

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 7, 2011  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 7<sup>th</sup> day of January 2011.

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

Commissioner Lopez offered a motion to name Commissioner Matthew D. Wender as President for the year 2011. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to elect Commissioner John H. Lopez as Purchasing Agent, Stephanie Sears be designated as Assistant Purchasing Agent and Deborah A. Berry, County Administrator, Earl Pauley, Park Superintendent, Theresa White, OES Director, David Neal, E911 Coordinator be authorized to make purchases up to \$600.00 without prior County Commission approval for the year 2011. Commissioner Lopez seconded. Unanimous.

Ms. Berry 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 15<sup>th</sup> of each month at 9:00 a. m. (unless the 15<sup>th</sup> is a Friday, then said Commission meeting will be held on the 15<sup>th</sup>) and the last Friday of each month at 9:00 a. m. during the calendar year of 2011.

Commissioner Lopez offered a motion to adopt the Organization Order for the calendar year 2011. Commissioner Scalph seconded. Unanimous. Order signed.

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 William Morris Gillespie, II, Michael T. or Sandra M. Sabinske, Jeffrey S. Davis, Timothy E. and Stacy Brown and Loyd M. and Kathryn Phillips. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign real property tickets for Daniel Moss. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered aa motion to approve vouchers and invoices, checks to be released today and approve 1<sup>st</sup> half payrolls, payrolls to be released January 14, 2011. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of December 3, 2010. Commissioner Lopez seconded. Unanimous.

Ms. Berry told the Commissioners they had applied for an \$80,000.00 grant to the Courthouse Facilities Authority for an electrical upgrade for the courthouse, she received a letter from Melissa Garretson Smith, Executive Director informing the Courthouse Facilities Authority has awarded to the Commission the maximum amount of \$76,800.00 for the electrical upgrade to the Courthouse.

Ms. Berry told the Commissioners this is an 80% reimbursement/20% match program with a maximum of three (3) reimbursement drawdowns based on the submission of relevant documentation.

Ms. Berry told the Commissioners she received two (2) copies of the contract to be signed. The Commissioners signed the contracts.

Larry Harrah, Assistant Prosecuting Attorney informed the Commissioners that he had prepared the Memorandum of Agreement for the Evangelical Christian Church but a few changes had to be made.

Mr. Harrah told the Commissioners he would make the changes and will bring the Agreement back to them for their signatures.

Earl Pauley, Park Superintendent gave a brief summary to the Commissioners of the Evangelical Christian Church plans for the use of the building.

Commissioner Lopez offered a motion that Fayette County Commission authorizes Commissioner Wender to sign Agreement with the Evangelical Christian Church for the construction of a building at the Fayette County Park. The Agreement purposes other than used in the Park. Commissioner Scalph seconded. Unanimous.

Mitch Canterbury, Chief Deputy and Carl Harris, Prosecuting Attorney appeared before the Commission to inform them that they need to develop an emergency evacuation plan for the Courthouse.

After a brief discussion, the Commissioners suggested to Mitch Canterbury to get with Steve Cruikshank, OES Deputy Director, Theresa White, OES Director, John Vernon, Fire Chief for the Town of Fayetteville and Tim Richardson to discuss further and come back to the Commission on January 28, 2011 at 9:45 a.m. with suggestions.

Debbie Tate, WVU Extension Service County Program Coordinator appeared before the Commission to give her farewell to the Commissioners and to thank them for their support of their programs.

Ms. Tate told the Commissioners that Brian Sparks will be the Acting County Program Coordinator until WVU Extension Service hire someone.

Commissioner Wender informed the Commission he received an e-mail from Debbie Aliff, Payroll Clerk requesting more office space for her and Stephanie Sears.

Commissioner Wender suggested using the Commission office where they have early voting and move the early voting office to the Memorial Building.

Commissioner Wender suggested writing a letter to Kelvin Holliday, County Clerk to get an agreement and asked Mr. Holliday to call and notify Gary Lilly of the plan.

Bill Hannabass, City Manager for the City of Oak Hill appeared before the Commission to present an application for annexation by minor boundary adjustment by the City of Oak Hill.

Mr. Hannabass told the Commissioners publication has been made and notices have been posted.

Commissioner Lopez offered a motion that the application for annexation by minor boundary adjustment requested by the City of Oak Hill be approved. The publication has been made, no opposition, the notices have been posted at 5 locations within the proposed territory, maps and metes and bounds are attached and there were no objections. Commissioner Scalph seconded. Unanimous.

Thomas Rist appeared before the Commission to discuss parking for county employees.

The Commission told Mr. Rist they would like at least twenty-five (25) parking spaces for their employees.

Commissioner Lopez informed they would like a one (1) year lease agreement for the twenty-five (25) parking spaces at \$16.00 each for an annual amount of \$4,800.00.

Commissioner Scalp suggested to the Commissioners leasing for \$2,700.00 the fifteen (15) available parking spaces.

Discussion was held, no decision made. Mr. Rist asked the Commissioners to let him know of their decision. The Commissioners asked Mr. Rist to come back on January 28, 2011 at 10:00 a.m. to discuss further.

Theresa White, OES Director appeared before the Commissioners to inform them that they had received three (3) bids for the Asbestos Inspection for the Dunloup Creek Buyout Project (Asbestos Inspection Services, Terradon Corporation and Empire Salvage).

Ms. White told the Commissioners that Empire Salvage was ineligible the other two (2) Asbestos Inspection Services and Terradon Corporation of Lewisburg were eligible.

Commissioner Wender asked Ms. White if Allen Ballard our Building Inspector who is certified as an Asbestos Inspector would be eligible to inspect.

Ms. White told the Commissioners she would have to check.

Commissioner Lopez offered a motion that since the County has advertised for the asbestos inspector, received three (3) proposals, the Commission approves one of the proposals (Asbestos Inspection Services) provided that the County would be able to use its own

employee and the employee can be compensation for his inspection.

Commissioner Scalph seconded. Unanimous.

Commissioner Wender asked to amend the motion to say the contract would be signed upon approval by our Prosecuting Attorney.

Ms. White told the Commissioners three (3) Public Hearings has been scheduled for the FEMA Buyouts.

Commissioner Scalph offered a motion to recess the Commission Meeting for an Executive Session at 12:03 p.m. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to reconvene out of the Executive Session at 12:40 p.m. back into the regular commission meeting. Commissioner Lopez seconded. Unanimous.

Discussion was held regarding the parking spaces on the Wiseman Avenue parking lot.

The Commissioners suggested having Dickie Smith, Maintenance Supervisor to monitor the parking lot and get license numbers of owners who are not employees of the county and write a letter informing them that the County would start charging a monthly fee to park on the Wiseman Avenue parking lot.

The Commissioners signed a Memorandum of Understanding. The purpose of the Memorandum of Understanding is to fully detail the agreement and obligations of the Fayette County Commission and the Evangelical Christian Church in regards to the building of a structure at the Fayette County Park, Beckwith, Fayette County, West Virginia.

The Commissioners signed Lease Agreement between the Fayette County Commission and the Fayette County Board of Education for the rental of the Fayette County Soldiers and Sailors Memorial Building.

The Commissioners signed a letter of support for Southern Appalachian Labor School (SALS) for their plans to develop a low-income housing project as part of a Rural Innovation Fund Program Grant.

The Commissioners signed letters to the Fayette County Firefighters Association (\$4,000), Fayette County Park (\$1,500), Friends of the Lewis House (\$2,000) and the Fayette County Sheriff's Department (\$8,000) enclosing a Community Participation Program Application for Fiscal Year 2011 for their projects. They are to complete the applications and return to this office no later than January 21, 2011 to be signed and an authorizing resolution approved.

The Commissioners signed an Order regarding the complaint they received from the Fayette County Dilapidated and Beautification Committee regarding Smith "Earl" and Eula Young property in Minden.

Ms. Berry informed the Commissioners that the rate of reimbursement set by the U. S. General Service Administration (GSA) for mileage allowance increased to fifty-one cents (.51¢) per mile.

Commissioner Scalph offered a motion to increase mileage having been advised that effective January 1, 2011 the rate of reimbursement set by the U. S. General Service Administration (GSA) for mileage allowance will increase to fifty-one cents (.51¢) per mile effective January 1, 2011. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners signed letter to Okey Skidmore, Manager Fayette County Memorial Building informing it was decided that the request of Cindy Preast to use the building for the upcoming West Virginia Blazers Basketball Event pending no conflict of schedule did meet the public, non-profit guidelines and, consequently the \$1,000.00 rental fee will be waived; however, the custodial and trash service fees requirements will not be waived on game day.

Ms. Berry informed the Commissioners she received a letter from Eddie Young, Assessor requesting the Commission to enter an Order to make corrections to the initial assessment roll, correct any errors that were created by the West Virginia Department of Tax and Revenue including but not limited to mineral changes or by the Assessor of Fayette County and found in the initial assessment roll be corrected before the 25<sup>th</sup> day of February 2011.

Carl Harris, Prosecuting Attorney presented a Memorandum of Understanding by and between the County Commission and the Fayette County Urban Renewal Authority to the Commissioners to sign.

Commissioner Lopez offered a motion that Fayette County Commission enter into a Memorandum of Understanding with the Fayette County Urban Renewal Authority whereby the Four Hundred Thousand Dollars (\$400,000.00) loan from the West Virginia Housing Development Fund to be used for the removal of dilapidated structures, County Commission will provide administrative staff to identify the property on which the dilapidated structures exist and support of all the removal of urban blight structures is removed, the Commission so long as funds are available, will allocate \$50,000.00 each year to the

Urban Renewal Authority for the purpose of payment to the West Virginia Housing Development Fund. Commissioner Scalph seconded. Unanimous. The Memorandum of Understanding signed.

Discussion was held regarding proceeding with the clean up of the bat guano. The cost received from USDA APHIS WS (United States Department of Agriculture-Animal and Plant Health Inspection Service-Wildlife Services) is \$4,000.00.

Commissioner Scalph offered a motion that Fayette County Commission proceeds with the elimination of bat damage and repairs with Tom Elliott, Northern District Supervisor, USDA APHIS WS, cost \$4,000.00 for the completed project. Commissioner Lopez seconded.

The Commissioners asked Ms. Berry to have Dickie Smith, Maintenance Supervisor to review and take care of.

Ms. Berry told the Commissioners she had talked with Keith Manley with Software Systems about a website for Fayette County. The Commissioners suggested to Ms. Berry to check with Sharon Cruikshank, Director of the Fayette County Chamber of Commerce.

Ms. Berry presented pictures of the sidewalk at the Courthouse Annex to the Commissioners.

