid for roof repairs at the Fayette County Park office and garage roof provided it does not exceed \$15,000.00. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding Pat Wendell's veto of planting a tree for Earth Day on the Courthouse lawn. Commissioner Eskew informed the Commissioners that he and Sue Plumley to talk with Ms. Wendell regarding this matter.

Commissioner Eskew asked the Commissioners about the Rotary Club purchasing a clock for the Courthouse lawn.

The Commissioners signed the Fair Housing Proclamation for the month of April.

Ms. Holly presented to the Commissioners to be approved and signed an invoice to the West Virginia Division of Highways for the Oak Hill Rail Trail Project, amount \$2,614.04.

Ms. Holly told the Commissioners she received another invoice from Tom Oxley for \$541.01 not sure what this invoice is for.

Commissioner Wender asked Ms. Holly to give Bill Hannabass a call to discuss the \$541.01 invoice.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Dennis J. and Melissa K. Maehr. Commissioner Wender seconded. Unanimous.

The Commissioners signed letters to Congressman Nick Rahall, Senators Robert C. Byrd and John D. Rockefeller to express sincere gratitude for their work to support and pass the Wild Monongahala Act.

The Commissioner signed Tax Exempt Form for Sunoco SunTrak Fleet Card.

The Commissioners received and reviewed a letter from the Fayetteville Convention and Visitors Bureau requesting the use of the Fayette County Memorial Building for Saturday and Sunday, October 17-18, 2009 for the 1st Annual Bridge Day Chili Cook-off.

The Commissioners approved request for the Fayetteville Convention and Visitors Bureau to use the Memorial Building to host the 1st Annual Bridge Day Chili Cook-off, the \$1,000 rental fee and the custodial and trash service fees will be waived. All other rules are applicable, including the insurance requirement. The Fayetteville Convention and Visitors Bureau are responsible for the clean-up of the building and grounds after the event.

The Commissioners received and reviewed from Dan Snead a change order proposal from Noble Construction for the Fayette County Courthouse Stormwater Abatement Project for the extension of storm lines beyond 10' from the building, amount \$5,500.00.

The Commissioners asked Ms. Holly to call Mr. Snead regarding another change order from Noble Construction to correct sidewalks.

The Commissioners approved to pay the 3-year Maintenance Agreement for Verizon, amount \$30,173.76.

Ms. Holly informed the Commissioners she received from the Fayette County Health Department the ½ cost for the replacement of the roof, amount \$20,150.00. The Commissioners asked that this be deposited in the Coal Severance Fund.

The Commissioners received and reviewed a bid proposal from General Exterminating Company for treatment of termites at the Memorial Building.

Commissioner Wender suggested getting additional estimates from Joe's Pest Control (465-5702), Orkin (469-9221), Allied Exterminating Company (469-9341) and Dodson Brothers (465-8121).

The Commissioners received and reviewed a copy of a letter to Earl Pauley, Park Superintendent from Debbie Tate, 4-H and Youth Development Agent regarding plans for the 4-H Camp 2009. Ms. Tate is requesting to modify the 2009 camp rental agreement.

The Commissioners signed the Application for a Permit to Operate a Food Establishment for the Fayette County Park Dining Hall.

The Commissioners received and signed drawdown request for Page-Kincaid Public Service District-Ingram Branch Wastewater Project #04SCBG0057, amount \$10,474.54.

The Commissioners signed an Order and an Appointment to Serve Letter appointing Timothy A. Keeney to fill the vacancy on the Fayette County Farmland Protection due to the resignation of Brett Lively.

The Commissioners approved and signed subject to the approval of the Assessor, Nathan Johnson, the Petitioner be afforded tax relief

for tax year 2005, 2006, and 2007 in the total amount of \$2,291.63 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.

The Commissioners received and reviewed an Incident Report from the Fayette County Health Department regarding Philip Perone, Sanitarian 2006 Chevy Avco vehicle.

The Commissioners received and reviewed a letter from LaFayette Post 149 The American Legion informing Know Your Government Day will be held on Friday, May 1, 2009.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of application for Fiscal Year 2010 Justice Assistance Grant Program stimulus funds in the amount of \$72,832.00.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of minutes of their March meeting.

The Commissioners received and reviewed a letter from Shentel Cable Company informing they will be making changes to its West Virginia Cable Television Business effective April 22, 2009.

The Commissioners received and reviewed Financial Status Report Analysis and Feedback from the West Virginia Commission for National and Community Service.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding the New Haven Public Service District-Winona Sewer.

The Commissioners received and reviewed a letter from the City National Bank authorizing the Fayette County Commission to draw on City National Bank, at a site for any sums not exceeding One Hundred Thousand Dollars (\$100,000.00) for the account of Highland Towers, LLC.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$70.50 for the month of March.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of a request for the amount of \$273,465 in Community Corrections Grant funds for the Fayette County Commission.

The Commissioners received and reviewed an invitation from the Upper Kanawha Valley Chamber of Commerce inviting the Commission to join them on Thursday, April 30, 2009 for their Legislative After Session Reception.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing the Trilateral Drug Task Force Network Team (TRIDENT) has dissolved.

The Commissioners received and reviewed from Region 4 Planning and Development Council copies of a correction for the Page-Kincaid Public Service District SCBG drawdown. The Legal line item had went over budget, therefore payment was reduced to \$600.00 to Attorney Philip Tissue.

The Commissioners received and reviewed a thank-you card from the Ruth Ann Blake Family.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of April 3 to April 9, 2009, amount \$456.56 and the week of April 10 to April 16, 2009, amount \$309.00.

The Commissioners received and reviewed a letter from Francis, Nelson and Brison regarding Fisher v. Fayette County Commission lawsuit.

The Commissioners received and reviewed letters from the Office of the Treasurer informing funds due for the March 2009, Table Games will be directly deposited on April 15, 2009, amount \$4,341.14 and funds due for the 75% of the Coal Severance tax will be directly deposited on April 22, 2009, amount \$256,899.32.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$45.10, Verizon, amount \$27,126.74, Vonage Tax Account, amount \$286.00, Mountain Communication, amount \$89.43, Compliance Solutions, Inc., amount \$70.00 and One Communications, amount \$2,194.14; FLM rent, amount \$2,362.50; Criminal Justice Services-Community Corrections, amount \$24,468.40; Soldiers and Sailors Fund, amount \$50.00; Reimbursement Fayette County Health Department, amount \$20,150.00; Reimbursement Fayette County Farmland Protection, amount \$8,333.00.

The Commissioners received and reviewed a fax from the County Commissioners' Association of WV regarding the Fiscal Year 2010 OPEB rate as passed by the Public Employees Insurance Agency (PEIA) Finance Board.

The Commissioners received and reviewed an e-mail from John David thanking the Commission for the support letter.

The Commissioners received and reviewed an e-mail from Commissioner Wender asking that Beverly Walkup be scheduled on the April 21st Agenda to discuss water testing in the community of Ramsey.

The Commissioners received and reviewed an e-mail from the County Commissioners' Association of WV regarding authorizing county commissioners to designate additional voting locations for early voting.

The Commissioners received and reviewed an e-mail from the Public Service Commission regarding Water and Sewer Projects that are funded with Federal Stimulus Funds.

The Commissioners received and reviewed an e-mail from NACo informing the NACo Board of Directors has decided that member's dues for 2010 will remain the same as this year.

The Commissioners received and reviewed an e-mail from the Mayor of Ansted thanking Joe Carelli for taking care of the trash problem at Christina Apartments in Ansted.

The meeting was adjourned at 1:30 p.m. The next scheduled meeting is May 8, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 8, 2009

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 8th day of May 2009.

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

John David appeared before the Commission to ask that they sign a letter to the Housing Assistance Council for the environmental review for SHOP funded Project/Southern Appalachian Labor School.

Carl Harris, Prosecuting Attorney informed the Commissioners he was not in favor of the Commission signing this letter.

Mr. Harris told the Commissioners he just received the letter yesterday and he has not had time to review.

Commissioner Wender offered a motion that the Prosecuting Attorney review the requirements of the letter, letter to be redrafted and signed pending review by the Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed several requests for letters of support from John David, Director Southern Appalachian Labor School for a low-income housing project as part of a Rural Housing and Economic Development Project, for plans to seek Housing Preservation Grant funds, for a proposal for Housing Counseling Assistance, for a Home Rehabilitation Progress Grant.

Commissioner Wender offered a motion to sign letters of support for the Southern Appalachian Labor School for the Home Rehabilitation Progress Grant, for a low-income housing project as part of a Rural Housing and Economic Development Project, for plans to seek Housing Preservation Grant Funds, and for a proposal for Housing Counseling Assistance. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve and sign real property tax tickets for Jack and Betty Jo Johnson, Lindy Paul Stevenson, and Trustees of WV Baptist Convention. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tax tickets for Cheryl Ann Bair, James M. or Traci A. Massey, Ronnie Chad and Michelle Leigh Cox, Keith Vickers, William L. or Joyelle L. Thomas, Michael W. and Joyce Cobb, Jack A. Triplett, Samuel D. or Teresa G. Gregory, II and Michelle Fox and Richard D. Ferrell. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for Jack and Betty Johnson (\$135.36), Trustees of WV Baptist Convention (\$1,519.54), Rock N Roll Rafting (\$663.44). Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, payrolls to be released May 15, 2009. Commissioner Wender seconded. Unanimous.

The Commissioners suggested approving minutes on May 21, 2009.

The Commissioners received and reviewed three (3) bids Gianni Construction (\$8,500.00), L. A. J. Company, LLC (\$10,400.00), and Danhill Construction Company (\$9,500.00) for work at the Boomer Ballfield.

Commissioner Wender offered a motion to approve the lower bid (Gianni Construction \$8,500.00). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez suggested that he talk with Gianni Construction regarding tearing down a building beside the ballfield for another \$500.00 to be included in the bid.

Commissioner Wender offered a motion to approve and sign Agreement between the Division of Culture and History for and on behalf of Archives and History Preservation Board and the Fayette County Commission. Commissioner Lopez seconded. Unanimous. Agreement signed.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign the Memorandum of Understanding between the New Haven Public Service District and the County Commission for the Stringtown Road Project. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve drawdown for Fayette County Commission-Project #03SCBG0102-Elevator/SALS Project, amount \$18,340.00. Commissioner Lopez seconded. Unanimous.

Bill Hannabass, City Manager of Oak Hill, Allen Ballard, Building Inspector appeared before the Commissioners to discuss drafting an Agreement with the Fayette County Building Safety Department and the City of Oak Hill to start taking care of permits within the corporate limits of Oak Hill.

Carl Thompson member of the Fayette County Farmland Protection Board presented the closing of the property easement on David and Pat McClintic Farm to the Commissioners.

Tim Richardson, Zoning Officer appeared before the Commission to present an amendment to the Fayette County Unified Development Code.

Mr. Richardson read the public notice - Section 7, Article 7000, 7001 "Subdivision Regulation," Add Subsection X, "Additional Regulations," a, Refer to Article 9003 for landscaping and screening requirements.

Mr. Richardson informed the Commissioners that the Planning Commission by a vote of 9-0 recommendation to the County Commission to approve the amendment as presented.

Mr. Richardson told the Commissioners that the amendment would improve development guidelines.

Commissioner Wender offered a motion to approve the Fayette County Planning Commission recommendation to amend the adoption of Section 7, Article 7000, 7001 "Subdivision Regulation," Add subsection X, "Additional Regulations," a, Refer to Article 9003 for landscaping and screening requirements. Commissioner Lopez seconded. Vote passed 3-0. Mr. Richardson to prepare the Order.

There were no other planning and zoning business.

Commissioner Wender informed the Commission he has drafted a letter to CSX Real Property regarding their donation of Prince Railroad Passenger Station and their Letter of Intent of January 20, 2009.

The Commissioners are asking CSX to transfer ownership of the station and the real estate to the County.

Commissioner Wender told the Commission that Jim Justice announced his plan to purchase The Greenbrier owned by CSX through the Justice Family Group.

Commissioner Eskew informed the Commission have been working on this project for a long time.

Commissioner Wender informed the Commissioners that CSX has agreed to donate the Prince railroad passenger station, platform and canopy to the Commission and provide a long-term lease for the land beneath the station and the short-term parking area.

Commissioner Wender informed the County plan to acquire ownership of the historic station before transferring the station and land to the National Park Services for preservation.

Commissioner Wender informed that a second clause states that the Commission would be required to remove the building from CSX property if at anytime the station is no longer being used as a railroad passenger station and being preserved and maintained as a Historic Landmark.

Commissioner Wender informed that these clauses prevent the National Park Service from obtaining grants to restore the historic train station.

Commissioner Lopez offered a motion that the Commission agrees to send a letter to CSX representative Lori D. Bergeron requesting that she review the conditions to this donation of the Prince Railroad Passenger Station and review the transfer of the other CSX facilities. Commissioner Wender seconded. Unanimous.

Bob Vandall, David Neal, E911 Coordinator, Kevin White, Mapping/Addressing and several residents of the Cow Town Road area (see attached) appeared before the Commission to discuss Cow Town Road.

Kevin White informed the Commissioners that Meadow Bridge Road has been changed back to Main Street and Counsel moved to leave Cow Town Road as is.

Mr. Vandall presented maps and documents to the Commissioners and asked Mr. White what documentation did the Counsel have to say this is Cow Town Road.

David Neal informed he is going by the Regulations that was passed own to his office.

Carl Harris, Prosecuting Attorney informed Mr. Vandall that he can't do anything now for two (2) years.

Commissioner Wender suggested writing a letter to the Counsel two year's moratorium cannot change, municipalities have jurisdiction.

Commissioner Wender suggested that David Neal appear before the Commission in January 2011 to discuss the changing of Cow Town Road.

Brian Sparks, Agriculture Agent appeared before the Commissioners to inform them that he had reviewed the courthouse grounds with Dickie Smith, a lot of the trees have a lot of dead branches on them.

Mr. Sparks recommended to the Commission to hire a tree service company to come in and take out the dead branches.

Mr. Sparks told the Commissioners that most of the dead branches are in the maple trees.

Mr. Sparks recommended to the Commissioners to prune the trees in the spring.

Commissioner Eskew asked Mr. Sparks if had someone in mind who could do this. Mr. Sparks replied no.

Dickie Smith told the Commissioners that Allen Ballard might have someone in mind.

The Commissioners asked Mr. Sparks to work with the Town of Fayetteville and discuss getting a Tree Board.

Commissioner Wender asked Mr. Sparks to present a 10-year plan.

Carrie Clendening, Coordinator at the Kanawha County Commission, Senator William Laird, Carl Harris, Prosecuting Attorney, Larry Harrah, Assistant Prosecuting Attorney, W. D. Smith, Executive Director Region 4, Steve Cruikshank, OES Director, David Neal, E911 Coordinator, Deputy Jim Sizemore and Chris Perkins, Superintendent Fayette County Board of Education appeared before the Commissioners to discuss the Stimulus Program Grants.

Carrie Clendening explained their experience with grants in general and in particular stimulus funding.

Ms. Clendening told the Commissioners that the stimulus package didn't create new programs that she was aware of, but instead it has added more money to the existing programs where a 20 percent county's match had to be available in order to get the funding.

Ms. Clendening told the Commissioners that they are not required to meet that match, but they would fund 100 percent.

Chris Perkins informed the Commission he would be interested in working with the county.

Commissioner Wender suggested hiring a grant writer for six months.

Carrie Clendening, Grant Coordinator for Kanawha County Commission suggested the position be created for at least one year, which is a single grant cycle.

Commissioner Wender suggested forming a committee to interview candidates for a full-time temporary grant writing position with the County.

The grant writer will seek federal money that is available under the Obama administration stimulus package.

Commissioner Wender asked Senator Bill Laird if would be Chairman of the Committee, Chris Perkins, Superintendent Fayette County Board of Education, Dave Pollard, County Resource Coordinator and Aletha Stolar.

Commissioner Wender offered a motion that Fayette County Commission would explore hiring a grant writer possibly in conjunction with the Board of Education that the decision to go forward or not go forward will depend on the individual or individuals that will apply and have the qualifications, that the Commission would appoint a committee of Bill Laird, Chris Perkins, Aletha Stolar and Dave Pollard to be the interview committee and we will ask them as judiciously as possible. Bill Laird to be Chairman of the Committee he will get the ads in circulation perhaps Carrie Clendening could help him with the job description and that we ask the Committee to report back to us in a month with progress they may or may not have made in finding the

right person on June 12, 2009. Commissioner Lopez seconded.

Unanimous.

Cindy Dragon with the New River Gorge Convention and Visitors Bureau and Doug Maddy, Executive Director with the Southern West Virginia Convention and Visitors Bureau appeared before the Commission to present symbolic checks recognizing the impact of travel spending in Fayette County in the amount of \$58.8 million and in Southern WV in the amount of \$643,500,000.

Mr. Maddy told the Commissioners he will continue to promote and market the areas as destination.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for David Nottingham and Cinda J. Elswick. Commissioner Wender seconded. Unanimous.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$7,999.25.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$17,819.19 and the 09-T-54 Grant, amount \$2,075.95.

Commissioner Wender offered a motion to approve the request of the Fayetteville High School to use the Memorial Building for the purpose of hosting the Class of 2009 Graduation Ceremony. The \$1,000.00 rental fee will be waived. All other rules are applicable, including insurance and custodian fees. Commissioner Lopez seconded. Unanimous. A letter signed.

Commissioner Wender offered a motion that Fayette County Commission support the Application for 501(c)3 tax exempt status for the Ansted New Haven Community Improvement Association. Commissioner Lopez seconded. Unanimous.

The Commissioners approved \$500.000 contribution to the Mount Hope Jubilee Committee.

The Commissioners signed a Request for Reimbursement to the West Virginia Courthouse Facilities Improvement authority for the Fayette County Courthouse Grant, amount \$34,691.00.

The Commissioners and Earl Pauley, Park Superintendent signed letters acknowledging they have been made aware of and received a copy of the Virginia Graeme Baker Pool and Spa Safety Act, and a list of Manufacturers of ASME/ANSIA112.19.8-2007 approved Drain Covers.

The Commissioners signed an invoice to the Town of Fayetteville for the confinement of inmates at the Southern Regional Jail for the month of March, amount \$95.06.

The Commissioners signed Orders and appointment to serve letters to Carl Thompson, Douglas Kincaid, Matthew D. Wender, David Alan Rice, and Timothy A. Keeney appointing them members of the Fayette County Farmland Protection Board.

The Commissioners signed a letter to Janice Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of June.

The Commissioners signed a letter to the West Virginia Development Office enclosing seventh drawdown for the Fayette County

Sportsman's Recreation Center and the City of Ansted Museum, amount \$5,778.83.

The Commissioners signed Change Order for the Fayette County Courthouse Stormwater Abatement Project (Noble Construction).

The Commissioners signed the County Commission Annual Memorandum of Agreement for the Fiscal Year beginning July 1, 2009 for the West Virginia University Cooperation Extension Services.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from David Neal, E911 Coordinator informing of personnel changes effective April 16, 2009 changing Amanda Martin from part-time to full-time Communications Specialist to fill the vacancy created by the resignation of Danielle Barker.

The Commissioners received and reviewed a letter from the State Tax Department informing the Commission of coal producing counties about a change in the processing of the Coal Severance Tax distribution.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing that \$3,255.54 was deposited in the Home Confinement Fund should have been deposited in the 911 Fund. Sheriff Kessler is requesting that this deposit be transferred from the Home Confinement Fund to the 911 Fund.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing that effective May 1, 2009 Deanna Saxton, Luther Crisp, Tillman Mooney and Shannon Morris has been promoted within the Sheriff Department.

The Commissioners received and reviewed a letter from Governor Joe Manchin informing he has approved a grant award of \$3,000.000 to th Fayette County Sheriff's Department. Funds will be used for one advanced training course for law enforcement officers in the field of Crime Scene Photography.

The Commissioners received and reviewed a letter from Shentel Cable Company informing they will be removing WGN from their system effective May 25, 2009.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) listing securities as of April 30, 2009 held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements for the period of March 21, 2009 to April 22, 2009, April 1, 2009 to April 23, 2009 and April 1, 2009 to April 30, 2009.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report and Activity Report for the month of April, New River Humane Society Allotment, amount \$14, 740.31 for the month of May and Weekly Fees Collected for the week of April 17 to April 23, 2009, amount \$2,019.00 and the week of April 24 to April 30, 2009, amount \$150.00.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that contracts for Fiscal Year 2006 grants (Governor's Community Participation, Local Economic Development Assistance and Industrial Park Assistance) will expire on June 30, 2009.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission to Diana L. Waddell regarding her request for water service to Dotson Ridge Road near Hico, West Virginia.

The Commissioners received and reviewed a letter from the Fayette County Deputy Sheriff's Civil Service Commission confirming the use of the County Commission meeting room for the purpose of having a civil service hearing on May 6, 2009.

The Commissioners received and reviewed a letter from the South Central Labor Council WV AFL-CIO inviting the Commission to attend the Worker's Memorial Day being held Tuesday, April 28, 2009 at the UMWA District 17 Headquarters.

The Commissioners received and reviewed a copy of an Annual Tier Two Filing Fee Worksheet from the West Virginia Emergency Response Commission for Arbuckle Public Service District.

The Commissioners received and reviewed an invitation from the City of Mount Hope inviting the Commission to attend the formal dedication of the Wastewater Treatment Plant Upgrade and Kilsyth Sewer Extension Project on Friday, May 1, 2009.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the March Limited Video Lottery will be directly deposited on April 27, 2009, amount \$7,903.42 and the 25% of the coal severance tax will be directly deposited on April 24, 2009, amount \$42,312.57.

The Commissioners received and reviewed Official Oath of Office for Michael Graves member of the Kanawha Falls Public Service District.

The Commissioners received and reviewed a notice from the West Virginia Bureau for Public Health a health Alert regarding the cases of the swine influenza.

The Commissioners received and reviewed information from Compucom, Inc. regarding Records and Document Management.

The Commissioners received and reviewed letters from Stafford Consultants, Incorporated regarding the New Haven Public Service District Water System and Storage Tank Project.

The Commissioners received and reviewed a letter from Governor Joe Manchin thanking the Commission for contacting his office to express views about the American Recovery and Reinvestment Act, also known as the stimulus bill, the correspondence has been forwarded to the Director of Legislative Affairs for review.

The Commissioners received and reviewed the Fayette County Planning Commission minutes of April 27, 2009.

The Commissioners received and reviewed a letter from Eastern Kentucky University Justice and Safety Center thanking the Commission for participating in the 2007 Rural Domestic Preparedness Consortium National Training Needs Assessment. Original forwarded to Steve Cruikshank, OES Director.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for 06-JAG-40 grant, amount \$1,015.38.

The Commissioners received and reviewed a letter from the Prosecuting Attorney's Office asking to transfer the amount of \$450.00 from the Prosecuting Attorney Salaries to the Prosecuting Attorney Professional Services for fees to be paid to Lew, Glasser, Casey and Rollins for legal work performed in regard to the Roaring River Bankruptcy/Zoning matter.

The Commissioners received and reviewed a letter from the Department of health and Human Resources regarding increased funding for community-based behavioral health services.

The Commissioners received and reviewed a letter from James M. Casto requesting a written copy of the Smoking Ban Ordinance. A copy forwarded to Linda Shieler, Fayette County Health Department.

The Commissioners received and reviewed a copy of BrickStreet 2008 Annual Report-Building Upon Our Foundation.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for contacting his office to express views about the American Recovery and Reinvestment Act, also known as the stimulus bill.

The Commissioners received and reviewed a letter from ISO regarding the Smithers Fire Department.

The Commissioners received and reviewed a letter from the West Virginia Optometric Association, Inc. informing Governor Joe Manchin has signed a proclamation declaring Infant SEE (R) weeks for May 4, 2009 and May 16, 2009 throughout West Virginia.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council regarding the Fiscal Year 2006 Grant

Closeout (Governor's Community Participation, Local Economic Development Assistance and Industrial Park Assistance) invoices for expenses related to fiscal year 2006 grants must be dated prior to June 30, 2009 and postmarked no later than July 16, 2009 to be considered for reimbursement.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance and the Workers' Compensation Office of Judges regarding workers' compensation claims.

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

The Commissioners signed System Agreement with Verizon Business Network Services, Inc.

The Commissioners received and reviewed Elevating Equipment Inspection Services for the Fayette County Judicial Annex.

The Commissioners received and reviewed a letter from Robert S. Kiss enclosing a courtesy copy of the West Virginia Economic Development Financing Mechanism Utilizing Sales Tax Credits or Special Excise Tax.

The Commissioners signed a letter to Donnie Austin notifying him that if he appears on the job again under the influence of alcohol he will be terminated.

The Commissioners received and reviewed checks for 911 Fees from 8x8, Inc., amount \$48.00, ClearTel Communications, ME, amount \$12.00, Granite Telecommunications, LLC, amount \$172.00, Level 3 Communications, LLC, amount \$196.00, Cequel Communications Holdings,

ME, amount \$4,076.00, IDT Corporation, amount \$14.00, AT&TIXCs & Alascom, ME, amount \$434.00, Matrix Business Technologies, amount \$34.00 and DPI Teleconnect LLC, amount \$106.00; Franchise Fees from Shentel, amount \$1,991.70, Suddenlink Communications, amount \$52,507.45; Alarm Fees, amount \$805.00; WV Development Office-SALS/Elevator, amount \$14,627.35 and Lewis Community Center, amount \$7,500.00; Secretary of State-VR Quarter, amount \$110.50; 911 Fund-Wooton Law Firm, amount \$50.00.

The Commissioners received and reviewed an e-mail from Ms. Holly to Jessica Farrish informing her of the tentatively scheduled County Commission meetings.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director to the Commissioners regarding the swine flu.

The Commissioners received and reviewed an e-mail from Roseann Berry with the America Red Cross giving latest information regarding the swine flu (H1N1) Outbreak.

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

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding the flood watch.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director giving an update on the swine flu (H1N1).

The Commissioners received and reviewed an e-mail from Patti Hamilton, Executive Director West Virginia Association of Counties to Commissioner Wender regarding OPEB Information.

The Commissioners received and reviewed e-mails received from Southern Communications Spier Properties concerning a communication tower.

The Commission meeting was adjourned for lunch at 1:15 p.m.

The Commission meeting reconvened at 2:20 p.m.

The Commission recessed the Commission meeting at 2:20 p.m. to go into an Executive Session to discuss a personnel matter.

After the Executive Session the Commission adjourned the Commission meeting at 3:15 p.m. The next scheduled meeting is May 21, 2009.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

MAY 21, 2009

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 21st day of May 2009.

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

There were no exonerations.

Commissioner Lopez offered a motion to approve vouchers, invoices and 2nd half payrolls, payrolls to be released on May 29, 2009.

Commissioner Wender seconded. Unanimous.

No minutes were approved.

Cindy Hysell, Supervisor from the Assessor's Office presented the Real Estate Tax Books and the Personal Property Tax Books to be certified and examined.

Commissioner Lopez offered a motion to certify that they have examined the Personal and Real Property Land Books and have made such correction and fixed such valuations and that this record shows the complete valuation and assessments of the personal and real property of Fayette County for the Year 2009. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion that the Prosecuting Attorney's Office draft an option for the Melanie Bodner property for \$20,000 for no less than six months. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested that Tim Richardson, Zoning Office advertise for an amendment to the Fayette County Unified Development Code.

Commissioner Wender offered a motion that Fayette County Commission request that the Fayette County Planning Commission adopt and amend the Fayette County Unified Development Code to add Section 3, Article 3103, B-3 Business, Tourism District II Permitted Uses, add Subsection G-Wilderness Area Camping, Conference and High Adventure Centers. Commissioner Lopez seconded. Unanimous.

Sheriff Steve Kessler presented the Delinquent Land Book list for the Year 2008 to the Commissioners.

Commissioner Lopez offered a motion to accept the copy of the Delinquent List of Real Estate in Fayette County for the non-payment of taxes thereon for the year 2008, which said list being examined by the Commission and found to be correct as of June 30, 2009. Commissioner Wender seconded. Unanimous.

Sheriff Steve Kessler informed the Commissioners he received a grant for the Purdue Pharma Asset forfeiture Funds (PPF): Advanced Law Enforcement Training (ALT), amount \$3,000.00. Sheriff Kessler presented the Agreement and Resolution to be signed to the Commissioners.

Commissioner Wender offered a motion to authorize Commissioner Kenneth Eskew to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the Drug and Violent Crime Control Grant Program. Commissioner Lopez seconded. Unanimous. Agreement and Resolution signed.

Commissioner Lopez offered a motion to approve overtime for Jackie Hickman and Debbie Berry. Commissioner Wender seconded.

Dickie Smith, Maintenance Supervisor appeared before the Commission to discuss hiring Steve Edwards full-time as janitor salary to be the same as Donnie Austin.

Commissioner Wender offered a motion to hire Steve Edwards from part-time to full-time employee plus benefits effective June 1, 2009, salary will be entry levy pay scale. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the outside agencies regarding their contribution for Fiscal Year 2009-2010 budget.

Commissioner Wender offered a motion to revise SELF Community Action Corporation, Inc. and approve \$1,000 for the purpose of a local match for the Community Participation Program grant. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve a contribution of \$1,000.00 for the Mount Hope Energy Express. Commissioner Wender seconded. Unanimous.

William Scharf, attorney for Lisa Bautista appeared before the Commission to present a Petition seeking to probate in Solemn Form of Will/Codicil of Ariston Rodriguez Bautista, decease.

After a brief discussion, Commissioner Wender offered a motion to accept the Petition to probate in Solemn Form on behalf of Lisa Bautista Rowan regarding the Last Will and the First Codicil of Ariston Rodriguez Bautista. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the Elected Officials and Department Heads regarding their Fiscal Year 2009-2010 Budget.

The Commissioners signed a letter for John David to the Housing Assistance Council regarding the Environmental Review for SHOP funded Project/Southern Appalachian Labor School informing they have reviewed the following properties pursuant to HUD environmental review requirements that apply to HUD Special Projects in accordance with §305(c) of the Multifamily Housing property Disposition Reform Act of 1994 as implemented in 24CFR part 58, the legal location of the properties falling under this review is Sid's Lane, Hilltop, West Virginia.

Also, attached is a letter from Tim Richardson, Zoning Officer per John David's request to review Sid's Lane, Hilltop, West Virginia it is determined by review of the Zoning Map of Fayette County to be located in an R-2 (Residence District).

Debbie Tate, 4-H Agent County Program Coordinator appeared before the Commission to request that the line item earmarked for work study be changed to extra help.

Commissioner Wender offered a motion that the Fayette County Commission approves changing the line item earmarked for Program Assistant Work Study to extra help, amount \$1,300.00. Commissioner Lopez seconded. Unanimous.

Ms. Tate informed the Commissioners that they have a new Families and Health Agent, Lauren Weatherford.

Ms. Weatherford has requested some painting, cleaning and repairs in her office.

The Commissioners approved for Dickie Smith, Maintenance Supervisor to have a look at Ms. Weatherford's request.

Carrie Strunk, Tony Jarrod and Tait Sizemore members of the Leaders Association appeared before the Commission to discuss the missing tote.

Tait Sizemore told the Commissioners that he has filed a police report. Mr. Sizemore told the Commissioners the missing items are worth approximately \$400.00.

Mr. Sizemore is requesting that the Commission contribute \$200.00 toward the replacement of the stolen items.

Discussion was held, Ms. Holly asked if they had reported the loss to the Leaders Association insurance. Ms. Strunk replied no.

Commissioner Wender suggested reviewing the issue on June 26, 2009 regarding the \$200.00 contribution.

Jodie Ward, Bob Meadows and Attorney Kevin Burgess appeared before the Commissioner to discuss the Shooting Range.

Bob Meadows told the Commissioners the estimated date the Shooting Range would be open is June 16, 2009.

Mr. Meadows told the Commissioners the cost for the birds is \$2,000.00 to \$3,000.00.

Mr. Meadows is requesting that the Commission contribute to the purchase of the birds for the Sportsman's Recreation Association, Inc.

Discussion was held on whether or not the Commission could make a contribution to a non-profit organization.

The Commissioners asked Carl Harris, Prosecuting Attorney if he would review and get back with them.

Commissioner Wender offered a motion to approve a contribution to the Sportsman's Recreation Association, Inc. for \$2,500.00 contingent upon approval and review by the Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

Carl Harris reported back to the Commission, after reviewing the West Virginia Code, Mr. Harris asked to include in the motion that contribution be changed to appropriation and add for recreational purposes.

The Commissioners signed letters to the West Virginia Development Office requesting first and final drawdown for the Fayette County Historical Society, amount \$2,500.00 and seventh and final drawdown for the Fayette County Sportsman's Recreation Center and the City of Ansted Museum, amount \$1,202.62.

Commissioner Wender offered a motion that the Fayette County Commission will send a letter to the West Virginia Development Office certifying they will provide the required 10% local match for Project #09CPGP0012 (\$700.00) and Project #09LEDA0132 (\$2,000.00) grants. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the West Virginia Development Office requesting that the contract between West Virginia Development Office and the Fayette County Commission be extended to cover the period from July 1, 2009 through June 30, 2010 for the Upper Kanawha Valley Chamber of Commerce, Starting Points, New River Health Association, Inc., New River Humane Society, Fayette County Sheriff's Department, Boomer Park, Upper Kanawha Valley Community Center, Boomer Park (change in scope previously requested to Sportsman' Recreation Center) and Lewis Community Foundation.

Ms. Holly informed the Commissioners she received completed Community Participation Program Grant application for the Fayette County Soldiers and Sailors Memorial Building (\$20,000), local match \$2,000 to replace the 4 sets of side entrance exterior doors, Fayette County Courthouse (\$20,000) paving the parking lot around the Sheriff's Road Office and Old Jail, and Fayette Starting Point (\$2,000) to provide pantry supplies to children and families in Fayette County and Whipple Company Store-Appalachian Heritage Education Museum (\$7,000) construction and renovation.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to execute agreements with the West Virginia Development Office

to receive and administer the grant's funds. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the City of Montgomery requesting a donation in the amount of \$3,000.00 to be used for the operation of the Montgomery Swimming Pool and Fourth of July Celebration.

The Commissioners approved contribution to the City of Montgomery for \$3,000.00 for Fiscal Year 2010.

Ms. Holly presented an Order and letters to the Commissioners to approve and sign incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 2009 (Fayette County National Bank, Chase (formerly Bank One Beckley, WV, N.A.), Bank of Mount Hope, Branch Banking and Trust (BB&T), United Bank, City National Bank of West Virginia.

Commissioner Lopez offered a motion to authorize and approve Commissioner Eskew to sign Resolution for the Fayette County Courthouse (\$16,000). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to authorize and approve Commissioner Eskew to sign Resolution for the Minden Kwanza Community Playground (\$5,000). Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners she received a request from the Fayette County National Bank advising of the need to substitute certain securities pledged.

Commissioner Wender offered a motion ordering the release of said securities provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution

will not be unsecured. Commissioner Lopez seconded. Unanimous.
Order signed.

The Commissioners signed Application for a Permit to Operate Park/Playground at the Boomerball Park and the Harlem Heights Park.

The Commissioners signed a letter to Governor Joe Manchin regarding the AML Impacted Water Supplies-New Haven Public Service District.

The Commissioners signed letters to Sergeant Luther A. Crisp, III, Lieutenant Deanna Saxton, Corporal Tillman N. Mooney and Corporal Shannon Ray Morris extending their congratulations to their recent promotion in rank.

The Commissioners approved to release check to SW Noble Construction, Inc., amount \$28,291.00 for the Fayette County Courthouse Stormwater Abatement for Courthouse and Old Jail Building.

Commissioner Eskew signed Local Government Account Signature Authority Form that authorizes the Commissioners, Sheriff Steve Kessler, County Clerk Kelvin Holliday, County Administrator Charlotte Holly, and Chief Tax Deputy Cynthia Renick to sign any and all documents relating to the investment or withdrawal of funds with the West Virginia Investment Management Board through the West Virginia State Treasurer's Office.

The Commissioners received and reviewed a letter from Capital Resource Agency informing they will make a 10% match with CSBG monies to the \$9,000.00 Community Participation Program grant for Project #09LEDA0126.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District-Contract 15 Beauty Mountains Water Project Special Use Permit Construction Notification.

The Commissioners received and reviewed a letter from WorkForce WV regarding the alternative base period. This increases the taxable wage base from \$8,000 per employee to \$12,000.

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

The Commissioners signed Resolution where the Region I Planning and Development Council based in Princeton and Region 4 Planning and Development Council based in Summersville are undertaking a joint project with the Cumberland Plateau Planning District based in LeBanon, Virginia to deploy 100 gigabyte broadband service through 11 counties in southeastern, West Virginia.

The Commissioners received and reviewed an invitation from the Paint Creek Scenic Byway Steering Committee inviting the Commission to join them in a celebration of the History and Culture of Paint Creek, Friday, May 29, 2009 at 1:00 p.m. at the Midway T & C Motel Park.

The Commissioners received and reviewed Statement of Expenditures for the Regional Jail as of May 2009, amount \$622,407.29.

The Commissioners received and reviewed Statement of Expenditures for the Fayette County Park, amount \$300,287.16 and the Central Garage, amount \$172,533.89 as of April 2009.