Ms. Berry presented two (2) Community Participation Grant Program Applications and Resolutions to be signed to the Commissioners (The New River Youth Symphony and Chorus-\$3,000 and The Fayette County Historical Society/Contentment Museum-\$3,500).

Commissioner Scalph offered a motion to approve and sign Application and Resolution for the New River Youth Symphony and

Chorus-\$3,000 for the Fiscal Year 2011 Community Participation Grant Program. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign Application and Resolution for the Fayette County Historical Society/Contentment Museum for the Fiscal Year 2011 Community Participation Grant Program. Commissioner Wender seconded. Unanimous.

The Commissioners signed Sales Tax Report for the 4<sup>th</sup> Quarter for the Fayette County Park, amount \$148.21

The Commissioners signed the revised Orders for John Hoffman and Gary Davis members of the Fayette County board of Zoning Appeals

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of December 10 to December 16, 2010, amount \$172.00 and the week of December 17 to December 23, 2010, amount \$195.00.

The Commissioners received/reviewed and approved Third Quarter 2010/2011 Contribution to the New River Gorge Regional Development Authority, amount \$12,489.50.

The Commissioners received and reviewed a letter from Judge John W. Hatcher, Jr. thanking the Commission for their prompt and favorable action concerning the security locks on the Probation Department outer doors.

The Commissioners received and reviewed a letter from the West Virginia Solid Waste Management Board informing that effective November 1, 2010 Mark D. Holstine, PE was selected to serve as the new

Executive Director of the West Virginia Solid Waste Management Board.  
Mr. Holstine replaced Richard Cooke who retired at the end of October.

The Commissioners received and reviewed a notice from the West Virginia Association of Counties informing the 2011 Annual Meeting will be held on February 6 thru 8, 2011.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Service enclosing a copy of a Request for Reimbursement #5 for the Property Agreement-Dunloup Creek Real Property Agreement (FPE) Agreement #69-3D47-10-13.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Service enclosing one (1) fully executed copy of Amendment #3 Project Agreement-Dunloup Creek Agreement #69-3D47-29-3.

The Commissioners received and reviewed two (2) Account Statement from the Bank of New York Mellon for the Period November 23, 2010 through December 22, 2010 and for the Period December 1, 2010 through December 23, 2010.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the November Limited Video Lottery will be directly deposited on December 27, 2010, amount \$6,783.92.

The Commissioners received and reviewed Official Oath of Office from John Hoffman and Gary D. Davis, members of the Fayette County Board of Zoning Appeals and Loren B. Cox, member of the New River Gorge Bridge Day Commission.

The Commissioners received and reviewed several correspondences regarding Judy Tredway's Workers' Compensation claim.

The Commissioners received and reviewed checks for 911 Fees from nTelos, amount \$2,269.80, Suddenlink, amount \$8,428.00, Frontier, amount \$20,749.29, AT&T IXCs & Alascom, ME, amount \$274.00, IDT Corporation, amount \$12.00, Granite Telecommunications LLC, amount \$242.00 and Public Service Commission, amount \$176,502.80; Supreme Court-FLM Rent, amount \$6,075.00; Dept. of Health and Human Resources-Community Corrections Drug Testing, amount \$316.00; Matthew Wender-Internet Charges, amount \$299.40; Reimburse FCSWA, amount \$798.15.

The Commissioners received and reviewed an e-mail from Patrick Ford to Debbie Berry thanking her for scheduling the meeting regarding the Status of the Golf Course Services and stopping payment on a check.

The meeting was adjourned at 1:44 p.m. The next scheduled meeting is January 28, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND  
BOARD OF EQUALIZATION AND REVIEW  
JANUARY 28, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 28<sup>th</sup> day of January 2011.

Commissioner Wender called the meeting to order at 9:14 a.m.

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

Commissioner Lopez offered a motion to approve and sign real property tickets for Joshua Jarrod Stokes, James W. Horrocks, Jacob A. Tingler, Loil and Lottie Cashwell, N. Daniels Est., Hance I. Kincaid Est., and H. I. Kincaid Est. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign personal property tickets for Jamie Coleman, Leroy Adkins, Travis Jay Hobbs, Gary and Crystal Critchley, Chaney Insurance Agency, David Allen and Rebecca Pritt, Global Contact Services, Tammy L. (Bench) Treadway, Middletons Body Shop LLC, Southern Electric Contractors, Inc., Marcus A. and Alayna R. Christie, Crystal L. or Robert D. Allen, Eric D. and Shellie N. Oden. Commissioner Lopez seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve minutes of December 17, 2010 and January 7, 2011. Commissioner Lopez seconded. Unanimous.

Greg Ingram, Recorder for the City of Montgomery appeared before the Commission requesting annual support of funding for the reopening of the WVU Tech Swimming Pool and requesting the \$20,000.00 per letter of commitment dated March 25, 2009.

Mr. Ingram thanked the Commissioners for their help with the WVU Tech Swimming Pool.

Mr. Ingram told the Commissioners they are applying for a Transportation Enhancement Grant.

Mr. Ingram told the Commissioners there is a \$15,000.00 match. Mr. Ingram informed the Commissioners they would like for Fayette and Kanawha County Commission to come up with the match money.

Commissioner Lopez informed this is contingent upon if WVU Tech receive the Transportation Enhancement Grant.

Commissioner Lopez informed Mr. Ingram the Commission would take up as part of their Budget for the Fiscal Year 2011-2012.

Les Thomas, Council member for the City of Montgomery appeared before the Commission to request a donation for the Montgomery Historical Committee.

Commissioner Lopez informed they would consider for their March Budget.

Jerry Scarbro a member of the International Painter Union appeared before the Commission for a meet and greets session.

Discussion was held regarding a contribution to the Armstrong Creek Project.

Commissioner Lopez offered a motion that Fayette County Commission allocates \$20,000.00 toward the water upgrade project for Armstrong Creek Public Service District provided the full funding for the project can be raised. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez informed the Commissioners he received phone calls from several residents in the Boomer area regarding the street lights. Commissioner Lopez asked if this is something the Commission could assist with.

Commissioner Wender asked Ms. Berry to send a letter to the West Virginia Public Service Commission to inquire if there are state rules and regulations or programs to provide assistance for unincorporated areas regarding street lights.

The Commissioners signed a letter to our Senators and Delegates regarding the gubernatorial election.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land to the Commissioners from the Assessor's Office.

Commissioner Scalph offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Louisos LLC, and Valerie and Gary Lilly. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Elected Officials and Department Heads requesting that each office, prior to March 2, 2011 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 2011-2012.

The Commissioners received and reviewed a notice from the West Virginia Association of Counties informing they are in collaboration with the West Virginia Department of Motor Vehicles (DMV) has created a program for county officials and employees to obtain official identification cards.

The Commissioners informed they are not interested at this time.

Ms. Berry presented to the Commissioners Budget Revision #2 for the General County Fund and the Coal Severance Fund.

Commissioner Lopez offered a motion to approve and sign Budget Revision for the General County Fund and Coal Severance Fund Budget for Fiscal Year 2010-2011. Commissioner Scalph seconded. Unanimous.

Earl Smith with Mountain Heart Community Services appeared before the Commission to give an update on the Weatherization Program.

After the brief discussion, the Commissioners asked Mr. Smith if would come back on Friday, March 18, 2011 at 10:00 a.m. to give another update.

Attorney Matthew Bradford appeared before the Commission to file a Notice of Contest regarding the last will and testament of Keith Sutphin.

Present for the hearing was Assistant Prosecuting Attorney Brian Parsons, Prosecuting Attorney Carl Harris, Caleb Sutphin, son of Keith Sutphin, Joshua Sutphin, son of Keith Sutphin, Debra Massey, a

neighbor of Caleb Sutphin and a friend of Joshua Sutphin, Donald Tweed, a friend of Keith Sutphin.

Mr. Bradford told the Commissioners the will does not comply with West Virginia legal requirements both statutory and under case law, that Keith Sutphin did not possess the legal competency to formulate and execute a will, that the will is actually a layman's attempt to combine a power of attorney, medical power of attorney, and living will unto a single document, that the will does not include any "conveying words" and as such the document does not confer ownership of anything to anyone.

Commissioner Wender swore in Caleb Sutphin, Joshua Sutphin, Debra Massey and Donald Tweed to make their comments.

After a brief discussion, Commissioner Lopez offered a motion that the Fayette County Commission will take under advisement on February 16, 2010, will make a decision then, no other evidence will be taken, not necessary for anyone to be here. Carl Harris, Prosecuting Attorney informed the decision will be based on the evidence that was heard today. Commissioner Scalph. Unanimous. This hearing was recorded.

The Commissioners signed the Annexation of additional territory into the City of Oak Hill, Fayette County, West Virginia by Minor Boundary Adjustment.

Ms. Berry presented a drawdown request from Region 4 Planning and Development Council for the Danese Public Service District Water Extension Project #07ARCP15639, amount \$58,971.32.

Commissioner Lopez offered a motion to approve and sign drawdown request for the Danese Public Service District Extension Project, amount \$58,971.32. Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of February 2011.

Ms. Berry presented to the Commissioners a Community Participation Grant application and Resolution for the Fayette County /Sportsman Recreation Center/Skeet Equipment, amount \$2,000.00.

Commissioner Lopez offered a motion that the Fayette County Commission sign and adopts Resolution for the Community Participation Grant for the Fayette County/Sportsman Recreation Center/Skeet Equipment, amount \$2,000.00. Commissioner Scalph seconded. Unanimous. Resolution signed.

Ms. Berry presented to the Commissioners a Community Participation Grant application and Resolution for the Fayette County Sheriff Department/Special Response Team, amount \$2,000.00.

Commissioner Lopez offered a motion that the Fayette County Commission sign and adopts Resolution for the Community Participation Grant for the Fayette County Sheriff Department/Special Response Team, amount \$2,000.00. Commissioner Scalph seconded. Unanimous. Resolution signed.

The Commissioners signed drawdown request to the West Virginia Criminal Justice Services for the Community Corrections Center Grant for the month of December.

The Commissioners received notice from the Fayette County Urban Renewal Authority that Guy Dooley and James Lively needs to be reappointed to service as members on the Fayette County Urban Renewal Authority.

Commissioner Lopez offered a motion to reappoint Guy Dooley and James Lively members of the Fayette County Urban Renewal Authority. Commissioner Scalph seconded. Unanimous. Orders and letter of appointment to serve signed.

The Commissioners signed a letter of support to the American Humane Society on behalf of the Fayette County Animal Control Center.

The Commissioners received and reviewed from Earl Pauley, Park Superintendent, a reminder he would like to include in his camp letters for the new year that he sends out. The Commissioners approved.