The Commissioners received and reviewed a letter from the Internal Revenue Service regarding Statement of Adjustment to our account.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services regarding On-Site Visit of the Day Report Center to review the funded Community Corrections project.

The Commissioners received and reviewed a letter from the Office of the State Auditor enclosing a copy of the Report on Applying Agreed-Upon Procedures of the Fayette County Magistrate Court for the period ending December 31, 2007.

The Commissioners received and reviewed from the Whipple Store an invitation inviting the Commissioners to attend the Denim and Diamond Gala 2009 Saturday, June 6, 2009.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids, amount \$1,015.38.

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

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's office for the Courthouse Facilities Improvement Fund, amount \$148,500 for the month of April.

The Commissioners received and reviewed Official Oath of Office from Carl Thompson member of the Fayette County Farmland Protection Board.

The Commissioners received and reviewed from the SunTrust Bank Pledge Statement listing securities pledged as of April 30, 2009.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the April 2009 Table Games distribution will be directly deposited on May 15, 2009, amount \$3,778.60.

The Commissioners received and reviewed a letter from Stafford Consultants, Inc. regarding New Haven Public Service District-Contract #16A/16B-Stimulus Funding.

The Commissioners received and reviewed from the Retired and Senior Volunteer Program an invitation inviting the Commission to attend their Annual Luncheon being held June 10, 2009 at the Summersville Baptist Church.

The Commissioners received and reviewed the Hydraulic Inspection and Test from ThyssenKrupp Elevator.

The Commissioners received and reviewed Certificate of Insurance from the Fayette County Board of Education.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of May 1 to May 7, 2009, amount \$1,213.00 and the week of May 8, to May 14, 2009, amount \$250.00.

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

The Commissioners received and reviewed checks for 911 Fees from One Communications, amount \$2,298.90, Citizens Communications, amount \$45.10, Verizon, amount \$26,687.22 and Vonage Tax Account, amount \$286.00; Supreme Court-FLM rent amount \$2,362.50, Criminal Justice

Services-SPF-SIG grant, amount \$5,213.07; Refund-BrickStreet, amount \$16,599.32; Supreme Court-Reimbursement, amount \$2,583.22.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director giving an update on the rain and flooding situation in the County.

The Commissioners received and reviewed an e-mail from Stephanie Osborn, Deputy Director to Ms. Holly inviting her to participate in their weekly conference call on Recovery Act Implementation this Friday, May 15 at 2:00 p.m.

The Commissioners received and reviewed an e-mail from Steve Cruikshank to Ms. Holly informing he would be out of town until Saturday evening due to the death of his wife (Sharon) brother.

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

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer reminding the Planning Commission members of the education meeting of the Planning Commission being held today, May 18, 2009.

The Commissioners received and reviewed an e-mail from Commissioner asking Ms. Holly to add on the agenda to discuss the amendment to the Fayette County Unified Development Code.

The Commissioners received and reviewed an e-mail from Kelly Workman, West Virginia Development Office to Ms. Holly informing that the Fiscal Year 2009 Grants submitted for Fayette County Project #09CPGP0011 for SELF Community Action, 09LEDA0132 and 09CPGP0012 for

the Sportsman Complex and 09LEDA0126 for Capitol Resource Agency did not include a local match.

The Commissioners received and reviewed an e-mail from Mike Shumate to Commissioner Wender regarding the Stimulus funds and AG Committee Authorization.

The meeting was adjourned at 12:55 p.m. The next scheduled meeting is June 12, 2009.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 12, 2009

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 12th day of June 2009.

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

Commissioner Lopez offered a motion to approve vouchers, invoices and 1st half payrolls, payrolls to be released today. Commissioner Wender seconded. Unanimous.

Commissioner Eskew offered a motion to approve \$5,698.00 plus shipping for a pump for the Fayette County Park. Commissioner Lopez seconded. Unanimous.

The Commissioners congratulated Eddie Young, Assessor for his nomination of Assessor of the Year by the West Virginia Association of Counties.

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

Commissioner Lopez offered a motion to approve and sign personal property tickets for Angela Surface or Corina Grimmett, Walter R. Dixon, Briarwood Mobile Home Park, George and Elizabeth Yurkovich, Deborah Y. Ince, Gregory and Rebecca Pawlus, Brian K. and Harry A. Pauley, and William Pugh, III. Commissioner Wender seconded. Unanimous.

Bill Hannabass, City Manager for the City of Oak Hill appeared before the Commissioners to present Sewer Agreement for Wolf Creek Park, MOU for WV Building Code Enforcement, and a Conveyance of Oak Hill Rail Trail to the City of Oak Hill.

Conveyance of the Oak Hill Rail Trail - Mr. Hannabass presented a draft of an Agreement to the Commissioners for the Oak Hill Rail Trail. Mr. Hannabass told the Commissioners that he had forwarded a copy of the draft to Rhonda Brisendine with the WV Division of Highways Planning and Research Division to review. After reviewing the Agreement Ms. Brisendine released the grant.

Ms. Holly presented to Mr. Hannabass a check for \$2,164.04 to close the grant. Ms. Holly told Mr. Hannabass that they had received another invoice. Mr. Hannabass told the Commissioners he would void that invoice. The grant will be \$2,164.04 at close out.

Carl Harris, Prosecuting Attorney told the Commissioners he reviewed the Agreement and made minor language changes. Mr. Harris will have the Commission sign the agreement per their vote today and submit the revised agreement for the signature of Mayor Anna Holt. Mr. Harris told the Commission that the agreement will not change to a degree requiring an additional approval by Council. Mr. Harris

included in the Agreement to convey the Oak Hill Rail Trail to the City of Oak Hill releasing Fayette County Commission of all obligations.

Commissioner Wender offered a motion that Commissioner Eskew signed to transfer Fayette County Commission interest of the Oak Hill Rail Trail to the City of Oak Hill. Commissioner Lopez seconded. Unanimous. Mr. Hannabass told the Commissioners he would make the changes to the Agreement and present to the Commission on July 10, 2009.

Mr. Hannabass thanked the Commission for all their help and support given to the Oak Hill Rail Trail.

Memorandum of Understanding for the WV Building Code Enforcement

- Mr. Hannabass presented a draft of the Building Code Agreement between the City of Oak Hill and the Fayette County Commission. Mr. Hannabass and Allen Ballard presented to the Commissioners the fees that would be charged. They will charge 1% per construction, the County will receive a portion on a yearly basis beginning July 13, 2009 to May 31, 2010, and at the end of the year if a profit is made Fayette County will reimburse the City of Oak Hill ½ of the profit. The Agreement will be made on a yearly basis.

The Commissioners asked that this Agreement with the City of Oak Hill and the Fayette County Commission regarding the Building Code be scheduled for further discussion and approval on July 10, 2009 at 10:00 a.m. contingent upon the fee structure being adopted by the City Council.

Commissioner Lopez offered a motion to give Commissioner Eskew authorization to sign Agreement. Commissioner Wender seconded. Unanimous.

Sewer Agreement for Wolf Creek Park - Mr. Hannabass told the commissioners that this agreement has been approved by the Oak Hill Sanitary Board. Carl Harris, Prosecuting Attorney told the Commissioners there is a concern about the sewer lines being considered by the West Virginia Housing Development Fund as collateral for the loans to the Urban Renewal Authority. Mr. Harris told the Commissioners he will have discussions of this matter with the West Virginia Housing and Development Fund and attempt to work out an arrangement. The Commissioners asked to hold discussion until Mr. Harris talks to the WV Housing and Development Fund on Monday.

Dave Pollard, County Resource Coordinator appeared before the Commission to discuss issues on Wolf Creek Park.

Mr. Pollard told the Commissioners he made arrangements with the Division of Environmental Protection to protect the property.

Mr. Pollard asked the Commission if they would contribute to the Fayette County Urban Renewal Authority \$680.00 for the purchase of two (2) gates at the Wolf Creek Park.

Commissioner Wender offered a motion to transfer \$680.00 to the Fayette County Urban Renewal Authority to purchase two (2) gates for the Wolf Creek Park. Commissioner Lopez seconded. Unanimous.

Ms. Holly asked Dave Pollard to prepare a letter requesting the funds after the first of July.

Ms. Holly presented a folder of invoices to be approved. Debbie Berry will prepare checks when she returns from her vacation.

Commissioner Lopez offered a motion to approve invoices, checks to be prepared and released when Debbie Berry returns from vacation. Commissioner Eskew seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office endorsing the first drawdown for the Boomer Ballfield, amount \$10,800.00.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Roger C. and Brenda Goins, Harold R. Kessler and Douglas C. and Carolyn J. McQuerry. Commissioner Wender seconded. Unanimous.

Commissioner Lopez informed the Commission that Giannini Construction needs to be commended for the excellent work they did at the Boomer Ballfield.

Commissioner Lopez suggested putting an ad in the paper regarding Giannini Construction work. Carl Harris, Prosecuting Attorney suggested sending a letter to Giannini Construction.

Carl Thompson presented to the Commissioners Appraisals for Meadow River Rail Trail Project.

Mr. Thompson told the Commissioners that he and Doug Hylton prepared and solicited bids for the appraisals to be completed on the Meadow River Rail Trail (Fayette, Nicholas and Greenbrier Railroad).

Mr. Thompson presented the three bid proposals they received to the Commissioners. (See attached)

Mr. Thompson told the Commissioners that based on their observations of the bids, calls to discuss various issues with the appraisers, and recommendations from the National Park Service, they recommend that CHICO Appraisal Services be used for this project.

Mr. Thompson told the Commissioners they also recommend CHICO Appraisal Services' initial report \$6,000.00 cost be divided three ways with \$2,000.000 coming from the National Park Service grant and Fayette and Greenbrier County Commissions paying \$2,000.00 each to cover the cost.

Mr. Thompson told the Commissioners they have applied for additional funds through the Division of Highways Recreation Trail grant program (\$100,000) and the American Recovery and Reinvestment Act (ARRA) Stimulus Program (\$264,000 requested with Fayette and Greenbrier County Commission's \$66,000 match), total \$430,000.

Mr. Thompson told the Commissioners that once these funds are received they can repay the Commission for their expenditures.

Carl Harris told the Commissioners they need to decide on what they were willing to pay on it first and then decide on the appraisal.

Commissioner Lopez informed he was opposed to it.

Commissioner Wender offered a motion to approve \$1,500 for Fayette County Commission, \$1,500 for Greenbrier County Commission and \$3,000 for the National Park Service grant for appraisal.

Commissioner Lopez seconded. Unanimous.

The Commissioners recessed the County Commission meeting to go into an Executive Session at 11:25 a.m.

The Commission reconvened the County Commission meeting at 12:20 p.m.

Ms. Holly informed the Commissioners she received an e-mail from Angela Love, Executive Secretary for the Fayette County Child Development, Inc. requesting that the Commission send a letter of support in obtaining an Early Head Start Grant.

Commissioner Wender offered a motion that the Fayette County Commission sends a letter of support for the efforts of the Fayette County Child Development, Inc. in obtaining an Early Head Start Grant. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that the Franchise Agreement with Suddenlink needs to be extended under the same terms.

Ms. Holly suggested to the Commissioners to have Carl Harris, Prosecuting Attorney draft a new one under the same terms as the old Franchise Agreement.

The Commissioners received and reviewed a letter from Fayetteville Fairs and Festivals Committee requesting use of the Memorial Building for their Quilt/Antique Show being held July 2nd through July 4th, use of the Courthouse and lawn for activities on July 3rd and July 4th and permission for the American Red Cross the use of the Historic Courthouse to conduct another blood drive in conjunction with the Heritage Festival on Friday, July 3, 2009 from 11:00 a.m. to 4:00 p.m. in the Commission room.

Commissioner Lopez offered a motion to approve Fayetteville Fairs and Festivals Committee requests same terms and conditions as previous approved. Commissioner Wender seconded. Unanimous.

Ms. Holly presented to the Commissioners an Order to transfer \$11,263.42 from the Fayette County Worthless Check Fund to the General County Fund, an Order to transfer \$38,784.46 for Fiscal Year 2008-2009 from the Magistrate Court Fund to the Fayette County General Fund and an Order to transfer the balance of the Fayette County General School fund in the amount of \$114,792.68 to the Fayette County General Fund to defray the balance due said fund for th cost of care and feeding of misdemeanor prisoners incarcerated by magistrate.

Commissioner Wender offered a motion to approve transfer of funds from the Fayette County Worthless Check Fund (\$11,263.42) to the General Fund, to transfer the sum of \$38,784.46 for Fiscal Year 2008-2009 from the Magistrate Court Fund to the Fayette County General Fund and to transfer the balance of the Fayette County General School Fund in the amount of \$114,792.68 to the Fayette County General Fund. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the West Virginia Development Office requesting that Sanger Road Fire Hydrants and Fayette County Soldiers and Sailors Memorial Building, contract for Arts Grant Funding, Lighting Upgrades contracts between the West Virginia Development Office and the Fayette County Commission be extended to cover the period from July 1, 2009 through June 30, 2010.

The Commissioners signed a letter to the West Virginia Development Office enclosing first and final drawdown for the Upper Kanawha Valley Community Center, amount \$18,000.00.

The Commissioners signed a letter to the Courthouse Facilities Improvement authority informing that in order to complete Project #10-

01-100107 for the remediation of water penetration at the Fayette County Courthouse, the Fayette County Commission is requesting an extension of the project deadline from July 1, 2009 to September 30, 2009.

The Commissioners authorized Ms. Holly to act on the remaining grant recommendations on behalf of the Commission.

The Commissioners received and reviewed the Agreement between the Fayette County Commission, Fayette County Board of Health and Donald C. Newell, Jr., D. O.

Ms. Holly informed the Commissioners she sent Agreement over to Carl Harris, Prosecuting Attorney to review.

Mr. Harris informed he see no reason for the Commission to sign. The Commission is not mentioned anywhere in the Agreement.

Ms. Holly informed the Commissioners that Mr. Harris talked to the Health Department. Fayette County Commission does not need to sign Agreement.

The Commissioners received and reviewed a letter from the Fayette County Health Department informing that Dr. Thomas Morgan's term as a member of the Fayette County Board of Health will expire on June 30, 2009.

The Fayette County Board of Health unanimously recommends his reappointment for a five (5) year term to expire on June 30, 2014.

Commissioner Lopez offered a motion to reappoint Dr. Thomas Morgan, a member of the Fayette County Board of Health, term to expire June 30, 2014. Commissioner Wender seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioners signed an Order in accordance with the Renewal of Existing Additional County Levy dated November 12, 2004 and approved by the voters of Fayette at a Special Election held on February 5, 2005, order the annual pro-rata 5-year costs associated with such special levy election to be deducted from the total annual amount raised for each entity receiving funds from such Special Levy and transferred to the Fayette County Election Expense Levy Fund. (See attached)

The Commissioners received and reviewed a letter from the Fayetteville Convention and Visitors Bureau requesting permission to use the Courthouse lawn and the employee parking lot for the 1st Annual Bridge Day Chili Cook-off being held October 17 and October 18, 2009. The Commissioners approved, letter signed.

Ms. Holly informed the Commissioners she advertised for the Grant Coordinator Position.

The Commissioners received and reviewed an invoice from the Town of Fayetteville for flowers for the Courthouse, cost \$1,000.00. The commission asked to hold until Fiscal Year July 1, 2010.

The Commissioners approved invoice from Camco, for air compressor for the 911 Center, amount \$2,180.00.

The Commissioners signed a letter to David L. Pence informing that the Fayette County Commission has asked Tim Richardson, Zoning Enforcement Officer to review his complaint dated June 1, 2009 regarding the property of Gary Batemen. Attached is a copy of Mr. Richardson's response.

The Commissioners received/reviewed and approved an invoice from the Coal Heritage Highway Authority for the AmeriCorps VISTA Angela Gerald, amount \$2,500.00.

The Commissioners approved to pay the \$2,500.00 appropriation for recreational purposes for the Fayette Gun Club.

The Commissioners reviewed a copy of a letter from Kevin Gillenwater informing of his resignation from the Weatherization program.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing the three (3) additional areas the New Haven Public Service District is requesting to be studied in Fayette County will follow the same process as the previous projects.

The Commissioners received and reviewed a letter from the West Virginia Statewide Addressing and Mapping board informing that Fayette County was one of the counties that submitted completed data to the board and the county's reimbursement has been placed in the escrow account for disbursement at the appropriate time.

The Commissioners asked Ms. Holly to have David Neal, E911 Coordinator to do a press release.

The Commissioners received and reviewed an e-mail to Debbie Aliff, Payroll Clerk from David Neal, E911 coordinator asking to change Amy Neal from part-time to full-time effective June 1, 2009 at an hourly rate of \$7.50. The Commissioners approved.

Commissioner Eskew gave an update of the meeting with FEMA.

The Commissioners signed a letter to the Natural Resource Conservation Service offering their congratulations and extended their appreciation for the work they have done to make possible the initial funding for the Dunloup Creek buy-out program.

The Commissioners received and reviewed from Chris Perkins, Superintendent Fayette County Board of Education enclosing first sample Vacancy Bulletin.

The Commissioners received and reviewed a letter from the U. S. Department of Homeland Security (FEMA) inviting the Commission to a meeting to discuss the new Flood Insurance Rate Maps (FIRMs) and the new Flood Insurance Study (FIS) and the National Flood Insurance program (NFIP). The meeting will be held on Monday, June 1, 2009 from 1:00 p.m. to 3:00 p.m. at the Fayette County Courthouse (County Commission Room).

The Commissioners received and reviewed a letter from Susan Willlliams Hartung informing the Commissioners that former employee Agnes Williams Birthday is June 8.

The Commissioners signed Request for Reimbursements to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$17,540.78 and the SPF-SIG grant, amount \$8,716.91.

The Commissioners received and reviewed a letter from the WVU Extension Office informing that the missing shotgun tote had been found. The WVU Extension Office is requesting that all matters relating to this issue be dropped, including all police investigation and County Commission inquiry.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services advising that the 2008 Chevrolet Tahoe, VIN #1GNFK130X8J206414 that was purchased for the Trident Task force utilizing Justice Assistance Grant (JAG) funds, is being released to the Fayette County Commission with the stipulation that this vehicle remains with the Sheriffs Department and is used in a manner consistent with the original intents and purposes of the Trident Task Force JAG grant.

The Commissioners received and reviewed a letter from the Division of Highways requesting assistance in making available (to anyone who wishes to review them) the modified listing of proposed amendments to the approved 2009-2014 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund for the month of May, amount \$78.00.

The Commissioners signed a Request for Reimbursement to the West Virginia Courthouse Facilities Improvement Authority for the Fayette County Courthouse, amount \$29,527.23.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) listing the securities that were held as collateral to secure the deposits of Fayette County Commission as of May 31, 2009.

The Commissioners received and reviewed Pledge Statement from the SunTrust Bank listing securities pledged as of May 29, 2009.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff Steve Kessler informing that Deputy James Pack and Deputy William Callison has completed their one year probationary period. Their pay will increase \$100.00 a month or \$1,200 a year, effective June 1, 2009.

The Commissioners received and reviewed a letter from the WVU Local government Leadership Academy informing they are planning the Fall 2009 session at the Holiday Inn Charleston House in Charleston, WV on September 25-26, 2009.

The Commissioners received and reviewed from the State Tax Commissioner Release of Lien from the First Community Bank.

The Commissioners received and reviewed a memo from Cindy Renick, Chief Tax Deputy informing that Rebecca Jones will be leaving on vacation Thursday, June 11, 2009 and is requesting that her paycheck be released on Wednesday, June 10, 2009.

The Commissioners received and reviewed a letter from Senator Robert Byrd thanking the Commission for contacting his office about his support of the Wild Monogahala provision in the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

The Commissioners received and reviewed the Annual Report from the Assessor's Office for the period beginning June 1, 2008 through May 31, 2009.

The Commissioners received and reviewed Certificate of Liability Insurance from Wells Fargo Insurance Service.

The Commissioners received and reviewed a letter from Stafford Consultant Incorporated regarding the New Haven Public Service District Contracts 16A & 16B Stringtown Road Water Extension.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Fiscal Year 2008 SCB Grant for Fayette County New Haven Public Service District Stringtown Road Water Extension.

The Commissioners received and reviewed a letter from Just For Kids, Inc. asking the Commission that they attend their fundraiser, Summer Kickoff on June 25th.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the April Limited Video Lottery will be directly deposited on May 26, 2009, amount \$6,998.54.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the 75% of the oil and gas severance tax will be directly deposited on June 12, 2009, amount \$63,480.95.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the May 2009 Table Games will be directly deposited on June 2009, amount \$3,621.80

The Commissioners received and reviewed Status Report from the 911 Center for the period January through April 2009.

The Commissioners received and reviewed the 50% allocation for Hotel/Motel Occupancy Tax to the New River Convention and Visitors Bureau for the period January through March 2009, amount \$9,453.65.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements for the period April 23 through May 22, 2009 and May 1 to May 31, 2009.

The Commissioners received and reviewed a letter from the 4-C Economic Development Authority informing they have approved a \$25,000 grant to the Fayette County Urban Renewal Authority to be used for the location of the Bridge Brew Works project at Wolf Creek Park.

The Commissioners received and reviewed an invitation from the American Red Cross inviting the Commission to the Volunteer Appreciation Dinner being held June 12, 2009 from 6:00 p.m. to 9:00 p.m. at the Lewis Community Center.

The Commissioners received and reviewed a letter from Capital Resource Agency informing in response to the Governor's declaration, May is "Community Action Month" they will have a ribbon cutting demonstration at their Montgomery Warehouse at 10:00 a.m. on May 28, 2009.

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

The Commissioners received and reviewed a Grant Adjustment Notice from the West Virginia Division of Criminal Justice Services for the Fayette County Day Report Center.

The Commissioners received and reviewed a thank-you note from the Mount Hope Energy Express Program.

The Commissioners received and reviewed a letter from Governor Joe Manchin informing he has forward the correspondence he received

regarding the New Haven Public Service District's request for Phase I Studies by WVDEP-AML to review the situation and respond.

The Commissioners received and reviewed Certificate of Liability Insurance from the Town of Fayetteville.

The Commissioners received and reviewed a letter from The Alliance of WV Champion Communities, Inc. inviting the Commission to subscribe to the e-mail version of the Alliance Newsletter.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing that Fayette County has been identified as an eligible recipient of a Direct Justice Assistance Grant (JAG) from the Bureau of Justice Assistance (BIA).

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Eddie Young, Assessor informing that effective June 1, 2009 Emily Ann Woods, Meredith Ayers, Richard Allen Smith, III, Allison N. Flint, Barbara Kay Pointer and Bethany Paige George will be working in his office for the summer. Their salary to be paid from the Regular County Budget at a rate of \$7.25 per hour.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing that \$3,000.00 has been approved for the Purdue Pharma Asset Forfeiture Funds (PPF): Advanced Law Enforcement Training (ALT) Grant Program.

The Commissioners received and reviewed a Revised Study Plans for the London/Marmet and Winfield Hydroelectric Projects.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report for the month of May, New River Humane Society Allotment for the month of

June, amount \$14,109.83 and Weekly Fees Collected for the week of May 15 to May 21, 2009, amount \$301.55, the week of May 22 to May 28, 2009, amount \$85.00, the week of May 29, to May 31, 2009, amount \$47.00, and the week of June 1 to June 4, 2009, amount \$417.00.

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

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

The Commissioners received and reviewed checks for 911 Fees from ClearTel Communications, ME, amount \$12.00, 8x8, Inc., amount \$46.00, Granite Telecommunications LLC, amount \$172.00, AT&TIXCs and Alascom ME, amount \$398.00, Cequel Communications Holdings ME, amount \$4,226.00, IDT Corporation, amount \$12.00, Level 3 Communications LLC, amount \$196.00, Mountain Communication, amount \$85.51 and Citizens Communications, amount \$45.10; Alarm Fees, amount \$2,115.00; Franchise Fees, Shentel Cable Co., amount \$532.07; Jail Fee-Town of Fayetteville, amount \$95.06; WV Department of Health and Human Resource-Reimbursement Community Corrections Drug Testing, amount \$6,100.00; Sheriff Nicholas Co. Reimbursement Community Corrections, amount \$2,402.30; Criminal Justice Services-Just For Kids, amount \$2,030.76, Community Correction, amount \$43,477.92; WV Courthouse Facilities Improvement-Water Remediation Project, amount \$27,753.00; WV Development Office-Historical Society Contentment Grant, amount \$2,500.00, HUD-SCBG Elevator/SALS Project, amount \$18,340.00 and

Ansted Cultural and Heritage Museum Grant, amount \$7,202.62; and the Division of Highways-White Oak Trail Paving Grant, amount \$2,164.00.

The Commissioners received and reviewed an e-mail to Commissioner Wender regarding speed limits along Route 19 at Lansing.

The Commissioners received and reviewed an e-mail from Allen Ballard to Charlotte Holly regarding the invoices that had to be turned in by his inspectors by June 10th.

The Commissioners received and reviewed an e-mail from Cindy Dragan to Commissioner Wender regarding the Walk WV In a Day during Bridge Day.

The Commissioners received and reviewed several e-mails from the Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail regarding small business permit fees.

The Commissioners received and reviewed an e-mail to Commissioner Wender regarding the Prince Depot.

The Commissioners received and reviewed an e-mail to Commissioner Eskew regarding record grant site visits.

The Commissioners received and reviewed an e-mail from Bobby Meadows regarding Grand Opening of the Shooting Range.

Commissioner Wender offered a motion to adjourn the County Commission meeting. Commissioner Lopez seconded. Unanimous.

The meeting was adjourned at 1:35 p.m.. The next scheduled meeting is June 26, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION

JUNE 26, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 26th day of June 2009.

Commissioner Eskew called the meeting to order at 9:25 a.m.

Commissioner Lopez offered a motion to approve and sign personal property tax tickets for Lola Louise Casto, Clarence Joe and Linda A. Leake and Stephanie Renee and David Coleman; real property tax tickets for Marvin Roger Patterson etal and James D. and Peggy L. Wolfe; refunds for James D. and Peggy L. Wolfe (\$207.22), Marvin Roger Patterson (\$199.92) and Lola Louise Casto (\$141.39). Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve invoices, vouchers and 2nd half payrolls, payrolls to be released June 30, 2009. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve for Debbie Berry to prepare checks for any ongoing invoices and any overtime payrolls for the month of June. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission contributes \$2,000 for the Broadband business plan and study on behalf of Fayette and others. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission purchase a building from Priddy's Lumber to be used at the

shooting range, cost \$5,800.00. Commissioner Lopez seconded.

Unanimous.

Commissioner Wender offered a motion to approve minutes of April 10, April 21, May 8 and May 21, 2009. Commissioner Lopez seconded.

Unanimous.

Ms. Holly presented an Order designating three (3) banks to be County depositories of public monies (Fayette County National Bank, Branch Banking and Trust (BB&T), and the Bank of Mount Hope).

Ms. Holly informed the Commissioners she sent the Order over to the Prosecuting Attorney Office to review.

Commissioner Wender offered a motion to accept and make binding by this Order the depository bonds and/or the securities and agreements as received and make a part thereof for the banking institutions enumerated (Fayette County National Bank, Branch Banking and Trust (BB&T) and the Bank of Mount Hope). Commissioner Lopez seconded. Unanimous. Order and letters to each bank signed.

Commissioner Wender informed the Commissioners he received an e-mail from the 4-C Economic Development Authority informing that Dave Arnold's term on the Board of Directors will expire on June 30, 2009. The 4-C Economic Development Authority is requesting that the Commission reappoint Dave Arnold or fill the vacancy with another individual.

Commissioner Lopez offered a motion that Dave Arnold, a private citizen representative be reappointed to the 4-C Economic Development Authority Board of Directors effective July 1, 2009 through June 30, 2012. Commissioner Lopez seconded. Unanimous. Letter signed.

Tim Richardson, Zoning Officer appeared before the Commission to present an amendment to the Fayette County Unified Development Code to add the following Section 3, Article 3103-Business, Tourism District, II Permitted Uses Add Subsection G. (See attached minutes and Order of the public hearing). There was no one present at the hearing for or against.

Mr. Richardson presented a copy of a Press Release that will be released on Monday regarding the Boy Scouts of America to the Commissioners.

Mr. Richardson told the Commissioners the Contractor will be submitting a rezoning application for the National Scouting Center. The hearing has been scheduled for July 20, 2009 at the Memorial Building at 3:00 p.m. The recommendation for the Planning Commission is scheduled for July 24, 2009.

Jim Lively, Sr., with Jim Lively Insurance Company appeared before the Commission to present the renewal proposal for the Liability Insurance for the County for Fiscal Year 2009-2010, annual total \$231,207.21. Mr. Lively presented a summary and went over the policy with the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission declines the rider terrorism coverage on the insurance. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to accept the insurance proposal from Jim Lively Insurance effective July 1, 2009 to July 1, 2010 with Wells Fargo Insurance and we accept the premium as proposed to increase the umbrella policy from one million to two million which

will increase the policy to one million a year. Commissioner Lopez seconded. Unanimous.

The Commissioners signed their Budget Statement for the ensuing Fiscal Year beginning July 1, 2009 through June 30, 2010.

The Commissioners signed minutes of the Zoning Hearing held this morning.

The Commissioners signed an invoice to the Fayette County Board of Education regarding the Board of Education Annual Memorandum of Agreement WVU Cooperative Extension and the County Extension Service Committee, amount \$24,237.00.

The Commissioners signed letters to the West Virginia Public Service Commission and the Secretary of State giving a list of the public service districts and the current board members for each district.

Ms. Holly presented a Petition to Combine or Divide and Segregate Land to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for Nellie M. Boyd and Frank and Mary Coleman. Commissioner Wender seconded. Unanimous.

The Commissioners signed a seconded drawdown to the West Virginia Development Office for the New River Humane Society, amount \$5,000.00.

The Commissioners received and reviewed a letter from the New Haven Public Service District informing that Loren J. Fox, Sr. and Roma Lively terms on the Board is about to expire. The New Haven Public Service District Board is recommending that they be reappointed to serve.

Commissioner Lopez offered a motion that Loren J. Fox, Sr. and Roma Lively be reappointed to serve on the New Haven Public Service District Board. Commissioner Wender seconded. Unanimous. Orders and appointment to serve letters signed.

The Commissioners signed a letter to the West Virginia Development Office requesting that the scope of the legislative Digest project #06LEDA0417 in the amount of \$18,000.00 be changed to add equipment to list of improvements to Upper Kanawha Valley Community Center.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to sign documents. Commissioner Wender seconded. Unanimous.

Ms. Holly informed the Commissioners that the Auditor finished audit yesterday. The audit was for July 1, 2005 to June 30, 2008 (3 years).

The Commissioners signed letters to Carl Harris, Prosecuting Attorney, Steptoe and Johnson, Pullin, Fowler and Flanagan, PLLC, John MacCorkle, and Francis, Nelson and Brison informing them of the Audit and asking that they furnish to the auditor a description of all-material pending or threatened litigations, claims, and assessments (excluding unasserted claims and assessments).

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Just For Kids, amount \$1,015.38.

The Commissioners received and signed for Region 4 Planning and Development Council drawdown Request for Danese Public Service District-Water Extension Project #07ARCP15639, amount \$22,162.67.

The Commissioners received Grant Application for West Virginia Strategic Prevention Framework State's Incentive Grant Program (SPF-SIG).

Commissioner Lopez offered a motion to authorize Commissioner Eskew to act on its behalf to make application for SPF-SIG. Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services congratulating the Commission on the recent awarded West Virginia Community Corrections Grant, amount \$265,000.00.

The Commissioners received and signed Grant contract Agreement Between the Division of Criminal Justice Services and the Fayette County Commission, Grant #10-CC-04.

Commissioner Lopez offered a motion to authorize Commissioner Eskew to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the Community Correction Fund. Commissioner Wender seconded. Unanimous. Resolution signed.

Ms. Holly presented to the Commissioners invoices from Software Systems for purchase of two (2) PC's for Cindy Renick and Becky Jones and computers for the County Clerk's Office, total cost \$9,283.69.

Ms. Holly presented to the Commissioners documents to finalize the Courthouse Water Remediation Project. Ms. Holly presented two (2) invoices one for \$3,575.52 and one for \$3,231.25 that needed to be approved. Commissioner Eskew signed the two (2) drawdown request.

Discussion was held regarding the Fayette County Board of Education Bond Election.

The Commissioners received and reviewed a letter from Earl Pauley, Park requesting that Peggy Bennet's salary goes to \$2.00 more an hour during the pool season effective June 1, 2009.

The Commissioners approved to increase Peggy Bennett's salary to \$2.00 more an hour during the pool season at the Fayette County Park.

The Commissioners received and reviewed letters from Chief Magistrate Charles Garvin and Judge John Hatcher requesting that the air conditioning at the Danese Detachment be replaced.

Ms. Holly informed the Commissioners that Dickie Smith, Maintenance Supervisor purchased the air condition from Lowe's, cost \$474.98.

The Commissioners received and reviewed a letter from the West Virginia State Agency for surplus Property informing that travel trailers will soon become available through the Federal Surplus Property Program. The Commissioners voted no to the purchase of a travel trailer.

The Commissioners received and reviewed a letter from the U. S. Census bureau informing that having successfully completed their address listing operations throughout West Virginia this spring, they are opening an additional two local offices in October 2009.

Ms. Holly informed the Commissioners she received from David Neal, E911 Coordinator, a quote from Greenbrier County Bid for telephone system.

Ms. Holly told the Commissioners that Mr. Neal wants to know if the County can purchase from a bid proposal from another county.

Ms. Holly told the Commissioners that this is not a state bid.

The Commissioners asked Ms. Holly to forward to Carl Harris, Prosecuting Attorney to review and advise.

Ms. Holly told the Commissioners she received a letter from the West Virginia Statewide Addressing and Mapping Board advising us that Fayette County is one of the counties that have submitted completed data to the Board. The reimbursement has been placed in the escrow account for disbursement at the appropriate time when the Board receives certification from the postal service and Verizon that the process is complete.

The Commissioners asked Ms. Holly to send a letter to David Neal, E911 Coordinator and inform him of the letter the Commission received from the West Virginia Statewide Addressing and Mapping Board.

Discussion was held regarding the 15% of the new tax rate to Southern West Virginia Convention and Visitors Board.

Ms. Holly informed the Commissioners that the Tax Department had additional complications with the receipts, a lot of duplications.

Ms. Holly presented a list of the outstanding checks dated prior to June 30, 2008 that needed to be voided to the Commissioners. The Commissioners approved to void the outstanding checks.

Ms. Holly informed the Commissioners that she received a letter from Sheriff Steve Kessler informing that on May 5, 2009 a deposit was erroneously deposited in the Worthless Check and should have been deposited in the Magistrate Court Fund.

Sheriff Kessler is requesting that a check be written to correct this error, amount of the check \$3,813.00. The Commissioners approved.

The Commissioners received and reviewed copies of the Auditor's findings of the July 1, 2005 and June 30, 2008 audit.

The Commissioners received/reviewed and signed a letter to the Office of the State Auditor confirming services and terms of services the State Auditor will provide.

The Commissioners signed Agreement between the Fayette County Commission and Terra Basham, Contractor to serve as a Communities Mobilizing for Change on Alcohol Coordination Assistant.

Ms. Holly informed the Commissioners no applications received for the Grant Coordinator position.

The Commissioners signed and approved travel reimbursement for Carri Strunk.

The Commissioners received and reviewed from the West Virginia Association of Counties a notice from the Secretary of State regarding HB 2464 permitting counties to conduct early voting at locations in addition to the courthouse or annex to allow additional convenience to voters.

The Commissioners signed the Renewal for Federal Excise Tax Exemption Certificate for Chevron.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing that Governor Joe Manchin request the Commission's presence at a grant award ceremony to be held in the Rotunda of the Capitol in the State Capitol Complex on

Thursday, June 25, 2009 at 2:00 p.m. to receive a letter of an award on behalf of the Community Corrections Program.

The Commissioners received and reviewed a letter from Governor Joe Manchin informing he has approved a West Virginia Community Corrections Fund grant award of \$265,000.00 to the Fayette County Commission.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements for the period May 23, 2009 through June 22, 2009 and for June 1, 2009 through June 23, 2009.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing they will be doing a Premium Audit on July 9, 2009 at approximately 11:30 a.m.

The Commissioners received and reviewed a thank-you card from the Probation Office thanking the Commission for their new carpet.

The Commissioners received and reviewed a complaint from Lisa Naylor regarding the shooting range.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History thanking the Commission for requesting an extension on contract for Grant AH09-99. Unfortunately, they are unable to extend the contract into the new Fiscal Year.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources regarding Armstrong Public Service District. They recently received questions concerning the Armstrong Public Service District system's compliance with personnel requirements.

The Commissioners received and reviewed minutes of the Fayette County Planning and Zoning Commission for June 22, 2009.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of May 29 to May 31, 2009, amount \$47.00, June 1 to June 4, 2009, amount \$417.00, June 5 to June 11, 2009, amount \$267.00, June 12 to June 18, 2009, amount \$263.00 and June 19 to June 25, 2009, amount \$142.00.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk authorizing the transfer of \$81.00 from his Record Book line to his travel line, approved record book orders be posted to the 2008-2009 fiscal year budget.