Commissioner Wender informed the Commissioners he received a request for funds from the Oak Hill Little League to help build a concession stand. The project cost is approximately \$20,000.00. Commissioner Wender suggested funding \$3,000.00. It was suggested that this be addressed during the March budget sessions.

The Commissioners received and reviewed an e-mail from Tomoko Tamagawa, Program Manager, West Virginia Sustainable Communities informing that up to three facilities owned or operated by the County or municipalities within Fayette County is eligible to receive free energy assessment and improvement recommendations from professional auditors.

Ms. Tamagawa informed the Commissioners that this is a very unique opportunity, and she is happy to make this available to Fayette County.

Commissioner Wender suggested forwarding to the Town of Smithers. The Commissioners approved.

The Commissioners approved to go into an Executive Session at 1:10 p.m.

The Commissioners reconvened the County Commission meeting at 1:20 p.m.

The Commissioners recessed the County Commission meeting at 1:20 p.m.

The Commissioners reconvened as the Board of Equalization and Review at 1:20 p.m.

No appointments scheduled.

Eddie Young, Assessor has made available to the Commissioners the Tax Books.

Commissioners Wender informed that since there was no one present and no appointments scheduled for today the Board of Equalization and Review be recessed for today and continue again at 9:00 a.m. on February 2, 2011.

The Commissioners reconvened the County Commission meeting at 1:25 p.m.

The Commissioners received and reviewed a request from Daniel Wright, Circuit Clerk requesting that funds be transferred from his annual travel budget to purchase two (2) desks for his office.

Commissioner Lopez offered a motion to transfer funds from Daniel Wright, Circuit Clerk travel budget to purchase two (2) desk for his office. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed some 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 January 20, 2011, amount \$36,841.18, funds due for the December Limited Video Lottery will be directly deposited on January 28, 2011, amount \$5,877.20 and funds due to wine, liquor and private club taxes will be directly deposited on January 27, 2011, amount \$487.94.

The Commissioners received and reviewed a notice from Suddenlink Communications certifying that Cable Systems, Inc. Cebridge Acquisition, LLC and Cequel III Communications II, LLC, collectively doing business as Suddenlink Communications, has conveyed to its subscribers (via mail) the procedures for communicating their views and complaints to the operator and to the Public Service Commission.

The Commissioners received and reviewed a letter from Richard W. McVey regarding a warrant he received from the Town of Ansted.

The Commissioners received and reviewed a Newsletter from This Is Scout Country, Buckskin Council.

The Commissioners received and reviewed a letter from the Office of the State Auditor regarding the Levy Estimate (Budget) 2011-2012.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Sheriff Steve Kessler informing John Kauff returned to work as a Deputy Sheriff on January 18, 2011 on January 19, 2011 he resigned as a Deputy Sheriff.

The Commissioners received and reviewed a Public Notice from the U. S. Army Corps of Engineers.

The Commissioners received and reviewed a reminder from Region 4 Planning and Development Council asking the Commission when calculating the 2011-2012 budgets to allow for their local assessments that will be due after July 1, 2011.

The Commissioners received and reviewed a letter from the Buckskin Council thanking the Commission for their contribution in 2010 for helping them accomplish the mission of character development, citizenship training, mental and physical fitness of their youth. The Commissioners received and reviewed a letter from Attorney Kyle G. Lusk regarding a Petition to Contest Appointment of Administrator of Estate of Kenneth Ray McKee.

The Commissioners received and reviewed an Accident Report from the Fayette County Park on Jon McNemar cut hand at the base of his thumb.

The Commissioners received and reviewed Account Statements from the Bank of New York Mellon for the periods October 1, 2010 through December 31, 2010 and December 1, 2010 through December 31, 2010. The Commissioners received and reviewed Pledge Statement from the SunTrust Bank listing securities pledged as of December 31, 2010. The Commissioners received and reviewed a letter from the Branch Banking and Trust Company (BB&T) listing the securities held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission as of December 31, 2010.

The Commissioners received and reviewed a letter from Bowles, Rice informing that Judy Treadway has been scheduled for a PFT test for March 9, 2011.

The Commissioners received and reviewed a notice from the West Virginia University Local Government Leadership Academy informing of their Spring 2011 Conference being held April 9<sup>th</sup> and 10<sup>th</sup>, 2010 being held on WVU campus at Woodburn Hall.

The Commissioners received and reviewed from Delegate John Pino a copy of legislation drafted relating to Counties-County Commission allowed to remove a member of the Public Service District.

The Commissioners received and reviewed from Page-Kincaid Public Service District copies of their minutes of November, December and January meetings.

The Commissioners received and reviewed a letter from Judge Paul Blake expressing his appreciation for the renovations made to the second floor of the Judicial Annex.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Contract No. 17-Derryhale/Sun Mine Road Bid Opening Postponement.

The Commissioners received and reviewed Settlement Agreement and Release for John W. Kauff v. Fayette County Sheriff's Department, Case #WV-2011-00003-20-G.

The Commissioners received and reviewed a copy of a letter to Eddie Young, Assessor from the State Tax Department regarding Mr. Young's Fayette County TY11 Valuation Inquiry.

The Commissioners received and reviewed a memorandum from the Division of Criminal Justice Services enclosing a CD that contains the Fiscal Year 2012 West Virginia Community Corrections Grant Application, Application Appendices, and Instruction Manual. Applications must be received at the DJCS Office no later than 4:00 p.m. on Friday, April 1, 2011.

The Commissions received and reviewed a thank-you note from the Fayette Toy Fund, Inc. thanking the Commission for their contribution.

The Commissions received and reviewed a letter from Stafford Consultants Incorporated regarding the New Haven Public Service District-Ramsey Area Project.

The Commissions received and reviewed a letter from the Natural Resources Conservation Service regarding the Property Agreement-Dunloup Creek Real Property Agreement (FPE) Agreement #69-3D47-10-13.

The Commissions received and reviewed a letter from White Oak Public Service District inviting the Commissioners to their January 18, 2011 Board meeting to discuss the future of the Boy Scouts of America Project.

The Commissions received and reviewed a letter from the State Tax Department enclosing a blank scheduling roster and a blank 2011 Taxpayer Inquiry Request Form to be used for the upcoming County Board of Equalization and Review hearings.

The Commissions received and reviewed from the West Virginia Association of Counties the County Legislative Line.

The Commissions received and reviewed from the County Commissioners Association of Counties the Legislative Lineup.

The Commissions received and reviewed checks for 911 Fees from Suddenlink, amount \$8,466.00, Compliance Solutions, Inc., amount \$372.00, Frontier, amount \$20,44.10, Mountain Communications, LLC amount \$58.80 and Vonage Tax Account, amount \$252.00; check from the Division of Human Services for Family Resource Network (FRN), amount \$10,000.00; Soldiers and Sailors Fund, amount \$25.00; Franchise Fees from Shentel, amount \$1,080.18; Reimbursement-Sheriff of Fayette County, amount \$752.43; Reimbursement Sheriff of Nicholas County, amount \$15,247.13, City of Beckley-Underage Drinking, amount \$285.24.

The Commissions received and reviewed a Press Release regarding North American Scout Associations to Host the 24<sup>th</sup> World Scout Jamboree.

The meeting was adjourned at 1:30 p.m. The next scheduled meeting is February 2, 2011.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 2, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 2<sup>nd</sup> day of February 2011.

Commissioner Wender called the meeting of the Board of Equalization and Review for Industrial Hearings to order at 9:14 a.m.

Commissioner Wender informed we have only one industrial hearing scheduled, Georgia-Pacific. Commissioner Wender asked if there were

anyone else here this morning who has a request for a hearing on tax matter concerning industrial property.

Commissioner Wender asked that everyone be sworn in who wants to speak on Georgia Pacific. Commissioner Wender swore in everyone.

Present for the hearing was Eddie Young, Assessor, Carl Harris, Prosecuting Attorney, Robert Cuthbert, Senior Appraiser State Tax Department, Timothy Wagner, attorney for the State Tax Department, Neil Belt, Plant Manager and Brian Perry, Regional Tax Manager, and Leslie Patrick, Plant Controller for Georgia Pacific.

Neil Belt told the Commissioners they are here today to request release for a reduction in taxes. Mr. Belt told the Commissioners that Brian Perry has all the figures. At this time he would turn the floor over to Mr. Perry.

Mr. Perry asked the Commissioners if they had received the documents he sent. The Commissioners replied yes.

Mr. Perry gave a brief explanation of what was going on with the business and why they are requesting release for a reduction in taxes.

Mr. Perry told the Commissioner he was hoping that things would be turned around, but that's not happening.

Mr. Perry told the Commissioners they cannot continue to operate like this.

Mr. Perry told the Commissioners they are asking for economic obsolescence only on specific categories of the personal property. This would represent a 38% adjustment to the total personal property value and a 25% adjustment to the total real and personal property value.

Tim Waggoner attorney for the State Tax Department questioned Rob Cuthbert, Senior Appraiser for the State Tax Department.

Mr. Cuthbert told the Commissioners he replaced Judy Bays who handled the account and he has reviewed.

Mr. Cuthberth told the Commissioners the assessment was based on the tax return that the company filed with the State and all the information was based on what data that was provided to us by Georgia Pacific.

Tim Waggoner asked Mr. Cuthberth if he had any thoughts on the economic obsolescence.

Mr. Cuthberth replied the State feels the numbers are solid as we have processed them.

Tim Waggoner asked being one of the conditions, what condition was the property in on July 1, 2010.

Mr. Cuthbert replied he do believe it was operational on July 1, 2010 of the effective date of the tax return.

Tim Waggoner replied so that's kind of what we have to go on.

Mr. Cuthbert replied correct. So they based their information that the plant was operational at the time of the effective date of the tax return.

Commissioner Wender asked Mr. Cuthbert if he objects to what they are asking for.

Mr. Cuthbert told the Commissioners he feels we should stay. He doesn't have a recommendation as far as reduction, but he feels like the information we have processed is sufficient.

Commissioner Wender informed the Commission would take Georgia-Pacific request under advisement and notify them of their decision by the next Commission meeting February 7, 2011.

Commissioner Wender informed if there are no other matters to come before the Board of Equalization and Review he declares the Board of Equalization and Review adjourned at 9:50 a. m. Will convene on Monday, February 7, 2011.

The Commissioners reconvened the County Commission meeting at 9:50 a.m.

Theresa White, OES Director, Steve Cruikshank, Deputy OES Director, Chief Deputy Mitch Canterbury, John Vernon, Fire Chief Town of Fayetteville, and Tim Richardson, Fire Deputy City of Oak Hill appeared before the Commission to discuss emergency evacuation for the Courthouse buildings.