The Commissioners received and reviewed a letter from Shawn James appealing the decision made by the Fayette County Commission on the Federal Flood Plain ordinance that was accepted in 2007.

The Commissioners asked that this be scheduled for July 24, 2009 at 9:30 a.m. for further discussion. The Commissioners asked that Allen Ballard, Robert Perry, Carl Harris and Tim Richardson be present.

The Commissioners received and reviewed a letter from the West Virginia Division of Energy approving a no-cost time extension for Contract 08-059-Lighting Upgrades. The contract period is now July 1, 2007 to September 30, 2009.

The Commissioners received and reviewed a letter from the West Virginia Division of Energy enclosing a copy of the contract extension for the lighting upgrades.

The Commissioners received and reviewed a telephone message from rosemary Wilkes asking that the Commission help with roads at Pax.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District-Stringtown Road Waterline Water meter Box Location.

The Commissioners received and reviewed a fax from Region 4 Planning and Development Council attaching a copy of Region 4 Planning and Development Mission Statement, the July 2008 revised Consolidated Project Priority List and Goals and Objectives to review in making any updates and/or changes to the CEDS Plan.

The Commissioners received and reviewed from the 911 Center Status Report for the months of January through May 2009.

The Commissioners received and reviewed letters from the Secretary of the Interior that on June 11, 2009 the Department of the Interior will issue two (2) payments to the County under the Payments in Lieu of Tax (PILT) Programs amounts \$83,306.00 and 43,224.00.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the 25% of the oil and gas severance tax will be directly deposited on June 16, 2009, amount \$35,437.99.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the 25% of the coal severance tax will be directly deposited on June 29, 2009, amount \$30,915.32 and the 75% of the coal severance tax will be directly deposited on June 26, 2009, amount \$135,275.57.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the May Limited Video Lottery proceeds will be directly deposited on June 26, 2009, amount \$6,952.24.

The Commissioners received and reviewed a letter from the Secretary of State informing the 2009 West Virginia County Clerk's Election Conference will be held on Sunday, August 30 through Tuesday, September 1, 2009 at the Stonewall Jackson Resort in Roanoke, West Virginia.

The Commissioners received and reviewed Dog Tax Commission for Harvey E. Young, Assessor, amount \$630.80

The Commissioners received and reviewed an Official Oath of office for Dr. Thomas Morgan, member of the Fayette County Board of Health.

The Commissioners received and reviewed a letter from the Office of the State Auditor informing the State Auditor's in-service training program for all County Commissioners will be held on August 2-4 at the Resort at Glade Springs in Daniels, West Virginia.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District-Stringtown Road.

The Commissioners received and reviewed a letter from the Mine Safety Technology Consortium announcing the 2009 Miners' Celebration at the Beckley-Raleigh County Convention Center on July 23-24, 2009.

The Commissioners received and reviewed a fax from the Fayette County Health Department giving information on the Human Infections with the Novel Influenza A (HINI) Virus.

The Commissioners received and reviewed a letter from the Natural Resources conservation Service thanking the Commission for their letter dated June 12, 2009 regarding the Dunloup Creek Watershed Project and thanking the Commission their continued support and interest in this project.

The Commissioners received and reviewed a list of attendees who attended the Dunloup Creek Watershed Association meeting regarding the Dunloup Creek Voluntary Floodplan Buyout Program.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing he has asked Jan Neal to work temporarily in the Tax Office beginning June 22, 2009 at \$11.00 an hour.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing he has hired Caryn Hickman, Noah Oliver, Brittany Sutphin and Marrah Porter as part-time summer help at \$7.25 per hour.

The Commissioners received and reviewed a letter from the West Virginia University Extension Service regarding extra help. Ms. Debbie Tax, WVU Extension Agent is requesting that two (2) people be hired at a rate of \$7.25 per hour (Jackson Strunk and Terra Basham).

The Commissioners received and reviewed a letter from Stafford consultants Incorporated regarding New Haven Public Service District- Non-AML Shawver Bridge Road, Substantial Completion Inspection.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School informing that their Youthbuild proposal was approved by the U. S. Department of Labor.

The Commissioners received and reviewed the West Virginia American Water News Drop brochure.

The Commissioners received and reviewed a letter from the City of Oak Hill giving a summary of the three agreements that were on the June 12, 2009 agenda.

The Commissioners received and reviewed a copy of a memo to Dickie Smith, Maintenance Supervisor from Magistrate Danita Young thanking Kim Linzy for her quick response to her request that someone shampoo some spots on her office carpet.

The Commissioners received and reviewed a letter from Kelvin Holliday, County requesting that registrations, room guarantees be paid out of his fiscal year 2009-2010 election expense fund for him Treatha Sexton, Traci Sutphin and Tim Kincaid while they attend the 2009 West Virginia County Clerk's Election Conference.

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding Workers' Compensation claim.

The Commissioners received and reviewed checks for 911 Fees from One Communications Corporation, amount \$2,337.70, ClearTel Communications, ME, amount \$12.00, AT&T1XCs and Alascom, ME, amount \$400.00, Cequel Communications Holdings, ME, amount \$4,308.00, Public Service Commission, amount \$166,831.86, Verizon, amount \$26,598.26, Level 3 communications, LLC, amount \$220.00, IDT Corporation, amount \$14.00, Granite Telecommunications, LLC, amount \$174.00, 8x8, Inc.,

amount \$48.00, Vonage Tax Account, amount \$260.00 and Mountain Communications, amount \$83.79; Supreme Court-Family Law Master rent, amount \$2,362.50; WV Development Office-Boomer Ballfield, amount \$10,800.00; Criminal Justice Services-SPF-SIG grant, amount \$7,999.25; Alarm Fees, amount \$600.00; Division of Human Services, amount \$1,078.00; WV Department of Health and Human Resources-Reimbursement Drug Testing, amount \$23.00; and Fayette County Urban Renewal Authority reimbursement, amount \$15,000.00.

The Commissioners received and reviewed an e-mail to Commissioner Wender from Margo Christian-Brook regarding use of a PA system in one of the shelters at the Fayette County Park for various activities, including their Opening Ceremony, a dance contest, karaoke et.

The Commissioners received and reviewed an e-mail to Commissioner Wender from Mike Shumate regarding the Dunloup Creek Watershed Association-the Application Process.

The Commissioners received and reviewed several e-mails from the Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Roxanne Allen informing the employees in the Prosecuting Attorney's Office is planning a surprise 60th birthday party for Carl Harris, Prosecuting Attorney.

The Commissioners received and reviewed an e-mail from Bobby Meadows regarding the Grand Opening of the Shooting Range.

The Commissioners received and reviewed an e-mail from Steven P. McGovern regarding the Press release of the Boy Scout of America

Application for Rezoning Property for a National Scouting Center in West Virginia.

The Commissioners received and reviewed an e-mail from John David giving an update on the SALS/Summer 2009/Home Repairs in the Valley area of Fayette County.

The meeting was adjourned at 1:43 p.m. The next scheduled meeting is July 10, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 10, 2009
COURTHOUSE

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

The Fayette County Commission met in a regular session on this 10th day of July 2009.

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

Commissioner Lopez offered a motion to approve and sign personal property tax tickets for Brent K. Lewis, Todd E. Richardson, Jason Allan and David A. Watters, Michael and Aimee Shumate, Luz Anna Whitley, Dale E. and Debra L. Maxwell, Cathy E. Jacob, J & H Trucking Services LLC, Jeremiah W. Greene. Commissioner Wender seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve vouchers and invoices release checks today, approved 1st half payrolls, payrolls to

be released on July 15, 2009. Commissioner Wender seconded.

Unanimous.

Commissioner Wender offered a motion to approve minutes of March 6 and March 25, 2009. Commissioner Lopes seconded. Unanimous.

Discussion was held regarding what area receives the Fire Hydrant Grant (\$3,000). Ms. Holly told the Commissioners that someone at the West Virginia Development Office put on the application Fire Hydrant Sanger Road.

The Commissioners signed the Application for Certificate to Operate the Courthouse incinerator for the year July 1, 2009 through June 30, 2010.

The Commissioners signed letters to Thomas Fast, Chairman Republican Executive Committee, David Perry, Chairman Democratic Executive Committee, Carl Harris, Prosecuting Attorney and Kelvin Holliday, County Clerk informing that during the 2009 Regular Session of the West Virginia Legislature, lawmakers passed Enrolled Committee Substitute for HB 2464 permitting counties to conduct early voting at locations in addition to the courthouse or annex to allow additional convenience to voters.

The Commissioners informed they have scheduled a meeting at 10:00 a.m. on September 11, 2009 in the County Commission meeting room to discuss this matter.

Ms. Holly informed the Commissioners she received a NACo 2009 Credentials (Voting) Identification Form from Tim McCormick, President Ohio Commission asking that the Commission give their proxy to Kelvin Holliday, County Clerk for voting at this year's NACo Conference.

Discussion was held regarding the Special School bond Election for the Fayette County Board of Education.

Ms. Holly explained to the Commissioners that there is time frame requirements that need to be met.

The Commissioners suggested to Ms. Holly to send a letter to Chris Perkins, Superintendent asking that he advise the Commission as soon as possible of the date the Board of Education intends to hold the Special School Bond Election and ask that he include a written request of the role that he wants the County Clerk and Commission to play in this special election, including but not limited to appointment of election officials, polling places, preparation and ordering ballots, election supplies, training poll officials, canvass, payment of vendors, employees, and poll officials, early voting and any other election related duty.

Bill Hannabass, City Manager, City of Oak Hill told the Commissioners that the deed for the White Oak Rail Trail has been done. The Commissioners signed the deed.

Carl Harris, Prosecuting Attorney presented to the Commissioners the Building Code Agreement between the Fayette County Commission and the City of Oak Hill.

Commissioner Wender asked Mr. Harris to read the Agreement.

The City has adopted or will be adopted the same "Building Code" as the Commission.

The City will use the Commissions's Code Official and building Inspector to do its inspection and enforcement under the Building Code. (See attached Agreement)

Commissioner Wender offered a motion that the Fayette County Commission will enter into an Agreement with the City of Oak Hill to adopt the Building Code Agreement for the enforcement of buildings contingent approval by the Oak Hill City Council adopting the Code, effective July 1, 2009 to June 30, 2010. Commissioner Wender asked that a copy of the Agreement be attached with the minutes.

Commissioner Lopez seconded. Unanimous.

Peggy Helm-Sasser, Mayor Town of Pax and Cindy Wingrove appeared before the Commission to ask that Allen Ballard, Building Code Officer be the Town of Pax Floodplain Administrator.

Commissioner Wender offered a motion that the Fayette County Commission will serve as the floodplain coordinator through the County Building Code Officer provided the Town of Pax adopt the County Ordinance authorizing Commissioner Eskew to sign order. If a situation arises where there is an appeal by an owner, the appeal will be through the Town of Pax. Commissioner Wender asked that a copy of the Memorandum of Understanding be attached to the minutes.

Commissioner Lopez seconded. Unanimous.

Ms. Helm-Sasser asked about the \$2,000.00 match the Commission said they would contribute for the cost of a biopile.

Ms. Holly informed Ms. Helm-Sasser that the \$2,000.00 was contingent upon full funding of the \$10,101.00 for the biopile.

Ms. Helm-Sasser told the Commissioners that the \$5,885.00 for the tank removal has been done and paid for.

The Commissioners asked Ms. Helm-Sasser to contact our legislators for the \$8,101.00.

Ms. Helm-Sasser asked about the Floodplain contribution.

Ms. Holly told the Commissioners that the Town of Pax has not sent in a request for their contribution for Fiscal Year 2008-2009 or Fiscal Year 2009-2010.

Ms. Holly informed Ms. Helm-Sasses that they are closing out Fiscal Year 2008-2009 and she needs to get the request in for Fiscal Year 2008-2009 as soon as possible.

The Commissioner received and reviewed response from Earl Pauley, Park Superintendent to Margo Christian-Brooks regarding her request for permission to use amplified music at their Community Re-Unite Gathering.

The Commissioners signed the Lease Agreement between the Fayette County Commission and the Sportsman Recreation Center, Inc.

The Commissioners signed the West Virginia Sales and Use Tax Return for the Fayette County Park for the period April through June 2009, amount \$617.52.

The Commissioners signed a letter to the U. S. Department of Commerce Economic Development Administration notifying that Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council regarding the 2009-2013 Comprehensive Economic Development Strategy (CEDs) Fiscal Year 2009 Annual Report.

The Commissioners signed a letter to David Neal, E911 Coordinator informing him the Commission received a letter dated June 5, 2009 from the West Virginia Statewide Addressing and Mapping Board advising us that Fayette County is one of the counties that have submitted

completed data to the Board. Reimbursement has been placed in the escrow account for disbursement at the appropriate time when the Board receives certification from the postal service and Verizon that the process is complete.

Ms. Holly presented to the Commissioners Budget Revision for the General County Fund and the Coal Severance Fund for Fiscal Year 2009-2010.

Commissioner Lopez offered a motion to approve and sign Budget Revisions for the General County Fund and the Coal Severance Fund for Fiscal Year 2009-2010. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to Janice Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of July 2009.

The Commissioners received and reviewed a letter from the Fayette County Planning and Zoning Commission informing the term of five members of the Board will expire on August 3, 2009. The Fayette County Planning and Zoning Commission are asking that Miles Dean, Fayetteville, Gary Harding, Oak Hill, Doug Maddy, Scarbro and Dianna Smallwood-Russell, Oak Hill be reappointed. Norville Ellison, Mount Hope has requested his name not be considered for reappointment because of poor health.

Commissioner Wender offered a motion to approve and reappoint Gary Harding, Doug Maddy, Miles Dean and Dianna Smallwood-Russell to the Fayette County Planning and Zoning Commission. Commissioner Lopez seconded. Unanimous. Orders and appointment to serve letters signed.

Commissioner Wender suggested appointing Bob Dorado to replace Norville Ellison on the Fayette County Planning and Zoning Commission. Commissioner Wender informed the Commissioners that he will contact Bob Dorado.

The Commissioners received and reviewed a letter from Captain Thurmond's Challenge requesting permission to use the courthouse property including electricity for the awards ceremony and placement of port-a-pots on the small courthouse parking lot immediately adjacent Blue Ridge Outdoors for the 14th Annual Captain Thurmond's Challenge.

Commissioner Wender offered a motion to approve request of Captain Thurmond's Challenge, the use of the Courthouse property including electricity for the awards ceremony and the placement of port-a-pots on the small courthouse parking lot. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Acknowledgment of Receipt from the U. S. Department of Homeland Security (FEMA) Flood Insurance for the dog house, cat house, and wash room at the Fayette County Animal Control Center/NRHS.

Carl Harris, Prosecuting Attorney presented an Agreement between the New River Convention and Visitors Bureau, Inc. and the Fayette County Commission to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission approves and adopts Agreement with the New River Convention and Visitors Bureau, Inc.; Fayette County Commission agrees to pay the New River Convention and Visitors Bureau an amount equal to 50% of the

total hotel/motel occupancy taxes as collected by Fayette County, provided however, that no more than 15% of an amount equal to 3% of the hotel/motel tax shall be paid to the Southern West Virginia Convention and Visitors Bureau, and beginning January 1, 2009, the amount paid by New River Convention and Visitors Bureau shall increase to no more than 15% of an amount equal to 6% of the hotel/motel tax. The New River Convention and Visitors Bureau is paying to the Southern West Virginia Convention and Visitors Bureau 15% of the total hotel/motel tax collected, beginning July 1, 2009, the Fayette County Commission agrees to reimburse the New River Convention and Visitors Bureau an amount equal to 7.5% of the total hotel/motel tax collected, effective July 1, 2009. Commissioner Lopez seconded. Unanimous. (See attached agreement)

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$4,572.50.

The Commissioners signed drawdown request to the West Virginia Development Office for Fayette County Commission Project #035CBG0102-Elevator/SALS project, amount \$36,180.07.

The Commissioners received/reviewed and approved an invoice from the Office of the State Auditor for audit concerning the shortage in the Building safe, amount \$1,200.00.

Ms. Holly presented a Memo from Carl Harris, Prosecuting Attorney regarding his search of the West Virginia Code in regard to whether or not a county can purchase from a bid proposal from another county to the Commissioners.

Mr. Harris told the Commissioner he reviewed the Contract between Motorola and Greenbrier County.

The Commissioners asked Ms. Holly to contact David Neal, E911 Coordinator and have him schedule an appointment to discuss this and other priority projects with the Commission.

Commissioner Wender offered a motion to hire Amy Holly for part-time summer help at a rate of \$7.25 per hour. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Correction Grant, amount \$27,611.79.

The Commissioners received and reviewed the estimate from Safe and Sound Security Systems, Inc. to connect the Courthouse and Jail Alarm Device to new Silent Knight Fire Panel at the Courthouse estimated cost \$2,609.25.

The Commissioners received/reviewed and approved an invoice from Leon Spencer for work on highway maps in the County Clerk's Office, amount \$1,120.00.

The Commissioners received and reviewed a copy of a letter to Sheriff Steve Kessler from the Department of Justice informing the Office of Justice Programs has approved his application for funding under the Fiscal Year 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation in the amount of \$88,412 for Fayette County.

The Commissioners received and reviewed a message from John Kenney with the Internal Revenue Service wanting to hold a public

auction on the courthouse lawn. The Commission authorized Carl Harris, Prosecuting Attorney to respond to the request on behalf of the Commission.

The Commissioners received and reviewed a letter from the Fayette County Deputy Sheriffs Civil Service Commission informing Sheriff Steve Kessler and Attorney Michael Clifford that the grievance hearings for both Deputy Bowles and Deputy Saxton have been scheduled for August 3, 2009 at 4:00 p.m. in the Fayette County Commission hearing room.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk regarding payroll adjustments for the Community Corrections Program for Fiscal Year 2009-2010, effective July 1, 2009 salary changes for Charles Bryant, \$36,500.00, Renee Harper, \$36,500.00, Donald Tompkins, \$27,000.00, Gary Jarrell \$28,500.00 and Stephanie Westfall, \$29,000.00.

The Commissioners received and reviewed from Sheriff Steve Kessler a revised Fayette County Sheriff's Department Budget Statement for Fiscal Year 2009-2010.

The Commissioners received and reviewed a Notice of Trustee's Final Report and Application for Compensation (NFR) from the U. S. Bankruptcy Court for the Southern District of West Virginia regarding Multi-County Community Action Against Poverty, Inc. Case #01-21515.

The Commissioners received and reviewed Employment Resume from Shirley J. Harper.

The Commissioners received and reviewed a copy of a letter from the West Virginia Family Protection Services board to the Fayette

County Day Report Center thanking Renee Harper, Director for working with the Family Protection Service Board during the Better intervention and Prevention Program licensure review process for Fiscal Year 2009-2010.

The Commissioners received and reviewed a letter from the Courthouse Facilities Improvement Authority thanking Ms. Holly for her timely submission of an extension request for the 5th cycle project #10-01-100107. The project contract is now extended to September 30, 2009.

The Commissioners received and reviewed Certificate of Insurance from the Fayette Gun Club dba Sportsman Recreation Center.

The Commissioners received and reviewed Insurance binder from Wells Fargo Insurance Services.

The Commissioners received and reviewed from the Public Service Commission a General Order No. 182.10 in the matter of a rulemaking to amend the Commission's Rules of Practice and Procedure, 150 C.S.R. Series I.

The Commissioners received notice that Dolores Baker had cancelled her 11:00 a.m. appointment regarding the Estate of Joseph Ferrari.

The Commissioners received and reviewed a letter of information from Arrow WV, Inc. regarding a new National Scouting Center for the Boy Scouts of America (BSA).

The Commissioners received and reviewed a reminder from the County Commissioners' Association of West Virginia to register for the 2009 CCAWV Annual Meeting being held August 1-4, 2009.

The Commissioners received and reviewed a letter from Delegate Margaret Staggers attaching a resume and work history of Cynthia (Cindy) Moore who is applying for employment in the Fayetteville and Oak Hill area.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District-Contract No. 15-Shawver Bridge Road-Non-AML Tentative Certificate of Substantial Completion.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection confirming that Fayette County has met the requirements set forth by the REAP Standard Operating Procedure for 2009.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services thanking the Fayette County Commission for their application for funds under the Recovery Act: Justice Assistance Grant Program. The application was not among those selected for funding during the most recent funding cycle; however, there may be additional opportunities to apply for grant funds in the future.

The Commissioners received and reviewed from Wachovia Corporation new Pledge Security Notification.

The Commissioners received and reviewed from the National Council on Compensation Insurance, Inc. (NCCI) enclosing a copy of the current Workers' Compensation experience rating worksheet.

The Commissioners received and reviewed from the West Virginia Division of Criminal Justice Services Grant Adjustment Notice for the Fayette/Nicholas County Community Corrections Grant.

The Commissioners received and reviewed from the West Virginia Department of Health and Human Resources copies of their fifth edition of the West Virginia Local Health Department Contact Information booklet.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements for the period April 1, 2009 to June 30, 2009 and for the period June 1, 2009 to June 30, 2009.

The Commissioners received from the U. S. Department of Justice regarding Arbuckle Public Service District (General Information) Case #07-1101-PSWD-GI.

The Commissioners received and reviewed a letter from the Wooton Law Firm enclosing 12 copies of the Response of the Arbuckle Public Service District to Further Final Joint Staff Memorandum dated June 25, 2009.

The Commissioners received and reviewed a copy of a letter to Optima Properties West Virginia LLC regarding the Wildrock West Virginia Development Project from the Fayette County Zoning Office informing that his request for release of the Performance Bond by Ohio Farmers Insurance Company/Westfield Group, Bond #0040816 is granted.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged as of June 30, 2009.

The Commissioners received and reviewed a letter from Celina Insurance Group informing that Darrell H. Simms had DP-1 Basic Fire

Policy on his dwelling. There is no additional coverage on this policy for Debris Removal.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of June, New River Humane society Allotment for the month of July, amount \$13,950.74 and Weekly Fees Collected for the week of June 26 to June 30, 2009, amount \$70.00, the week of July 1 to July 2, 2009, amount \$154.00 and the week of July 3 to July 9, 2009, amount \$148.00.

The Commissioners received and reviewed a check from the West Virginia Department of health and Human Services for reimbursement for Drug Testing-Community Corrections Program, amount \$172.90

The Commissioners received and reviewed several e-mails from the Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Bobby Meadows thanking the Commissioners for the start-up funds for the Shooting Range.

The Commissioners received and reviewed an e-mail from Bobby Meadows regarding the unsafe range conditions.

The Commissioners received and reviewed e-mails regarding the Fire Hydrant Funds, Project #089CPGP0036.

The Commissioners received and reviewed an e-mail from Alice King, Region 4 Planning and Development Council to Vicki Smith

requesting a status report on the completion and an update timetable for completion of the SALS dorm.

The meeting was adjourned at 1:43 p.m. The next scheduled meeting is July 24, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 24, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 24th day of July 2009.

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

Commissioner Lopez offered a motion to approve and sign real property tickets and personal property tickets (See attached).

Commissioner Eskew seconded. Unanimous.

Debbie Berry presented to the Commissioners an Order designating the number and type of election boards for the various precincts for the Special School bond Election being held October 24, 2009.

Commissioner Lopez offered a motion to approve the Order designating the total number and type of election boards for various precincts and by certified copy of the Order the county executive committees of the democrat and republican parties are hereby notified

in writing the number of nominations for each party which may be made for poll clerks, election commissioners, alternates, and emergency absentee ballot commissioners in accordance with Chapter 3, Article 1, Section 30 and Chapter 3, Article 3, Section 5c of the Code of West Virginia. (See attached order). Commissioner Eskew seconded. Unanimous. Order signed.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Angela B. and Jeff Cline, Randall W. and Lois J. Pitsenbarger, Elizabeth E. Proskin, Larry G. Hash and JoAnn Ptak, Michael S. and Judith A. Hess, Gail R. and Mary R. McClung, Angela B. and Jeff Cline, Brandie L. Lively, David P. and Mary Ann Allen, Bobbi Lopez, Mark A. and Rebecca Arthur, Donald Edward Clay, Muriel N. Elkins. Commissioner Eskew seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today, approved 2nd half payrolls, payrolls to be released October 30, 2009. Commissioner Eskew seconded. Unanimous.

The Commissioners signed letter to Janice Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of August.

Debbie Berry presented to the Commissioners on behalf of Region 4 Planning and Development Council drawdowns for the Fayette County Commission Elevator/SALS, Project #03SCBG0102, amount \$20,247.91 and the Danese Public Service District Water Extension, Project #07ARCP15639, amount \$388.01.

Commissioner Lopez offered a motion to approve drawdown for the Fayette County Commission-Elevator/SALS, Project 03SCBG0102, amount \$20,247.91 and the Danese Public Service District Water Extension, Project #07ARCP15639, amount \$388.01. Commissioner Wender seconded. Unanimous.

Bobby Meadows appeared before the Commission to discuss corrections to the Sportsman Recreation Center, Inc. Lease Agreement.

After corrections were made the Commission and Bobby Meadows, President of the Sportsman Recreation Center, Inc. signed Lease Agreement.

Mr. Meadows told the Commissioners that additional paving needed to be done at the Shooting Range.

Commissioner Wender suggested getting several estimates.

Mr. Meadows told the Commissioners that Earl Pauley, Park Superintendent had received estimates.

The Commissioners suggested calling Mr. Pauley.

Mr. Pauley told the Commissioners that the additional paving would cost \$4,875.00 and that this was the best estimate.

Commissioner Lopez offered a motion to approve the estimate of Ed's Paving and Excavating, amount \$4,875.00 to do the addition paving at the Shooting Range. Commissioner Wender seconded. Unanimous.

Commissioner Eskew asked Steve Cruikshank, OES Director to update him on the recent flood in the area.

Shawn James appeared before the Commissioners to request a waiver of the 2007 Flood Plan District revised November 2007 decision.

Commissioner Eskew swore in Shawn James, Robert Perry with the State Floodplain Management Program, Allen Ballard, Building Inspection, Steve Cruikshank, OES Director and Tim Richardson, Zoning Enforcement Officer.

Discussion was held. After a brief discussion, Commissioner Wender offered a motion that the Fayette County Commission will take the request of Shawn James under advisement for a period of 60 days at the end of the 60 days we will ask Mr. James if he has another remedy he would like to put forth to the Commissioners that he appear before the Commission otherwise after the 60 days the request would be denied. Commissioner Lopez seconded. Unanimous.

Commissioner Eskew called the Zoning hearing to order at 10:00 a.m.

Commissioner Eskew made recognition to Delegate Dave Perry, Delegate Tom Louisos, Delegate Margaret Staggers, Senator William Laird, Mayor Michael Martin and Jeff Proctor, member of the Fayette County Planning and Zoning Commission.

Tim Richardson, Zoning Enforcement Officer appeared before the Commission to present Case #Z-517-09-1 request of Arrow WV, contract owner, for a change in land classification from LC-1 (Public Land Conservation District), R-R (Rural Residence District), R-2 (Residence District/Two Dwelling Units) and B-2 (Business Local District) to B-3 (Tourism District) on property legally described as, Surf. and Tim 11078-57 Dunloup Garden Ground 545/21 548/689 551/314 557/532 561/520 572 Route 21 Garden Ground, Plateau District.

Also, in attendance was Alicia Treadway, Secretary Building Safety Department, Carl Harris, Prosecuting Attorney, Eddie Young, Assessor, Dave Pollard, County Resource Coordinator.

Mr. Richardson told the Commissioners that the request of Arrow WV for a change in land classification was passed by the Fayette County Planning and Zoning Commission by a vote of 13-0. Commissioner Eskew abstained from the vote.

Mr. Richardson told the Commissioners that the Fayette County Planning and Zoning Commission recommendation to the Fayette County Commission are to approve the request of Arrow WV for a change in land classification.

Steve McGowan briefly described the process and what would benefit from this project (Arrow WV) to the Commissioners.

Erin St. John commented on the project for the National Park Services and presented a map to the Commissioners.

After a brief discussion, Commissioner Lopez offered a motion to accept the recommendation of the Fayette County Planning and Zoning Commission to approve the change in land classification for the Arrow WV Project. Commissioner Wender seconded. Unanimous. Vote passed 3-0. There were no other comments. Hearing was adjourned. Order signed.

Delegate Margaret Staggers presented to the Commissioners from Governor Joe Manchin a Certificate for Fiscal Year 2009 Governor's Community Participation Grant approving application for request in the amount of \$7,980.00 to purchase training supplies, emergency

equipment, and medical equipment for the Fayette Nicholas Chapter of the American Red Cross.

Senator William Laird appeared before the Commission to inform them that they received a letter from the West Virginia Family Protection Services Board informing that in order to continue licensure of the Fayette County Day Report Center beyond September 15, 2009 it is required that they submit a written detail plan of correction for each of the requirements to the Family Protection Service Board by Monday, July 27, 2009.

Senator Laird presented the ByLaws for the Fayette County Local Criminal Justice Board to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission acknowledges receipt of the Fayette County Local Criminal Justice Board ByLaws as submitted by Senator William Laird. Commissioner Lopez seconded. Unanimous.

Senator Laird presented the Referral Process for the Fayette County Batters Intervention and Prevention Program (BIPP) Policy and Procedures, Perpetrator Intervention Program Policy and Procedures, and the Personnel Policy to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission acknowledges receipt of the Fayette County Batters Intervention and Prevention Program (BIPP) Policy and Procedures, Perpetrator Intervention Program Policy and Procedures, and the Personnel Policy as submitted by Senator William Laird. Commissioner Lopez seconded. Unanimous.

Senator Laird also informed the Commissioners he received copies of the minutes where the Fayette County Commission approved the Community Corrections Grant budget for Fiscal Year 2009-2010, an Order appointing members to the Fayette County Community Criminal Justice Board and a summary report of the most current audit.

Attorney James Billings withdrew his Motion for Early Distribution to Family regarding the Estate of Evelyn G. Adkins after talking with Carl Harris, Prosecuting Attorney.

Greg Stone, Natural Resources Conservation Service appeared before the Commissioners to discuss the Dunloup Creek Buyout Project.

Commissioner Wender offered a motion that Fayette County Commission will enter into a Project Agreement as put forth between the State Conservation Committee, the Southern Conservation District and the City of Mount Hope for the Dunloup Creek Watershed Project. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion that Fayette County Commission with the Natural Resources Conservation Service will sign a Resolution made to seek an agreement whereby the County would become the Acquiring Agency for real property for the Dunloup Creek Watershed Project. Commissioner Lopez seconded. Unanimous. The Commissioners asked Mr. Stone to work on a draft.

The Commissioners asked Mr. Stone to come back with another agreement with the Dunloup Creek Watershed Project.

Attorney Thomas Ewing and Michael Swartz appeared before the Commissioners to request Motion to Remove the Kathy Pena the Executrix in the Estate of Frank Thomas.

Commissioner Eskew asked Carl Harris, Prosecuting Attorney since this has been going on for sometime to give the Commissioners a brief overview.

Commissioner Eskew swore in Michael Swartz and Kathy Stanley Pena.

Attorney Thomas Ewing is requesting that Kathy Stanley Pena be removed as Executrix and that Michael Swartz be appointed as Executor and order Ms. Pena to turn over the records and order her to do a final accounting.

Ms. Pena told the Commissioners she do not have an Attorney today, but have scheduled an appointment with an Attorney for August 14, 2009.

Commissioner Eskew swore in Santiago Pena.

Mr. Pena voiced his comments and opinions.

Ms. Pena informed the Commissioners that everything has been completed except collecting the money for the Internal Revenue Service and until these funds are collected the interest just keeping building.

Commissioner Eskew swore in Carleen Swartz.

Ms. Swartz voiced her comments and opinions.

The Commissioners recessed the hearing to discuss further and make a decision.

The Commissioners reconvened the hearing.

Commissioner Wender offered a motion consistent with the request of Mike Swartz that he be appointed the executor of the Estate of Frank Thomas. The Commissioners feels that since it was already put

forward in Mr. Thomas' Will that if for any reason Ms. Stanley could not perform that it would be Mr. Thomas's choice that Mr. Swartz would be the Executor of the Estate.

Commissioner Wender informed he thinks it's clear to the Commission that Ms. Stanley could not perform this would probably be her third or fourth hearing. We have given two long extensions prior to today and I don't think the Commission is comfortable with the fact that this thing has not yet been resolved.

Commissioner Wender's Motion is to make Mike Swartz, Executor of the Estate and Ms. Stanley will turn over to Mr. Swartz all documents immediately and I take no less than you will be in contempt of Court upstairs you will be in contempt of this Court if you didn't do that and that Mr. Swartz will be required to come back before this Commission 6-months from today to advise us the status or come back and advise us that this Estate has been settled sooner than 6-months.

Commissioner Wender said he would like to add that the County Commission will require a bond no less than \$100,000 to be posted in the Fayette County Clerk's Office, at the end of the 6-month period the Commission would like to make it known that they have the right to appoint the Sheriff of Fayette County as the Executor of the Estate I think we might be so inclined to do that. Commissioner Lopez seconded. Vote passed 3-0.

Commissioner Eskew thanked everyone for coming.

Attorney Ewing asked the Commission if they could have Ms. Stanley turn the records over to Carl Harris, Prosecuting Attorney or

somebody as an intermediary so we want have issues on whether or not who she give the documents to.

Carl Harris told Attorney Ewing he would prefer that she deliver the records to the County Clerk's Office.

The Commissioners received and reviewed from the West Virginia Development Office a Notice of Grant Award Changes for the Small Cities Block Grant Project #04SCBG0057X-Water Service and Small Cities Block Grant Project #03SCBG0102-Elevator/SALS.

The Commissioners signed minutes of the Zoning Hearing held this morning.

The Commissioners received and reviewed minutes of the Fayette County Planning and Zoning Commission meeting held on July 20, 2009.

The Commissioners received and reviewed a request from Allen Ballard, Building Safety Department for 2-flat panel monitors.

The Commissioners received and reviewed a complaint from Randy Cooper, an inmate at the St. Mary's Correctional Center.

The Commissioners received and reviewed a Reminder from the Secretary of State's Office regarding the 2009 Election Training Conference being held August 30 through September 1, 2009.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding the New Haven Public Service District-Contract Nos. 16A/16B-Notice of Award.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated informing of a preconstruction conference regarding the New Haven Public Service District Contract 16A/16B-Stringtown Water Extension Project.

The Commissioners received and reviewed a letter from CountyRCard informing they have teamed up with www.PatienceAssistance.com and Wal-Mart Pharmacy to offer the counties citizens, patients, churches and healthcare providers access to as many free prescription discount cards and coupons that you are willing to give away in the community.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the State of West Virginia was awarded \$19.6 million in Neighborhood Stabilization Program dollars.

The Commissioners received and reviewed from the National Committee for the New River the New River Expedition 2009 Schedule.

The Commissioners received and reviewed an Official Oath of Office from Doug Maddy member of the Fayette County Planning and Zoning Commission.

The Commissioners received and reviewed a letter from the West Virginia Division of Culture and History regarding Daniel Wright, Circuit Clerk's requests to amend his 2009-10 Records Management and Preservation Board Grant of \$10,000 to microfilm and digitize the Circuit Clerk's Criminal Order Books 1966-Present Formal approval is granted for the Circuit Clerk to microfilm and digitize the Circuit Clerk's Civil Order Books instead of the Criminal Order Books.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that time extension to June 30, 2010 have been granted for the Sportsman Park/Lewis Foundation, Project #08CPGP0035 for the Governor's Community Partnership Participation Program Grant and the New River Health Association,

Project #07LEDA0465 and the Humane Society, Boomer Park and Sheriff's Department Project, Project #08LEDA0082 for the Local Economic Development Assistance Program Grant and the Industrial Park Assistance Program

The Commissioners received and reviewed an invoice for the Sheriff's Commission, amount \$15,000.00.

The Commissioners received and reviewed a letter from Wells Fargo informing that Claim #01-119644-0080-Sharon Hall claim has been forwarded to the County's insurance carrier.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney informing that for the fiscal years ending July 1, 2005 thru today's date, his office was not involved in any pending litigation of the Fayette County Commission.

The Commissioners received and reviewed the Community Corrections Revised Grant award budget.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff Steve Kessler informing that Lieutenant Deanna Saxton has been suspended without pay for 30-days for failure to qualify with her issued service weapon during the annual firearms qualifications.

The Commissioners received and reviewed an invitation from the Hospice of Southern West Virginia inviting the Commission to attend their From Our House To Your House Groundbreaking Ceremony being held Friday, July 24 at 1:30 p.m.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$16.50 for the month of June.

The Commissioners received and reviewed a letter from 8x8, Inc. informing they will be remitting their tax return on a Quarterly basis instead of monthly starting with the 3rd Quarter 2009 filing period.

The Commissioners received and reviewed from the Assessor's Office to the Property Valuation Training and Procedures Commission a Request for Revision to their Fiscal year 2009-2010 approved budget.

The Commissioners received and reviewed a legal advertisement from the Community Corrections advertising for a Case Manager position.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the June 2009 Table Games will be directly deposited on July 16, 2009, amount \$3,849.63.

The Commissioners received and reviewed a letter from Erwin Conrad informing that the Fayette County Board of Education will vote on July 20, 2009 to hold the Special School Bond election on October 24, 2009.

The Commissioners received and reviewed a follow-up letter received from Attorney Erwin Conrad from the Fayette County Board of Education officially notifying the Commission that on July 20, 2009 the Fayette County Board of Education approved by a majority vote to hold the Special School Bond Election on October 24, 2009.

The Commissioners received/reviewed and signed Inspection Agreements from MTR Electric, Stone Inspection Services, Inc. and Appalachian Inspection Service for the period July 1, 2009 to June 30, 2010.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company (BB&T) listing the securities held as collateral to secure the deposits of Fayette County Commission as of June 30, 2009.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements for the period June 23, 2009 through July 22, 2009 and July 1, 2009 through July 23, 2009.

The Commissioners received and reviewed a letter from BrickStreet Insurance enclosing Workers' Compensation and Employer Liability Policy with BrickStreet Mutual Insurance Company for the period July 1, 2009 to July 1, 2010.

The Commissioners received and reviewed a copy of a letter to Dave Pollard, County Resource Coordinator from the West Virginia American Water regarding the proposed fire hydrant installation for Prudence Road in Oak Hill, cost \$2,715.00.

The Commissioners received and reviewed from the West Virginia Department of Environmental Protection Certificate to Operate the Courthouse Incinerator for the period July 1, 2009 to June 30, 2010.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of July 10, to July 16, 2009, amount \$294.00.

The Commissioners received and reviewed a telephone message from Jerry Cottle wanting to talk with the Commission about purchasing some property by the Animal Shelter at Beckwith.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing a Contract between West Virginia Development Office and Region 4 together with the State Appropriation Resolution that Council approved at the July 15, 2009 Council meeting. The Contract and Resolution were signed.

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

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

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$45.10, Level 3 Communications, LLC, amount \$214.00, Cleartel Telecommunications, Inc., amount \$12.00, AT&T Communications, amount \$388.00, 8x8 Inc., amount \$4.00, IDT Corporation, amount \$14.00, Cequel Communications Holdings ME, amount \$4,552.00, Granite Telecommunications LLC, amount \$178.00, Verizon, amount \$26,559.53, Vonage Tax Account, amount \$266.00, MetTel, amount \$19.40 and Compliance Solutions, Inc., amount \$244.00; Criminal Justice Service-Just For Kids, amount \$894.88, Community Corrections, amount \$19,894.14, SPF-SIG, amount \$8,716.91; WV Development Office-Danese PSD Water Extension, amount \$22,162.67, UKV Community Center, amount \$18,000 and New River Humane Society, amount \$5,000; Soldiers and Sailors Fund, amount \$75.00; Sheriff Nicholas County Reimbursement Community Corrections, amount \$7,508.21;

Supreme Court-FLM rent \$2,362.50; Fayette County Board of Education Contribution-WVU Extension Office, amount \$24,237.00.

The Commissioners received and reviewed several e-mails from the Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Enforcement Officer reminding everyone about the Planning Commission meeting held July 20, 2009 at 3:00 p.m.

The Commissioners received and reviewed an e-mail from Kelvin Holliday, County Clerk regarding early voting for the Special School Bond Election.

The meeting was adjourned at 12:50 p.m. The next scheduled meeting is August 14, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 14, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 14th day of August 2009.

Commissioner Eskew called the meeting to order at 9:17 a.m.

The Commissioners changed their September 11, 2009 Commission meeting to September 14, 2009.

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

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

Unanimous.

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

Commissioner Lopez offered a motion to approve and sign refund for Bernard Confere, amount \$179.41. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices, and 1st half payrolls, payrolls to be released today. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign minutes of June 12, June 26, July 10, 2009 and approve an excerpt of minutes of July 24, 2009 regarding the Criminal Justice Board remedies to the State. Commissioner Lopez seconded. Unanimous.

The Commissioners gave permission for Dickie Smith, Maintenance to burn the Magistrate Office old files.

Freda Sharp and Adele Terry appeared before the Commission to file a complaint regarding a dilapidated house at 612 Patterson Road (house behind Shirley's Market) and the debris in the White Oak Creek.

Commissioner Wender told Ms. Sharp she needed to contact Carl Thompson regarding the dilapidated house and he told Ms. Sharp he would call Aaron Legg regarding the removal of debris in White Oak Creek.

Ms. Holly presented to the Commissioners for Attorney James Blankenship a Petition and Application of Clayton Casto, Mazie Casto and Ronnie Criss to abandon an unnamed and unused street.

The Commissioners set the hearing for September 25, 2009 at 9:15 a.m.

Daniel Wright, Circuit Clerk, Cathy Jarrett, and Deborah Hendricks appeared before the Commission to go into an executive session to discuss employees' salary adjustment.

Carl Harris, Prosecuting Attorney informed the Commissioners that since this is a budget issue there is no need to go into an Executive Session.

Mr. Wright is requesting that the monies he returned to the general fund in 2005 be restored to his budget so that he can give each of his seven deputies a salary increase of \$142.85 per month.

Mr. Wright is also requesting that this adjustment be retroactive to August 2005 thus giving each deputy a one-time salary adjustment of \$6,714.29.

Mr. Harris told Mr. Wright that the Commission cannot give bonuses.

The Commissioners received and reviewed a letter from Judge W. Hatcher informing that he supports and endorse to gain pay parity for all of the Deputy Circuit Clerks.

Commissioner Lopez suggested sitting down with Daniel Wright and try to make some comparative.

Commissioner Wender offered a motion to go into Executive Session (10:25 a.m.) with Mr. Wright to discuss with the Prosecuting Attorney. Commissioner Lopez seconded. Unanimous.

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

Commissioner Eskew informed that in the Executive Session it was decided that Daniel Wright, Circuit Clerk, sends a letter to the Commission to request a salary adjustment to his 2009-2010 Office Budget.

David Neal, E911 Coordinator appeared before the Commission to present a System Upgrade Project List and a brief summary of the funding of the Fayette County E-911 Center. (See attached)

Mr. Neal presented a prioritized list of items at the 911 Center that are in need of attention.

Discussion was held regarding the size of the facility and location.

Carl Harris, Prosecuting Attorney informed Mr. Neal that he would have to look for a location first.

The Commissioners asked Mr. Neal to get facility size and possible location of a new building and get back with the Commission on August 28th.

Greg Stone with the Natural Resources Conservation Service presented the Grant Agreement for Real Property Appraisals and Acquisition for the Dunloup Creek Watershed Buyout Project to the Commissioners. (See attached)

After a brief discussion and corrections made to the Agreement, Commissioner Wender offered a motion that the Fayette County Commission authorizes Commissioner Eskew to sign on behalf of the Commission the Grant Agreement for Real Property Appraisals and Acquisition, Agreement #69-3D47-29-2 for the Dunloup Creek Watershed Buyout Project. Commissioner Lopez seconded. Unanimous.

Greg Stone will send original copy of signed Agreement to the Commissioners.

Steve Cruikshank, OES Director informed the Commissioners he received a closeout letter from FEMA confirming that Hazard Mitigation Grant Program (HMGP) project entitled Fayette County Acquisition FEMA DR-1522-WV-005 and all financial transactions have been completed and closed.

Lily Kay, ACCWT OSM/VISTA Watershed Development Coordinator with Plateau Action Network (PAN) appeared before the Commission to request permission to use the Fayette County Memorial Building to hold a community meeting with the residents and stakeholders of the Wolf Creek Watershed. The meeting is scheduled for Saturday, September 12, 2009 from noon until four in the afternoon.

The Commissioners informed Ms. Kay that a one million dollar liability policy is required.

Commissioner Wender offered a motion to approve the request of PAN to use the Memorial Building for their community meeting with the residents and stakeholders of the Wolf Creek Watershed on Saturday, September 12, 2009. The \$1,000 rental fee, and the custodial and trash service fees will be waived. All other rules are applicable including the insurance requirement. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Urban Renewal Authority offering a letter of support for PAN's effort to fund a position to oversee implementation of the Wolf Creek Watershed Based Plan (WBP).

Commissioner Wender made a request to Lily Kay to ask Gene Kistler to give an account of the monies of the Wolf Creek Watershed Based Plan (WBP).

The Commissioners asked Ms. Holly to write a letter of congratulations to Charlie Jones for being named the Recorder of the Year for the Municipal League.

Discussion was held regarding the telephone call they received from Edward Elmore complaining of the way Earl Pauley, Park Superintendent talked to him.

Commissioner Lopez told the Commission he had talked with Earl and Earl told him that Edward Elmore quit.

The Commissioners asked Ms. Hickman to call Earl and ask him to document the events on what happen that day regarding the Edward Elmore matter.

The Commissioners received and reviewed a Time Sheet of Donna Cooper. Ms. Cooper called in and quit.

The Commissioners signed Fire Levy Protection Agreements for Gauley River Volunteer Fire Department (\$33,808), Armstrong Creek Volunteer Fire Department (\$35,734), Oak Hill Volunteer Fire Department (\$148,536), Danese Volunteer Fire Department (\$36,674), Loup Creek Volunteer Fire Department (\$34,709), and Mount Hope Volunteer Fire Department (\$38,842) for the period July 1, 2009 to June 30, 2010.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of September.

The Commissioners signed a letter to the West Virginia State Auditor's regarding the audits of the financial statements of Fayette County Commission as of August 14, 2009 and for the Fiscal Year 2006, Fiscal Year 2007, and Fiscal Year 2008.

The Commissioners signed a letter to the West Virginia State Auditor's regarding the Fiscal Year 2008 Audit Schedule of Findings.

The Commissioners signed a letter to Governor Joe Manchin offering their support for Donald Beals to be considered for the position of District 9 Manager.

The Commissioners received and reviewed from Region 4 Planning and Development Council a drawdown requests for the Courthouse Elevator/SALS Project, Project #03SCBG0102, amount \$1,944.68 and Page-Kincaid Public Service District-Ingram Branch Wastewater, Project #04SCBG0057, amount \$72,861.44.

Commissioner Lopez offered a motion to approve drawdown requests for the Courthouse Elevator/SALS Project, amount \$1,944.68, and Page-Kincaid Public Service District-Ingram Branch Wastewater Project, amount \$72,861.44. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Danese Public Service District recommending that the Fayette County Commission appoint Robert I. Richards as a Board Member to fill the March 30, 2010 unexpired term of Lee Strunk who resigned.

Commissioner Lopez offered a motion that Robert I. Richards be appointed to the Danese Public Service District to fill the unexpired term of Lee Strunk. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed Contract of Service Invoice from The Highlands Group, Inc. (Ed Maguire, II) for ½ of the appropriation for the Land Ownership Study, amount \$2,500.00.

Commissioner Wender offered a motion that the Fayette County Commission approves the submitted invoice from The Highlands Group, Inc. For ½ the appropriation for the Land Ownership Study, amount \$2,500.00. Commissioner Lopez seconded. Unanimous. Contract signed.

The Commissioners received and reviewed a fax from Harbinger Development asking that the Fayette County Commission send a letter of support for the renovations of the Hill Manor Apartments on Laurel Place Road in Fayette County.

The Commissioners received and reviewed Requisition from Kelvin Holliday, County Clerk requesting that \$209.00 be deposited in the County Clerk's fund to be used as a beginning balance for each cash drawer in his office.

Ms. Holly told the Commission she sent a copy of the Requisition to Carl Harris, Prosecuting Attorney to review.

Carl Harris told the Commissioners to disregard. The County Clerk's Office is going to take care of internally.

The Commissioners received and reviewed two invoices from Markl Supply Company for purchase of 4-Semi-Auto Pistols for the Sheriff Department, amount \$1,756.00.

The Commissioners received and reviewed an invoice from BrickStreet Insurance for Audit of the Workers' Compensation Premium for the period July 1, 2008 to July 1, 2009, amount due \$18,478.00.

Commissioner Wender asked Ms. Hickman to call Mike Lively and schedule him on the agenda for August 28, 2009 to come in and give an explanation for this adjustment.

Ms. Holly informed the Commissioners that she received a letter from Alice King with Region 4 Planning and Development Council informing her that there is a remaining balance of \$3,386.65 in Architectural Engineering, \$2,971.00 construction on the elevator and \$3,500 Legal Fees for a total of \$9,8571.65 in the Courthouse 504/SALS Grant.

Ms. Holly told the Commissioners they had approved to use for signage around the Courthouse.

Ms. Holly told the Commissioners she will do a follow-up with Dan Snead regarding the signage. Mr. Snead is going to do a change order.

Ms. Holly told the Commissioners that Dan Snead is trying to get the specs together. He needs blueprints for the Memorial Building. Commissioner Wender informed he would get them to Mr. Snead.

Ms. Holly informed the Commissioners she received an application for the West Virginia Courthouse Facilities Improvement Authority.

Ms. Holly asked the Commissioners if they still want to proceed with the Boiler Project for the Courthouse. The Commissioners approved to submit Boiler Project.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk requesting a salary adjustment to his 2009-2010 Office Budget. This supplemental petition should be in the amount of \$7,571.00 plus benefits to be disbursed among his office staff.

Commissioner Wender offered a motion to approve request of Daniel Wright for a salary adjustment to his 2009-2010 office budget, amount \$7,571.00. Commissioner Eskew seconded. Commissioner Lopez abstained.

Ms. Holly informed the Commissioners she received invoices from Ed's Paving and Excavating for Shooting Range, amount \$4,885.00, Ed's Paving and Excavating for Skeet Range, amount \$14,995.00 and Means Lumber Supply for Shooting Range, amount \$3,293.41. The Commissioners approved to release checks.

The Commissioners received and reviewed a letter from Chief Magistrate Charles Garvin, III regarding people walking across the lawn of the Courthouse Annex. Mr. Garvins' solution is to pour a sidewalk from the existing sidewalk in front of the annex to the existing sidewalk at the tax office.

Commissioner Wender offered a motion to put up "Keep Off the Grass" signs. Commissioner Eskew seconded. Unanimous.

Ms. Holly informed the Commissioners she talked with Dickie Smith, Maintenance Supervisor regarding the Danese Detachment request for a new desk chair, and painting the steps at the Detachment.

The Commissioners approved purchasing a desk chair and approved for Dickie Smith to get the cost of paint, Fayette County Commission will buy the paint, the Community Corrections to do the work.

The Commissioners received and reviewed a letter from the West Virginia Development Office approving the request for a change of scope, to change the boomer Park Grant (\$8,500) to improvements at the Fayette County Sportsmen Recreation Center Skeet and Trap Range.

The Commissioners received and reviewed a letter from Governor Joe Manchin informing that on January 14, 2009 the Commission received a commitment of \$1,500,000 in Small Cities Block Grant funds to enable you to extend water service to the Stringtown Road area in Fayette County.

In order to effectively use limited available dollars \$800,000 was made available from the Fiscal Year 2008 allocated. Based upon the Fayette County Commission's ability to proceed Governor Joe Manchin informed he is committing the remaining \$700,000 necessary to complete the Stringtown road project.

The Commissioners received and reviewed an updated estimate from Safe and Sound Security Systems, Inc. To connect Courthouse and Jail Alarm Devices to the new Silent Knight Fire Panel at the Courthouse, cost \$2,609.25.

The Commissioners received and reviewed a letter from Gloria King, Secretary for the New River Humane Society, Inc. informing they received a grant from Ruth Hornbrook Memorial Fund to purchase cat cages. Ms. King informed they are going to replace the wooden cages.

The Commissioners approved for the New River Humane Society to replace the wooden cages with the funds received from the grant at no cost to the County.

The Commissioners received and reviewed a letter from the Fayette County Beautification Committee informing that after a review of Angela Gerald's performance in developing the recent Neighborhood Stabilization Program (NSP) application they are asking the Commission

to enlarge her responsibility in moving their dilapidated structure program forward.

The Commissioners asked Ms. Holly to call Allen Ballard and request that the Fayette County Beautification Committee make a recommendation to the Commission. The Commission will discuss on August 28, 2009.

The Commissioners received and reviewed a copy of a letter from Chris Perkins, Superintendent Fayette County Board of Education to Tim Richardson, Zoning Officer regarding the Fayette County High School Project.

The Commissioners received and reviewed a letter from Mountain Resource Conservation and Development Area, Inc. inviting the Commission to attend the Mountain RC&D annual meeting September 14, 2009 at 6:30 p.m. being held at the First Brethren Church Fellowship Hall in Oak Hill.

The Commissioners received and reviewed a letter from CSX Transportation approving request for a 180-day extension regarding the STB Docket #AB-55(682x), CSX Transportation, Inc.-Abandonment Exemption in Greenbrier and Fayette Counties, WV.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Power of Eminent Domain, 09W-1955-PSD-CTMIS-New Haven Public Service District.

The Commissioners received and reviewed a letter from Stafford Consultants, Incorporated regarding New Haven Public Service District Contract #16A-Water System and Storage Tank Project.

The Commissioners received and reviewed a letter from the Division of Highways congratulating Meadow River Rail Trail Recreational Trail Program on their Federal Grant award of \$80,000.

The Commissioners received and reviewed letters from the Department of Health and Human Resources regarding Administrative Order EE-09-28 (W/O Penalty) to Armstrong Public Service District and Administrative Order EE-09-29 (W/O Penalty) to Deepwater Public Service District.

The Commissioners received and reviewed a letter from Terry Eagle Coal Company, LLC informing of the pending Phase III release for Permit U-6016-88 which is located in Nicholas and Fayette Counties near Dixie, West Virginia.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler requesting that a Purchase Order be issued to NASTA for \$1,500.00 for SWAT Training School.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing the Sheriff Office has received a grant from FM Global Fire Prevention for training and a Hydrocarbon Gas and Accelerant Detector Machine, amount \$1,893.00.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$88.50 for the month of July.

The Commissioners received and reviewed from the West Virginia Division of Criminal Justice Services Grant Adjustment Notice for Project Heads Up, Project #06-JAG-40.

The Commissioners received and reviewed a letter from the Regional Optical Communications, Inc. to the National Telecommunication and Information Administration requesting a waiver from the 80% funding cap for middle mile projects.

The Commissioners received and reviewed an announcement from The Institute for Public Affairs informing of the Fall 2009 Local Government Leadership Academy on September 25-26, 2009 at the Charleston House Holiday Inn.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Future Phase III/Phase IV Project WVIJDC Applications.

The Commissioners received and reviewed a letter from Appalachian Power regarding the Wolf Creek Industrial Park/Bridge Brew Works extension.

The Commissioners signed a Memo declaring that a Local State of Emergency does exist in Fayette County since Sunday, August 2, 2009.

The Commissioners signed Request for Reimbursements to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$4,154.46, Just For Kids Grant, amount \$1,078.34 and the Community Corrections Grant, amount \$34,942.94.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council to the State Hazard Mitigation Planner requesting a time extension on the Agreement for Technical Services with the West Virginia Division of Homeland Security and Emergency Management to perform the five-year update of the local Hazard Mitigation Plan for the five counties of Region 4.

The Commissioners received and reviewed a letter from Region 1 Planning and Development Council to the West Virginia Development Office informing they have established a 501(c) 4 entity, Regional Optical Communications, Inc. ROC is applying for a broadband grant being offered through the American Recovery and Reinvestment Act of 2009.

The Commissioners received and reviewed a thank-you card from the JoAnn Garvin Family.

The Commissioners signed a letter to John David expressing their strong support for the Neighborhood Stabilization Program (NSP) application by the Southern Appalachian Labor School (SALS).

The Commissioners received and reviewed letters from the West Virginia Development Office congratulating the Commission on their recent fiscal year 2009 Community Participation Grant awards for the Fayette County Sportsman Recreation Center (\$7,000) for painting, fencing and other improvements, the Fayette County Soldier and Sailors Memorial Building (\$20,000) to replace exterior doors, and the Appalachian Heritage Educational Museum (\$7,000) to continue preservation projects at the Whipple Company Store.

The Commissioners received and reviewed a letter from the Division of Highways requesting assistance in making available (to anyone who wishes to review them) the modified listing of proposed amendments to the approved 2009-2014 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed the Dunloup Creek Watershed Assistance Newsletter.

The Commissioners received and reviewed a Notice from the National Committee for the New River and the national Park Services asking the Commission to join them on the final stretch of their New River Expedition on August 18, 2009.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing of the resignation of Judy Treadway effective July 31, 2009.

The Commissioners received and reviewed from Travelers Insurance a Claim Acknowledgment.

The Commissioners received and reviewed letters from Stafford Consultants Incorporated regarding New Haven Public Service District Contract #15-Shawver Bridge Road-Non-AML Definitive Certificate of Sustantial Completion and New Haven Public Service District Contract #16A-WV Pipeline, Inc.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Service enclosing a copy of the West Virginia Community Corrections grant agreement, as approved and finalized.

The Commissioners received and reviewed a copy of a letter from Tim Richardson, Zoning Officer to the Fayette County Board of Education regarding the Fayette County High School Project.

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding the Audit of the workers' compensation premium.

The Commissioners received and reviewed a letter from Steven McGowan expressing his personal thanks to the Commission, the Planning

Commission and staffs for their prompt attention to the Arrow WV request for rezoning.

The Commissioners received and reviewed the 50% allocation for Hotel Occupancy Tax to the New River Convention and Visitors Bureau, amount \$13,546.77 for the 2nd Quarter.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing that Deanna Saxton has qualified with her service weapon, she is to be placed back on the payroll effective July 27, 2009 and Walter Casey has asked to be reinstated as a Deputy Sheriff, he meets the requirements for reinstatement. Effective August 1, 2009 Walter Casey will be hired as a Deputy Sheriff, starting salary will be \$28,901.04.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Contract #16A/B-Stringtown Road.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the June Limited Video Lottery proceeds will be directly deposited on July 27, 2009, amount \$7,091.39, funds for the wine, liquor and private club taxes will be directly deposited on July 17, 2009, amount \$325.53, funds for the Table Games will be directly deposited on August 17, 2009, amount \$3,892.29 and funds for the Regional Jail Operations Partial Reimbursement Fund tax will be directly deposited on August 17, 2009, amount \$74,187.37.

The Commissioners received and reviewed a letter from the West Virginia Worker's Compensation Office of Judges regarding Athylene Grimmatt.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period July 1, 2009 through July 31, 2009.

The Commissioners received and reviewed from Branch Banking and Trust a list of securities held as collateral to secure the deposits of Fayette County Commission as of July 31, 2009.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing the securities pledged as of July 31, 2009.

The Commissioners received and reviewed from Branch Banking and Trust Trustee Fayette County WV Lease Revenue Bond (WV American Water Co.) Account Statement for the period February 1, 2009 to July 31, 2009.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report, Monthly Revenue Report for the month of July, allotment for the New River Humane Society, amount \$13,926.12 for the month of August and Weekly Fees Collected for the week of July 17, to July 23, 2009, amount \$277.00, the week of July 24 to July 30, 2009, amount \$82.00, the week of July 31, 2009, amount \$159.00, the week of August 1 to August 6, 2009, amount \$0.00, the week of August 7 to August 13, 2009, amount \$344.00.

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$45.10, Vonage Tax Account, amount \$268.00, One Communications, amount \$2,304.72, Matrix business

technologies, amount \$6.00, Mountain Communications, LLC, amount \$83.79; Jail Fees from the Town of Fayetteville, amount \$47.53 reimbursement from the City of Mount Hope, amount \$95.06; Alarm Fees, amount \$5,991.00; Franchise Fees from Shentel, amount \$429.31, and Suddenlink Communications, amount \$45,459.27; WV Development Office-SALS Dormitory Project, amount \$36,180.07; WV Courthouse Facilities Improvement Authority-Water Remediation Project, amount \$23,622.00; Criminal Justice Division-Community Corrections, amount \$1,320.35.

The Commissioners received and reviewed several e-mails from the Public Service Commission regarding Armstrong Public Service District and Arbuckle Public Service District.

The Commissioners received and reviewed an e-mail to Ms. Holly from the Fayette County Animal Control Center regarding a threatening phone call made to the Animal Shelter.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director informing that on August 2, 2009 he received a request from Summers County to set up a shelter at the Meadow Bridge High School for evacuees from Meadow Creek area of Summers County due to Haz Mat on 64 near Sandstone.

The Commissioners received and reviewed several e-mails from Steve Cruikshank, OES Director giving a brief summary of Sunday's Flood (August 2, 2009).

The Commissioners received and reviewed an e-mail from David Reynolds giving comments regarding the National Boys Scout Jamboree.

The Commissioners received and reviewed an e-mail from Carrie Strunk regarding the 2009 Teen Media Retreat.

The Commissioners received and reviewed an e-mail from Mike Shumate to Commissioner Wender giving and update on the Dunloup Creek Watershed.

The Commissioners received and reviewed an e-mail from Commissioner Wender informing that Dunloup Creek got additional funds.

The meeting was adjourned at 2:43 p.m. The next scheduled meeting is August 28, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 28, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 28th day of August 2009.

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

Commissioner Lopez offered a motion to approve invoices, vouchers and 2nd half payrolls, payrolls to be released today. Commissioner Wender seconded. Unanimous.

No minutes were approved today.

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

Commissioner Lopez offered a motion to approve and sign personal property tickets for U. S. Bancorp Equipment Finance Group, Valinda Newman, Enterprise Leasing Company, General Motors Acceptance Corp., Clifford R. and Gloria Ruth Smith, and Nancy R. Martin and Ulysses G. Fox. Commissioner Wender seconded. Unanimous.

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

Commissioner Wender offered a motion to approve refunds for General Motors Acceptance Corp. (\$255.86), Lawrence and Debbie Pritt (\$249.80), Larry Bernard Johnson (\$29.98), Brenda Lee and William Green (\$442.88), and Glen T. and Brenda Bailey, Jr. (\$236.80). Commissioner Lopez seconded. Unanimous.

The Commissioners approved and signed Petitions to Combine or Divide and Segregate Land for Lawrence E. and Mary B. Price, Sr., Roger D. and Darlene F. Humphrey, Stephen Piotrowski, Jennifer Rena Griggs, Kermit and Kevin Goddard, Roger L. and Karen F. Burttt, Daniel M. Gipson, Debra Ann Tiscareno, Richard E. and Drema P. Midkiff.

Ms. Holly informed the Commissioners she had notified the democratic and the republican executive committees to give their list of names of poll workers for the Special School Bond Election.

Ms. Holly presented an Order and lists of the poll workers to be approved for the upcoming Special School Bond Election to the Commissioners.

Commissioner Lopez offered a motion to approve poll workers' list received from the democratic and republican executive committees for the upcoming Special School Bond Election. Commissioner Wender seconded. Unanimous. Order signed.

Ms. Holly told the Commissioners that the Courthouse Water Remediation Grant was about up.

Ms. Holly told the Commissioners water is coming in fire door and going downstairs.

Ms. Holly told the Commissioners that Dan Snead had looked at the problem and asked SW Noble Construction, Inc. to submit a Change Order Proposal for additional work related to the stormwater abatement project.

Ms. Holly presented the Change Order Proposal from SW Noble Construction to the Commissioners. The cost would be \$4,696.00 for the additional work related to the stormwater abatement project.

Commissioner Wender offered a motion to approve the Change Order Proposal submitted by SW Noble Construction (\$4,696.00) and authorize Commissioner Eskew to approve further change orders as necessary to complete the project and authorize Dan Snead to advise SW Noble Construction that the Change Order Proposal for additional work related to the stormwater abatement project has been accepted. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that she had talked with Dan Snead regarding the Courthouse signage.

Mr. Snead informed her he had called Jim Francis at Architectural Products. Mr. Francis told hm that he submitted a proposal on September 29, 2008 to provide the signage but never had a response.

Ms. Holly told the Commissioners that Dan Snead is going to schedule a meeting with Jim Francis to discuss the proposal. The Commissioners approved.

Ms. Holly told the Commissioners she had talked with Dan Snead regarding the ADA Grant work. Mr. Snead spoke with Steve Wood,

contractor for the project about the unfinished portion of the walk behind the Annex building. Mr. Wood told him that he was advised not to replace the walk because of pending litigation.

Ms. Holly told the Commissioners that Mr. Snead recommends that we close out that project and replace the unfinished walk under the new work that we are preparing to bid assuming that the legal issues have been resolved. The Commissioners approved.

Jennifer Garlesky, Watershed Coordinator with Morris Creek Watershed appeared before the Commissioners to request a letter of support for the EPA Brownsfield Grant application.

Commissioner Lopez offered a motion that the Fayette County Commission sends a letter of support to the Morris Creek Watershed for the EPA Brownsfield Grant application. Commissioner Wender seconded. Unanimous. Ms. Garlesky will e-mail a draft of the letter to Charlotte Holly.

Carl Harris, Prosecuting Attorney presented a Petition of the Roaring River Community Association, Inc. for Creation of the Roaring River Community Enhancement District to the Commissioners to accept and review.

Mr. Harris told the Commission will have to approve the Community Enhancement District, only effects persons in the district.

Commissioner Wender offered a motion to accept the Petition from Roaring River Community Association, Inc. for the Creation of the Roaring River Community Enhancement District. Commissioner Lopez seconded. Unanimous.

Mr. Harris told the Commissioners on Wednesday, September 2, 2009 at 2:00 p.m. a discussion will be held, they will be meeting with the groups involved in the Prosecuting Attorney's Office.

Mr. Harris told the Commissioners they do not need to put Petition on file in the County Clerk's Office.

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

Debbie Tate, County Program Coordinator, WVU Extension Office appeared before the Commission to introduce Lauren Weatherford, Fayette Families and Health Agent replacing Dianne Meadows and Angie Groves, Nutritional Outreach Instructor who has been hired to work in the WVU Extension Office.

Lauren Weatherford and Angie Groves gave brief summaries of their job activities and job duties.

Senators Randy White and William Laird appeared before the Commissioners to present grant awards.

Senator White thanked the Commissioners for having him and he presented the following grants to the County from the Governor's Community Participation Grant Program.

Senator Randy White presented a grant certificate for the Fayette County Sportsman Recreation Center (\$7,000) to Jodie Ward; presented to Chuck and Joy Lynn a grant certificate to the Appalachian Heritage Educational Museum to continue preservation projects at the Whipple Company Store(\$7,000); presented to Commissioner Eskew a grant certificate for the Fayette County Soldiers and Sailors Memorial

Building (\$20,000). Commissioner Eskew accepted the certificate and thanked Senator White.

Senator William Laird presented a grant certificate to purchase laptop computers and related equipment for the Fayette County Sheriff's Department (\$9,000) to Deputy Mike Fridley and presented a grant certificate to purchase new U. S. Army dress uniforms for the joint Honor Guard of American Legion Post 149 and Veterans of Foreign Wars Post 3110 (\$3,000) to Commissioner Eskew. Commissioner Eskew accepted the certificate and thanked Senator Laird.

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

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

The Commissioners approved changing the County Commission meeting from September 14, 2009 to September 15, 2009.

The Commissioners asked Jackie Hickman to call David Perry, Gary Lilly, Kelvin Holliday to inform them of the change in the Commission meeting.

Ms. Holly presented for approval Polling Places for the upcoming Special School Bond Election to the Commissioners.

Ms. Holly informed the Commissioners that she had contacted Chris Perkins regarding the Polling Places that are located in the three (3) schools (Precinct #5-Scarbro, Precinct #8-East End Oak Hill, and Precinct #12-Oak Hill Elementary) that are closed. Mr. Perkins agreed to have Precinct 8 and Precinct 12 schools opened for the Special

School Bond Election but suggested that the Commission look for a new location.

Ms. Holly informed the Commissioners that Precinct #5 Scarbro Elementary School is closed also, but the Fayette County Headstart has taken over the building it is now called Scarbro Headstart Building. They did approve to keep as a polling place.

Commissioner Wender offered a motion to approve Polling Places as presented for the upcoming Special School Bond Election. Commissioner Lopez seconded. Unanimous.

David Neal, E911 Coordinator appeared before the Commission to report on locations for 911 Center. Mr. Neal informed the Commissioners that he had visited several sites.

Mr. Neal informed the Commissioners he had contacted Carl Harris, Prosecuting Attorney to review the State Interoperable Radio Program documents bids and contract from Lewis County to insure that the Gauley site will be suitable to piggyback on the bid. Mr. Harris reviewed and approved.

Mr. Neal told the Commissioners it's time to apply for a grant for the tower program. Also, have an award certificate.

Mr. Neal told the Commissioners he has contractors' information based on Lewis County bid, also reviewed and approved by Carl Harris.

Mr. Neal told the Commissioners the grant is for 5 antennas, mounts, transmission lines, and new tower 340' Gauley Mountain.

Mr. Neal told the Commissioners that Fayette County Commission will get administrative fees, no county money except purchase of the

antennas. State wants this completed by Bridge Day, remove the existing fire tower and move to Cass Scenic Railroad to reconstruct.

Mr. Neal told the Commissioners they need to approve purchase through Lewis County bid and sign grant application.

David Neal to get Ms. Holly a copy of the Lewis County contract.

Commissioner Wender offered a motion that Fayette County Commission in conjunction with 911 applies for a grant with the Department of Military Affairs for construction of a tower. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion pending the approval of the grant, accept Lewis County bid as with Fayette County Bid for (1) the existing removal and reconstruction of the existing Gauley Mountain Tower, (2) construct a 340' tower and (3) install 5 antennas, antennas to be purchased with 911 Funds. Commissioner Lopez seconded. Unanimous. Grant is for \$300,000. Mr. Neal to get a Purchase Order from Debbie Berry.

Discussion was held regarding a new site for the telephone system.

David Neal told the Commissioners that \$10,000 high estimate to move equipment to another site.

The Commissioners asked David Neal to continue to look for a new site.

David Neal told the Commissioners it's critical that the County order a new phone system.

Mr. Neal told the Commissioners they could use the Greenbrier County contract they have with Motorola, need sole source to interface with existing equipment.

Commissioner Eskew asked what is the cost to upgrade existing facility.

Ms. Holly told the Commissioners she would ask Dan Snead if the water remediation grant for the Memorial Building would be available.

Senator William Laird suggested the Homeland Security Grant availability. Mr. Neal informed the phone system for Fayette County would not be approved.

Commissioner Wender informed he would feel better if Fayette County advertised.

Commissioner Wender offered a motion to authorize the 911 Center to prepare RFP to advertise for replacement of phone system. County Commission request they write in generic terms as possible and include as many bidders as possible. David Neal to prepare RFP. Commissioner Lopez seconded. Unanimous.

Mike Lively with Jim Lively Insurance appeared before the Commission to discuss BrickStreet Insurance Audit Adjustment.

After a brief discussion, Carl Harris, Prosecuting Attorney suggested writing a Memo that Debbie Aliff, Payroll Clerk to be notified immediately of any workers' compensation injury.

Commissioner Wender suggested including in the Memo to ask that all Department Heads come to the Fayette County Commission meeting to have Mike Lively make presentation regarding Workers' Compensation injury reporting.

The Commissioners authorized Mike Lively to change the 2009-2010 estimate to \$4.5 million (2008-2009 amount) for BrickStreet Insurance.

The Commissioners signed the West Virginia Courthouse Facilities Improvement Fund Application for Funding Assistance for the purpose of replacing the boiler at the Fayette County Courthouse.

Dan Snead sent over the project summary total estimate cost (\$106,812.00) includes purchase and installation of a new steam boiler in the Courthouse.

The Commissioners signed a letter of support to the elected officials asking that they submit a letter of recommendation for this project to the Commission for inclusion in the application package.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG grant, amount \$9,774.87.

The Commissioners signed a letter to Charlie Jones extending their sincere congratulations for being named the 2009 West Virginia Municipal League Recorder of the Year.

Commissioner Wender offered a motion to authorize appropriate person County Administrator Charlotte Holly and/or Commissioner Kenneth Eskew as presiding President to sign for internet Federal Audit Clearinghouse, Data Entry System for June 30, 2008. Commissioner Lopez seconded. Unanimous.

The Commissioner received and reviewed a letter from Lonnie Workman requesting permission to use the Memorial Building to practice softball pitching with his daughter.

Commissioner Lopez offered a motion to deny request of Lonnie Workman to use the Memorial Building to practice softball pitching. This program does not meet the public, non-profit guidelines. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Saints Peter and Paul Catholic School requesting permission to use the Memorial Building for their basketball games and practice days (October 15, 2009 to March 31, 2010).

The Commissioners approved request of Saints Peter and Paul Catholic School to use the Memorial Building for their basketball games and practice days, same rules as last year.

The Commissioners received and reviewed a letter from Kanawha Falls Public Service District requesting that Alfred "Al" Lynch be reappointed to serve as a Commissioner on the Kanawha Falls Public Service District.

Commissioner Lopez offered a motion to reappoint Alfred Lynch as Commissioner on the Kanawha Falls Public Service District, term to expire September 1, 2015. Commissioner Wender seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioners received and reviewed a letter from the Fayette County National Bank informing that the security, which they pledged will not be available for pledge as of August 19, 2009. They will substitute this security.

Commissioner Wender offered a motion that having been advised of the need to substitute certain securities pledged on behalf of Fayette County National Bank, does hereby order the release of said securities

provided that securities will be substituted simultaneously and that Fayette County funds deposited with said banking institution will not be unsecured. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from 4-C Economic Development Authority informing that the West Virginia State Legislature has approved the Local Economic Development (LED) grant program for Fiscal Year 2009-2010. The 4-C is asking the Commission to sign a Resolution stating that the counties are working together on economic development and a Resolution by the County Commission of the participating counties that designate the applicant as their lead economic development corporation or authority.