Mitch Canterbury told the Commissioners that the courthouse does not have any disaster plan. Mr. Canterbury told the Commissioners they need to discuss how to initiate a plan and get some ideas.

Steve Cruikshank presented an Evacuation/Shelter in Place Plan for the Courthouse to the Commissioners. The Commissioners reviewed and discussed. Attached is a copy of the Evacuation/Shelter in Place Plan for the Courthouse.

After a brief discussion, Commissioner Wender asked Steve Cruikshank to put together the first step of plans and report back in a month with details of the plan to the Commissioners.

Discussion was held regarding the ambulance service in the area, Commissioners Wender suggested putting Jan-Care Ambulance and David Neal on the agenda to discuss.

Bill Hannabass, City Manager for the City of Oak Hill, Dave Pollard, County Resource Coordinator, W. D. Smith, Executive Director Region 4 Planning and Development Council, Larry Dotson and Barney Stinnett, members of the Oak Hill Sanitation Board, and Debrin Jenkins representative from Congressman Rahall Office appeared before the Commission to discuss the Arbuckle Public Service District.

Bill Hannabass told the Commission the City of Oak Hill put together a plan receptive to the acquisition of Arbuckle Public Service District and running a sewer line. The grant was not successful.

Commissioner Wender asked Mr. Hannabass if the County would force Arbuckle Public Service District to consider your offer would the City of Oak Hill be interested.

Mr. Hannabass replied no.

Commissioner Wender asked W. D. Smith for advice.

Dave Pollard informed the Commissioners that USDA is not interested in receivership, but the Public Service Commission is interested in receivership.

After a brief discussion, Commissioner Wender suggested looking into the options on how we might approach this matter.

Commissioner Wender informed he hope the City of Oak Hill would leave their door open.

The Commissioners signed a letter to the Public Service Commission regarding an issue that has been brought before them regarding monthly costs for utility bills for street lights jointly funded by residents in Boomer, West Virginia an unincorporated area of Fayette County.

The original residents in the area can't afford to cover the entire cost of \$3,000.00 annually.

The Commissioners is inquiring if there are state rules and regulations or programs to provide assistance with this matter.

The Commissioners signed the Triad Engineering Contract for the Environmental Protection Agency (EPA) Brownsfield Grant.

David Neal, E911 Coordinator, Stephanie Sears, Staff Accountant, Dave Pollard, County Resource Coordinator and Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the plans for the new 911 Center.

David Neal gave a brief summary on the new 911 Center progress.

Mr. Neal told the Commissioners he received a copy of the plans for the site that Thrasher Engineering had prepared for Dan Snead.

Discussion was held regarding the insurance on the new building- County would pay the insurance on the building and the items inside should be covered by the 911 Fund.

Commissioner Wender would like to propose that the Fayette County Building Commission will require the 911 to reimburse the County for expenses.

Commissioner Wender asked Dave Pollard to see if he can get a time line on the project.

The Commissioners received and reviewed a letter from the Fayetteville Little League requesting the use of the Memorial Building for February 6, February 12, February 19, February 26 and March 29 and March 26, 2011 to conduct sign-ups and hold tryouts in the facility.

Commissioner Scalph offered a motion that Fayette County Commission allows the Fayetteville Little League to use the Memorial Building for the 2011 registration (on February 6, February 12, February 19, 2011), one day for inclement weather registration (February 26) and two days for inclement weather tryouts (March 19 and March 26), the \$1,000.00 rental fee, custodial fee and trash service fee will be waived. All other rules are applicable including the insurance requirements. Commissioner Lopez seconded. Unanimous.

The Commissioners approved and signed

The Commissioners signed Agreement with the United States Department of Agriculture Animal and Plant Health Inspection Service (APHIS) for bats inhabiting attic of the courthouse, fear of disease, feces accumulation, effective January 31, 2011 until September 30, 2011, cost \$4,000.00.

The Commissioners signed a letter to the West Virginia Development Office requesting that the scope of the Legislative Digest Project #10LEDA0137 be changed from the Community Corrections/Educational Media and Equipment to the Community Corrections/Community Garden/Horticulture Concepts.

Ms. Berry presented a Resolution to be signed for the Community Correction Center to change the contract scope with the State of West

Virginia for the Community Participation Program Funds to the Community Corrections/Community Garden/Horticulture Concept.

Commissioner Lopez offered a motion that Commissioner Wender be legally authorized to execute agreements and approve and authorize the adoption of the Resolution. Commissioner Scalph seconded. Unanimous. Resolution signed.

Commissioner Scalph informed the Commissioners that she will be attending the 2011 West Virginia Association of Counties meeting being held on February 6, February 7, and February 8, 2011, therefore, she will not be able to attend the County Commission meeting on Monday, February 7, 2011.

Ms. Berry informed the Commissioners that the Kanawha Falls Public Service District Public Hearing for the SCBG application is scheduled for February 18, 2011 at 10:30 a.m. in the County Commission Room. Region 4 Planning and Development Council will present the SCBG application to the Commissioners to be signed on March 18, 2011 at 10:30 a.m.

The Commissioners received and reviewed a letter from Dan Poland (Head Baseball Coach Fayetteville High School) asking permission for use of behind the stage at the Memorial Building throughout the months of February and March after school for batting practice. The Commissioners denied the request.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District-Ramsey Water-EPA Case Community Winona Wastewater.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period January 1, 2011 through January 21, 2011.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of January 21, 2011 to January 27, 2011, amount \$366.00.

The Commissioners received and reviewed a letter from the Fayette County Historical Society requesting funding for the Fiscal Year 2011-2012 Budget.

The Commissioners received and reviewed a letter from Brian Sparks, CPC, Agriculture and Natural Resources Agent, WVU Extension Service informing that a meeting has been scheduled for February 10, 2011 at 5:30 p.m. at the Fayette County WVU Extension Service in Fayetteville informing he will be submitting for their approval their proposed Financial Memorandum of Agreement with the County Commission and the County Board of Education and an Annual Employment of Extension Personnel Memorandum of Agreement.

The Commissioners received and reviewed checks for 911 Fees from nTelos, amount \$2,198.02; Reimbursement FCSWA, amount \$798.15 and Reimbursement recall from Chrysler, amount \$302.50.

The Commissioners recessed the Commission meeting at 12:30 p.m. to go into an Executive Session to discuss a legal matter.

The Commissioners reconvened the Commission meeting at 1:15 p.m.

The meeting was adjourned at 1:15 p.m. The next scheduled meeting is February 7, 2011.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 7, 2011  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez

The Fayette County Commission met in a special session on this 7<sup>th</sup> day of February 2011.

Commissioner Wender called the Board of Equalization and Review hearing to order at 9:15 a.m.

No hearings were scheduled.

Commissioner Wender asked to adjourn the Board of Equalization and Review, if anyone comes and request a hearing before the Commission leaves they would reconvene the Board of Equalization and Review, otherwise they would stand recessed until February 10, 2011 for Mineral Hearings.

The Commissioners convened the County Commission meeting at 9:30 a.m.

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

Discussion was held regarding the February 2, 2011 industrial hearing of Georgia-Pacific. After a brief discussion the Commission decided to make a decision on February 10, 2011.

Attorney Paul Clay appeared before the Commission to Petition a Motion for Removal of Administrator in the Estate of Geneva Mae Welch.

After a brief discussion, Commissioner Lopez offered a motion to remove David Welch as Administrator of the Estate of Geneva Mae Welch and appoint her daughter Brenda Kirby as Administratrix in the Estate. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to express their continuing support for the Southern Appalachian Labor School application to continue home rehabilitation work within Fayette County West Virginia.

The Commissioners signed a letter to Congressman Nick Rahall offering their appreciation for his assistance on establishing a rural route delivery extension in Wolf Creek Park through the United States Postal Service.

Ms. Berry informed the Commissioners she received a letter from the West Virginia Division of Culture and History informing that the grant for the County Clerk project was not approved, but the grant for the Circuit Clerk project was approved but at reduced funding.

Ms. Berry told the Commissioners that the West Virginia Division of Culture and History wants to know if they want them to proceed.

The Commissioners signed a letter to the West Virginia Division of Culture and History informing that as a follow-up to their letter dated February 1, 2011, it is the Commission intent to proceed with the Circuit Clerk's preservation project to microfilm and digitize Civil and Criminal Index Books at the reduced funding level of 49,918.00.

The Commissioners received and reviewed a request from the Fayette County Green Advisory Team requesting permission to use the Courthouse lawn and walkways on Saturday, April 23, 2011 from 12:00

p.m. to 5:00 p.m. for the purpose of acknowledging the 2011 Earth Day Celebration.

The Commissioners approved the request for use of the Courthouse property with the condition that no vehicles are permitted on the Courthouse lawn for any purpose including unloading that no amplification is allowed on the courthouse property, that all county property shall be cleaned up immediately after the even concludes.

The Commissioners signed a letter to Okey Skidmore, Manager, Fayette County Memorial Building informing the Commission decided that the request of the Earth Day Committee to use the Memorial Building as a back-up plan in case of inclement weather for the purpose of hosing Earth Day Event did meet the public, nonprofit guidelines and consequently the \$1,000.00 rental fee, and the custodial and trash service fees will be waived.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of March.

The Commissioners received and reviewed Water and Sewer Audits for the Fiscal Year 2010 from Page-Kincaid Public Service District.

Ms. Berry informed the Commissioners they had received a \$20,000.00 grant for doors at the Memorial Building.

Ms. Berry told the Commissioners she received two (2) quotes (Fayette Awning and Glass, Inc. \$20,950.00 and Danhill Construction Company \$22,600.00).

Commissioner Lopez offered a motion that Fayette County Commission approves the lower bid from Fayette Awning and Glass,

\$20,950.00 for the doors for the Memorial Building. Commissioner Wender seconded. Unanimous.

The Commissioners signed Order granting motion of Brenda Kirby for removal of David L. Welch as Administrator of the Estate of Geneva Mae Welch.

The Commissioners received and reviewed an Official Oath of Office from James E. Lively, a member of the Fayette County Urban renewal Authority.

The Commissioners received and reviewed a letter from Judge John Hatcher, Jr. on behalf of all the ladies in the Circuit Clerk's office and his office thanking the Commissioners for the wonderful renovation of the ladies' restroom.

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a copy of a notice regarding an AED First Response Promotion.

The Commissioners received and reviewed a letter from Travelers Insurance acknowledging receipt of Daniel Pauley's injury at the Fayette County Park.

The Commissioners received and reviewed correspondence from the County Commissioners' Association of West Virginia.

The Commissioners received and reviewed checks for Franchise Fees from Suddenlink Communications (Mount Hope), amount \$1,850.91, Suddenlink Communications (Cedar Grove), amount \$18,845.09, Suddenlink Communications (Oak Hill), amount \$26,532.18, and Suddenlink Communications (Boomer, Dixie, Pax, Robson), amount \$14,949.25.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 10, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a special session on this 10<sup>th</sup> day of February 2011 as Board of Equalization and Review.

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

The Commissioners recessed the Board of Equalization and Review at 9:05 a.m. and convened the County Commission meeting.

Commissioner Lopez offered a motion to approve vouchers, invoices and 1<sup>st</sup> half payrolls, vendors check to be released today, payrolls to be released February 15, 2011. Commissioner Scalph seconded. Unanimous.

The Commission recessed the County Commission meeting at 9:15 a.m. and reconvened the Board of Equalization and Review.

Commissioner Wender informed the first case is Brian and Rebecca Meredith.

Commissioner Wender informed that as the cases are presented today, the State and the Taxpayer will go to the back room to discuss and the State will bring back to the Commission their decision.

Commissioner Wender swore in Jerry Knight, Consultant, and Rebecca Meredith.

Commissioner Wender informed Carl Harris our Prosecuting Attorney representing the County is also present.

Rebecca Meredith appeared before the Commission requesting that missioners the values are not consistent from year to year on her property.

Jerry Knight gave an explanation to the Commissioners regarding the Legislator Rules on prime seams and sewell seams

Commissioner Wender informed the County Commissioner will stand recessed as Board of Equalization and Review will reconvened once they have the decision from the State on the Meredith request.

After reviewing the property the State informed the Commissioners they changed Brian and Rebecca Meredith property from a T-20 to a T-40.

Commissioner Wender informed that since there is no further discussion the Commission will take under advisement and let them know something by the end of the month.

Richard Persinger appeared before the Commission to request that his

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 16, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 16<sup>th</sup> day of February 2011.

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

Commissioner Wender informed that they are here today to make a decision regarding the Estate of Keith Sutphin.

Discussion was held. Commissioner Wender stated that the document presented to the Clerk was written by the decedent; signed by the decedent and dated. That at the time the decedent wrote and executed the document he was not incompetent to do so. It is clear that the provisions is made for Joshua Sutphin to reside in the house and that no one else may reside there without his permission.

Commissioner Scalph offered a motion that Fayette County Commission finds that Keith Sutphin was competent when writing his will and that Joshua Sutphin is to reside in the house and that no one else may reside there without his permission. Commissioner Lopez seconded. Unanimous. A copy of the Order is attached.

Doug McKenzie, a representative for J. W. Walters, Inc. presented the reason why mining is not allowed within the New River Gorge National River boundary to the Commissioners.

Ms. Berry presented a Requisition from Kelvin Holliday, County Clerk requesting six (6) desk for his office to the Commissioners. The Commissioners informed Ms. Berry they would review the request during their budget session.

Discussion was held with W. D. Smith, Executive Director Region 4 Planning and Development Council regarding the inclusion of Armstrong Deepwater Public Service District with the Kanawha Falls Public Service District SCBG application.

Vicki Hylton, Assistant Prosecuting Attorney appeared before the Commission to present Notice of Filing of Complaint requiring property owners to complete demolition and removal of all dilapidated buildings or dwellings on their property listed below:

Neal William and Ruth Ann Bias - No one in the courtroom or in the hallway present on their behalf.

Commissioner Scalph offered a motion that Fayette County Commission order that all dilapidated buildings on the property of Neal William and Ruth Ann Bias be demolished, debris to be removed and to pursue all remedies for reimbursement. Commissioner Lopez seconded. Unanimous.

Amber Lee Ransom - No one in the courtroom or in the hallway present on her behalf.

Commissioner Scalph offered a motion that Fayette County Commission order that all dilapidated buildings on the property of Amber Lee Ransom be demolished, debris to be removed and to pursue all remedies for reimbursement. Commissioner Lopez seconded. Unanimous.

Kelly and Erie Carpenter - No one in the courtroom or in the hallway present on their behalf.

Commissioner Scalph offered a motion that Fayette County Commission order that all dilapidated buildings on the property of Kelly and Erie Carpenter be demolished, debris to be removed and to pursue all remedies for reimbursement. Commissioner Lopez seconded. Unanimous.

Madelyn Mitchell her heirs or assigns - No one in the courtroom or in the hallway present on their behalf.

Commissioner Scalph offered a motion that Fayette County Commission order that all dilapidated buildings on the property of Madelyn Mitchell, her heirs, or assigns be demolished, debris to be removed and to pursue all remedies for reimbursement. Commissioner Lopez seconded. Unanimous.

Richard and Kimberly Canterbury - No one in the courtroom or in the hallway present on their behalf.

Commissioner Scalph offered a motion that Fayette County Commission order that all dilapidated buildings on the property of Richard and Kimberly Canterbury be demolished, debris to be removed and to pursue all remedies for reimbursement. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Fayette County Board of Education informing they wholeheartily support the Board's proposal for a new elementary school in Mount Hope to serve the deserving youth of Mount Hope.

The Commissioners received and reviewed a letter from Cindy Preast Harrington requesting use of the Memorial Building for the upcoming West Virginia Blazers Basketball Event scheduled for February 26, 2011.

The Commissioners approved the use of the building for the upcoming West Virginia Blazers Basketball Event pending no conflict of schedule. The \$1,000.00 rental fee will be waived; however, the custodial and trash service fee requirements will not be waived on game day. All other rules are applicable including insurance.

Discussion was held regarding the use of the Memorial Building as a designated area for early voting.

Carl Harris, Prosecuting Attorney, suggested getting written agreements from the Chairperson of the Democratic Executive Committee and the Republican Executive Committee designating the Memorial Building as an area for early voting. Mr. Harris also suggested getting written approval from the County Clerk, once you have their approval the Fayette County Commission can designate the Memorial Building as the early voting location.

The Commissioners signed a letter to the West Virginia Water Development Authority informing the Fayette County Commission is highly appreciative and supportive of the efforts by the Armstrong Deepwater Public Service District project.

The Commissioners signed Memorandums to Steve Cruikshank, Lynn Holstine, Kevin White, Lisa Hudson, Jacqueline White, and Amy Neal informing them of the regular business hours of the Fayette County Courthouse and there is no provision allowing working from home.

Commissioner Lopez offered a motion that the Fayette County Commission request that the executive committees of the democrat and republican parties submit their names for the upcoming Special Primary Election being held May 14, 2011. Commissioner Scalph seconded. Unanimous. Order signed.

The Commissioners received and reviewed a copy of a letter from Senator William Laird, IV to the West Virginia Development Office informing that he has been notified of the need to have a change scope for the Community Corrections/Educational Media and Equipment #10LEDA0137 and he approved of the change.

The Commissioners received and reviewed a copy of a letter from Bowles Rice regarding Judy Treadway, Case ID #A310-000532.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the January 2011, Table Games will be directly deposited on February 16, 2011, amount \$6,482.63.

The Commissioners received and reviewed Account Statement from the Bank of New York Mellon for the period January 1, 2011 through January 31, 2011.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing as of January 31, 2011 listing the securities held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company (BB&T) giving an Account Activity Summary

for Branch Banking and Trust Company Trustee Fayette County West Virginia Lease Revenue Bonds (WV-American Water Company).

The Commissioners received and reviewed check for HUD/SCBG for Danese Public Service District, amount \$58,971.32.

The Commissioners received and reviewed a letter from the Public Service Commission regarding street lighting assistance for the residents of Boomer.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 4, 2011 to February 10, 2011, amount \$197.00.

The Commissioners recessed the Commission meeting at 12:10 p.m.

The Commissioners reconvened as the Board of Equalization and Review at 1:00 p.m.

Carl Harris, Prosecuting Attorney informed the Commissioners that earlier today Dough McKenzie appeared before the Commission to bring to them the information he had regarding the Federal Regulations and why the coal on his property would not be mineable. He brought this over earlier. We should make this an exhibit in his file. Mark copy "Owner Exhibit I."

Commissioner Lopez informed the time is 1:10 p.m.. The first scheduled appointment is Tom Feazell.

Commissioner Lopez swore in Tom Feazell and Eddie Young, Assessor.

Tom Feazell informed the Commissioners the appraised value on his property has gone up 100% for the last 2 years and thought that was a little excessive so he asked the Assessor to send an appraiser down to

check property again. They agreed to hold the value at the value they had appraised it for 2011.

Mr. Feazell informed he asked for consideration due to his wife's illness. He was told that consideration could not be given because there is no provision in State Law to do so.

Mr. Feazell told the Commissioners he made an appointment with Eddie Young the Assessor to discuss the matter. Mr. Young told him he could not suggest or couldn't recommend help for him at this time.

Mr. Feazell told the Commissioners that his last appeal would be to the Board of Equalization and Review to help him out with the situation of taxes on his property.

Mr. Feazell told the Commissioners it's not that he doesn't agree with the appraised value he just would like a year in between and then the following year 2012 would go to this value.

Mr. Young told the Commissioners he reassessed Mr. Feazell's property when sold. He purchased the property for \$60,000.00 then did a total restoration on the house; they revalued the house. The property's current appraised value is \$128,000.00, the assessed value \$76,920.00.

Mr. Young provided the Commissioners with a copy of the West Virginia Code 11-31.

Mr. Young told the Commissioners currently under the West Virginia State statute there is no provision for this circumstance and this does not affect our valuation process.

Commissioner Lopez asked Carl Harris, Prosecuting Attorney if he knows of anything regarding hardship relief.

Mr. Harris replied there is no provision that he is aware of.

Commissioner Lopez informed Mr. Feazell the Commission will be making their decision on February 23, 2011; they will be sending him a letter.

Commissioner Lopez informed since there is nothing else to come before the Board of Equalization and Review they will adjourn at 1:20 p.m.

Commissioner Scalph offered a motion to adjourn the Commission meeting at 1:30 p.m. Commissioner Lopez seconded. Unanimous.

The meeting was adjourned at 1:30 p.m. The next scheduled meeting is February 22, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION AND BOARD  
OF EQUALIZATION AND REVIEW  
FEBRUARY 23, 2011  
COURTHOUSE

FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 23<sup>rd</sup> day of February 2011.