Commissioner Lopez offered a motion that Fayette County Commission approves and authorizes the adoption of said Resolution of Participation and Cooperation for the West Virginia Certified Development Community (CDC) Program. Commissioner Wender seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a letter from the Communities Re-Unite Bi-Annual Gathering requesting \$300 in funding to support signage that will be provided throughout the Park for their Bi-Annual Gathering.

Commissioner Wender offered a motion to approve \$300 to support the Communities Re-Unite, Inc. for banners. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the letter they received from the Fayette County Beautification Committee regarding enlarging Angela

Gerald responsibilities in moving our dilapidated structure program forward.

The Commissioners asked Ms. Holly to have Allen Ballard make a recommendation to the Commission and confirm recommendation in writing.

The Commissioners received and reviewed a letter from the Paint Creek Scenic Trail Association informing they are applying for a Direct Advertising Grant through the West Virginia's Tourism Matching Advertising Partnership Program (MAPP). The grant is for \$7,500.00 with a required \$2,500.00 match. They are asking the three (3) County Commission (Fayette, Raleigh Kanawha counties) to share in the match for this grant. The Fayette County Commission share of this match would be \$834.00.

Commissioner Wender offered a motion to approve the \$834.00 match contingent upon confirmation that Raleigh and Kanawha Counties are both contributing that same amount. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Paint Creek Scenic Trail Association informing they approve matching funds in the amount of \$834.00 for the grant contingent upon written confirmation that Raleigh and Kanawha Counties are both contributing that same amount.

The Commissioners received and reviewed a letter from 4-C Economic Development Authority regarding Senate Bill 1011-Land Use Master Plans of Surface Mined Properties. The Commission asked to put on hold.

The Commissioners received and reviewed a letter from the U. S. Census Bureau asking the Commission to participate in the 2010 Census New Construction Program.

The Commissioners approved and designated Eddie Young, Assessor the Bureau of Census New Construction Program Liaison.

The Commissioners asked to reschedule Lynda Lancaster, Partnership Specialist with the U. S. Census Bureau on the agenda for September 15, 2009 at 11:00 a.m.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing the Comprehensive Economic Development Strategy 2009-2013 Plan.

The Commissioners signed a letter to the West Virginia Development Office enclosing the first and final drawdown for the New River Health Center renovations, amount \$6,000.00.

The Commissioners signed Fayette County Fire Levy Protection Agreements for Montgomery Volunteer Fire Department (\$46,512.00), Ansted Certified Fire Department, Inc. (\$46,857.00), and Gauley Bridge Volunteer Fire Department (\$36,318.00) for the period July 1, 2009 to June 30, 2010.

The Commissioners signed Order granting Petition to remove Executrix of the Estate of Frank K. Thomas and appointing Michael Swartz as Executor.

The Commissioners received and reviewed a copy of a letter from the City of Oak Hill to Carl Harris, Prosecuting Attorney informing the Oak Hill Sanitary Board has authorized an agreement to be

presented to the Urban Renewal Authority concerning the sewer infrastructure at the Wolf Creek Park.

The Commissioners received and reviewed a letter from the Office of the State Auditor informing that the special excess levy presently in effect will expire at the end of this fiscal year, June 30, 2010.

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund regarding the West Virginia Housing Development Fund's Low-Income Housing Tax Credit Program Notification of the Local Jurisdiction.

The Commissioners received and reviewed a letter from the New River Gorge Convention and Visitors Bureau enclosing a copy of their organization's 2008 Exempt Organization Return.

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulations on Governor Manchin's recent fiscal year 2009 Community Participation Grant award, in the amount of \$7,980.00 to the Fayette County Commission to purchase training supplies, emergency equipment, and medical equipment for the Fayette-Nicholas Chapter of the American Red Cross.

The Commissioners received and reviewed from Dave Pollard, Country Resource Coordinator Quarterly Report for August 2009.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the July Limited Video Lottery proceeds will be directly deposited on August 26, 2009, amount \$\$6,222.13.

The Commissioners received and reviewed the Financial Summary Report from the Fayette County Farmland Protection Board for July 1, 2008 to June 30, 2009.

The Commissioners received and reviewed minutes of the Fayette County Planning Commission for August 24, 2009.

The Commissioners received and reviewed a letter from the Armstrong Deepwater Public Service District regarding Monitoring Requirement not met.

The Commissioners received and reviewed a membership certificate from the West Virginia Association of Counties for fiscal year 2009-2010.

The Commissioners received and reviewed a letter from the Southern Appalachian Labor School Energy Express to thank the Commission for their support of Energy Express this summer.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney asking to have a check from his investigation fund in the amount of \$110.28 issued to Daniel Hypes in regard to State vs. Daniel Paura.

The Commissioners received and reviewed a copy of a fax from David Neal, E911 Coordinator asking Debbie Aliff, Payroll Clerk to add Stephanie Moore to the part time employee's list effective immediately and remove Zachary Feltner. Ms. Moore hourly rate is the same as it was for Mr. Feltner.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent informing that effective August 16, 2009

he moved Melissa Richards from part time to full time to fill the position left by Donna Cooper.

The Commissioners received and reviewed a copy of a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing that he has hired Courtney Oiler as a Tax Deputy for the Tax Department effective August 24, 2009, salary will be \$19,000.00 a year.

The Commissioners received and reviewed a copy of a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing that Rhonda Falk's current salary is \$18,000.00 a year he would like to change her salary to \$20,000.00 a year effective September 1, 2009.

The Commissioners received and reviewed Traffic Crash Report of Deputy Patrick McCutcheon.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School (SALS) to Dunloup Creek Watershed Buy Out Program enclosing a letter, brochure, and housing application that might be helpful to families involved in the buyout program.

The Commissioners received and reviewed a letter from the Page-Kincaid Public Service District enclosing minutes of June, July, and August meeting.

The Commissioners received and reviewed a notice from Pocahontas Land Corporation informing that William "Bill" Cassady, Land Agent has relocated to a new office the new address is: Pocahontas Land Corporation, 216 Business Street, Beckley, West Virginia 25801

The Commissioners received and reviewed Certificate of Liability Insurance from Cequel Communications Holdings, LLC.

The Commissioners received and reviewed from Buckskin Council #617 Boy Scouts of America a brochure highlighting the details for their Buckskin Council Seneca District Shooting Sports Benefits.

The Commissioners received and reviewed letters from the State Tax Department informing they have been asked to review M/MGHD Lands, Inc. account and Carl E. Spearen etux account for possible appraisal errors for the Tax Year 2009. Their review indicates errors have occurred, they have enclosed the recommended non-producing mineral corrections.

The Commissioners received and reviewed from the West Virginia Department of Transportation access information about the Safe Route to School Program at www.wvdot.com.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of August 14, 2009 to August 20, 2009, amount \$112.00.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the Period July 24, 2009 to August 21, 2009.

The Commissioners received and reviewed the Motor Fuel Excise Tax Refund Application to the West Virginia State Tax Department.

The Commissioners received and reviewed an Order to Show Cause Before Claims Administrator's Order Affirmed from the Workers' Compensation Office of Judges regarding Athylene L. Grimmett claim.

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

The Commissioners received and reviewed checks for 911 Fees from CityNet, LLC, amount \$1,137.58, Mountain Communications, LLC, amount \$85.75, One Communications Corp., amount \$2,355.16, Level 3 Communications, LLC, amount \$216.00, IDT Corporation, amount \$14.00, Cebridge Telecom, WV d/b/a Suddenlink, amount \$4,776.00, Granite Telecommunications, LLC, amount \$192.00, AT&T Communications of WV, amount \$468.00, Cleartel Telecommunications, Inc., amount \$6.00, 8x8, Inc., amount \$42.00, Verizon, amount \$26,231.61; Criminal Justice Services-Community Corrections Grant, amount \$17,540.78 and SPF-SIG grant, amount \$4,457.72; Division of Human Services-FRN, amount \$10,000.00; Supreme Court-FLM Rent, amount \$2,362.50; Reimbursement City of Oak Hill, amount \$64.00.

The Commissioners received and reviewed several e-mails from the West Virginia Public Service Commission regarding Arbuckle Public Service District and Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Thomas Bias, Assistant Editor West Virginia Public Affairs Reporter regarding the Fall 2009 Local Government Leadership Academy.

The Commissioners received and reviewed an e-mail from Alice King, Region 4 Planning and Development Council to John David regarding the potential sewer problem at SALS Dorm.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Aaron Legg, West Virginia Conservation Authority regarding the flooding of White Oak Creek behind Shirley's Market that parallels Carlisle Road.

The Commissioners received and reviewed an e-mail from Carl Thompson regarding the complaint he received from Freda Sharp and Adele terry regarding a dilapidated house at 612 Patteson Road (house behind Shirley's Market).

The Commissioners received and reviewed e-mails from Kelvin Holliday, County Clerk regarding iVotronic machines/studies and NACo Recovery Act Reporting.

Commissioner Eskew offered a motion to adjourn the County Commission meeting. Commissioner Lopez seconded.

The meeting was adjourned at 1:10 p.m. The next scheduled meeting is September 15, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 15, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 15th day of September 2009.

Commissioner Eskew called the meeting to order at 9:26 a.m.

Mary K. Weatherford presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign personal property tax tickets for Pamela Sue Cline, Russell or Gail Shatto, Cecil B. Byers, Emory W. and Barbara McGuffin, McVey's Insurance Agency, Joseph D. Preast, Clifford R. and Gloria Ruth Smith, Adam Ross McVey, Michael A. Cottle, II, Madeline Hamilton, Paul Calhoun, Len and

Carla Thompson, and E. F. Hambrick, Jr. Commissioner Wender seconded.
Unanimous.

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

Commissioner Wender offered a motion to approve refunds for Billy W. and Marie Frye(\$566.04), and Clifford and Gloria Smith (\$145.09). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and 1st half payrolls, payrolls to be released today. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed two(2) applications for correction of assessment for David and Sharon Seay and David E.Ewing from the Assessors Office.

No prior minutes were approved today.

The Commissioners signed a letter to the West Virginia Development Office confirming that the \$3,000.00 funding for the White Oak Public Service District Project (08CPGP0036) is for a fire hydrant on Prudence Road.

Ms. Holly informed the Commissioners she has prepared the Courthouse Facilities Improvement Fund Application for Funding Assistance for the purpose of replacing the steam boiler at the Courthouse (\$106,812). Ms. Holly told the Commissioners she received letters of support from the Elected Officials.

Commissioner Wender offered a motion that the Fayette County Commission enters into an agreement with the Courthouse Facilities Improvement Authority. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received a copy of a Petition asking for the resurfacing of Paint Creek Road and Horse Creek Road.

Ms. Holly told the Commissioners she has prepared a letter to the West Virginia Department of Transportation asking that they investigate these complaints and advise us of the status of this project. Letter signed.

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

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Earl C. and Debra D. Adkins, Steven Wayne and Nancy Johnson, Bruce Coleman and Alma Smith, Jane L. Elliott, Roger C. Goins, etux, Judith Harvey, Kathy A. and Brian K. Withrow, and Robert G. and Robin M. Ayers, Jr. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to David Pence attaching a copy of the response from Tim Richardson, Zoning Officer regarding his complaint dated July 13, 2009 regarding the property of Gary Bateman.

The Commissioners signed letter expressing their support for the City of Montgomery and the Morris Creek Watershed Association application seeking a United States Environmental Protection Agency Community-wide Hazardous Assessment Grant.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$17,042.26 for the month of July.

The Commissioners signed a letter to the West Virginia Development Office requesting first and final drawdown for the Appalachian Heritage Education Museum Preservation Projects, amount \$6,999.88.

Ms. Holly informed the Commissioners she received two (2) request for the use of the Memorial Building-1) from the Fayette County AAU/WV Boys and Girls Hoopsters and 2) from the West Virginia Blazers Basketball Event.

Ms. Holly told the Commissioners they approved the West Virginia Blazers Basketball Event last year pending no conflict of schedule, the rental fee was waived, the custodial and trash service fees requirements were not waived on game day.

Commissioner Wender offered a motion to make available the Memorial Building for the two (2) events the Fayette County AAU/WV Boys and Girls Hoopsters and the West Virginia Blazers Basketball Event. Commissioner Lopez seconded. Unanimous.

Ms. Holly presented two (2) drawdown requests from Region 4 Planning and Development Council for New Haven Public Service District-Stringtown Road Water Extension Project #08SCBG0031X, amount \$2,316.42 and Page-Kincaid Public Service District-Ingram Branch Wastewater Project #04SCBG0057, amount \$296,085.85 to the Commissioners.

Commissioner Lopez offered a motion to approve drawdown request for Page-Kincaid Public Service District-Ingram Branch Wastewater Project, #04SCBG0057, amount \$296,085.85. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve drawdown request for the New Haven Public Service District-Stringtown Road Water Extension Project #08SCBG0031X, amount \$2,316.42 and Budget Revision #1. Commissioner Wender seconded. Unanimous.

The Commissioners signed Fire Levy Protection Agreements for Pax Volunteer Fire Department, Incorporated, amount \$36,572.00, Boomer Volunteer Fire Department, amount \$35,522.00, and Meadow Bridge Volunteer Fire Department, amount \$34,940.00 for the period July 1, 2009 to June 30, 2010.

Discussion was held regarding the early voting satellite precincts. The Commissioners asked Ms. Holly to e-mail Kelvin Holliday, County Clerk and asks him to get Gary Lilly, Chairman of the Republican Executive Committee and Dave Perry, Chairman of the Democrat Executive Committee to get on the agenda to discuss further.

Ms. Holly informed the Commissioners that they needed to put the Renewal of the Excess Levy on the agenda for September 25, 2009 to discuss with Steve Cruikshank, OES Director, Sheriff Steve Kessler and Judy Gunsaulis, Director Fayette County Library.

Gloria King, Tara Workman, Carrie Carr, Felicia McKinney, Earl Pauley, and Peggy Bennett appeared before the Commission to discuss the three (3) horses that are being housed at the Animal Shelter.

Ms. McKinney told the Commissioners that Blue Circle Ranch will house the animals for \$250 to \$275 per horse a month.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission authorizes Earl Pauley and the Community Corrections inmates to build a specific public facility and fence in the area in conjunction with the Animal Shelter to hold the large animals, the cost to be determined at a later date. The Commission asked the Purchasing Agent, Commissioner Lopez to approve cost. Commissioner Lopez seconded. Unanimous.

Allen Ballard, Chairman Fayette County Beautification Committee appeared before the Commission to present final complaint orders and recommended action to rehabilitate the six (6) dilapidated houses.

Discussion was held, Commissioner Wender offered a motion that the Fayette County Commission will take action to rehabilitate on the six (6) parcels, (Richard and Kimberly Canterbury, Plateau District, Smith and Eula Young, Plateau District, Elizabeth Sumpter-Reese, Plateau District, Kelly and Eric Carpenter, Plateau District, Neal William and Ruth Ann Bias, Valley District, and Madelyn Mitchell, Plateau District) complete demolition and removal of all buildings or dwellings on the properties within 30 days. All debris will be legally disposed of. The Prosecuting Attorney's Office will be directed to see that the appropriate paperwork is done and the WV Code Section 7-1-3ff(f) is followed. Commissioner Lopez seconded. Unanimous.

Ward Lefler, Transportation Realty Manager with the West Virginia Department of Transportation appeared before the Commission to discuss

the request of the Fayette County Commission that the West Virginia Department of Transportation conveys 0.113 acre tract of land located in Smithers, Fayette County, West Virginia being part of the West Virginia Division of Highways tract located at Valley Elementary School.

Mr. Lefler told the Commissioners that the Fayette County Board of Education has requested that this property be transferred to the Fayette County Commission.

Mr. Lefler told the Commissioners that they would have to send a formal request to Matthew Rowan, Acting District Engineer requesting that this property be transferred to the Commission and attach maps.

Mr. Lefler told the Commissioners that the Board of Public Works request that the Commission provide them with a Resolution.

Commission Lopez offered a motion that Fayette County Commission accept the conveyance of one parcel described herein from the West Virginia Division of Highways and authorize Commissioner Eskew to execute agreements and approve the adoption of Resolution. Commissioner Wender seconded. Unanimous. Resolution and letter signed.

Allen Ballard, Chairman of the Fayette County Dilapidated Building and Beautification Committee appeared before the Commission to present the Committee's response to their request to enlarge the VISTA Worker, Angela Gerald's responsibilities.

Mr. Ballard told the Commissioners that the Committee has approved. Mr. Ballard told the Commissioners the Committee would like for them to approve the request.

Commissioner Wender offered a motion that the Fayette County Commission would write a letter to the Fayette County Dilapidated Building and Beautification Committee stating the Commission support the recommendation of the Committee to enlarge Angela Gerald's responsibilities in moving the dilapidated structures program forward. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk, requesting that \$180.00 from his annual travel allowance be transferred to pay for photographic works needed in his office.

Commissioner Wender offered a motion to decline the request for a line item adjustment request of Daniel Wright to transfer \$180.00 from his travel allowance. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed complaint from Mike Turner, New River Photo regarding use of the incinerator at the Courthouse.

Dickie Smith, Maintenance Supervisor informed the Commissioners that the only thing they burned that day was old files from the Magistrate Office that had to be destroyed and it was only paper and nothing else.

The Commissioners asked Mr. Smith to check with Beverly Hundley, Magistrate Clerk and Cindy Renick, Chief Tax Deputy to see if they can shred old files instead of burning.

The Commissioners received and reviewed a request from Kelvin Holliday, County Clerk requesting a new Desktop PC (\$1,322.75).

The Commissioners asked Ms. Holly to call CSSI to check and see if a new Desktop PC is necessary. The Commissioners approved if necessary.

Ms. Holly informed the Commissioners she will be meeting with Dan Snead on Thursday to discuss the signage around the courthouse.

Ms. Holly told the Commissioners this would be paid out of the ADA Grant. The cost would be from \$9,500.00 to \$9,700.00. Ms. Holly asked the Commissioners if they would approve the cost.

Commissioner Wender offered a motion to approve up to \$10,000.00 for signage at the courthouse. The expenditures of the funds would come out of left over funds from the Small Cities Block Grant Courthouse Elevator. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the New Haven Cowboys Little League requesting a donation to the New Haven Cowboys Little League to help in the purchase of helmets, shoulder pads, protective pads, jerseys, and football pants.

Commissioner Wender offered a motion to deny the request of the New Haven Cowboys Little League, but no funds are available. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that Eric Cummings of Experience Works stopped by the Office yesterday to ask if the Commission would like to participate in their program.

Mr. Cummings told Ms. Holly that this is a Federal Training Program, they would place Seniors throughout the Courthouse to work, this would be no cost to the County.

The Commissioners asked Ms. Holly to call Mr. Cummings and inform him that the Commission is not interested in participating in the program at this time.

The Commissioners received and reviewed a letter from 4-C Economic Development Authority Board of Directors requesting that the Commission allocate its quarterly contribution to 4-C EDA from the County's General Funds instead of Coal Severance Funds or other specific State or Federal Funds.

Commissioner Wender offered a motion that Fayette County Commission pay the next three (3) quarterly installments to 4-C EDA out of the General County Fund. Commissioner Lopez seconded. Unanimous.

Commissioner Wender informed the Commission they need to find alternative usage for the Memorial Building.

Commissioner Wender informed he received information from the West Virginia Community Development Hub. The Community Development Hub is a non-profit 501(c)3 corporation responsible for managing and coordinating the process illustrated in the Model by connecting communities and organization with the community development stakeholders in the Network.

The Community Development Hub is asking that the Fayette County Commission participate in the Memorial Building Project, that the Commission would be the local Fiscal Agent.

Commissioner Wender suggested to the Commission that they contribute a \$2,500.00 match toward the Memorial Building Project.

Commissioner Wender offered a motion that the Fayette County Commission contributes \$2,500.00 match toward the Memorial Building Project to participate in the West Virginia Community Development Hub Program and Fayette County Commission would act as the Fiscal Agent for the housing fund. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of October 2009.

The Commissioners received and reviewed a letter from the Office of the State Auditor informing that the Special Excess Levy will expire at the end of this fiscal year June 30, 2010.

The Commissioners received and reviewed from Travelers Insurance an estimate of the 2008 Ford Crown Victoria Police Cruiser, amount \$4,089.55.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) listing the securities held as collateral to secure the deposits of Fayette County Commission as of August 31, 2009.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged as August 31, 2009.

The Commissioners received and reviewed a copy of a letter to Stuart T. Stickel, CPA, Deputy State Auditor from Carl Harris, Prosecuting Attorney regarding Fayette County Audits for fiscal years ended June 30, 2006, June 30, 2007 and June 30, 2008.

The Commissioners received and reviewed a fax from Thelma Hughes, Constituent Services with the West Virginia Governors Office regarding Marcella Moore request for assist in providing her a recycling bin.

The Commissioners received and reviewed an invitation from the Fayette County Board of Education inviting the Commission to attend a Ribbon Cutting Ceremony for the New River Elementary School on September 27, 2009 at 2:00 p.m.

The Commissioners received and reviewed a letter from the West Virginia Housing Development Fund enclosing a copy of the Request for Proposal for funds under the Neighborhood Housing and Economic Stabilization Program passed by the Legislature this spring. This publication has been sent to nonprofit organizations all across West Virginia, and they will begin funding worthwhile proposals as soon as possible.

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

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services enclosing the Justice Assistance Grant (JAG) Annual Progress Report.

The Commissioners received and reviewed from the West Virginia Department of Environmental Protection the WV/NPDES Construction Stormwater Permit for the Fayette County Sportsman Recreation Center.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk asking that maintenance service for the cash register in his office is discontinued and asking maintenance to remove the register immediately upon your directive.

The Commissioners received and reviewed an Order from the West Virginia Department of Transportation ordering the abandonment of Fayette CR 6/1 (Partial Abandonment) of the highway from the Local Service System.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff Steve Kessler informing that Steve Neal has accepted employment as a Deputy Sheriff with his department effective September 1, 2009, starting yearly salary will be \$27,701.00.

The Commissioners received and reviewed Second Deed of Trust for Bridge Brew Works, LLC.

The Commissioners received and reviewed letters from the West Virginia Development Office congratulating the Fayette County Commission on Governor Manchin's recent fiscal year 2009 Community Participation Grant award in the amount of \$9,000.00 to purchase laptop computers and related equipment for the Fayette County Sheriff's Department and \$3,000.00 to purchase new U. S. Army dress uniforms for the joint Honor Guard of American Legion Post 149 and Veterans of Foreign Wars Post 3110.

The Commissioners received and reviewed a Remittance by the Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$139.50 for the month of August.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Activity Report and Monthly Revenue Report for the month of August, New River Humane Society Allotment, amount \$13,799.45 for the month of September and Weekly Fees Collected for

the week of August 21 to August 27, 2009, amount \$207.00, the week of August 28 to August 31, 2009, amount \$101.00, the week of September 1 to September 3, 2009, amount \$25.00 and the week of September 4 to September 10, 2009, amount \$250.00.

The Commissioners received and reviewed from the Surface Transportation Board their decision regarding a request for an extension of the negotiating period for 180 days for the CSX Transportation, Inc.-Abandonment Exemption-in Greenbrier and Fayette Counties. By a letter filed on August 6, 2009, CSXT concurs with the extension request. Additionally, CSXT seeks extension of the consummation deadline until April 21, 2010.

The Commissioners received and reviewed Travelers Insurance acknowledgment of Claim #EFQ0279, Deputy Patrick McCutcheon 2008 Ford Crown Victoria vehicle.

The Commissioners received and reviewed Workers' Compensation claims from BrickStreet Insurance and Maroney, Williams, Weaver and Pancake, PLLC.

The Commissioners received and reviewed from the West Virginia County Records Management and Preservation Grant Program Grant Information and Application for Fiscal Year 2010-2011. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed notice from the West Virginia Department of Transportation informing that the Recreational Trails Program Intent-To-Apply Forms is available.

The Commissioners received and reviewed a letter from the West Virginia Development Office inviting the Commission to attend the West

Virginia ON TRAC application workshop being held Thursday, October 8, 2009 at the Landmark Theater for the Arts.

The Commissioners received and reviewed an invitation to the Commission inviting them to attend the Project Wolf Creek Community Meeting being held Saturday, September 12, 2009 at the Soldiers Memorial Building from Plateau Action Network (PAN).

The Commissioners received and reviewed from Daniel Wright, Circuit Clerk Amended Budget Statement informing that beginning September 1, 2009 the monthly salaries for each person employed in the Fayette County Circuit Clerk's Office will increase to \$108.16.

The Commissioners received and reviewed Official Oath of Office from Alfred Lynch member of the Kanawha Falls Public Service District.

The Commissioners received and reviewed a letter from Appalachian Power notifying Appalachian Power Company, London/Marmet Project No. 1175, Winfield Project No. 1290 Application for New License of the upcoming Study Kick-Off Meeting.

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

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$108.00, and CityNet Holding, LLC, amount \$263.84; Franchise Fees from Shentel Cable Company, amount \$2,802.24; Criminal Justice Services-Community Corrections Grant, amount \$27,611.79; Refund-King Coal Chevrolet, amount \$36.68.

The Commissioners received and reviewed several e-mails from the West Virginia Public Service District regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail from Bobby Meadows apologizing for not being able to attend the last meeting when the grants were given.

The Commissioners received and reviewed an e-mail regarding the Fire Hydrant Grant Funds Project 08CPGP0036 (Prudence Road).

The Commission recessed the meeting for lunch at 1:19 p.m.

The Commission reconvened the meeting at 2:24 p.m. The Commissioners adjourned the Commission meeting for an Executive Session. The next schedule meeting is September 25, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 25, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 25th day of September 2009.

Commissioner Eskew called the meeting to order at 9:11 a.m.

Eddie Young, Assessor presented exoneration and an application for correction of assessment to be approved and signed to the Commissioners.

Commissioner Lope offered a motion to approve and sign an application for correction of assessment for Charles R. and Heidrun E. Hill. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Rebecca McGraw, Brian K. and Harry A. Pauley, John J. and Deborah J. Withrow, John E. and June L. Blake, Herman E. and Arlene S. Ingram, Walter Charles and Donna Conelly, Jeremy or Lori Blake, McVeys Insurance Agency, Thomas Edward Rogers, Charles R. Hewitt, Charles R. and Juanita, Top Gun Promotions, and Michael G. and Joyce M. McCann. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property ticket for Anna C. Murad, Don and Judy J. Jones, Richard and Donald Honaker, Ludd Farr etal, Estate of Bob Campbell, Beverly Sue Tabit etal, Aubrey Thomas etal, Margaret Dunn, Adventures, Inc., Fragale Partnership, Christopher Kelly, and Franklin C. and Katey S. Baldwin. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for Anna C. Murad (\$325.34), Ludd Farr etal (\$131.82) and the Estate of Bob Campbell (\$133.51). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for James E. Dalton, Brion Levine and Virginia Price, Lori Ann and James A. Truman, Percy and Arvella Fruit, John L. and Delores Wamsley, George Adam Wheeler, and Diane Schoolcraft, Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and payrolls, payrolls to be released September 30, 2009.

Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of July 24, August 14 and August 28, 2009. Commissioner Lopez seconded. Unanimous.

Attorney Blankenship appeared before the Commissioners to present Petition of Clayton Casto, Mazie Casto and Ronnie Criss to abandon an unnamed and unused street.

Mr. Blankenship told the Commissioners notice of the hearing was published in the Fayette Tribune on August 20, 2009.

The Commissioners considered the Application, the exhibits filed therewith, the representations of the Applicants and their counsel, and upon consideration of all of the foregoing it is the Order and Judgement of the County Commission that the unnamed and unused street be closed and vacated.

Commissioner Wender offered a motion to approve Clayton and Mazie Casto and Ronnie Criss request to abandon an unnamed and unused street that border their properties. Commissioner Lopez seconded. Unanimous

Ms. Holly presented drawdown requests from Region 4 Planning and Development Council for Danese Public Service District-Water Extension Project #07ARCP15639, amount \$3,136.22 and a drawdown request for Fayette County Commission Project #03SCBG0102 Elevator/SALS Project in the amount \$11,698.89 to the Commissioners.

Commissioner Lopez offered a motion to approve drawdown request for the Danese Public Service District-Water Extension Project

#07ARCP15639, amount \$3,136.22. Commissioner Wender seconded.

Unanimous.

Commissioner Wender offered a motion to approve drawdown request for Page-Kincaid Public Service District-Elevator/SALS Project #03SCBG0102, amount \$11,698.89. Commissioner Lopez seconded.

Unanimous.

Ms. Holly presented the revised estimate from Architectural Products, Inc. (Jim Francis, President) for the ADA signs. Ms. Holly told the Commissioners it increased to \$10,981.00.

The Commissioners signed a Fire Levy Protection Agreement for the Town of Fayetteville, amount \$51,014.00 for the period July 1, 2009 to June 30, 2010.

The Commissioners signed a letter to the Fayette-Nicholas Chapter American Red Cross enclosing a copy of the Agreement for the Legislative Digest grant in the amount of \$7,980.00 for the American Red Cross from the Governor's Community Participation Grant Program. The Commissioners asked that they submit copies of their checks payable to the Vendors and paid invoices signed by authorized agent of their organization, dated, and marked "Approved for Payment" to the Fayette County Commission and we will submit the request for reimbursement to the West Virginia Development Office as required by the grant agreement.

Ms. Holly informed the Commissioners she received grant agreement from the West Virginia Development Office for the sportsman Complex, amount \$20,000.

Commissioner Wender informed the Commissioners he had talked with Bob Dorado from Mount Hope about suggesting someone from Mount Hope to replace Norville Ellison on the Planning Commission. Mr. Dorado suggested Van M. Burks.

Commissioner Wender offered a motion to appoint Van M. Burks a member of the Fayette County Planning Commission to replace Norville Ellison. Commissioner Lopez seconded. Unanimous. An Order and an Appointment to Serve Letter were signed.

The Commissioners received and reviewed a letter from the Fayetteville Fairs and Festivals requesting the use of the Memorial Building for their Craft Show and Santa and Mrs. Clause visit.

Commissioner Wender offered a motion to approve the request of Fayetteville Fairs and Festivals to use the Memorial Building for the Craft Show and Santa and Mrs. Clause Visit as part of their 6th Annual Christmas Parade and Festival. The \$1,000.00 rental fee and the custodial and trash service fees will be waived. All other rules are applicable, including the insurance requirement. Commissioner Lopez seconded. Unanimous.

Ms. Holly told the Commissioners she has advertised for bids for the Courthouse Computer System and the 911 Telephone System. The bids are due by October 9, 2009.

The Commissioners met with Judy Gunsaulis, Library Director, Steve Cruikshank, OES Director and Sheriff Steve Kessler, Law Enforcement to discuss the Renewal of the 2010 Excess Levy Election.

Mr. Cruikshank told the Commissioners that since this is a continuation of the levy, he recommends that a date for the levy election be set.

The Commissioners asked the Sheriff, Mr. Cruikshank and Ms. Gunsaulis if they still want the levy to be three separate ballot issues. Everyone was in agreement to have each levy a separate ballot issue.

Everyone agreed on a five (5) year levy and paper ballot.

The Commissioners discussed having the election on Saturday, February 6, 2010.

That the costs associated with such special levy election should be deducted from the total amount raised by such levy on a pro-rata basis from those portions attributable to each entity which received funds from such special levy, that such costs shall be so deducted on an equal yearly amount for the five years such special levy is in effect.

Commissioner Wender offered a motion that the Fayette County Commission set a date of Saturday, February 6, 2010 for the Renewal of the 2010 Excess Levy Election for the Fire Levy, Law Enforcement Levy and the Library Levy for a period of 5-years. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting that for the Special School Bond Election he would need to use the Commission Office from September 24 to October 24, 2009, October 20, 2009 at 8:00 a.m. the ballot room and iVotronic room needs to be opened to make election preparations,

October 21, and October 22, 2009 need the Commission meeting room to issue supplies, October 24, 2009 at 6:30 p.m. need the ballot room and iVotronic room opened until all precincts are in.

Commissioner Wender offered a motion that Fayette County Commission in preparation for the Special School Bond Election make available on October 20, 2009 to open the ballot and iVotronic rooms to make preparations for the Special School Bond Election, October 21 and October 22 make available the County Commission meeting room to give out supplies, and October 24, 2009 open the ballot and iVotronic room until all precincts are in. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk, informing he has hired six part-time early voting workers to properly process remaining absentees and make preparation for early voting which begins October 5, 2009. Carol Smith, Fran Fuller, Sally Cales, Norma Williams, Skip Bowman and Delores Nelson would be paid \$7.50 an hour. They will begin work on September 25, 2009.

The Commission received and reviewed a letter from Kelvin Holliday informing that Polly Neely will be paid \$65 for cleaning the iVotronic room September 15, 2009 in preparation for the October 24, 2009 Special School Bond Election.

Jo Vaughan of Jo Vaughan Consulting appeared before the Commission to discuss the prison population and the 2010 Census.

Commissioner Wender offered a motion to go into an Executive Session at 11:50 a.m. Commissioner Lopez seconded.

The Commission reconvened the Commission meeting at 12:15 p.m.

Ms. Holly informed the Commissioners she received a copy of a letter to David Neal, E-911 Coordinator from Motorola, Inc. requesting an extension of 3 weeks until October 29, 2009 regarding the 911 PSAP Computer Telephony Integrated (CTI) Telephone System bid.

Commissioner Wender offered a motion to readvertise the 911 PSAP Computer Telephony Integrated (CTI) Telephone System bids for a later due date. Commissioner Lopez seconded. Unanimous.

Carol Smith and Norma Williams turned the ballot box keys over to the Commissioners.

The Commissioners approved to meet with Charlotte Holly, County Administrator, Friday, October 2, 2009 in an Executive Session at 9:00 a.m.

The Commissioners received and reviewed a letter from Janette Woodrum, Chief Probation Officer asking approval to have a Holiday Gathering on December 18, 2009 at 11:30 a.m. until 1:00 p.m. in the main courthouse. The Commission approved.

The Commissioners approve to cancel the December 21, 2009 County Commission meeting.

Ms. Holly informed the Commissioners she received 2 Change Orders 1-for additional work related to the stormwater abatement at the Fayette County Courthouse (\$4,696.00) and 2-for miscellaneous repairs at the Annex Building and to apply waterproofing to the front entrance and steps at the Memorial Building (\$13,777.00).

Commissioner Wender offered a motion that Fayette County

Commission authorizes and approves the 2 change orders to the Courthouse Facilities Improvement Grant-1-for the skylight at the Courthouse Annex and leakage at the Memorial Building (\$13,777.00) and 2- additional work related to stormwater at the Fayette County Courthouse (\$4,696.00) and authorized Commissioner Eskew to sign. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Carl Thompson informing that he is assisting the Fayette County Green Advisory Team in preparing a Flex-E-Grant.

Mr. Thompson told the Commissioners that there is a \$1,500.00 local match required. Mr. Thompson told the Commissioners he have about \$700.00 worth of the In-Kind fund. Mr. Thompson is requesting that the Commission commit to the remaining \$800.00.

Commissioner Wender offered a motion that Fayette County Commission will meet the G.R.E.A.T. Board request for Flex-E-Grant money up to \$800.00. Commissioner Lopez seconded. Unanimous. The Commission signed letter to the West Virginia Development Office informing they approved up to \$800.00 as matching funds for the Flex-E-Grant.

The Commissioners received and reviewed a letter from the Town of Fayetteville asking the Commission if they would reconsider the planting of a tree before the holidays.

Discussion was held, the Commission asked Ms. Holly to send a copy of the letter to Brian Sparks and asks him to provide the Commission a recommendation prior to October 9, 2009.

The Commission received and reviewed a letter from Sylvia L. Allen proposing to the Commission to nominate Daniel Wright, Circuit Clerk as the historian for Fayette County.

Commissioner Lopez offered a motion to make Daniel Wright, Circuit Clerk the Honorary County Historian for Fayette County. Commissioner Wender seconded, but after a brief discussion it was decided to ask Carl Harris, Prosecuting Attorney if the Commission has the authority to do this.

Ms. Holly presented from Bob Meadows three (3) estimates (Target Shotguns, Inc., Rocky Mountain Clay Sports, and Quality Replacement Parts, Inc.) for the voice release system at the Shooting Range to the Commissioners. The Commissioners approved, this is to be paid from the Grant.

Kelvin Holliday, County Clerk and Shawn Six with Complete System Support, Inc. (CSSI) appeared before the Commission to inform them that the PC in the Voter's Registration Office needs to be replaced.

Commissioner Lopez offered a motion to approve purchase of a PC for the Voter's Registration Office from CSSI, cost \$1,322.75. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed from Nicholas County Commission an invitation inviting the Commission to attend a Business/Coal Forum Meeting on Tuesday, September 29, 2009 at the Summersville Armory.

The Commissioners received and reviewed a fax from the Nicholas County Community Corrections informing that Sara Horrocks will begin employment with the Nicholas County Community Corrections Day

Reporting Center on October 1, 2009 at a salary of \$23,500.00 annually.

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulating the Commission on Governor Manchin's recent fiscal year 2009 Community Participation Grant award, in the amount of \$20,000.00 to continue development of the Fayette County Sportsman Recreation Center.