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

Commissioner Scalph offered a motion to approve vouchers, invoices, checks to be released today and approve 2<sup>nd</sup> half payrolls, checks to be released February 28, 2011. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign personal property tickets for Elizabeth C. Straus, Judith A. Wriston, Michele

Dawn Errington, Susan E. Blake, Marianna L. and John W. Kania, James L. (Morgan) and Richard Stearns, Michael Copeland and Roger B. and Sarah B. Powers, Jr. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets for Ila Mae Maynor, George A. and Terri A. Harrah, Daniel P. and Shirley Goins, Meadow Creek Coal Corp. Commissioner Wender seconded. Unanimous.

Gloria King, President, Beth Powers, Tara Workman, Carri Carr, and Felicia McKinney members of the New River Humane Society appeared before the Commission to give details of what was going on at the Animal Shelter and what is needed for the Animal Shelter.

Ms. King told the Commissioners that they have had break-ins at the Shelter and on October 12, 2010 their phone lines were cut.

Ms. King told the Commissioners there is a need for surveillance equipment for the Animal Shelter.

Ms. King told the Commissioners they have found a 24/7 Recording System that requires no phone line, uses 2 DVR, has four (4) cameras, cameras are on the telephone pole they have vandal resistant domes.

Ms. King told the Commissioners they received a cost from Key Telephone Company, cost \$4,784.40. Ms. King is asking that the Commission consider adding this expense to their budget.

Commissioner Wender informed they would put this amount in the budget and let the Board decide which company gets the different quotes.

Ms. King told the Commissioners they do not plan to ask for an increase in their budget.

Ms. King told the Commissioners they need cages. They are going to apply for grants for additional cages.

Ms. King told the Commissioners they need 54 cages moved.

Commissioner Wender asked Ms. King to consult with Earl Pauley, Park Superintendent about removing old cages.

Beth Powers requested that the Fayette County Commission come down to visit the center to look at the shelter.

Commissioner Wender asked Ms. King to call Jackie Hickman and schedule the Commission to come down and visit.

Discussion was held regarding the noise from the Skeet Shooting Range.

Commissioner Wender asked Ms. King and her group to ask Mr. Pauley about checking into getting fast-growing pine trees, etc. to help with the noise.

Ms. King asked the Commissioners what they should do with the animals that are seized more than eight (8) days. Ms. King told the Commissioners one Magistrate says release the dogs.

Carl Harris, Prosecuting Attorney suggested to Ms. King to call the Prosecuting Attorney's Office and get an answer from whoever is handling the case.

The group asked the Commissioners if they would draft a letter to Earl Pauley informing that the members of the New River Humane Society and workers at the shelter express their sincere appreciation for all the help that he has given them.

Rick Cornett, President, Jan-Care Ambulance appeared before the Commission to discuss the plans for General Ambulance Service since the purchase.

Mr. Cornett told the Commissioners he purchased five (5) new trucks from General Ambulance and he plans to buy more trucks and will to assign them to 911 for day time shifts.

Mr. Cornett told the Commissioners he retained 90% of employees from General Ambulance. The ambulance left needs a lot of work.

Mr. Cornett told the Commissioners the area General Ambulance covered and the area Jan-Care Ambulance covers.

Mr. Cornett told the Commissioners Jan-Care Ambulance has Drive Cams, plans are in the works to install the Cams in the General Ambulance.

Commissioner Wender asked David Neal if a GPS/CAD System for 911 Center is installed.

David Neal informed the Commissioners this is on the proposal for the new center for tracking ambulances.

Mr. Neal told the Commissioners that they have more coverage and improvements since Jan-Care Ambulance purchased General Ambulance.

Mr. Cornett told the Commissioners that the 911 Center needs CAD System.

Mr. Cornett told the Commissioners he has upgraded his Agreement with the Kanawha County Commission to cover the valley area.

The Commissioners asked David Neal and Todd Cornett to come in July 2011 and give a report on where the program is.

Sheriff Steve Kessler appeared before the Commission to inform them that there is a deadline on the Crown Victoria vehicles, he needs a purchase order by March 1, 2011, they will invoice after July 2011.

Sheriff Kessler is requesting four (4) vehicles, cost for the vehicle \$91,492.00 each.

The Commissioners approved to prepare Purchase Order.

The Commissioners approved and signed Petitions to Combine or Divide and Segregate Land for Kenneth E. and Bobbie J. Treadway, Daniel R. Russell and Charles C. and Grace Fox.

The Commissioners approved and signed drawdown requests to the West Virginia Development Office for the New Haven Public Service District-Stringtown Road Water Extension, amount \$14,153.36 and the Danese Public Service District Water Extension, amount \$27,900.73.

The County Commission meeting was adjourned.

The Commission reconvened as the Board of Equalization and Review hearing at 1:00 p.m.

Commissioner Wender informed the Fayette County Commission is meeting today at 1:00 p.m. sitting as the Board of Equalization and Review today.

Commissioner Wender informed that this would be the final day for our Board of Equalization and Review and we have three (3) matters resulting from hearings yesterday (February 22, 2011).

Commissioner Wender informed the Fayette County Commission on February 11, 2011 sent out seven (7) notices to various landowners concerning various properties that the Fayette County Commission felt that were not valued correctly. At the conclusion of yesterday's

hearing they decided that four (4) of those matters they did in fact agree with the State's valuation and would take no further action, however, on three (3) of those matters they do have changes in the valuation.

Commissioner Wender informed he would like to address each of the three (3) companies:

1. Midvale Colliery - In that case one seam was the Powellton seam it had mineable acreage of 1,024.75 acres and the seams thickest was 3.3 ft. applying rule 4.2.3.14 with along with an exhibit (table) that rule provides assuming the mineable acreage is correct on the State Form NR154PTD then in applying the rule the tax assessment should be \$908,107 rather than the State's value \$80,592 based on the seam being a T-20 rather than a T-40. The undermining and overmining should be taken into consideration as to mineable acreage or mineable tonnage.

2. Pardee Minerals, LLC - There are two (2) seams of coal, the Stockton A seam and the Eagle A seam the State determined that the Stockton A seam was the primary coal seam. The Stockton A seam has 559.97 mineable acres with a thickest of 3.07 ft. the Eagle A seam has 678.02 mineable acres and is 4.22 ft. in thickest applying the rule 4.2.3.14 the Eagle A seam should be the prim seam as it would produce the most mineable coal and again that rule states that assuming the mineable acreage is correct on the State's Form NR154PTD then in applying the rule the tax assessment should be \$841,353 for the Eagle A seam as the prim seam and would be assigned a T-20 rating and \$36,838 for the Stockton A seam as a T-80 rating.

3. Glade Creek Limited Partnership - The State's determination is that the prim seam was the Fire Creek seam and that is correct, the value of the six (6) elements to determine the T-Factor add to 60 and divided by 3 as required by the rule would give a T-Factor of 20, the application of the rule was overridden by the State Tax Commissioner because of an assignment of 602 designation and changed the assessment to a T-40. The State's witness Mr. Jeff Kern stated that in his belief that it should be a T-20 as determined by the application of the rule and the Commission is in agreement.

Commissioner Wender informed the Fayette County Commission needs to take a vote on these matters that we have just discussed. Again Commissioner Wender informed this is going back to the hearings that was held yesterday (February 22, 2011).

Commissioner Wender asked for a vote on each one of these land companies and the parcels that were considered yesterday.

Boone East Development Company - Commissioner Scalph offered a motion regarding the three (3) parcels that the Commission makes no changes and they remain the same. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed he would like to point out that on the Boone East Development Company why one of the three parcels the Commission does not have to take any further action. It was revealed in the hearing yesterday that one parcel was double assessed because it was determined that the parcel is actually being mined currently so the State is going to address that matter.

Commissioner Wender informed the next company that we need to vote on is Seven Sheridan Square/Penn Virginia.

Commissioner Scalph offered a motion that Seven Sheridan Square/Penn Virginia that there would be no change and the tax would remain the same. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed Glade Creek Limited Partnership as was mentioned early in today's meeting we would be sending a letter changing the appraised value of the mineral.

Commissioner Wender called for a motion to approve issuing this letter that was previously discussed.

Commissioner Scalph offered a motion to send the letter going forward with the change in taxation on the Glade Creek Limited Partnership. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed the next matter is Midvale Colliery we need to issue a letter if we choose to change the appraised value of the minerals.

Commissioner Scalph offered a motion on Midvale Colliery to set forth a letter changing the tax on that parcel. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed the third matter is Pardee Minerals LLC as previously mentioned discussion took place as why the Commission would change the appraised value and we would need to send a letter, we would need to vote on that, we need a motion that we issue a letter changing the appraised value of Pardee Minerals LLC.

Commissioner Scalph offered a motion Pardee Minerals LLC to go forth with sending a letter changing the taxation on said parcel. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed there is a matter that the Commission has not acted on previously, in the matter of a property owner by the name of Thomas Feazell has the Commission got a recommendation and motion on that.

Commissioner Scalph made a motion stating unfortunately there is no statutory authority to make any adjustments per Mr. Feazell request and that tax would remain the same. Commissioner Wender seconded. Unanimous.

Commissioner Wender informed that for the record he like to make mention that for the mineral hearings held by the Fayette County Board of Equalization and Review on February 10<sup>th</sup> the Commission again sitting as the Board of Equalization and Review on February 16<sup>th</sup> made a determination in each of those matters on February 16<sup>th</sup>, the Fayette County Commission has issued letters and those letters will be signed and will be going out with today's mail advising those property owners who where here on February 10<sup>th</sup> of the determination of the Commission.

The Commission recessed the Board of Equalization and Review for ten (10) minutes.

Commissioner Wender reconvened the Board of Equalization and Review at 1:40 p. m. There have been no tax payers coming before the Commission today.

The Commissioners signed the order certifying the Board of Equalization and Review for the year 2011.

Commissioner Scalph offered a motion that the Fayette County Commission, having met our Constitutional requirements, the Fayette County Commission will adjourn sine die. Commissioner Wender seconded. Unanimous.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 4, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 4<sup>th</sup> day of March 2011.

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

Attorney James Blankenship appeared before the Commission to present the Petition and Application of Ruth Jarrett to close and vacate an unnamed and unused road outside the incorporated town limits in the community of Boomer, Valley District, Fayette County, West Virginia.

The Fayette County Commission upon consideration of said Petition and Applications approved to scheduled the hearing for March 18, 2011 at 9:30 a.m.

Barbara Hickman, member of the Friends of the Lewis House appeared before the Commission to request funding to replace the heating system at the Friends of the Lewis House.

Ms. Hickman told the Commissioners they received two (2) bids to replace the heating system with an energy efficient heating/cooling system.

Ms. Hickman told the Commissioners she would appreciate anything they could do.

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

Sheriff Steve Kessler appeared before the Commission to discuss his Budget for Fiscal Year 2011-2012.

Sheriff Kessler told the Commissioners he did include increases for PEIA, and Longevity for Deputies.

The Sheriff told the Commissioners he is going to order 4 vehicles but he needs 5.

Sheriff Kessler told the Commissioners overtime stays the same as last year, \$80,000; Dog Warden; no change, no change in their overtime; Supplies and Materials no change; Uniform Allowance for Law Enforcement stays the same; part-time employees stay the same, STARS Program no change; K-9 Fund increases to \$5,000; Project Life Saver no change; Training and Education no change; dues and Subscription no change; Travel Expenses no change; Food and Drug no change; Regional Jail Expense same \$800,000.

Sheriff Kessler asked the Commissioners if they would consider two (2) additional budget request: 1- Funding to purchase an additional 10 bulletproof vests for officers that do not have vests and to replace vests that are more than five years old. The price of a bulletproof vest ranges from \$850 to \$1,270 depending on the size of the officer. The total of the request would be \$10,000.00 and, 2- Funding for Quikclot Trauma Dressing. These kits can be used in the

field to stop bleeding from gunshot or stab wounds until EMS can provide additional medical assistance. These trauma kits cost \$100.00 each from Galls, Inc.

Sheriff Kessler is requesting funding in the amount of \$2,000.00 to purchase 20 kits for issue to our Deputy Sheriff's assigned primarily to uniform patrol duties and SWAT duty.

Commissioner Lopez informed the Commissioners he had Earl Pauley, Park Superintendent to get a quote for repairs at the Boomer Ball Field.

Commissioner Lopez informed the Commissioners he received a quote from Means Lumber Company in the amount of \$1,371.63.

Commissioner Lopez asked the Commissioners if they would accept and approve quote for repairs for the Boomer Ball Field from Means Lumber Company, amount \$1,371.63.

Commissioner Scalph offered a motion to accept and approve the repair quote from Means Lumber Company for the Boomer Ball Field, amount \$1,371.63. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Cindy Dragan, Chairman of the Fayette County New River Gorge Bridge Day Commission informing that Loren Cox has resigned due to his retirement from the Department of Highways. The Department of Highways has asked that he be replaced by J. R. Brubaker until a replacement for Loren Cox is announced.

Commissioner Lopez offered a motion to approve J. R. Brubaker to replace Loren Cox as a member of the Fayette County New River Gorge

Bridge Day Commission. Commissioner Scalph seconded. Unanimous. The Commissioners signed Order and Appointment to Serve letter.

The Commissioners signed a letter to Earl Pauley, Park Superintendent extending their gratitude to him for his assistance and coordination for his help at the Fayette County Animal Control Center.

Ms. Berry presented to the Commissioners Budget Revisions for the General County Fund for Fiscal Year 2010-2011.

Commissioner Wender offered a motion to approve and sign Budget Revision for the General County Fund Budget for Fiscal Year 2010-2011. Commissioner Lopez seconded. Order signed.

The Commissioners signed the Fayette County Fire Levy Protection Agreement for the Gauley Bridge Volunteer Fire Department for the period July 1, 2010 to June 30, 2011.

Leah Squires, VISTA Worker with the New River Gorge Regional Development Authority appeared to present information regarding the "Spring Forward Litter Sweep" clean up being held May 21, 2011 from 10:00 a.m. to 4:00 p.m. before the Commissioners.

Bill Lanham, Superintendent for the Town of Fayetteville informed the Commissioners on Saturday, March 12, 2011, an electronic recycling program is being held in the Lowe's parking lot from 9:00 a.m. to 4:00 p.m.

The Commissioners received and reviewed a letter from the New River Alliance of Climbers requesting permission to use the Courthouse lawn to setup informational booths on Saturday morning, May 21, 2011 from 7:00 a. m. to 10:00 a.m. for the 9<sup>th</sup> Annual New River Rendezvous

hosted by the New River Alliance of Climbers-(NRAC) spring event to promote world-class climbing in Fayette County.

Commissioner Scalph offered a motion to approve the New River Alliance of Climbers request to use the Courthouse lawn to setup informational booths on Saturday morning, May 21, 2011 from 7:00 a.m. to 10:00 a.m. for the 9th Annual New River Rendezvous. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Coal Heritage Highway Authority informing that due to the passing of Kenneth Eskew they are requesting the appointment from the Fayette County Commission for a member to the Authority for a two-year term.

Commissioner Wender offered a motion that Denise A. Scalph be appointed a member of the Coal Heritage highway Authority. Commissioner Lopez seconded. Unanimous. An Order and an Appointment to Serve letter signed.

The Commissioners received and reviewed a letter from the Town of Fayetteville informing that at this time they would like to appoint Samuel Parsons to replace Pat Tygrett as a representative of the Fayette County New River Gorge Bridge Day Commission due to Mr. Tygrett's pending retirement.

Commissioner Lopez offered a motion to appoint Samuel Parsons to replace Pat Tygrett as a member of the Fayette County New River Gorge Bridge Day Commission. Commissioner Scalph seconded. Unanimous. An Order and an Appointment to Serve letter signed.

Ms. Berry presented an Order to approve the list of Poll Workers received from the Chairman of the Democratic Executive Committee and

the Chairman of the Republican Executive Committee to work at the May 14, 2011 Special Primary Election to the Commissioners.

Commissioner Scalph offered a motion that Fayette County Commission approves and signs Order appointing the Poll workers to work in the upcoming Special Primary Election being held May 14, 2011. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a drawdown request to the West Virginia Development Office for the Fayette-Nicholas American Red Cross, amount \$3,983.73.

Commissioner Lopez offered a motion to approve drawdown request for the Fayette-Nicholas American Red Cross, amount \$3,983.73. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented from the West Virginia Development Office Contracts for the New River Humane Society (\$5,000) to purchase equipment for the Fayette County Animal Control Facility to the Commissioners.

Ms. Berry presented from the West Virginia Development Office Contracts for the Gauneka Ruritan Community Center (\$8,000) to replace the gymnasium floor Gauneka Ruritan Community Center to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Resolution and authorize Commissioner Wender to act in connection with the contract for its proper execution and implementation for the New River Humane Society (\$5,000). Commissioner Sclaph seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Resolution and authorize Commissioner Wender to act in connection with the contract for its proper execution and implementation for Gauneka Ruritan Club/Gymnasium (\$8,000). Commissioner Sclaph seconded. Unanimous.

The Commissioners approved and signed Petition to Combine or Divide and Segregate Land for Paul Sears.

Ms. Berry informed the Commissioners that the Secretary of State Office has changed the schedule for the Public Test for testing the machines for Early Voting from April 19<sup>th</sup> to April 15<sup>th</sup>.

Ms. Berry told the Commissioners they would have to have a Special County Commission Meeting posted.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 18, 2011 and February 24, 2011, amount \$252.00

The Commissioners received and reviewed a letter from Region 4 Planning Development Council informing that the Executive Committee meeting is scheduled for Wednesday, March 16, 2011 at 7:00 p.m. and will be held in the Council's conference room in Summersville, they also gave dates for the remainder of 2011 upcoming meetings.

The Commissioners received and reviewed a letter from Insurance Services Office, Inc. (ISO) regarding the Public Fire Protection Survey.

The Commissioners received and reviewed a letter from the West Virginia Culture and History inviting the Commission to a reception recognizing the recipients of Records Management and Preservation

Board Grant award for the Fiscal Year 2011-2012. The reception has been scheduled for 10:00 a.m. on Tuesday, March 15, 2011 in the reception room of the Governor's Office at the State Capitol in Charleston.

The Commissioners received and reviewed a letter from the United States Postal Service informing they have honored West Virginia by issuing a postage stamp featuring the New River Gorge Bridge. The Postal Service, in conjunction with the National Park Service will host a celebration featuring the new stamp on April 11, 2011 at 1:00 p.m. The event will be held at the Canyon Rim Visitor Center at New River Gorge National River.

The Commissioners received and reviewed an invitation from the Mountaineer Challenge Academy inviting the Commission to their Open House Tuesday, April 5, 2011 at 1:00 p.m. to 3:00 p.m.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing their office serves as state liaison for the National Park Service for monitoring federally acquired or assisted parkland under the Land and Water Conservation Fund (LWCF) Act of 1985 (P.L.85-578, 16 U.S.C.460 1-4-460-1-11). The Harlem Heights Park and Beckwith 4-H Camp Pool were developed with LWCF Funds. The National Park Service requires each state liaison agency to perform periodic, on-site LWCF park inspections. The results of these inspections are incorporated into the evaluation criteria used by their office in the selection of new LWCF grant recipients. The West Virginia Development Office is asking that they complete and return one form for each LWCF-assisted or acquired park

by Friday, April 1, 2011, including recent photos for each park showing its overall condition.

The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the period January 22, 2011 through February 23, 2011.

The Commissioners received and reviewed a copy of an e-mail from David Neal, 911 Coordinator to Debbie Aliff, Payroll Clerk asking that \$.50 cents be added to Cora Stover and John Lewis salary effective with the upcoming payroll. They have satisfied their full time probation requirements. Also, Sylvia Fernet has resigned and all her hours worked have been paid with the last payroll.

The Commissioners received and reviewed a letter from the United States Bankruptcy court regarding Land Resource, LLC, et al, Case #6:08-bk-10159-ABB.

The Commissioners received and reviewed a letter from CSX Transportation regarding Docket No. AB-55 (Sub-No.682X), CSX Transportation, Inc.-Abandonment Exemption-in Greenbrier and Fayette County, WV requesting a 180-day extension.

The Commissioners received and reviewed checks from the Secretary of State-Candidate filing reimbursement, amount \$2,849.12; United States Treasury-Refund overpayment, amount \$29.16; City of Beckley-DUI Patrols, amount \$97.84; Sheriff of Nicholas County-Community Corrections reimbursement, amount \$173.62 and WV Department of Health and Human Services-Community Corrections Drug screening, amount \$1,657.00.

The County Commission meeting was adjourned at 11:00 a.m. The Commission reconvened for Budget Session Workshop. The next scheduled meeting is March 11, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 11, 2011  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 11<sup>th</sup> day of March 2011.

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

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

Commissioner Denise Scalph offered a motion to approve and sign personal property tickets for Billy E. and Pamela A. Hunt, TDT, Inc., Russell L. and Sue E. Delung, Milton D. and Koneta A. Pridemore, Milton D. and Koneta A. and Alicia Elaine Carlson, Larry Massey, John P. or Lisa D. Edelman, Charles and Beli Jacobowski, Jr., and Gregory A. Hamrick. Commissioner Wender seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve 1<sup>st</sup> half payrolls, payrolls to be release March 15, 2011. Commissioner Wender seconded. Unanimous.