The Commissioners received and reviewed a letter from the City of Smithers informing they had passed a Resolution authorizing the placement of their Special Excess Levy with the Primary Election to be held on May 11, 2010.

Discussion was held, the Commissioners asked Kelvin Holliday, County Clerk to get in touch with Susan Skaggs, Recorder and suggest that the City of Smithers hold their special excess levy at a separate site from the County's voting precinct and they need to make clear their resolution since the county does not run city elections on county ballots

The Commissioners received and reviewed a letter of introduction from Mary Jo Thompson, Interim Director of the Community Development Division of the West Virginia Development Office.

The Commissioners received and reviewed a copy of a letter to Renee Harper, Fayette County Community Corrections Program from Judy King Smith, Chairman of the Family Protection Services Board (FPSB) thanking Ms. Harper for providing a plan of correction and additional information for licensure consideration of their Batterer Intervention and Prevention Program (License Certificate enclosed).

The Commissioners received and reviewed a copy of the Department of Military Affairs and Public Safety Homeland Security State Administrative Agency Sub-Grant Award for the Gauley Mountain Site, amount \$305,724.00.

The Commissioners received and reviewed a letter from the New River Youth Symphony and Chorus (NRYSC) requesting the \$500.00 contribution that was set aside in their 2009-2010 budget for the New River Youth Symphony and Chorus.

The Commissioners received and reviewed from the West Virginia Division of Criminal Justice Services a Grant Adjustment Notice for the Fayette County Day Report Center

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing a copy of the executed grant award, state/local contract, and program forms for the Fayette-Nicholas Chapter of the American Red Cross, Project 09LEDA0131.

The Commissioners received and reviewed a letter to Okey Skidmore, Manager Fayette County Memorial Building informing that the Fayette County Commission has approved for the Fayetteville High School to use the building for their 2009 Homecoming Dance on Saturday, October 3, 2009.

The Commissioners received and reviewed a letter from Ford Motor Company informing that despite notifications regarding an open safety recall (05S28) to address a potential underhood fire risk on several vehicles, records indicate these vehicles have not been brought to a Ford dealer for repair.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the August Limited Video Lottery will be directly deposited on September 28, 2009, amount \$5,989.75 and funds due for the August 2009, Table Games will be directly deposited on September 16, 2009, amount \$3,593.56.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 1, 2009 to September 17, 2009, amount \$324.00.

The Commissioners received and reviewed a letter from BrickStreet regarding a Workers' Compensation claim for Deborah Aliff.

The Commissioners received and reviewed a telephone message from Sonny Milan regarding hunting on Wolf Creek property.

The Commissioners received and reviewed a telephone message from Linda Johnson informing that early voting start October 5, 2009 through October 21, 2009.

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

The Commissioners received and reviewed checks for 911 Fees from Vonage Tax Account, amount \$262.00, Granite Telecommunications LLC, amount \$216.00, Cebridge Telecom, WV d/b/a Suddenlink, amount \$5,078.00, Cleartel Telecommunications, Inc., amount \$6.00, Level 3 Communications LLC, amount \$212.00, AT&T Communications of WV, amount \$276.00, IDT Corporation, amount \$14.00, Verizon, amount \$25,779.10; Criminal Justice Services for SPF-SIG grant, amount \$4,154.46; WV Department of Health and Human Resources for Community Corrections

drug testing, amount \$3,349.00; and Sheriff of Nicholas County Reimbursement, amount \$8,012.11.

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

The meeting was adjourned at 1:15 p.m. The next scheduled meeting is October 2, 2009.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 2, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette county Commission met in a special session on this 2nd day of October 2009.

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

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

The Commissioners signed a letter to the Minden Kwanza Community Playground attaching a Community Participation Program application for Fiscal Year 2009 for their project (\$5,000.00). The Commission is asking that they complete the application and return to this office no later than October 15, 2009 to be signed and an authorizing resolution approved.

The Commissioners received and reviewed a letter from Judge John Hatcher regarding the foul sewer-like odor from downstairs.

Discussion was held, the Commissioners asked Ms. Holly to have Dickie Smith, Maintenance Supervisor to call a plumber to determine

the problem and make a recommendation of necessary corrective measures to take.

Discussion was held regarding Brian Sparks Proposal he received for planting trees at the Courthouse.

The Commissioners received and reviewed from Mr. Sparks a proposal from Bill Keenan of \$2,000.00 to \$2,200.00 to do a survey of the Courthouse of the trees.

After a brief discussion, Commissioner Lopez informed he was not for this Proposal.

The Commissioners decided to hold off on the project will reconsider in a year.

The Commissioners received and reviewed a letter from the Town of Fayetteville and the Heritage Festival Committee requesting that the Commission reconsider the planting of a tree on grounds of the Courthouse before the holidays.

Commissioner Wender offered a motion to authorize the Town of Fayetteville to plant an evergreen tree on a location to be approved by the Commission. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayetteville Fairs and Festivals asking that the Commission give them permission to move the Boy Scout Bon-Fire from Court Street to the right-hand side of the concrete area in front of the Memorial Building.

Discussion was held, Carl Harris, Prosecuting Attorney informed the Commission that as a result of recent complaints to the Department of Environmental Protection regarding the County burning paper in the

courthouse incinerator, Mr. Harris told the Commissioners they should decline the request.

Commissioner Wender offered a motion that as a result of recent complaints to the Department of Environmental Protection regarding the County burning paper in the courthouse incinerator, the Commission declines the request to have a bon-fire at the Memorial Building or on other county-owned property. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia Development Office congratulating the Commission on Governor Manchin's recent fiscal year 2009 Community Participation Grant award, in the amount of \$20,000.00 to the Fayette County Commission to pave the parking lot at the Fayette County Courthouse (\$16,000.00) and to purchase equipment for the Fayette County Park 4-H Camp (\$4,000.00).

The Commissioners asked Ms. Holly to have Dan Snead review the parking lot.

The Commissioners received/reviewed and signed the Fire Levy Protection Agreement for Nuttall Volunteer Fire Department (\$36,575.00) for the period July 1, 2009 to June 30, 2010.

Discussion was held regarding Kelvin Holliday, County Clerk 2009 Election Training/Leave Schedule.

The Commissioners received and reviewed the letter signed to Gus Penix, Assistant Executive Director with RESA IV informing that the Commission support the efforts of Fayetteville High School with its application for the RESA IV grant to address the dropout problem faced by our schools today.

The Commissioners signed a letter to BrickStreet Insurance approving Deborah Aliff's Workers' Compensation claim.

The Commissioners received and reviewed a letter from the Division of Highways thanking the Commission for their letter dated September 15, 2009 requesting the purchase of property owned by the Division of Highways in Smithers, WV.

The Commissioners received and reviewed a letter from the G.R.E.A.T Board Fayette County Green Advisory Team informing they offer their full support of the Soldiers and Sailors Memorial Building Renovation Project.

The Commissioners received and reviewed a letter from the Federal Emergency Management Agency regarding the Department of Homeland Security Proposed Base Flood Elevation Determination for the Unincorporated Areas of Fayette County, West Virginia.

The Commissioners received and reviewed from the U. S. Department of Commerce an Amendment to Financial Assistance Award for Region 4 Planning and Development Council.

The Commissioners received and reviewed Application for Employment from John Lewis Jones.

The Commissioners received and reviewed a check from the Public Service Commission in the amount of \$169,910.62 representing a disbursement of Wireless E-911 subscriber fees for the months of June, July, and August 2009.

The Commissioners received and reviewed minutes from the Fayette County Planning Commission for September 28, 2009.

The Commissioners received and reviewed a letter from the Fayette County Planning Commission asking the Commission to send a letter to the Boy Scouts of America requesting a meeting with the Division of Highways, public utilities, a Commission representative, a small committee of the Planning Commission and Transition Team, 4C EDA, National Park Service, the Zoning Officer and Resource Coordinator. This meeting should take place after the Scouts have closed on the property and is intended to facilitate the exchange of information geared to assisting the scouts in their implementation plans. The Fayette County Planning Commission is asking that the Commission consider asking the Division of Highways to host this meeting.

Also, included in the letter the Fayette County Planning Commission, Transition Team, National Park Service and 4C EDA should host planning meetings in each of the four planning districts - Valley, Plateau, New Haven and Danese/Meadow Bridge to not only discuss opportunities in conjunction with the scout project, but also to consider critical updates to the Comprehensive Plan that are unrelated to the Boy Scouts of America Project.

The Fayette County Planning Commission is requesting \$5,000.00 for this project to pay for space, food and for the service of Pat Ford in facilitating these meetings and compiling the update.

The Commissioners received and reviewed from the Department of Agriculture informing that Harvey "Eddie" Young has completed the Farm Census of 2009 and has satisfactorily complied with the requirement of the Farm Statistics Law. Mr. Young is eligible to receive compensation of \$4,389.00 from the County Court according to Chapter

7, Article 7, Section 6C of the New Code of West Virginia. The Commissioners approved.

The Commissioners received and reviewed an invitation from the High Country Garden Club inviting the Commission to their Open House at the new Corliss Community Center in Corliss on Saturday, October 3, 2009 from 10:00 a.m. to 3:00 p.m.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 18, to September 24, 2009, amount \$20.00.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period of August 22, to September 22, 2009.

The Commissioners received and reviewed checks from the Tax Division for Fiscal Year 2009 Motor Fuel Excise Tax Refund, amount \$27,991.01, a check from the WV Department of Health and Human Resources for the Community Corrections (Drug Testing) reimbursement, amount \$154.45, a refund check from King Coal Chevrolet, amount \$53.32.

The Commissioners received and reviewed several e-mails from the Public Service Commission regarding Armstrong Public Service District.

The Commissioners received and reviewed an e-mail giving an Update on the Dunloup Creek Voluntary Floodplain Buyout.

Commissioner Lopez offered a motion to call an Executive Session to discuss personnel matter. Commissioner Wender seconded. Unanimous.

The Commission meeting was adjourned at 9:45 a.m. The next Commission meeting is scheduled for October 9, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 9, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 9th day of October 2009.

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

Dickie Smith, Maintenance Supervision appeared before the Commission to report the solution he received from Pettit and Pettit Plumbing regarding the foul sewer smell from the downstairs Men's Bathroom.

Mr. Smith told the Commissioners that Pettit and Pettit are in the process of finding a camera to go in and check the pipes.

Mr. Smith told the Commissioners that Pettit and Pettit Plumbing will give an estimate. Mr. Smith will keep the Commission updated.

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

Commissioner Lopez offered a motion to approve and sign application for corrections of assessment for Larry Lee and Phyllis M. White. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Personal Property Tickets for Chad W. Cogar, Ahtasham N. Paul, Kathie Bennett, Robert C. and Virginia Ann Workman, Amie or Gary L. Chappel, Jared and

Lisa Maynor, Arthur Lee Hamilton, and William Jones. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign Real property Tickets (See attached). Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign Refund for Larry Lee and Phyllis White (\$220.32). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and 1st half payrolls, payrolls to be released October 15, 2009. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and signed minutes of September 15 and October 2, 2009. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she has prepared an Order of the Renewal of Existing Additional County Levy that will be held on February 6, 2010, the order and rates are to stay the same for the next 5 years beginning July 1, 2010, July 1, 2011, July 1, 2012, July 1, 2013, and July 1, 2014.

Commissioner Wender offered a motion to sign Order for Renewal of Existing Additional County Levy, and Levy Rates to voters will be three (3) separate issues. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to sign Order to the Democrat and Republican Executive Committee setting forth the number of counting boards for the Special Election. Commissioner Lopez seconded.

Commissioner Wender offered a motion to sign Order to use ballots in lieu of electronic voting equipment for the Special Election to be held on February 6, 2010. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to the Secretary of State Natalie Tennant, the West Virginia State Auditor's Office Ora Ash, and Carl Harris, Prosecuting Attorney asking that they review the "Notice of Special Election for Renewal of Existing Additional County Levy to the Voters of Fayette County."

Commissioner Wender offered a motion that the County not do Saturday early voting. Commissioner Lopez seconded. Unanimous.

David Perry, Chairman Democrat Executive Committee appeared before the Commission to discuss satellite voting.

Mr. Perry told the Commissioners that the Democrat Executive Committee is in favor of setting up satellite voting in the Valley, Meadow Bridge and Pax areas.

Commissioner Wender informed he received a letter from the Republican Executive Committee objecting to Satellite voting.

Discussion was held. The Commissioners asked Kelvin Holliday, County Clerk to send a letter to Gary Lilly requesting that he attend a public hearing at the scheduled Commission meeting on Friday, November 3, 2009 at 10:15 to discuss the satellite voting in Fayette County.

Mr. Perry asked the Commission if they thought about new polling places for Precinct 8 and Precinct 12.

Ms. Holly informed that Chris Perkins, Superintendent of the Fayette County Board of Education is letting them use East End

Elementary School and the Oak Hill Elementary School for the School Bond Election.

Commissioner Eskew asked Kelvin Holliday, County Clerk to check around to see if he can find new locations.

Senator William Laird appeared before the Commissioners to present Governor's Community Participation Grant Award (\$20,000) to the Commission to pave the parking lot at the Fayette County Courthouse (\$16,000) and purchase equipment for the Fayette County 4-H Camp (\$4,000). Also, present were Delegates Margaret Stagers and David Perry.

The Commissioners informed the Senator and the Delegates that the Commission is planning a Recognition for Shirley Love on November 13, 2009 at 11:00 a.m. and would like for them to attend.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services informing Governor Joe Manchin is requesting their presence at a grant award ceremony to be held in the Reception Area of the Governor's Office, in the State Capitol Complex, on Wednesday, October 14, at 10:00 a.m. regarding the Strategic Prevention Framework/State Incentive Grant (SPF-SIG).

Steve Cruikshank, OES Director appeared before the Commission to give an update of the Dunloup Creek Mitigation.

Mr. Cruikshank told the Commissioners' ads are in the Beckley Newspaper and the Fayette Tribune for legal services, appraisal services, and appraisal review.

Mr. Cruikshank told the Commissioners bid opening is October 19, 2009. Can award or present to the Commission their recommendation for

the Dunloup Creek Mitigation at the Commission next scheduled meeting on October 23, 2009?

Mr. Crukkshank told the Commission they should be ready to start when priority order is finalized. They will do ten at a time until money runs out. Mr. Cruikshank asks for guidance from the Commission on the administrative costs, the less they charge, the more money for the buyouts.

Mr. Cruikshank told the Commissioners that the National Resource Conservation Service has already said when next money if approved, (1.5 Million) they will be taking more administrative costs out of that money also.

Commissioner Wender offered a motion that the Fayette County Commission will make their recommendation regarding the Dunloup Creek Mitigation at the next County Commission meeting on October 23, 2009. Commission Lopez seconded. Unanimous.

The Commissioners received and signed from the West Virginia Development Office the 2009 Governor's Community Participation Grant Agreements for SELF Community Action Corporation (\$10,000) to assist with renovation of the Neighbors Community Center and for the Fayette County Starting Points (\$1,000) to replace playground equipment at the facility.

The Commissioners signed Request for Reimbursement to the West Virginia Department of Military Affairs and Public Safety Homeland Security State Administrative Agency (SAA), amount \$93,066.00.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community

Corrections Grant, amount \$17,788.55 for the month of August and the SPF-SIG grant, amount \$11,403.52 for the month of September.

The Commissioners signed an excerpt of minutes for October 28, 2008.

The Commissioners approved to have Canvass of the Special School Bond Election on Friday, October 30, 2009 at 9:00 a.m.

The Commissioners approved to certify the Canvass on Wednesday, November 4, 2009 at 9:00 a.m.

The Commissioners opened the one bid received for the Courthouse Computer System from Software Systems Incorporated, amount \$102,575.40.

Commissioner Wender offered a motion to accept the bid from Software System Incorporated, amount \$102,575.40 pending the recommendation of Ms. Holly. Commissioner Lopez seconded.

Commissioner Wender offered a motion to amend the motion that the Commission will not wait for recommendation they would accept the bid pending Ms. Holly review of the bid. Commissioner Lopez seconded. Unanimous.

Attorney Paul Clay appeared before the Commission to request a Solemn Form Probate of a copy of Last regarding the Estate of Nona Kincaid.

Also present were Attorney James Blankenship and Carl Harris, Prosecuting Attorney.

Attorney Blankenship told the Commissioners he would like to place on the record his objection to taking testimony with respect to that third page do stipulate that what was presented to the County

Commission, however, he did not stipulate that it was for alternative purposes that it was the contested document set forth in his notice of contest here and that the statute clearly states that evidence on the Will that the Commission approved and admitted to probate on January 9, 2009 in your order that ends the case for you, you have no further jurisdiction to take testimony about this Will, this is a technical issue but that is what the law is and that the offering of this document in Solemn Form is not altering the will that has already been admitted to probate, you are doing something that is outside the statute and Mr. Blankenship thinks that taking the testimony of this third page is irrelevant of the decision and should not be taken.

Attorney Paul Clay told the Commissioners the evidence is being presented for the purpose of establishing that the document that was presented was the document that was attached to the will and essentially that's the substance of it.

Alfred Kincaid, Brenda Lilly and Richard Kincaid gave their testimony.

After a brief discussion, Commissioner Wender asked Carl Harris, Prosecuting Attorney since none of the witnesses were able to answer that they were present when the Will was signed or when the third page may or may not been attached but there are three (3) witnesses for the signing of the Will is there anyway the two Attorneys can get depositions from these witnesses. Would this not be an easier solution to the questions that have been asked today?

Attorney Clay informed it would be accepted but his understanding from contact with the witnesses that their testimony would be they don't remember what was attached.

The Commissioners asked both Attorneys to get together a Proposed Findings of Fact and Conclusions of Law and report back in fourteen days.

Carl Thompson appeared before the Commission to give program updates on the Fayette County Rail to Trail Project and the Fayette County Farmland Protection Board.

Mr. Thompson presented a draft of a letter to CSX Real Property asking that they send the work of the appraiser as well as documentation of the qualifications of the appraiser that justifies a higher number than that of the appraisal completed by the Potomac Highlands Appraisal Group.

Mr. Thompson told the Commissioners they are all ready to come back to the table and figure out a way to expeditiously make the Meadow River Corridor purchase happen.

Mr. Thompson told the Commissioners they are working on three farms (Curtis, Kessler and Lively Farms) trying to get some kind of closure.

Aletha Stolar, Director Fayette County Family Resource Network and Carrie Strunk, Director Strategic Prevention Framework State Incentive Grant (SPF-SIG) appeared before the Commissioners to give and update on the Substance Abuse Task Force.

Ms. Stolar presented the Brownsfield Grant authorizing Commissioners Eskew to sign to the Commissioners.

Commissioner Wender offered a motion to authorize Commissioner Eskew to sign Brownsfield Grant for the Family Resource Network (FRN). Commissioner Lopez seconded. Unanimous.

Ms. Stolar gave an update on the discount prescriptions.

Ms. Stolar told the Commissioners that the Substance Abuse Task Force is in the process of creating a Substance Abuse Discussion Guide. The Fayette County Prevention Partnership is funding the layout and design cost.

Ms. Stolar asked the Commission if they would fund the printing of the booklet.

Commissioner Wender offered a motion that the Fayette County Commission will pay up to \$2,000.00 for brochures for the Substance Abuse Task Force to the Family Resource Network (FRN). Commissioner Lopez seconded. Unanimous.

Ms. Stolar asked the Commissioners if they could use the Memorial Building to host the county-wide action forum for the Substance Abuse Task Force.

Commissioner Wender offered a motion to approve the use of the Fayette County Memorial Building for the Substance Abuse Task Force to host the county-wide action forum on December 3, 2009. The rental fee will be waived. Commissioner Lopez seconded. Unanimous.

James Lively, Sr. and Mike Lively appeared before the Commissioners to ask that the Commission implement and maintain an effective Safety and Loss Control Program for employee workers' compensation claims.

Mr. Lively asked the Commission to create a Safety Committee.

Commissioners Wender suggested sending letters to the Elected Officials, Department Heads and the Safety Coordinator (Kelvin Holliday, County Clerk, Daniel Wright, Circuit Clerk, Steve Kessler, Sheriff, Carl Harris, Prosecuting Attorney, Eddie Young, Assessor, Steve Cruikshank, Director OES, David Neal, Director 9-1-1, Earl Pauley, Park Superintendent, Dickie Smith, Maintenance Supervisor, and Debbie Aliff, Safety Coordinator) asking that on or before Friday, October 16, 2009 to submit to the Safety Coordinator the name of their representative to be a member of the said committee.

Commissioner Wender offered a motion to appoint Debbie Aliff, Safety Coordinator to the Safety and Loss Control Program. Commissioner Lopez seconded. Unanimous.

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

Commissioner Wender offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Desiree Catalano, Josephine Wooten, Wayman and Phyllis Gallman, Sr., Rex Allen and Christina Thomas, Tomco Enterprises, Inc. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing that Stephens Auto Center has contacted him and advised him that the four vehicles that were ordered for the Sheriff's Department are in and enclosed the invoice for payment in the amount of \$87,760.00.

The Commissioners received and reviewed an e-mail from David Neal, E911 Coordinator giving an update on the progress in finding an alternate location for the 911 Center and offices.

Mr. Neal told the Commissioners the building is the former CAMCARE and Roaring Rivers locations at Maple Lane, Fayetteville, WV. The cost would be slightly more than \$820,000.

The Commissioners voted that they did not want to pursue said facility and to take the building off the list of possible sites.

The Commissioners received and reviewed a letter from Brian Sparks, Agriculture Agent WVU Extension Service informing he has located two sites in front of the Courthouse that would be sufficient to plant an evergreen tree. The first choice would be the site located to the left of the statue that stands in the front lawn. The second site would be to the right-hand side of the statue but appropriate distance from the sidewalk.

The Commissioners approved area on left of the statue close to the bike rack.

Commissioner Wender informed the Commissioners that Bill Keeney was fully aware that the Commission did not approve the survey of courthouse grounds. But his crew came and did a survey.

The Commissioners received and reviewed an e-mail from Barry Crist asking the Commission if they have any cars they could donate to the auto class at Fayette Institute of Technology.

Commissioner Wender asked Ms. Holly if she would check with Earl Pauley, Park Superintendent to see if there are any cars that the County could donate.

Ms. Holly told the Commissioners that Mr. Pauley has 2 vehicles to donate for the auto class at FIT.

The Commissioners approved to donate the 2 vehicles to the auto class at Fayette Institute of Technology (FIT).

The Commissioners signed Sales Tax Report for the 3rd Quarter for the Fayette County Park, amount \$1,007.40

The Commissioners signed a letter to express its desire for funding the Neighborhood Stabilization Program (NSP) application by the Southern Appalachian Labor School (SALS) to acquire and rehabilitate the abandoned and vacant Regina Apartments in Gauley Bridge.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties informing they have partnered with the West Virginia Courthouse Facilities Authority, the West Virginia Public Broadcasting, and The Walkabout Company on an exciting documentary project of the "West Virginia's Historic Courthouses."

The Commissioners received and reviewed a message from Senator Bill Laird informing that a meeting has been scheduled with the West Virginia Development Office regarding Regina Apartments on Thursday, October 15, 2009 at 10:00 a.m.

The Commissioners received and reviewed a Remittance by the Assessor to the West Virginia State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$96.00 for the month of September.

The Commissioners received and reviewed Public Notice from the West Virginia Division of Labor regarding the prevailing hourly rate of wages in the localities in this state.

The Commissioners received and reviewed a copy of a letter to Sheriff Steve Kessler from the Department of Justice informing that the Office of Justice Programs has approved his application for funding under the Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant Program: Local Solicitation in the amount of \$21,505 for Fayette County.

The Commissioners received and reviewed a letter from BrickStreet Insurance inviting the Commission to attend the Annual Meeting of Members of West Virginia Employers' Mutual Insurance Company dba BrickStreet Mutual Insurance Company. The meeting will be held at the Company's headquarters at 400 Quarrier Street, Charleston, West Virginia on October 26, 2009 at 8:30 a.m.

The Commissioners received and reviewed a letter from the Nicholas County Community Corrections informing Sara Horrocks will begin employment with the Nicholas County Community Corrections Day Reporting Center on October 1, 2009 at a salary of \$23,500 annually.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council inviting the Commission to attend the celebration of the opening of their new offices at 885 Broad Street, Suite 100 in Summersville to be held Wednesday, October 21, 2009 at 6:00 p.m.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements for the period September 1, 2009 to September 30, 2009.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Service enclosing a copy of the Dunloup Creek Project Agreement #69-3D47-29-3.

The Commissioners received and reviewed a telephone message from David Pence regarding Gary Bateman property.

The Commissioners received and reviewed a letter from the law office of Maroney, Williams, Weaver and Pancake, PLLC to the Workers' Compensation Office of Judges informing that on behalf of Carl D. Dancy (Case ID #00J-A307-005674) they withdraw their protest to the notice dated September 2, 2009.

The Commissioners received and reviewed a fax from the County Commissioners' Association of West Virginia.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report for the month of September, Allotment to the New River Humane Society, amount \$13,274.03 for the month of October, and Weekly Fees Collected for the week of September 25 to September 30, 2009, amount \$201.00 and the week of October 1, 2009, amount \$70.00.

The Commissioners received and reviewed checks for 911 Fees from DPI Teleconnect, LLC, amount \$89.40 and the Public Service Commission, amount \$169,910.62; Franchise Fees check from Shentel, amount \$2,787.44; the WV Development Office for New River Health Center, amount \$6,000.00, Appalachian Heritage Education, amount \$6,999.98; Soldiers and Sailors Memorial Fund, amount \$75.00; Travelers Insurance, amount \$4,089.55; Reimbursement City of Beckley-DUI Patrol,

amount \$\$1,286.84 and WV Department of Health and Human Resources Community Corrections Drug Screening, amount \$69.00.

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

The Commissioners received and reviewed an e-mail from Kelvin Holliday regarding satellite voting locations.

The Commissioners received and reviewed an e-mail from Steve Cruikshank, OES Director regarding questions to the Natural Resources Conservation Service (NRCS) regarding the Dunloup Creek buyout.

The Commissioners received and reviewed an e-mail from Dave Pollard, County Resource Coordinator to the elected officials informing the Courthouse records preservation grants are due November 1, 2009, will need to have their information in his office no later than Tuesday, October 13, 2009.

The Commissioners received and reviewed an e-mail from the West Virginia Division of Criminal Justice Service to the Commissioners informing Governor Joe Manchin is requesting their presence at a grant award ceremony to be held in the Reception Area of the Governor's Office, in the State Capitol Complex, on Wednesday, October 14, 2009 at 10:00 a.m.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Chris Perkins, Superintendent Fayette County Board of Education informing him that the canvass of the Special School Bond Election will be held at 9:00 a.m., on Friday, October 30, 2009 on the 3rd floor of the Fayette County Courthouse. A quorum of the members of the Board of Education must be present.

Also, pending the completion of the canvass on October 30, 2009, the certification of the election is scheduled for 9:00 a.m. on Wednesday, November 4, 2009 in the County Commission meeting room. A quorum of the members of the Board of Education must be present.

The Commissioners received and reviewed an e-mail to John David from Rachel Davis regarding housing for the National Civilian Community Corps. (NCCC).

Commissioner Wender asked that Tom Syner scheduled appointment for October 9, 2009 at 11:30 a.m. be cancelled. Everything is ok with Suddenlink and Shentel.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Carl Thompson informing that the Division of Highways has awarded to Fayette and Greenbrier Counties a \$264,000 grant under the Federal stimulus through West Virginia Division of Highways for the Meadow River Rail Trail.

Also, the Meadow River Rail Trail project will be getting \$80,000 through the West Virginia Division of Highways Rails/Trails Program for acquisition and development, in addition to the Stimulus money.

The meeting was adjourned at 12:45 p.m. The next scheduled meeting is October 23, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 23, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 23rd day of October 2009.

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

Mary K. Weatherford presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Alvin or Bonnie Amick, Jack R. or Barbara Ridenour, Deligne Sales and Services, Inc., G B & M, Inc., HVT Inc./Honda Lease Trust, and Chase Auto Finance Corp. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tickets for Roy H. Kincaid, etux, Thomas P. Hurley, Bradie Workman, Tony and Jonathan Reese, James A. Spade, Enervest Management, Eastern American Energy, Lloyd Frederick Ruff, Lloyd and Hattie Walker, Brian Stephen Love, Shirley and Ben Love, Janice Reynolds, and Frederick T. and Chanelle Kinney. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for HVT Inc./Honda Lease Trust (\$480.39), Chase Auto Finance Corp. (515.30), Roy H. Kincaid (\$150.16), and Lena Jones (\$329.17). Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approve 2nd half payrolls, to be released on October 30, 2009. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Mary Kathryn Gresham and Ronald J. Lee. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and signed minutes of September 25, 2009. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of November 2009.

The Commissioners received and reviewed from Region 4 Planning and Development Council two drawdown request one for the New Haven Public Service District-Stringtown Road Water Extension, Project #08SCBG0031X, amount \$29,389.39 and one from the Page-Kincaid Public Service District-Ingram Branch Wastewater Project, Project #04SCBG0057, amount \$253,148.43.

Commissioner Wender offered a motion to approve drawdown request for the New haven Public Service District-Stringtown Road Water Extension, amount \$29,389.39. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve drawdown request for the Page-Kincaid Public Service District-Ingram Branch Wastewater Extension, amount \$253,148.43. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to the Fayette County Health Department requesting that they establish two "Flu Shot Clinics" in each of the following various location throughout Fayette County

during the month of October or November 2009 for Smithers, Gauley Bridge, Meadow Bridge and Ansted.

The Commissioners received and reviewed a request from Kelvin Holliday, County Clerk requesting a computer printer for the early voting computer, cost would be \$249.00.

Commissioner Lopez offered a motion to approve purchase of a Lexmark E250DN Printer for the early voting computer, cost \$249.00. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Ben Argento Basketball League requesting use of the Memorial Building for their upcoming basketball season 2009-2010.

Commissioner Lopez offered a motion to approve the request of the Ben Argento Basketball League to use the building for the upcoming basketball season pending no conflict of schedule. The \$1,000.00 rental fee will be waived, and the custodial and trash service fees requirements will not be waived on game days. All other rules are applicable including insurance, and responsible adult supervision is required at all times. Commissioner Wender seconded. Unanimous.

The Commissioners received a letter from the Division of Criminal Justice Services informing they approved funding in the amount of \$74,130.00 for a Strategic Prevention Framework State Incentive Grant (SPF-SIG). To formalize the acceptance of this grant award the Commission has to sign the contract and the certification where indicated and return the originals.

Commissioner Wender offered a motion to sign contract for the Strategic Prevention Framework State Incentive Grant (SPF-SIG) for \$74,130.00. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Fayette County Sheriff Department attaching a copy of the Agreement for the Legislative Digest in the amount of \$9,000 for the Sheriff's Office from the Governor's Community Participation Grant Program.

The Commission informed they are required to abide by all of the terms of the agreement and submit invoices dated, and marked "Approved for Payment" to the Commission, they will submit the request for reimbursement to the West Virginia Development Office.

The Commissioners signed a letter to Roy A. Smith, Guard Commander attaching a copy of the Agreement for the Legislative Digest in the amount of \$3,000 for the Honor Guard from the Governor's Community Participation Grant Program.

The Commission informed they are required to abide by all of the terms of the agreement and submit invoices dated, and marked "Approved for Payment" to the Commission, they will submit the request for reimbursement to the West Virginia Development Office.

The Commissioners signed the West Virginia County Records Management and Preservation Grant for Fiscal Year 2010-11.

The Commissioners received a request from Deborah Tate, WV Extension Agent requesting a 30" Over-the-Range Microwave.

Commissioner Lopez offered a motion to approve purchase of a 30" Microwave for the WVU Extension Office. Commissioner Wender seconded. Unanimous.

David Neal, E911 Coordinator appeared before the Commission to discuss the letter the Commission received from Judge Hatcher regarding a request for a CD of a felony jury trial and being told that Mr. Neal was the only person who could obtain the information and that he would not return until tomorrow.

Mr. Neal informed the Commissioners he has someone to take care of request when he is unavailable.

After a brief discussion, Carl Harris, Prosecuting Attorney told the Commissioners he would address the problem with Judge Hatcher.

At 9:50 a.m., Commissioner Lopez offered a motion to go into an Executive Session to discuss a personal matter. Commissioner Wender seconded. Unanimous.

The Commission reconvened the County Commission meeting at 10:30 a.m.

Attorney Grady Ooten appeared before the Commission to present an Annexation of certain additional territory into the municipality of Fayetteville.

After reviewing Petition and map, Commissioner Wender offered a motion to approve the annexation for 49.898 acres owned by Gary Griggs into the municipality of Fayetteville. Commissioner Lopez seconded. Unanimous.

Steve Cruikshank, OES Director and Theresa White appeared before the Commission to give an update on the Dunloup Creek buyout.

Theresa White presented a check for one dollar (\$1.00) for the Hazard Mitigation Property Lease from Jack and Verlana Atha.

Commissioner Lopez offered a motion to accept the \$1.00 from Jack and Verlena Atha for the hazard Mitigation Property Lease.

Commissioner Wender seconded. Unanimous.

Ms. White presented a Bid Summary for the Dunloup Creek buyout to the Commissioners.

Ms. White told the Commissioners she received Legal Services Bid from James Blankenship Law Office, Appraisal Services Bid from Mike Tyree, and appraisal Review Services Bids from Ron Sedlock and Rick Goodall. The bids are pending review by the Prosecuting Attorney's Office for final contracts.

Ms. White told the Commissioners she received a letter from the Department of Military Affairs and Public Safety Division of Homeland Security and Emergency Management informing the 2010 HMEP Planning Grant application has been approved in the amount of \$5,000.00.

These funds will be used in assistance in hiring a consultant to compile data from the county as well as surrounding areas, type them according to the NIMS criteria, have them loaded into the E-Team site, and create a working database for use in situation such as emergency and non-emergency events; funding to purchase NOAA weather band radios for residents in the Prince/Terry area of the county who have no cell coverage and extremely; funding to produce a newsletter and; funding to cover the materials needed for distributing their Emergency Operation Plan (EOP).

The Commissioners signed a letter to Governor Joe Manchin asking his support for the Fayette County applications submitted under the Neighborhood Stabilization Program.

Senator William Laird, Margo Christian Brooks and Shirley Butler appeared before the Commissioners.

Senator Laird presented to the Fayette County Commission, Ms. Christian Brooks and Ms. Butler letters from Governor Joe Manchin thanking the Commission for their Fiscal Year 2009 application to the Governor's Community Participating Grant Program Awards.

Senator Laird told the Commissioners that he and Delegate Dave Perry were pleased to approve their request in the amount of \$10,000.00 to assist with the renovation of the Neighbors Community Center donated to the SELF Community Action Corporation by the Fayette County Board of Education and a request in the amount of \$2,000.00 to purchase supplies and pantry items for the Fayette County Starting Points.

Commissioner Wender offered a motion at 11:15 a.m. to go into an Executive Session to discuss a personnel matter. Commissioner Lopez seconded. Unanimous.

The Commissioners reconvened the County Commission meeting at 11:45 a.m.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing they have reappointed, Tommy Harris, a member of the Board of Directors of the Fayette County Solid Waste Authority effective immediately.

The Commissioners received and reviewed a letter from The Walkabout Company regarding the documentary of West Virginia's Historic Courthouse. This 1-hour documentary will feature county courthouses that have a unique history and architectural style and the

Fayette County Courthouse is one of the 15 that will be shown in the documentary.

The Walkabout Company is requesting that the Fayette County Commission will help support the documentary through a contribution. Currently, contributions range from \$500 to \$5,000.

Commissioner Wender offered a motion to contribute \$500.00 to the West Virginia Association of Counties to assist in making the "West Virginia's Historic Courthouses" documentary available to libraries, schools, CVB's and other venues. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Committee on Agriculture informing they met this afternoon in an open business meeting and considered the Cape Code Water Resources Restoration Project and the Dunloup Creek Voluntary Floodplain Buyout, as required by the Watershed Protection and Flood Prevention Act, P. L. 83-566. The projects were approved by a voice vote in the presence of a quorum.

The Commissioners received and reviewed a letter from the Division of Highways enclosing the proposed Agreement for the Meadow River Rail Trail project funded by the American Recovery and Reinvestment Act 2009 (AARA) (State Project Number U313-MEA/DO-2) in Greenbrier/Fayette Counties.

Commissioner Wender asked Carl Harris, Prosecuting Attorney to review and advise.

The Commissioners received and reviewed the 7.5% allocation to the New River Convention and Visitors Bureau for July, August and September 2009, amount \$8,755.73.

The Commissioners received and reviewed a telephone message from Steve Pilato requesting to be scheduled on the November 13, 2009 agenda to have a Recognition for O. T. Sizemore. The Commissioners asked that this be scheduled for November 23, 2009 at 11:00 a.m.

The Commissioners received/reviewed and approved an invoice from the Division of Water and Waste Management for the Fayette County Sportsman Recreation, amount \$40.50 for Groundwater Protection Fee (\$13.50) and WVNPDES Annual Permit Fee (\$27.00).

The Commissioners received and reviewed a letter from the Southern Conservation District informing they received a call from Carl Thompson informing the Fayette County Farmland Protection Board has requested the District to appoint Randy Prince a member of the Fayette County Farmland Protection Board.

The Commissioners received and reviewed a letter from the Office of the State Auditor informing they have received and reviewed our "Notice of Special Election for Renewal of Existing Additional County Levy to the Voters of Fayette County." The property values we are using and the estimated revenues are correctly calculated.

The Commissioners received and reviewed from the West Virginia Development Office a letter enclosing our copy of the executed grant award, state/local contract, and program forms for the Fayette County Commission-Sheriff's Department Governor's Community Participation

Grant, Project #09LEDA0125 and the Fayette County Commission-Honor Guard Governor's Community Participation Grant, Project #09CPGP0013.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk to Gary Lilly informing a Public Hearing Notice regarding satellite voting. The hearing is to be held Friday, November 13, 2009 at 10:15 a.m.

The Commissioners received and reviewed from the West Virginia Division of Criminal Justice Services a Grant Adjustment Notice for the Fayette County Day Report Center.

The Commissioners received and reviewed from the West Virginia Division of Criminal Justice Services a Grant Adjustment Notice for the Fayette County Community Corrections Program.

The Commissioners received and reviewed an invitation from the Town of Fayetteville along with Fayetteville Fairs and Festivals inviting the Commission to participate in Fayetteville's 6th Annual Christmas Parade to be held on December 12, 2009.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing that as of September 30, 2009 the securities held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing securities pledged to the Fayette County Commission as of September 30, 2009.

The Commissioners received and reviewed a letter from the West Virginia Public Employees Insurance Agency informing their Auditors

are auditing their financial statements and wish to obtain direct confirmation of amounts owed to them as of June 30, 2009.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Service enclosing a fully executed copy of the Project Agreement-Dunloup Creek Real Property Agreement #69-3D47-29-2. Copies forwarded to Carl Harris, Prosecuting Attorney and Steve Cruikshank, OES Director.

The Commissioners received and reviewed from the West Virginia Development Office a Notice of Grant Award change for SCBG Stringtown road Water Extension.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing the agenda and registration form for the Energy Efficiency Community Block Grant Planning Meeting scheduled for November 5, 2009 at the Flatwood Hotel and Conference Center.

The Commissioners received and reviewed the Fiscal year 2009 Community Participation Program application for Minden Kwanza Community Playground.

The Commissioners received and reviewed a thank-you card from the Morris Creek Watershed Association thanking the Commission for supporting its EPA Brownfields grant application.

The Commissioners received and reviewed Traffic Crash Report from the Sheriff Office for Deputy P. J. Pack.

The Commissioners received and reviewed a letter from the Secretary of State regarding election costs and income received from HAVA funded equipment.

The Commissioners received and reviewed a letter to the Environmental Management Support, Inc. regarding Submittal of EPA Brownfields Community Wide Hazardous Assessment Grant Application for the Fayette County Dilapidated Building and Beautification Committee.

The Commissioners received and reviewed the Notice of Request for Construction Bids for Walks and Wall Repair at the Fayette County Courthouse Complex.

The Commissioners received and reviewed an invitation from the Fayette Senior Programs inviting the Commission to attend their Halloween Party at 108 Lewis Street on Friday, October 30, 2009 from 10:00 a.m. to 1:00 p.m.

The Commissioners received and reviewed a letter from the Summersville Memorial Hospital informing that effective January 1, 2010 the name of the Hospital shall be operated in the name of the City of Summersville d/b//a Summersville Regional Medical Center.

The Commissioners received and reviewed an invitation from Plateau Medical Centers inviting the Commission to attend the Plateau Medical Centers Orthopedic Unit Open House and Ribbon Cutting Ceremony on Friday, October 23, 2009 from 3:30 p.m. to 6:00 p.m.

The Commissioners received and reviewed an invitation from the National Park Services inviting the Commission to participate in the New River Gorge National River Climate Friendly Parks Workshop being held November 4-5, 2009 at Tamarack Conference Center.

The Commissioners received and reviewed a telephone from Steve Tyree called to register a complaint regarding a County-owned vehicle License #76528.

The Commissioners received and reviewed acknowledgment of a claim from Travelers Insurance (Claim #EGV0885).

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

The Commissioners received and reviewed a letter from BrickStreet Mutual Insurance Company informing the legal order dated September 17, 2009 denied the claim has been corrected. BrickStreet Insurance has now approved the claim for knee strain/sprain for Deborah K. Aliff.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the 75% Distribution of Coal Severance Tax will be directly deposited on October 26, 2009, amount \$148,815.57, the 25% Distribution of Coal Severance Tax will be directly deposited on October 26, 2009, amount \$32,329.25 and the funds due for the September 2009 Table Games will be directly deposited on October 16, 2009, amount \$3,713.51.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of October 2 to October 8, 2009, amount \$150.00 and the week of October 9 to October 15, 2009, amount \$235.00

The Commissioners received and reviewed checks for 911 Fees from Citizens Communications Company, amount \$45.10, Verizon, amount \$25,386.98, Mountain Communications, LLC, amount \$87.71, Granite Telecommunications LLC, amount \$200.00, Cebridge Telecom, WV d/b/a Suddenlink, amount \$5,356.00, 8x8, Inc., amount \$80.00, Level 3 Communications, LLC, amount \$212.00, AT&T Communications of WV, amount

\$372.00, IDT Corporation, amount \$14.00, Vonage Tax Account, amount \$254.00; Franchise Fees from Suddenlink Communications \$45,367.08; Department of Health and Human Resources, Community Correction Drug screen, amount \$3,078.00; Supreme Court FLM rent, amount \$4,725.00; WV Courthouse Facilities Improvement Authority-Water Remediation Project, amount \$20,224.00; Compton Office Machine refund County Clerks' Cash Register maintenance, amount \$98.44; Travelers Insurance, amount \$77.05; WV Development Office-ARCP Danese PSD/SALS, amount \$14,835.11; Criminal Justice Service-Community Corrections, amount \$56,889.83 and Fayette County URA-Mountaineer Grading Co., amount \$9,029.99.

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

The Commissioners received and reviewed an e-mail from John David regarding a letter of support for the Fayette County-Based Neighborhood Stabilization Program Grant Application.

The Commissioners received and reviewed an e-mail from Jessica Brinton informing Congressman Nick Rahall helps Meadow River Rail-Trail Project get a boost from the National Park Service.

The Commissioners received and reviewed an e-mail from John David to Alice King, Region 4 Planning and Development asking if funds can be used for mattresses in the dorm's bunk rooms.

The Commissioners received and reviewed an e-mail from Brian Sparks regarding getting on the agenda to discuss the evaluation of every tree on the courthouse lawn.

The Commissioners received and reviewed an e-mail from Barry Crist regarding donation of cars for the Automotive Technology Class at Fayette Institute of Technology (FIT).

The Commissioners received and reviewed an e-mail from Jessica Farrish asking when the next County Commission would be held.

The Commissioners received and reviewed an e-mail from Margo Christian-Brooks regarding the Minden playground project.

The Commissioners received and reviewed an e-mail from John David to Alice King, Region 4 Planning and Development Council requesting a tally of their current total costs of the DORM.

The Commissioners received and reviewed an e-mail from Connie Lupardus, Director CAEZ of WV to Mayor Pete Hobbs informing that at a meeting today of the Fayette County-Based Neighborhood Stabilization Program grants she heard that there were 22 grants totaling \$50,000,000 dollars in requests and that it would be a political decision. Ms. Lupardus suggested to Mayor Hobbs to send letters and/or phone calls to the Governor in support of their proposal and to his Senators, Delegates and another letter to Nick Rahall for their support.

The meeting was adjourned 11:50 p.m. The next scheduled meeting is November 4, 2009.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 30, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

Others Present: Carl Harris, Prosecuting Attorney, Members of the Fayette County Board of Education David L. Arritt, Leon Newman, Leon Ivey, Steven Bush, James E. Workman and Chris Perkins, Superintendent

The Fayette County Commission met in a special session on this 30th day of October to canvass the Fayette County Board of Education Special School Bond Election.

Commissioner Eskew called the Commission meeting to order at 8:30 a.m.

Ms. Holly presented the bids that were previously advertised for the 9-1-1 PSAP Computer Telephony Integrated (CTI) Telephone System for the Fayette County 9-1-1 Center.

Ms. Holly told the Commissioners they received two (2) bids one from Motorola Sales and Services, Inc. and the other from Hughes Supply Company.

The Commissioners opened and reviewed bids from Motorola (\$297,967.04) and Hughes Supply Company (\$228,969.10).

The Commissioners asked Ms. Holly to forward the bids to David Neal, E911 Coordinator to review for compliance with the specs and make a recommendation to the Commission.

Commissioner Wender offered a motion to approve releasing check to the Town of Smithers for dump truck, amount \$3,000.00. Commissioner Lopez seconded. All approved.

The Commissioners approved and signed the Governor's Community Participation Grant Program Contract between the West Virginia Development Office and the Fayette County Commission for Fayette County Starting Points, amount \$2,000.00.

Commissioner Eskew signed Applications for Certificate of Titles for four (4) 2010 Ford Truck Explorers for Law Enforcement.

Ms. Holly signed a letter to the Division of Motor Vehicles enclosing applications for certificates of title for four (4) 2010 Ford Explorers.

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

The Commissioners received and reviewed a copy of a letter to Chief Judge John W. Hatcher, Jr. from David Neal, E911 Coordinator regarding response to his letter dated October 9, 2009 regarding the delay of the commencement of a felony trial.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk regarding precinct changes for precincts 5, 8, and 12.

The Commissioners received and reviewed a letter from the West Virginia Division of Energy regarding Senate Bill 1011-Land Use Master Plans of Surface Mined Properties.

The Commissioners received and reviewed Application for Employment from Nancy Lee Smith.

The Commissioners received and reviewed a letter from Attorney Paul Clay enclosing copies of Petitioner's Proposed Findings of Fact and Conclusions of Law in the Estate of Nona I. Kincaid.

The Commissioners received and reviewed the updated list of the Planning Commission members.

The Commissioners received and reviewed a letter from the Division of Highways requesting assistance in making available (to anyone who wishes to review them) the modified listing of proposed amendments to the approved 2009-2014 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed a telephone message from the County Commissioners' Association of West Virginia asking the Commission if they will be attending the Regional 3 Round Table Meeting being held Monday, November 2, 2009 at the Nicholas County Courthouse.

The Commissioners received and reviewed a letter from Governor Joe Manchin thanking the Commission for contacting his office regarding their wishes to strongly express its desire for funding the Neighborhood Stabilization Project application by the Southern Appalachian Labor School (SALS)

The Commissioners received and reviewed a letter from the West Virginia Development Office informing they have completed their review and determined that no findings or matters of concern were noted with regard to the HUD-Small Cities Block Grant fund and reminded the Commission that a copy of the report must be provided to the Federal Audit Clearinghouse at Bureau of the Census, 1201 East 10th Street, Jeffersonville, IN 47132.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of October 16 to October 22, 2009, amount \$120.00.

The Commissioners received and reviewed correspondence from the Workers' Compensation Office of Judges regarding Carl D. Dancy, Claimant.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period September 23, 2009 to October 22, 2009 and for the period October 1 to October 23, 2009.

The Commissioners received and reviewed minutes of the Fayette County Planning Commission meeting of October 26, 2009.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the funds due for the September Limited Video Lottery proceeds will be directly deposited on October 26, 2009, amount \$5,917.20.

The Commissioners received and reviewed an invitation from the American Red Cross Fayette-Nicholas Chapter inviting the Commission to attend their 16th Annual Christmas Festival Arts and Crafts Show being held Saturday, November 7, 2009 at the Lewis Community Center from 9:00 a.m. to 5:00 p.m.

The Commissioners received and reviewed a fax from the County Commissioners' Association of West Virginia regarding mandatory collective bargaining for Public Safety Employees.

The Commissioners received and reviewed checks from the Division of Human Services for Family Resource Network (FRN), amount \$10,000.00 and for Reimbursement for Communication Corrections Drug Screen testing, amount \$69.00; check from Jackie & Verlana Atha for rent, amount \$1.00; check from Secretary of Military Affairs and Public

Safety for 911 Fund, amount \$93,066.00; and a check from Nationwide Insurance, amount \$4, 129.79.

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

The Commissioners received and reviewed an e-mail from Bobby Meadows regarding the \$7,000 Grant for the Fayette County Shooting Range.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Allen Ballard regarding the wiring on the 3rd Floor.

The County Commission meeting was adjourned at 9:20 a.m.

The Commission reconvened for Canvass of the Fayette County Board of Education Special School Bond Election at 9:20 a.m.

The Commissioners and the Fayette County Board of Education Members signed the Abstract by Voting Precincts for the Special School Bond Election held October 24, 2009 for All Voting Precincts.

The Commissioners will meet on November 4, 2009 at 9:00 a.m. to certify the Canvass.

The Commissioners adjourned the Canvass at 11:45 a.m. The next scheduled meeting is November 4, 2009.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
NOVEMBER 4, 2009
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 4th day of November 2009.

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

The purpose of this special meeting is to certify the Fayette County Board of Education Special School Bond Election held October 24, 2009.

Ms. Holly presented an Order certifying the Fayette County Board of Education Special School Bond Election to the Commissioners.

Commissioner Wender offered a motion that the Fayette County Commission certifies the Fayette County Board of Education Special School Bond Election held on October 24, 2009. There was no request for a recount. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners and the members of the Fayette County Board of Education signed the Abstract by Voting Precincts for the Fayette County Board of Education Special School Bond Election.

The Commissioners signed a letter to the Secretary of State enclosing the certificate of the results of the Fayette County Board of Education Special School Bond Election held in Fayette County on the 24th day of October 2009.

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

Attorney Greg Hewitt appeared before the Commission to request use of the Fayette County Soldier's Memorial Building for the purposes of training a youth indoor soccer team.

After a brief discussion the Commission informed Mr. Hewitt they had denied prior request due to the nature of the sport and the physical damage it would do to the building.

Commissioner Wender offered a motion to approve and welcome request of Greg Hewitt's willing to coach, but consistent with prior requests to use the Memorial Building for soccer training and practice, the Commission will have to deny Mr. Hewitt's request to use the Memorial Building to train a youth indoor soccer team. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed to unlock the Votomic Room for Kelvin Holliday, County Clerk.

Commissioner Wender informed the Commissioners that he was told by Roger Wilson with Georgia Pacific that they are going to announce an 80% lay-off due to housing market.

The Commissioners signed W-9 Request for Taxpayer Identification Number and Certification for the Bank of New York Mellon.

The Commissioners received and reviewed a Petition from the Greentown Residents and Home and Property owners against Greentown Road renamed as McQuade Road.

Commissioner Wender asked Ms. Holly to have David Neal, E911 Coordinator to investigate complaint and advise the Commission at 11:00 a.m. on November 13, 2009 at their County Commission meeting.

The Commissioners received and reviewed a letter from Delma Sparks Keffer regarding overpayment of taxes for tax 2005, 2006, 2007, and 2008. A copy of the letter forwarded to Eddie Young, Assessor to review and advise.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that an overpayment of taxes for Delma Sparks Keffer, Surf. 32.70 Ac Horse Ck, 10-02-35-29, Account #06247037. This error resulted in an overpayment of taxes for the years 2005, 2006, 2007, and 2008. The Assessor respectfully requests that a credit of future taxes in the amount of \$840.84 be given to Delma Sparks Keffer.

Commissioner Lopez offered a motion that subject to the approval of the Assessor, Delma Sparks Keffer be afforded tax relief for tax year 2005, 2006, 2007, and 2008 in the total amount of \$840.84 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 Wender seconded. Unanimous. Order signed.

Dickie Smith, Maintenance Supervisor appeared before the Commission to discuss the sewer problem in the Courthouse.

Mr. Smith told the Commissioners he had talked with Larry Pettit, Mr. Pettit can go in and repair each and every point in the building. The estimated cost would be \$3,000 to \$5,000. The Commissioners

suggested calling Earl Pauley, Park Superintendent to see he has a backhoe.

Commissioner Wender offered a motion to authorize Larry Pettit to repair exterior of the building. Work would be less than \$5,000. contact Earl Pauley for backhoe or the Town of Fayetteville. If the Town doesn't have a backhoe then Mr. Pauley to look for the lowest bidder. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Larry Pettit to contact Fayette Paving, Inc. or Pannell and Sons.

Ms. Holly informed the Commissioners water is accumulating on the cat walk connecting the Courthouse to old Jail and starting to leak. Ms. Holly told the Commissioners she had contacted Tri-State Roofing and Sheet Metal Company to evaluate. The estimated cost to repair the breezeway roof area is \$2,575.00. The Commissioners approved.

Discussion was held regarding scheduling a Recognition for Senator Shirley Love. The Commissioners asked Commissioner Wender to prepare a Resolution. It was suggested to invite the delegates and the TV media.

After the discussion, Commissioner Lopez suggested canceling the Recognition for Senator Shirley Love.

Ms. Holly informed the Commissioners that Applications for the position for the Staff Accountant are due by 10:00 a.m. Friday, November 20, 2009.

The Commissioners approved purchasing a voice activator for the shooting range if any money is left in the Grant.

Ms. Holly informed the Commissioners that there are two seminars in Charleston that she would like to attend. The Commissioners approved and asked her to take Debbie Berry.

The meeting was adjourned at 10:50 a.m. The next scheduled meeting is November 13, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 13, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 13th day of November 2009.

Commissioner Eskew called the meeting to order at 9:09 a.m.

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

Commissioner Lope offered a motion to approve and sign personal property tickets for James D. and Barbara Preast, Ingrid Davis, Roger W. Slayton, Payton Love, Reginald A. Nieto, Keiling Forestry Consulting, Inc., Mary F. or Ronald R. Perry, and The Video Store. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign real property tickets for Ruth L. Riser, Alfred Ashmore, Jr. etux, Anna Dee Tyree, Randall W. and Linda Mae Black, John T. and Lisa D. Edelman, and Randall L. and Brenda Gillman. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and the 1st half payrolls, checks to be released today. Commissioner Wender seconded. Unanimous.

Commissioner Eskew congratulated Carl Harris, Prosecuting Attorney for being named Democrat of the Year.

The Commissioners signed a letter to the West Virginia Development Office requesting first drawdown for the American Red Cross, amount \$745.95.

Ms. Holly presented the Grant Agreement and Resolution for the Prudence Road Fire Hydrants, amount \$3,000.00 to the Commissioners.

Commissioner Lopez offered a motion to approve and authorize the adoption of the Resolution for the Prudence Road Fire Hydrants. Commissioner Wender seconded. Unanimous. The Commissioner signed Grant Agreement and Resolution.

The Commissioners signed drawdown request from Region 4 Planning and Development Council for the New Haven Public Service District-Stringtown Road Water Extension, amount \$162,594.27.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Day Report Center, amount \$16,912.37.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG Grant, amount \$5,085.91.

Ms. Holly informed the Commissioners that there is a water problem on the roof at the catwalk.

Ms. Holly told the Commissioners she received an estimate of the cost from Tri-State Roofing and Sheet Metal Company for \$2,575.00.

Commissioner Wender offered a motion to approve and authorize Tri-State Roofing and Sheet Metal Company to repair the roof at the catwalk, amount \$2,575.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk informing that the Records Management Board has granted his office a \$10,000.00 grant to digitize and microfilm his civil record's books from 1996 to the present. The Commissioners agreed to the 10% match that is required.

Mr. Wright informed the Commissioners he had contacted three companies skilled in this kind of work. Mr. Wright recommends the Commissioners to approve computer Courthouse Systems.

Commissioner Lopez offered a motion to approve the bid of \$10,000 from Computer Courthouse Systems to digitize and microfilm the civil records' books for Daniel Wright, Circuit Clerk. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Judge John Hatcher regarding the Wiseman Avenue Courthouse door alarm monitoring.

The Commissioners asked Ms. Holly to forward a copy of the letter to Sheriff Steve Kessler to review and advise.

Brian Sparks appeared before the Commissioners to discuss planting a tree on the Courthouse lawn.

Mr. Sparks presented a 2009 Tree Inventory and his recommendations to the Commissioners.

Mr. Sparks told the Commissioners that Bill Keeney sent his crew out to severe the trees. Mr. Sparks presented a preliminary map and recommendations for the hazard trees.

Mr. Sparks told the Commissioners that all the trees should be labeled.

Commissioner Wender offered a motion to advise West Lake the Fayette County Commission will pay the original survey of all the trees identified on the Courthouse property for the cost of \$2,000.00, West Lake to supply maps to the Maintenance Department. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked Mr. Sparks to get estimates on cost of removing trees. Mr. Sparks suggested to Commissioner Wender to have maintenance get the cost.

Commissioner Wender to ask Dickie Smith to get cost of the removal of the trees.

Ross Lewis, Statewide Coordinator and President CWA Local 2007 appeared before the Commission to give a brief summary on the proposed sale of Verizon's Landlines to Frontier Communications.

Mr. Lewis told the Commissioners that this proposed sale is not in the best interest of the consumer or the employees of Verizon and Frontier.

Mr. Lewis told the Commissioners he is here to day to ask the Commissioner to support their Resolution regarding the Proposed Sale of Verizon's Landlines to Frontier Communications.

Mr. Lewis read the Resolution to the Commissioners.

The Commissioners told Mr. Lewis they will take under advisement and get back with them.

Ms. Holly presented bids for Walks and Wall Repair at the Fayette County Courthouse Complex.

Ms. Holly told the Commissioners she received six bids.

The Commissioners opened bids from Radford and Radford, Inc. (\$163,000), Flat Top Construction (\$138,500), Claude Erps Construction (\$283,295), S. W. Noble Construction (\$199,000), Wiseman Construction (\$174,000) and Danhill Construction (\$145,000).

Commissioner Wender offered a motion that Fayette County Commission received and reviewed the six bids and they would forward all bids to Dan Snead to review for compliance and Mr. Snead to negotiate to eliminate some items in the bids that are not necessary in his judgment and make recommendation. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia Division of Energy regarding Senate Bill 1011-Land Use Master Plans of Surface Mined Properties.

The Commissioners asked Ms. Holly to have Dave Pollard, County Resource Coordinator to prepare a response on behalf of the Commission.

The Commissioners received and reviewed a letter from Calantha Quensenberry, Director Fayetteville Convention and Visitors Bureau informing that for completion of the application for the erection of the Civil War Trails marker on the interpreted site of the Fayette County Courthouse property, the first payment of \$200.000 to the Civil

War Trails for maintenance membership will be due upon submission of the marker materials.

Ms. Holly told the Commissioners she forwarded a copy of the letter to Carl Harris, Prosecuting Attorney to review. Mr. Harris informed he see no problem.

The Commissioners approved and signed the Permission for Temporary Easement/Entry Agreement, first payment \$200.00.

David Neal, E911 Coordinator appeared before the Commission to inform them that he received and reviewed the two bids for the purchase and installation of a 9-1-1 PSAP Computer Technology Integrated (CTI) Telephone System for the Fayette County 9-1-1 Center.

Mr. Neal presented to the Commissioners Spreadsheets and explanations of comparisons of Motorola and Hughes Supply Company bids.

Mr. Neal told the Commissioners that Motorola bid is \$297,967.04 and Hughes Supply Company bid is \$228,969.10.

Mr. Neal told the Commissioners he recommends Motorola.

After a brief discussion, Commissioner Wender offered a motion to rebid the 9-1-1 Telephone System bid. There were no second.

Commissioner Lopez offered a motion to approve recommendation of David Neal to accept the bid of Motorola for the 9-1-1 Telephone System. Commissioner Wender seconded. Vote passed 3-0. No further discussion.

Kevin White, Mapping/Addressing informed the Commissioners he investigated the complaint he received from the residents of Greentown Road against changing name to McQuade Road.

Mr. White told the Commissioners he talked with Yonsia Dandridge. Ms. Dandridge has a couple of names she is going to submit (Greenville Road or Greenville Lane).

Mr. White told the Commissioner that he sent a Renaming Petition to Ms. Dandridge to complete.

Mr. White told Ms. Dandridge once he receives the new names they will choose one and then submit the new sign request to the Division of Highway.

Carl Thompson and Bill Robinson from the Division of Highways and a conference call with Brad Tuckwiller of Greenbrier County Commission appeared before the Commission to present Agreement for the Meadow River Rail Trail Project funded by the American Recovery and Reinvestment Act 2009 (AARA).

Mr. Thompson told the Commissioners that it is mandated that a match be paid upfront, if falls through County get money back less what is spent for project i.e. appraisal. Mr. Thompson informed the Commissioners that the deadline is December 4, 2009.

Commissioner Wender offered a motion to enter into an Agreement with Meadow River Rail Trail and the West Virginia Division of Highways that Fayette County Commission will issue a deposit of \$33,000.00 as their match. Fayette County Commission will act as the official agent of this project. Commissioner Lopez seconded. Unanimous.

Brad Tuckwiller, Greenbrier County Commission to mail their check (\$33,000.00) match to the Fayette County Commission November 24, 2009. Fayette County Commission will write check for \$66,000 when match is

received from Greenbrier County Commission to the West Virginia Division of Highways.

Commissioner Wender offered a motion to into an Executive Session at 1:15 p.m. Commissioner Lopez seconded. Unanimous.

The Commissioners reconvened the County Commission meeting at 1:35 p.m. Commissioner Eskew informed the Executive Session was to discuss a personal matter.

Commissioner Wender offered a motion to approve and sign Resolution authorizing Commissioner Eskew to execute Agreement with the State of West Virginia Department of Transportation, Division of Highways-American Recovery and Reinvestment Act 209 (ARRA) funds. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a telephone message from Max Tyree regarding complaint of the roads at Pax.

The Commissioners suggested writing a letter to Donnie Beals of the Division of Highways and copy to Max Tyree asking they investigate the complaints received for roads at Pax.

The Commissioners informed this is not a Fayette County Commission matter. This is in the Division of Highways system.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District recommending that James A. Kincaid, Jr. Be reappointed as a Commissioner for the Page-Kincaid Public Service District.

Commissioner Lopez offered a motion to reappoint James A. Kincaid, Jr. a member of the Page-Kincaid Public Service District. Commissioner Wender seconded. Unanimous.

The Commissioners approved for Carrie Strunk to apply for another SPF-SIG Grant.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk giving various polling places for the three consolidated school sites.

Ms. Holly asked Mr. Holliday if he check the precinct boundaries for the polling places. Mr. Holliday replied no.

The Commissioners asked Mr. Holliday to check precinct boundaries and to check with Carl Harris, Prosecuting Attorney regarding the West Virginia Code.

The Commissioners signed Order and Appointment to Serve letter reappointing James A. Kincaid, Jr. a member to the Page-Kincaid Public Service District.

The Commissioners received and reviewed a letter from the Southern Conservation District recommending that Randy Prince be appointed a member of the Farmland Protection Board.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding application deadline for Fiscal Year 2010-March 22, 2010 SCBG Program.

Commissioner Wender suggested that Dave Pollard, County Resource Coordinator be scheduled on the November 23, 2009 County Commission agenda to discuss the upcoming SCBG Grant applications.

Dave Perry, Chair Democratic Committee appeared before the Commission to discuss satellite voting. Gary Lilly, Chair Republican Committee did not appear.

Mr. Perry told the Commissioners that the Democrat Committee endorses four (4) greater voter participation area-one in the Valley, one across the river, one in Mount Hope and one at the Courthouse.

Carl Harris, Prosecuting Attorney informed the Commissioners that both parties must approve, public should know that Fayette County Commission has met with the Democrat Party they are interested in the change but the Republican Party is a no show.

The Commissioners received and reviewed a letter from Attorney Paul Clay enclosing the Petitioner's Proposed Finding of Fact and conclusions of Law in the Estate of Nona I. Kincaid. The Commissioners asked to hold until November 23, 2009.

The Commissioners received and reviewed a letter from John Haulotte, Lead Veteran with the West Virginia Rosie the Riveter Project requesting a \$500.00 contribution to sponsor their work to find and interview women who worked on the home front during World War II.

The Commissioners received and reviewed a Request for Reimbursement to the West Virginia Department of Military Affairs and Public Safety Homeland Security State Administrative Agency (SAA) for Homeland security Program, amount \$126,825.50.

The Commissioners received and reviewed a letter from Stafford Consultants, Incorporated regarding New Haven Public Service District Contract #15 Beauty Mountain/Shawver Bridge Road-Substantial Completion Inspection.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing minutes of their September and October meetings.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing they have scheduled a monitoring visit for Thursday, November 19, 2009 for the Fiscal Year 2004 SCBG-Fayette County Commission-Page-Kincaid Public Service District Wastewater Extension, Project #04SCBG0057.

The Commissioners signed W-9 Taxpayer Identification Number and Certification for The Bank of New York Mellon.

The Commissioners received and reviewed Contest/Denial of claim in the Estate of William E. Blair. Original forwarded to the County Clerk's Office.

The Commissioners received and reviewed a letter from Randy Cooper #22799 seeking court cost and fees for the last 9 years due to correctional officer's Illegal Acts and misuse of surveillance.

The Commissioners informed this is not an action for the Fayette County Commission gave the original to Carl Harris, Prosecuting Attorney to give to Daniel Wright, Circuit clerk to take care of.

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

The Commissioners received and reviewed a letter from the Fayette Institute of Technology thanking the Commission for their generous contribution of vehicles for the automotive class.

The Commissioners received and reviewed a copy of a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing effective November 2, November 3, and November 4, 2009 Corporal Stephen Gray will be suspended without pay for violation of Sheriff Department Policy.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk requesting that a check be issued to the Fayetteville Postmaster for double post cards for contacting poll officials for the February 6, 2010 Levy Election, amount \$186.00.

The Commissioners received and reviewed a telephone message from Jim Ellison, Pastor Fayetteville Baptist Church requesting to hold a short Candlelight Memorial Service for the soldiers killed yesterday on the Courthouse lawn on November 14, 2009 at 6:30 p.m.

The Commissioners received and reviewed a copy of a letter from the Kanawha County Commission to the Secretary of State Natalie Tennant regarding concerns with the proposed Legislature Rules for HB-2464 rules as well as the proposed revision of the emergency rules.

The Commissioners received and reviewed a fax from the Department of Administration Real Estate Division asking to post public hearing notice regarding Public Land Corporation Hearing Notice being held Thursday, December 10, 2009 at 6:30 p.m.

The Commissioners received and reviewed Remittance by the Assessor to the State Treasurer's Office for Courthouse Facilities Improvement Fund, amount \$111.50 for the month of October.

The Commissioners received and reviewed a notice asking the Courthouse employees to join the GFWC Fayetteville Woman's Club and

the GFWC Fayetteville Jr. Woman's Club in wearing red on Friday, November 13, 2009 in supporting our Veterans.

The Commissioners received and reviewed Account Statement from the Bank of New York Mellon for the period October 1, 2009 to October 31, 2009.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company (BB&T) informing that as of October 31, 2009 listing the securities held by BB&T as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing the securities pledged as of October 30, 2009.

The Commissioners received and reviewed a letter from the State Tax Department certifying that Harvey E. Young, Assessor has substantially complied with the "Assessor's additional duties" as delineated in West Virginia Code 7-7-6a. This entitles Mr. Young to additional compensation of \$15,000.00.

The Commissioners received and reviewed a copy of a letter from PEIA to Debbie Aliff, Payroll Clerk informing that their records indicate that PEIA has an unsettled balance that must be resolved immediately. Enclosed is an invoice for Pre-March 1, 2008 balance of \$1,777.70.

The Commissioners received and reviewed a letter from the Office of the State Auditor enclosing a copy of the Report on Applying, Agreed Upon Procedures of the Fayette County Magistrate Court for the period ending December 31, 2008.

The Commissioners received and reviewed a letter from the Department of the Treasury enclosing an administrative Wage Garnishment Order on behalf of the Department of Defense for Stephen Gray.

The Commissioners received and reviewed an invitation from the New Haven Public Service District and the West Virginia America Water inviting the Commission to the dedication for a water line extension project that benefit's resident in the Beauty Mountain area being held in the Beauty Mountain overlook area along Buckhorn Road, November 20, 2009 at 11:00 a.m.

The Commissioners received and reviewed a copy of a letter from the U. S. Department of the Interior National Park Service to Earl Pauley, Park Superintendent thanking Mr. Pauley for his letter dated May 28, 2009 along with the pictures showing that the following modifications are provided to the Fayette County Park Swimming Pool for person with disabilities.

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

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds for wine, liquor and private club taxes will be deposited on November 5, 2009, amount \$523.05, funds for the October 2009 Table Games will be deposited on November 16, 2009, amount \$3,552.74, and funds for th October 2009 Fayette Lottery will be directly deposited on November 16, 2009, amount \$15.02.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue Report, Activity Report for the Month of October, New River Humane Society Allotment \$14,296.06 for the month of November and Weekly Fees Collected for the week of October 23 to October 29, 2009, amount \$125.00 and the week of October 30 to October 31, 2009, amount \$32.00.

The Commissioners received and reviewed several correspondences regarding the Swine Flue vaccine.

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

The Commissioners received and reviewed several checks for 911 Fees from One Communication, amount \$2,41918, Verizon, amount \$24,997.54, Vonage Tax Account, amount \$254.00 and Matrix Business Technologies, amount \$4.00; Franchise Fees from Shentel, amount \$2,489.57; Jail Fees from the Town of Fayetteville, amount \$47.50; WV Development Office-Lighting Upgrades, amount 43,088.75 and New Haven Public Service District and Page-Kincaid Public Service District, amount \$282,537.82; Criminal Justice Services, amount \$20,110.56; Homeland Security, amount \$1,250.00; Donation Wal-Mart Foundation-LE Tactical Unit and Rescue, amount \$1,000.00; and Soldiers and Sailors Memorial Building Fund-Fayetteville High School and Fayetteville Middle School Dance, amount \$62.68.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ms. Holly requesting that Bill Robinson,

Division of Highways be added to the Agenda to discuss the contract and check on the Meadow River Rail Trail.

The Commissioners received and reviewed an e-mail from Anderson and Associates, Inc. regarding applying for funding from the West Virginia Department of Transportation Recreational Trails (RT) Program, forms are due on December 15, 2009 applications are due on February 15, 2010.

The Commissioners received and reviewed an e-mail from the Public Service Commission informing that the Governor has directed the West Virginia Department of Health and Human Resources to create and maintain a website dedicated to the H1N1 (also known as Swine Flue) with the most accurate and up-to-date information available. That website is www.wvflu.org.

The Commissioners received and reviewed an e-mail from Mike Shumate to Commissioner Wender regarding Dunloup Creek Watershed.

The Commissioners received and reviewed an e-mail from Ms. Holly to Commissioner Wender informing that Commissioner Eskew and Commissioner Lopez decided to postpone the ceremony for Shirley Love until a later date.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding setting up a meeting with the Capital Resource Agency to discuss the Weatherization Program.

The Commissioners received and reviewed an e-mail from Ms. Holly to Carri Strunk informing that the Commission has agreed to be the sponsor for another SPF-SIG grant.

The meeting was adjourned at 2:03 p.m. The next scheduled meeting is November 23, 2009.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 23, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez, Matthew D. Wender

The Fayette County Commission met in a regular session on this 23rd day of November 2009.

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

Commissioner Eskew asked the Commission to entertain a motion regarding the Estate of Nona I. Kincaid.

Commissioner Wender offered a motion to accept the probate in solemn based on the Finding of Fact presented by Attorney Paul Clay. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve real property tax tickets for George W. and Delma J. Sparks, Jr. and approve a refund for George W. and Delma J. Sparks, Jr., amount \$136.53. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Clarence Kennison informing that his property has been listed under the wrong tax class. A copy of the letter forwarded to Eddie Young, Assessor to review and advise.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that Clarence Kennison (Acct. #06091454) has been assessed in the wrong tax class for the last several years. The property should have been Class 2 and has been assessed in Class 3. This error resulted in an overpayment of taxes for the years 2004, 2005, 2006, 2007 and 2008. The Assessor respectfully requests that a credit of future taxes in the amount of \$643.48 be given to Clarence Kennison.

Commissioner Lopez offered a motion that subject to the approval of the Assessor, Clarence Kennison be afforded tax relief for tax years 2004, 2005, 2006, 2007 and 2008 in the total amount of \$643.68 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 Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers, invoices and 2nd half payrolls, checks to be released today. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of October 9, October 23, and October 30, 2009. Commissioner Lopez seconded. Unanimous.

Carrie Strunk presented Grant Application for the West Virginia Division of Criminal Justice Services for Purdue Pharma Asset Forfeiture Funds: Drug-Free West Virginia Grant Program for the Commissioners to sign.

The Commissioners signed the Grant Application for the Juvenile Justice and Delinquency Prevention Title V Community Prevention Grant Program.

Delegate Margaret Staggers and Dorothy Davila with Capital Resource Agency appeared before the Commissioners.

Ms. Staggers presented to the Commissioners a Certificate from the Governors Office awarding a Fiscal Year 2009 Community Participation Grant in the amount of \$9,000 to the Fayette County Commission to enable the Capital Resource Agency to provide Mine Safety Technology classes to low-income individuals.

Carl Thompson appeared before the Commissioners and informed them that Greenbrier County Commission is requesting that they be the Fiscal Agent for the meadow River Rail Trail.