Ms. Berry told the Commissioners she thinks Okey Skidmore's office at the Memorial Building would work for Early Voting.

Commissioner Wender asked if we had approval from the Executive Committees.

Ms. Berry told the Commissioners she is waiting to hear from Kelvin Holliday, County Clerk.

Commissioner Wender asked what type a notice should they run. It was suggested that Kelvin Holliday, County Clerk should run the notices.

Discussion was held regarding the Fayette County Memorial Building floor. The Commissioners asked Okey Skidmore to get quotes on how much this would cost.

James Pierce appeared before the Commission to inform the Commission that he would like to use the Fayette County Memorial Building for wrestling practice for the youth of Fayette.

Mr. Pierce told the Commissioners he had applied for a Coach position at the Fayetteville Middle School.

Mr. Pierce told the Commissioners his plans are to use the building to have youth team practice, to hold an open tournament, and to use the building for the Middle School youth team tournament.

Mr. Pierce told the Commissioners the Fayette County Board of Education is in favor of this.

Mr. Pierce asked the Commissioners what is the proper way to submit the request.

Discussion was held, Commissioner Wender suggested to Mr. Pierce to write three (3) letters of request for each of the events. Commissioner Wender also told Mr. Pierce that insurance is required.

The Commissioners informed Mr. Pierce that they would let him know something by April 8, 2011.

The Commissioners signed a drawdown request to the West Virginia Division of Criminal Justice Services for the Community Corrections Grant, amount \$24,768.15.

The Commissioners signed a Resolution authorizing Matthew D. Wender to sign the Community Corrections Grant.

The Commissioners signed a letter of recommendation to David Snively and Dave Miller expressing their full confidence in Ms. Carri Strunk to fill the position that is currently open within the Fayette County Extension Office for 4-H Youth Development.

The Commissioners signed a letter to the Office of State Auditor confirming the services they are to provide for the fiscal year ending June 30, 2010 audit.

Ms. Berry presented contracts from the West Virginia Development Office for the Fayette County Sportsman Recreation Center (\$1,500), the Fayette-Nicholas Chapter American Red Cross(2,500), and the Upper Kanawha Valley Oktoberfest (\$2,000) to the Commissioners.

Commissioner Lopez offered a motion to approve and authorize Commissioner Matthew Wender to execute agreements and the adoption of the Resolution for the Fayette County Sportsman Recreation Center (\$1,500). Commissioner Scalph seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to approve and authorize Commissioner Matthew Wender to execute agreements and the adoption of the Resolution for the Fayette-Nicholas Chapter American Red Cross

(\$2,500). Commissioner Scalph seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to approve and authorize Commissioner Matthew Wender to execute agreements and the adoption of the Resolution for the Upper Kanawha Valley Oktoberfest (\$2,000). Commissioner Scalph seconded. Unanimous. Resolution signed.

Ms. Berry presented a drawdown to the West Virginia Development Office for the Sportsman Recreation Center, amount \$119.57.

Commissioner Scalph offered a motion to approve drawdown request to the West Virginia Development Office for the Sportsman Recreation Center, amount \$119.57. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County AAU/WV Boys and Girls Hoopsters requesting use of the Memorial Building from April 1 through August 31, 2011.

Commissioner Scalph 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 \$1,000.00 rental fee will be waived however; this approval is until August 31, 2011. 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. Commissioner Lopez seconded. Unanimous

Ms. Berry informed the Commissioners that the Friends of Lewis House had received two (2) grants one for the Friends of Lewis

House/Restoration and Restroom (\$2,000.00) and the other for the Friends of Lewis House (\$3,000.00). Ms. Berry told the Commissioners that Ms. Barbara Hickman would like to make a request that these grants be changed from the Friends of Lewis House/Restoration and Restroom and Friends of Lewis House to Friends of Lewis House/Heating and Cooling System.

Commissioner Scalph offered a motion to make a request to the West Virginia Development Office that the scope of the Legislative Digest Project #11LEDA0431 and Legislative Digest Project #11LEDA0106 be changed from the Friends of Lewis House/Restoration and Restroom and Friends of Lewis House to Friends of Lewis House/Heating and Cooling System. Commissioner Lopez seconded. Unanimous.

Pete Hobbs, Mayor of the Town of Ansted appeared before the Commission to request that the Fayette County Commission partner with the New Haven Community Improvement Association (NHCIA) to provide financial support for the effort underway by the Ansted New Haven Community Improvement Association (ANHCIA) to validate the opportunity to create an Internet-based enterprise in Northern Fayette County.

Mike Todorvich appeared before the Commission to discuss the Broadband Project. Mr. Todorvich presented maps of the WV STEMS Microwave Radio System Broadband and TDM Network Layout to the Commissioners.

John David and Kathy South with Southern Appalachian Labor School (SALS) appeared before the Commission to present their request for continued support funding for Fiscal Year 2011-2012.

Mr. David informed the Commissioners his budget request is divided among five categories:

1. Work Camps, amount \$10,000.00 - Mr. David told the Commissioners that SALS will be coordinating the presence of 800 volunteers with Group WorkCamps and another 1000 or more with Global Volunteers and college students. They will work on houses and affordable housing apartments in Fayette County.

Mr. David told the Commissioners their matching cost will be \$50,000.00. They are asking the Fayette County Commission for \$10,000.00; the Benedum Foundation is expected to provide \$30,000.00; other donors will provide \$10,000.00.

2. Energy Express and Summer Food/Activity Expansion, amount \$7,000.00 - Mr. David told the Commissioners that SALS Community Center plans to be an Energy Express site in Fayette County, which requires matching funds.

3. Community Center, amount \$10,000.00 - Mr. David told the Commissioners that SALS Community Center is serving a dozen communities along Loup Creek or in proximity to WV 61 with a wide array of social service activities.

Mr. David told the Commissioners the Community Center has commercial insurance, three propane fired furnaces, and other operational costs of approximately \$25,000.00 annually, excluding custodial and maintenance staffing.

4. Emergency Services, amount \$3,000.00 - Mr. David told the Commissioners that SALS Community Center and the adjacent new dorm are equipped with emergency propane fueled generators that automatically

activate for heating, lighting, and cooking services for area residents during power outages.

5. Oak Hill Elementary/One-Stop Center, amount \$20,000.00 - Mr. David told the Commissioners that SALS plans to establish a One-Stop location for Community Services in the Plateau at the former Oak Hill Elementary School.

Commissioner Wender told Mr. David the Commission appreciates his presentation and they would review and get back with him regarding their decision.

Amy Shumate with the Fayette County Farmland Protection Board appeared before the Commissioners to inform them that Doug Kincaid resigned as a member of the Board.

Brian Sparks is recommending that Rick Rutledge be appointed to serve the unexpired term of Doug Kincaid.

Commissioner Wender asked Ms. Shumate to prepare a roster of the Board members with their name, address and what slot they are filling.

Commissioner Lopez offered a motion that Fayette County Commission appoints Rick Rutledge a member of the Fayette County Farmland Protection Board to fill the unexpired term of Doug Kincaid. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Urban Renewal Authority regarding the Urban Renewal Authority Glen Jean Property.

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

The Commissioners received and reviewed a letter from Branch Banking and Trust Company (BB&T) informing that as of February 28, 2011 the list of securities that were held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed an Account Statement from the Bank of New York Mellon for the period of February 1 to February 28, 2011 and the period of February 24 to February 28, 2011.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 25 to February 28, 2011, amount \$401.00 and the week of March 1 to March 3, 2011, amount \$191.00.

The Commissioners received and reviewed a check from the Division of Justice and Community Services for the Community Corrections Grant, amount \$17,980.38.

The Commission meeting was recessed at 12:10 p.m.

The Commission reconvened for Budget Work Session with David Neal, E911 Coordinator.

The next scheduled County Commission meeting is March 18, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 18, 2011  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 18<sup>th</sup> day of March 2011.

Commissioner Wender 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 real property tickets for Lee Sawyers, Larry G. and Patricia Keffer and William Earl Light. Commissioner Scalph seconded. Unanimous.

There were no personal property tickets presented by the Assessor.

Commissioners Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released March 30, 2011. Commissioner Scalph seconded.

Commissioner Scalph offered a motion to approve minutes of February 2, January 7, and January 28, 2011. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners that the Assessor, Eddie Young would like to discuss relocation of Tommy Jackson office to the 3<sup>rd</sup> Floor of the Courthouse.

Mr. Young told the Commissioners that Mr. Jackson's physician has indicated that Mr. Jackson is having difficulties due to mold spores or other allergy causing entities in the office that he occupies.

The Commissioners informed Mr. Young that they have had the first level of the Courthouse Annex tested for mold spores on several occasions. All of the results indicate that the levels of mold are within normal limits and should not be a problem.

The Commissioners suggested getting Dan Snead over again to see what else could be done.

The Commissioners asked Carl Harris, Prosecuting Attorney to write a letter on behalf of the Commission to insure that all of the results indicate that the levels of mold are within normal limits and should not be a problem.

The Commissioners suggested asking REIC Labs and Dan Snead if there is anything more they can do to limit the problem if they test again.

The Commissioners asked Mr. Harris to write a letter to Tommy Jackson informing him that they have consented to a temporary relocation of his office.

The Commissioners signed Orders to Eric and Kelly Carpenter, Ambers Lee Ransom, Neal William and Ruth Bias, to the Estate of Madelyn Mitchell, Celenna Woodson, and Richard and Kimberly Canterbury informing that on February 16, 2011 a vote was taken upon the complaints and the following action was unanimously ordered:

1. The Fayette County Dilapidated and Beautification Committee shall, pursuant to the Fayette County Dilapidated and Beautification Ordinance, complete the demolition of the building(s) located on said property.

2. The Fayette County Dilapidated and Beautification Committee shall insure that debris shall be legally and properly removed by the demolition provider.

3. The Fayette County Dilapidated and Beautification Committee shall then take all steps necessary to pursue remedies for reimbursement from the property owners for the cost of demolition and

debris removal, including, but not limited to, placing liens on said property and, if necessary, requesting a forced sale of the property.

Attorney James Blankenship appeared before the Commission to present a Petition and Application of Ruth Jarrett to close and vacate an unnamed and unused street outside the incorporated town limits in the community of Boomer.

Mr. Blankenship told the Commissioners there is pending a Civil Action Suite

The Commissioners informed Mr. Blankenship they are not going to make any decision on this Petition until they get some clarity on the situation.

W. D. Smith, Executive Director, Region 4 Planning and Development Council appeared before the Commissioners to present a drawdown and to have a public hearing for the SCCDBG Application for the Kanawha