Commissioner Wender offered a motion that Fayette County Commission would turn Fiscal Agent for the Meadow River Rail Trail to Greenbrier County Commission. Fayette County Commission will forward to the Greenbrier County Commission their check for \$33,000, Greenbrier County Commission to match and forward both checks to the Division of Highways as our required match. The Greenbrier County Commission will serve as Fiscal Agent. Commissioner Lopez seconded. Unanimous.

John Long with Verizon and Mike Simms with Frontier appeared before the Commission to give a brief summary regarding the transfer of Verizon's landlines to Frontier. Discussion was held.

Commissioner Eskew informed they would take under advisement.

Fred Williams with Steptoe and Johnson appeared before the Commission to give a brief summary on the Boys Scout of America Funding.

Mr. Williams told the Commissioners the Public Hearing for the issuance of Bonds by the Commission for the Boy Scouts of America has been scheduled for December 11, 2009 at 10:00 a.m.

Mr. Williams told the Commissioners that they are not liable for the Bonds. This is not a debt for the Commission. This will not impact the Commission in anyway.

Steve Pilato, Regional Representative for the Governor and Daniel Wright, Circuit Clerk appeared before the Commission to present Certificate of Recognition from Governor Joe Manchin proclaiming O. T. Sizemore and Harriette Virginia Sizemore Distinguished Mountaineers.

Dickie Smith, Maintenance Supervisor informed the Commissions that Frank Tree Service will remove the tree on the Courthouse lawn, cost \$450.00. The Commissioners approved.

Allen Ballard, Building Inspector informed the Commissioners they need to add some circuits on the 20 amp breaker on the 3rd Floor.

The Commissioners asked Mr. Ballard to get estimates of the cost.

Mr. Ballard presented an estimate from H. G. Carte Electric, Inc. for the cost for replacing the existing upstairs 100 Amp Three Phase Panel with one (1) 100 Amp Single Phase Panel, new Panel to be Squate DQO, Three Phase Main Breaker in existing Maintenance Department downstairs to be replaced with Single Phase 100 Amp allowing for separation of ground and neutral in upstairs panel, cost \$1,450.00. The Commissioners approved.

Commissioner Wender reminded the Commissioners that the meeting with Ed Harper has been scheduled for Thursday, December 3, 2009 at 9:00 a.m. at the Kimberly Community Center to discuss the Weatherization Program.

The Commissioners discussed the applications they received for the Staff Accountant position.

David Neal, E911 Coordinator informed the Commissioners he doesn't have any location for the 911 Center.

Commissioner Lopez suggested to Mr. Neal to keep looking.

Commissioner Wender suggested to Mr. Neal to check out the Oak Hill Elementary School.

Dave Pollard, County Resource Coordinator told the Commissioners that they are not eligible to apply for the 2010 Small Cities Block Grant (SCBG) due to the Page-Kincaid Public Service District Project and SALS Dormitory.

The Commissioners asked Dave Pollard if he and W. D. Smith would inquire about a waiver.

Mr. Pollard told the Commissioners the next eligible project would be the Kanawha Falls Community Project.

Allen Ballard told the Commissioners that Leonard Price with Appalachian Inspection will do an inventory of all the Circuit Boxes and test voltage for \$400.00. The Commissioners approved.

Carl Harris, Prosecuting Attorney informed the Commissioners he reviewed the Agreement from Motorola, Inc. for the 911 Telephone System standard contract okay to sign.

The Commissioners signed the Communication System Agreement from Motorola, Inc. for the 911 Telephone System.

The Commissioners signed letters to SELF Community Action Corp., Inc. (\$10,000), Fayette County 4-H Volunteer Leaders Association (\$4,000), and Fayette Starting Points (\$1,000) attaching copies of the Agreement for the Legislative Digest Grant from the Governors Community Participation Grant Program.

The Commissioners signed the list of legal Holidays observed for the year 2010.

The Commissioners signed the Resolution honoring Senator Robert C. Byrd.

The Commissioners received a request from Bill Klenk of the Saints Peter and Paul Catholic School to use the Memorial Building on December 8, 2009 to host a high school basketball game between Mountain State Academy and Nicholas County.

The Commissioners signed drawdown requests for the Courthouse 504/SALS Dorm (\$15,411.80) and the Danese Public Service District (\$109,454.43).

Commissioner Wender offered a motion to approve the request of Bill Klenk of the SS Peter and Paul Catholic School to use the Memorial Building on December 8, 2009 to host a high school basketball game between Mountain State Academy and Nicholas County pending no conflict of schedule, the \$1,000 rental fee will be waived; however, the custodial and trash service fees requirements will not be waived on game day. Commissioner Lopez seconded. Unanimous.

Kelvin Holliday, County Clerk informed the Commissioners that pending a formal public hearing and approval by the Fayette County Commission the new locations for Precinct 12 would be the Lewis Community Center with Precinct 11, Precinct 8 would be the Salem Road Freewill Baptist Church Annex, and Precinct 15 the Oak Hill church of the Nazarene Annex.

Ms. Holly asked Mr. Holliday if Salem Road Freewill Baptist Church Annex is handicap accessible. Mr. Holliday replied no.

Ms. Holly told the Commissioners the WV Code requires that all voting places be handicap accessible.

The Commissioners discussed getting the Community Corrections inmates to assist with making a temporary ramp. The Commissioners asked Mr. Holliday to talk with Earl Pauley regarding the ramp. The Commissioners asked Ms. Holly to prepare notice of public hearing.

Commissioner Wender offered a motion that Fayette County Commission authorizes Kelvin Holliday to proceed with getting permission to upgrade Salem Road Freewill Baptist Church Annex to make handicap accessible and get work done, once approved Mr. Holliday will notify Ms. Holly to run ad for hearing. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the City of Montgomery requesting funds of \$3,179.00 to purchase three Taser X26's.

Commissioner Wender offered a motion to modify the Coal Severance Fund, the \$3,000 allocation that was issued for the Boomer Ballfield

is moved to the City of Montgomery. Commissioner Lopez seconded.
Unanimous.

Commissioner Wender offered a motion to enter into a Lease Agreement with Terry and Cathy Bass for Partial Lot 4, Section 1, Kimberly in the amount of \$1.00 each year. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the 2009 Community Participation Grant, in the amount of \$9,000 to enable the Capital Resource Agency to provide Mine Safety Technology classes to low-income individuals.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Masters requesting reimbursement for rent in the amount of \$2,362.50 for the month of December.

The Commissioners scheduled a special meeting for December 2, 2009 at 9:30 a.m. to discuss personal matter.

The Commissioners received and reviewed from the Natural Resources Conservation Service Amendments to the Dunloup Creek Watershed Project.

Commissioner Wender offered a motion to amend Software System Maintenance Agreement to include 5-year maintenance for hardware, software and the additional equipment. Commissioner Lopez seconded. Unanimous.

The Commissioners approved Kelvin Holliday, County Clerk Travel Expense, amount \$111.55.

The Commissioners received and reviewed a letter from Healthcare Data Management, Inc. informing PEIA has engaged their services to conduct a review of policyholders and dependents enrolled in the PEIA

Plan regarding an Enrollment Reconciliation Analysis (ERA) and Dependent Eligibility Verification.

The Commissioners received and reviewed a letter from the Department of Administration Real Estate Division regarding West Virginia State University and West Virginia Public Land Corporation Land Transfer, Fayette County, public hearing is scheduled for Thursday, December 10, 2009 at 6:30 p.m. at the Courthouse.

The Commissioners received and reviewed an e-mail from Aimee LaRue Rist requesting to reserve the Memorial Building for their Earth Day event, April 24, 2010.

Commissioner Wender offered a motion to approve reserving the Memorial Building for the Earth Day event on April 24, 2010. Commissioner Lopez seconded. Unanimous. Letter signed.

Ms. Holly informed the Commissioners that Dan Snead recommends the lower bid Flat Top Construction for the Courthouse walks and wall repairs.

The Commissioners received and reviewed a letter from the New River Patriots Youth Football Association, Inc. requesting a donation to help purchase uniforms and equipments to participate in the sport of football and cheerleading.

The Commissioners asked Ms. Holly to send a letter informing no funds are available for this request.

The Commissioners received and reviewed a notice from the Fayette County Substance Abuse Task Force inviting the Commissioners to attend a discussion on what can be done to address the problem of drug abuse in Fayette County.

The Commissioners received and reviewed a thank-you card from Steve and Sharon Cruikshank.

The Commissioners received and reviewed a proposal from KB Enterprises, Inc. to assist animal control shelters and humane societies with the problem of unwanted cat overpopulation.

The Commissioners received and reviewed a letter from Steptoe and Johnson on behalf of the West Virginian who Scout and love the Gorge thanking the Commissioners for all they have done and will continue to do to attract the right kind of economic development to the New river Gorge Region.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Contract 15-AML Eligible (Beauty Mountain/Power Plant Road).

The Commissioners received and reviewed Audit Report of Meadow Bridge Volunteer Fire Department Fire Levy Fund for the fiscal year ended June 30, 2009.

The Commissioners received and reviewed from the U. S. Bankruptcy Court for the Northern District of Texas regarding Comm South Companies, Inc.

The Commissioners received and reviewed from the Division of Criminal Justice Services Grant Adjustment Notice for Fayette/Nicholas County Day Report Center.

The Commissioners received and reviewed a letter from the Fayette County Community Corrections informing the first award amount of \$45,000 Oxycontin Funds has been fully expended as of November 2009.

The Commissioners received and reviewed a letter from the Division of Highways informing that a draft copy of the 2010-2015 Statewide Transportation Improvement Program (STIP) has been made available for public comment.

The Commissioners received and reviewed Certificate of Liability Insurance for the Town of Fayetteville.

The Commissioners received and reviewed a letter from the Fayette Toy Fund, Inc. thanking the Commissioners for allocating money in their 2009 budget for the Fayette Toy Fund, Inc.

The Commissioners received and reviewed a Memorandum from the West Virginia Development Office informing the Commission they can submit Fiscal Year 2010 Land and Water Conservation fund (LWCF) Applications.

The Commissioners received and reviewed a letter from Senator William Laird enclosing petition he received from forty-nine residents living in the Greentown Road area expressing their strong opposition to renaming Greentown Road as McQuade Road.

The Commissioners received and reviewed a letter from SuddenLink informing that effective December 15, 2009 they will make changes to their channel lineup.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of November 1 to November 5, 2009, amount \$77.00 and the week of November 6 to November 12, 2009, amount \$220.00.

The Commissioners received and reviewed an invoice from Travelers Inc. for Fayette County Commission Liability Coverage, amount \$6,211.98.

The Commissioners received and reviewed a letter from Travelers, Inc. regarding Claim #028-FYEGV0885-A-Employee Theft.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing the October Limited Video Lottery proceeds will be directly deposited on November 25, 2009, amount \$6,877.86

The Commissioners received and reviewed checks for 911 Fees from Cebridge Telecom, WV d/b/a Suddenlink, amount \$5,776.00, IDT Corporation, amount \$14.00, AT&T Communications, amount \$452.00, Level 3 Communications LLC, amount \$212.00, Citizens Communication, amount \$48.98, Mountain Communications, LLC, amount \$93.59; Soldiers and Sailors Fund, amount \$25.00; WV Department of Health and Human Resources-Community Correction Drug Screen, amount \$1,873.00; Supreme Court-FLM rent, amount \$2,362.50; WV Development Office-New Haven Public Service District, amount \$282,537.82; check from Jack and Verlana Atha, amount \$1.00.

The Commissioners received and reviewed an e-mail from Carri Strunk informing the 2010 Brushy Fork Annual Institute will be on September 15-September 17, 2010.

The Commissioners received and reviewed an e-mail from Patti Hamilton, WVACo to Commissioner Wender informing the WVACo Board of Directors passed by consensus a Resolution honoring Senator Byrd. Ms. Hamilton asked the Commission to feel free to use this Resolution as a

sample if the Commission would like to pass a resolution from Fayette County.

The Commissioners approved to go into an Executive Session to discuss personal matter.

The meeting was adjourned at 1:35 p.m. The next scheduled meeting is December 11, 2009.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
DECEMBER 2, 2009
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Kenneth L. Eskew, John H. Lopez

The Fayette County Commission met in a special session on this 2nd day of December 2009.

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

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

The Commissioners authorized Dickie Smith, Maintenance Supervisor to purchase a blower approximate cost \$400.00 and approved to have a tree removed on courthouse lawn, cost \$450.00.

Commissioner Lopez offered a motion to go into an Executive Session at 9:45 a.m. This would include a conference call with Commissioner Wender. Commissioner Eskew seconded. Unanimous.

The Commission reconvened the County Commission meeting at 10:50 a.m. Commissioner Eskew informed the Executive Session was to discuss a personal matter.

Ms. Holly informed the Commissioners she received a notice that the Governor declared the remaining half day on Thursday, December 24, 2009 as additional time off for State employees.

Commissioner Lopez offered a motion to designate said remaining half day on December 24, 2009, as additional time off for County employees, without charge against accrued annual leave. Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Board of Zoning Appeals informing that Rupert Chuyka and Dean Kincaid terms will expire January 1, 2010. The Board recommends that Rupert Chuyka be reappointed. Dean Kincaid has requested he not be reappointed due to health concerns.

Commissioner Lopez offered a motion to reappoint Rupert Chuyka, a member of the Fayette County Board of Zoning Appeals, term to expire January 1, 2013. Commissioner Eskew seconded. Unanimous.

Attorney Fred Jesser appeared before the Commissioners to inform them that Ben and Shirley received the original Certificate of Sale when they purchased a Tax Lien bearing account #06179057, however they misplaced the original Certificate of Sale and have been unable to locate. They are requesting that the Commission authenticate and make as the original the copy of the Certificate of Sale.

Commissioner Lopez offered a motion to approve as authenticate and make as the original the copy of the Certificate of Sale. Commissioner Eskew seconded. Unanimous.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Community Corrections Day Report Center, amount \$29,933.57.

Ms. Holly informed the Commissioners they had previously approved bid from Software Systems to replace the current IBM AS/400 system, cost \$102,575.40.

Ms. Holly told the Commissioners for the 5-year Hardware and Software Maintenance and the additional equipment the cost is \$20,307.94. Ms. Holly told the Commissioners the total cost would be \$122,883.34. Ms. Holly suggested to the Commissioners to pay the entire amount instead of leasing.

Commissioner Lopez offered a motion to pay the total amount of \$122,883.34 to Software Systems to replace the current IBM As/400 System. Commissioner Eskew seconded. Unanimous.

The Commissioners signed for the Corporation for National and Community Service AmeriCorp VISTA Project the Memorandum of Understanding between the Coal Heritage Highway Authority and the Fayette County Commission.

The Commissioners signed Participation Verification and Certification which provide written confirmation of their pledge contribution to the Paint Creek Scenic Trail Association.

The Commissioners received and reviewed Notice of the Holiday Gathering being held for the Courthouse Family for December 18, 2009 from 11:30 a.m. to 1:00 p.m.

Ms. Holly informed the Commissioners she received a letter from Dan Snead confirming he reviewed the bids recently submitted for the

concrete walk repair and has determined the low bid is Flat Top Construction of \$138,500.00 is appropriate.

Commissioner Lopez offered a motion to approve the lower bid Flat Top Construction, \$138,500.00 for the concrete walk repair and the additional \$20,000 for the sidewalk project contingent upon approval of request for an extension of the December 31, 2009-deadline.

Commissioner Eskew seconded. Unanimous.

The Commissioners received and reviewed a letter from Senator Randy White informing that the 2010 Senate Community Participation funding Requests for the Memorial Building capital improvements are being considered for final approval by the Governor for the amount of \$15,000.00.

The Commissioners signed a letter to the Courthouse Facilities Improvement Authority requesting an extension of Project #10-01-101008 for the exterior walkway and masonry repairs at the Fayette County Courthouse Complex deadline from January 1, 2010 to July 31, 2010.

Ms. Holly informed the Commissioners she had notified the democratic and the republican executive committees to give their list of names of poll workers for the Special Levy Election.

Ms. Holly presented an Order and lists of the poll workers to be approved for the upcoming Special Levy Election to the Commissioners.

Commissioner Lopez offered a motion to approve poll workers' list received from the democratic and republican executive committees for the upcoming Special Levy Election. Commissioner Eskew seconded. Unanimous. Order signed.

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

The Commissioners signed a letter to the West Virginia Local Government Services Division requesting their office to prepare the Fayette County Commission Fiscal Year 2008-2009 Financial Statement.

The Commissioners signed an invoice to the Fayette County Board of Education requesting reimbursement for costs paid for the Special School Bond Election held October 24, 2009, amount \$77,864.80.

The Commissioners received and reviewed reimbursement from the Fayetteville Post Office for returned post cards used for the Special School Board Election, amount \$94.66.

The Commissioners received and reviewed letters from Kelvin Holliday, County Clerk informing that Lisa Redden has been hired as his new Chief Deputy effective November 30, 2009, salary \$31,200.00 and a letter informing he will be hiring Gail Withrow (December 1), Norma Williams and Delores Nelson (December 21), Fran Fuller and Janet McClung (January 7), and Skip Bowman and Sally Cales (January 19) to work early voting for the 2010 Special Levy Election.

The Commissioners received and reviewed a copy of a letter from Sheriff Steve Kessler to Debbie Aliff, Payroll Clerk informing of a salary adjustment for Rhonda Falk, current salary \$18,000.00 a year change salary to \$20,000.00 a year effective December 1, 2009.

The Commissioners received and reviewed a letter from Amherst Industries, Inc. thanking Commissioner Wender for getting his ticket to the dedication of the Bechtel Family National scout Reserve.

The Commissioners received and reviewed Quarterly Report for November 2009 from Dave Pollard, County Community Resource Coordinator.

The Commissioners received and reviewed a Grant Adjustment Notice from the West Virginia Division of Criminal Justice Services for the SPF-SIG Implementation Grant.

The Commissioners received and reviewed a letter from the West Virginia Development Office enclosing an "Annual Employment Status Report" for Project #157 Wolf Creek Park to be completed on or before December 31, 2009. Original forwarded to Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed a letter from the County Commissioners' Association of West Virginia informing they are working on a new County Commissioners' Association of West Virginia Directory for 2010 asking to look over the information and any changes that are necessary fax back to the Association.

The Commissioners received and reviewed a letter from Pullin, Fowler, Flanagan, Brown and Poe enclosing an original and one copy of a Proof of Claim regarding Three Rivers Companies, Inc.

The Commissioners received and reviewed a letter from Governor Joe Manchin thanking the Commission for their recent letter requesting funding through the Neighborhood Stabilization Program for two Fayette County projects.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of November 13 to November 19, 2009, amount \$67.00.

The Commissioners received and reviewed a letter from Maple Coal Company informing blasting will occur Monday through Saturday between sunrise and sunset during December 2009 through December 12, 2010. At the site located on the waters of Paint Creek, Sycamore Branch and Toms Branch of Paint Creek and Armstrong Creek of the Kanawha River in the Cabin Creek District of Kanawha County and Valley District of Fayette County.

The Commissioners received and reviewed an invitation from Daniel Wright, Circuit clerk inviting the Commission to their Christmas Celebration at 218 Wood Avenue on Saturday, December 19, 2009 from 5:00 p.m. to 8:00 p.m.

The Commissioners received and reviewed a letter from Congressman Nick Rahall, II to Commissioner Wender informing he wanted to follow-up with him on behalf of the Meadow River Rail to Trail Corridor project and let him know that he has provided CSX Transportation with the most updated appraisal from the Potomac Highlands Appraisal Group, that includes the value for the less-than-fee area of the corridor.

The Commissioners received and reviewed a letter from the U. S. Department of Commerce thanking the Commission for their continued cooperation and support with the many programs conducted within the county by the U. S. Census Bureau. They are opening two new Local Census Offices across West Virginia which will join the Early Local Census that opened one year ago.

The Commissioners received and reviewed a letter from Stafford Consultants, Incorporated regarding New Haven Public Service District-

Fayette County Regional Water, Phase III-C Spy Rock/Edmond-Flanagan Mountain Water-AML.

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

The Commissioners received and reviewed from the Bank of New York Mellon Account Statements for the periods of October 23, 2009 through November 20, 2009 and October 24, 2009 through November 23, 2009.

The Commissioners received and reviewed several checks for 911 Fees from Granite Telecommunications, LLC, amount \$210.00; Franchise Fees from Shentel, amount 42,712.02; Secretary of Military Affairs and Public Safety-Gauley Mountain Tower Site, amount \$126,825.50; Travelers Insurance Claim, amount \$1,000.00; and Sheriff of Nicholas County-Reimbursement Drug Screens, Community Corrections, amount \$6,075.18.

The Commissioners received and reviewed an e-mail from Brian Sparks recommending that the Colorado Blue Spruce evergreen tree be planted in the front lawn of the courthouse.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Ed Harper suggesting that a meeting be scheduled with him and our delegates to discuss the Weatherization Program.

The Commissioners received and reviewed an e-mail from Joe Long, Director of Verizon informing that as of Tuesday, December 1, Verizon opened a new location for their high speed internet at Lochgelly.

The Commissioners received and reviewed an e-mail from Steven P. McGowan with Steptoe and Johnson, PLLC thanking the Commission, the

people, community leaders, businesses and organization of West Virginia for welcoming the Boy Scouts of America and its Project Arrow team to our beautiful State.

The Commissioners received and reviewed an e-mail from Patti Hamilton Executive Director, West Virginia Association of Counties regarding the regional jail bills.

The meeting was adjourned at 11:55 a.m. The next scheduled meeting is December 11, 2009.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

DECEMBER 11, 2009

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 11th day of December 2009.

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

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

Commissioner Lopez offered a motion to approve and signed personal property tickets for Christine I. King, Nila J. Smith, Linda Eary, Rebecca M. Adkins, Anthony T. Kania, Jr., George C. Campbell, James D. or Mary S. Kinzer, James W. or Sara M. O'Hara, Vernon Dennis or Virginia Peters. Commissioner Wender seconded.

Commissioner Lopez offered a motion to approve and sign real property tickets for Bessie Ward, Bertha T. Clark, David G. and Mary H. Tabor, Samuel Batey, etux, Vickie Morris, Clarence Franklin

Kennison, Jr., Anthony T. and Deana L. Kania, Sr. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign refund for Clarence Franklin Kennison, Jr., amount \$289.26. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve 2nd half payroll, checks to be released December 30, 2009 and approved to release checks if an employee is going on vacation. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve overtime for Debbie Aliff (24 hrs.), Jackie Hickman (49 hrs.) and Debbie Berry (72 hrs.). Commissioner Wender seconded. Unanimous.

Gary Shepherd with Shenandoah Valley Group appeared before the Commission to discuss and compare their OPEB Liability to PEIA.

Carl Thompson with the Farmland Protection Board appeared before the Commission to discuss amendment to the Farmland Protection Board Policy and to request use of the Courthouse lawn and walkways for their Earth Day Celebration.

Commissioner Wender offered a motion to approve the request from the Fayette County Green Advisory Team to use the Courthouse lawn and walkways for the purpose of acknowledging the 2010 Earth Day Celebration. Commissioner Lopez seconded. Unanimous.

Mr. Thompson discussed adding an amendment to the Fayette County Farmland Protection Board Policy.

Commissioner Wender offered a motion that Fayette County approves the Fayette County Farmland Protection Board Policy proposal to amend their Policy or by-laws by adding the probability of oil and gas drilling and wellhead operation and servicing will not adversely affect the land use of the farm, or after due diligence the Fayette County Farmland Protection Board is unable to determine the ownership of the oil and gas property rights. Commissioner Lopez seconded. Unanimous. (See attached)

Attorney John Stump of Steptoe and Johnson appeared before the Commission to have a public hearing on Bonds for the Boy Scouts of America

Commissioner Eskew called the public hearing to order for the Boy Scouts of America at 10:00 a.m.

John Stump and Carl Harris, Prosecuting Attorney were present. No one from the general public was present.

Commissioner Eskew informed the Fayette County Commission received a draft of the Resolution.

Mr. Stump told the Commissioners this is a Reimbursement Resolution. This Resolution does not obligate the Commission to do anything.

Carl Harris, Prosecuting Attorney told the Commissioners he reviewed the Resolution this is a great proposal.

Commissioner Eskew informed no one here from the public, no further input.

Carl Harris adjourned the public hearing.

Commissioner Lopez offered a motion that the balance of the Fayette County General School Fund in the amount of \$102,302.72 for the calender year 2009 be transferred to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates.

Commissioner Wender seconded. Unanimous. Order signed.

Ms. Holly presented to the Commissioners the AIA Document A105 Standard Form of Agreement between Fayette County and Flat Top Construction, Inc. to sign. Ms. Holly informed the Commissioners the grant is 80%, 20% match.

Ms. Holly told the Commissioners that Carl Harris, Prosecuting Attorney did review the Agreement.

Commissioner Wender offered a motion to approve and authorize Commissioner Eskew to sign Agreement from the West Virginia Courthouse Facilities Grant and the Contract from Flat Top Construction, Inc. for \$138,500. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners she received notice from the State of several potential grants. Ms. Holly told the Commissioners she forwarded to the different Agencies.

The Commissioners signed letters to Upper Kanawha Valley Community Center (\$4,000), New River convention and Visitors Bureau (\$1,000), Fayette County Park (\$5,000), Upper paint Creek Watershed (\$3,000), Gauneka Ruritan Club (\$5,000), Fayette County Sheriff' Department (\$3,000), Fayette County Sheriff's Department (\$2,000) and Appalachian Heritage Educational Museum (\$3,000) attaching a Community

Participating Program application for Fiscal Year 2010 and asking that they complete and return to this office no later than January 15, 2010 to be signed and an authorizing Resolution approved.

Ms. Holly informed the Commissioners that none of the Sportsman Recreation Club Grants included a voice activated system.

Ms. Holly informed the Commissioners that several years ago they purchased a new postage machine the Maintenance Agreement expired.

Ms. Holly presented the new Maintenance Agreement from Pitney Bowes to be signed.

Commissioner Wender offered a motion to enter into an annual Maintenance Agreement with Pitney Bowes for the Postage Machine, cost \$1,547.30. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to go into an Executive Session at 10:55 a.m. Commissioner Wender seconded. Unanimous.

The Commissioners reconvened the County Commission meeting at 11:10 a.m.

Ms. Holly informed the Commissioners she received from Region 4 Planning and Development Council two drawdowns-Page-Kincaid Public Service District Ingram Branch Wastewater Project, amount \$241,332.02 and New Haven Public Service District-Stringtown Road Water Extension, amount \$450,638.25.

Commissioner Lopez offered a motion to approve and sign drawdown request for Page Kincaid Public Service District Ingram Branch Wastewater Project, amount \$241,332.02. Commissioner Wender seconded. Unanimous.

Commissioner Wender offered a motion to approve and sign drawdown request for New Haven Public Service District Stringtown Road Water Extension, amount \$450,638.25. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners the Sportsman Recreation Lease has been signed.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the SPF-SIG grant, amount \$5,054.51.

Bob Zimmerman and Bruce Carson appeared before the commissioners to discuss appointing a member to the Arbuckle Public Service District.

Mr. Zimmerman told the Commissioners they would like to appoint Bruce Carson.

The Commissioners informed Mr. Zimmerman that the Board needs to send a letter requesting that Mr. Carson be appointed.

Commissioner Wender offered a motion to appoint Bruce Carson a member of the Arbuckle Public Service District with the understanding they would receive a letter from the Arbuckle Public Service District Board Members. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate land for Tommy and Barbara Carte, Ronald and Robin O. Shawver, Dannie L. and Alice Warden, Manuel Elwood Auxier, David G. and Mary H. Tabor and the PVM Health Care Management LLC. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion that Dean Kincaid be reappointed a member of the Fayette County Board of Zoning Appeals, term to expire January 1, 2013. Commissioner Wender seconded. Unanimous. Order and appointment to serve letter signed.

The Commissioner signed a letter to the Kanawha Falls Public Service District regarding the Fiscal Year 2010 Small Cities Block Grants.

The Commissioners received and reviewed a letter from the Kanawha County Commission informing at their December 3, 2009 meeting they voted and signed an order to reject the recommendation of the U. S. Preventive Services Task Force regarding Mammograms and Cervical Cancer Testing for Women.

The Kanawha County Commission is asking the Commission to adopt a similar order and make this a coordinated effort throughout the State of West Virginia. The Commissioners voted not to sign an Order.

Ms. Holly presented the Polling Places list for the upcoming Special Levy Election for February 6, 2010 to the Commissioners.

Ms. Holly informed the Commissioners that it would cost more than \$3,000 to fix the ramp at the Salem Road Freewell Baptist Church Annex and there was no guarantee they would let them use the building for other elections.

Ms. Holly informed the Commissioners that after discussion with Earl Pauley and Kelvin Holliday it was decided to use the Oak Hill Church of the Nazarene Annex for both precincts (Precinct 8 and Precinct 15). The Commission denied use of the Salem road Freewell Baptist Church Annex for a polling place.

Commissioner Wender offered a motion to move Precinct 8 and Precinct 15 to the Oak Hill Church of the Nazarene and approved the list of Polling Places for the upcoming Special Levy Election to be held on February 6, 2010. Commissioner Lopez seconded. Unanimous. Attached is a copy of the Polling Places.

The Commissioners asked Ms. Holly to check the West Virginia Code on the 90-day period of time to advertise and prepare the notice.

Commissioner Wender offered a motion to authorize Ms. Holly to advertise the change of polling places proposed to be effective with the Primary Election to be held on May 11, 2010. Precinct 8-Oak Hill former polling place East End Elementary School to Oak Hill Church of the Nazarene Annex, Precinct 12-Oak Hill former Oak Hill Elementary School Cafeteria to Lewis Foundation Community Building (former Armory Building) and Precinct 15-Oak Hill former East End Elementary School to Oak Hill Church of the Nazarene Annex. Commissioner Lopez seconded. Unanimous.

Ms. Holly informed the Commissioners that the Board of Equalization and Review industrial hearings will be held on February 3, 2010 at 9:00 a.m. and the mineral hearings will be held on February 8, 2010 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 29, 2010	Friday	1:00 P. M.
February 3, 2010	Wednesday	9:00 A. M.
February 8, 2010	Monday	9:00 A. M.
February 12, 2010	Friday	1:00 P. M.
February 18, 2010	Thursday	1:00 P. M.
February 24, 2010	Wednesday	1:00 P. M.

The Commissioners signed a letter to Carl Harris, Prosecuting

Attorney and Eddie Young, Assessor informing them of the dates and time of the Board of Equalization and Review hearings.

The Commission tentatively scheduled the following County Commission meeting calendar for 2010:

January 8, 2010	9:00 A. M. Regular meeting
January 29, 2010	9:00 A. M. Regular meeting
February 12, 2010	8:45 A. M. Regular meeting to approve 1 st half payroll/Canvass
February 18, 2010	9:00 A. M. Regular meeting
February 24, 2010	9:00 A. M. Regular meeting
March 5, 2010	9:00 A. M. Regular meeting/ Elected Officials
March 12, 2010	9:00 A. M. Regular meeting/ Budget Work Session
March 19, 2010	9:00 A. M. Budget Work Session
March 24, 2010	9:00 A. M. Regular meeting/ Approve Budget

Ms. Holly told the Commissioners they have to meet on April 20th to Lay the Levy.

Ms. Holly told the Commissioners they need to decide on dates to test the electronic equipment for early voting for the Primary Election.

Ms. Holly informed the Commissioners she received a call from Debbie Berry informing her that Kelvin Holliday, County Clerk told her the printer in the Voter's Registration Office stopped working, needs to be replaced immediately.

Ms. Berry told her that the cost of a new printer would be \$1,585.75.

Ms. Holly told the Commissioners she called Commissioner Lopez he approved the purchase of the printer for the Voter's Registration Office. The Commissioners approved.

The Commissioners received and reviewed a letter from 4-C Economic Development Authority regarding a Fayette County vacancy position on their Board.

The Commissioners suggested Debbie Berry and Stephanie Sears attend the County Commission meetings.

Senator William Laird informed the Commissioners he intends to apply for a Drug Substance Abuse Grant with the West Virginia Division of Criminal Justice Services.

Senator William Laird presented to the Commissioners grant certificates from Governor Manchin for the Fire Hydrant -Prudence Road (\$3,000) and Sportsman Recreation Center (\$20,000).

The Commissioners asked Ms. Holly to ask Dave Pollard, County Resource Coordinator and Jodie Ward if they would attend the next County Commission meeting on January 8, 2010 at 10:00 a.m. to receive Certificate Awards from Senator William Laird and Legislative Delegates.

Senator William Laird to present awards to Jodie Ward and Bob Meadows for the Sportsman Recreation Center and to Ray Curtis for the Prudence Fire Hydrant.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk giving an overview of the Special 2010 Levy Election.

Commissioner Wender offered a motion that Fayette County Commission authorizes the janitorial staff to open the Ballot Room and the iVotronic Room as needed by request of the County Clerk for the Special Levy Election. Commissioner Lopez seconded. Unanimous.

Ms. Holly asked Kelvin Holliday to give her dates for the upcoming Primary Election.

Commissioner Wender offered a motion to authorize Debbie Berry to issue payment for any vendors requiring payment between now and the next Commission meeting. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a Memorandum from Kelvin Holliday informing that his new Chief Deputy is Lisa Redden effective November 30, 2009.

The Commissioners will be attending the CCAWV Legislative Association Meeting and Educational Training Series on January 31 to February 2, 2010.

The Commissioners signed Fire Levy Protection Agreement for the Smithers Volunteer Fire Department, amount \$36,064 for the period July 1, 2009 to June 30, 2010.

The Commissioners signed Memorandum to all elected officials and Fayette County employees informing that Governor Manchin declared the remaining half day on Thursday, December 24, 2009, as additional time off for State employees, the Fayette County Commission hereby designates said remaining half day on December 24 as additional time off for County employees without charge against accrued annual leave.

The Courthouse will be closed Thursday, December 24, 2009 and Friday, December 25, 2009 in observance of Christmas.

The Commissioners received and reviewed a fax from Fola Coal Company Operation informing they will effect a "plant closing" at its operations. It is anticipated that the date of separation for the affected employees will occur during the 14-day period beginning 12:01

a.m. Sunday, February 7, 2010, and it is anticipated that the separations will be permanent.

Carl Harris, Prosecuting Attorney told the Commissioners that no action is necessary.

The Commissioners received and reviewed a letter from Branch Banking and Trust (BB&T) a list of securities held by Branch Banking and Trust as collateral to secure the deposits of Fayette County Commission as of November 30, 2009.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding the New Haven Public Service District-Contract 16A-Loretta Crist (786A)/Roland Marigue (786B) extension of water service.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District-Contract 15-AML Eligible (Beauty Mountain/Power Plant Road).

The Commissioners received and reviewed a Remittance by the County Assessor to the State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$51.00.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Shelia Withrow request for water service extension in Hico.

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

The Commissioners received and reviewed Official Oath of Office from Rupert Chuyka, a member of the Fayette County Zoning Appeals Board.

The Commissioners received and reviewed a letter from Suddenlink listing the increase of price changes that will occur effective with the January 1, 2010 billing cycle.

The Commissioners received and reviewed a letter from Shentel regarding their changes to its West Virginia Cable Television business.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Contract 15-Non AML Eligible "DRAFT" change Order No. 2.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of the minutes of their November meeting.

The Commissioners received and reviewed an invitation from Coal Heritage Highway Authority inviting the Commissioners to join them in recognizing AmeriCorps/NCCC Team "Delta 2" and their contributions to Wolf Creek Park and The John Henry Historical Park being held December 5, 2009 from 5-8 p.m.

The Commissioners received and reviewed a copy of a letter to the West Virginia Economic Development Authority enclosing jobs report required by West Virginia Economic Development Authority in conjunction with the award made by the West Virginia Economic Development Grant Committee.

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

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Monthly Revenue and Activity Report for the month of November, New River Humane Society allotment, amount \$13,158.66 for the month of December and Weekly Fees Collected for the week of November 20 to November 26, 2009, amount \$75.00, the week of November 27 to November 30, 2009, amount \$20.00 and the week of December 1 to December 3, 2009, amount \$30.00.

The Commissioners received and reviewed checks for 911 Fees from Fibernet, amount \$2,403.66, Verizon, amount \$24,562.79, and Mountain Communications, LLC, amount \$89.67; Alarms Fees, amount \$1,470.00; Reimbursement 911 Fund (tapes), amount \$100.00; Supreme Court-FLM rent, amount \$2,362.50; Reimbursement (Bridge Day), amount \$7,362.36 and West Virginia Development Office-New Haven Public Service District, amount \$162,594.27.

The Commissioners received and reviewed an e-mail from Commissioner Wender regarding the Weatherization Program meeting.

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

The Commissioners received and reviewed an e-mail from Carl Thompson regarding the meadow River Rail Trail.

The Commissioners received and reviewed an e-mail from John David regarding funding for the Regina Apartment Project.

The Commissioners received and reviewed an e-mail to Charlotte Holly from Verizon informing Fayette County Commission 911 Cisco Smartnet is expiring.

The Commissioners received and reviewed an e-mail from Charlotte Holly to Earl Pauley asking that he give an update to Kelvin Holliday and the Commissioners regarding the ramp for Precinct 8.

The meeting was adjourned at 1:35 p.m. The next scheduled meeting is January 8, 2010.

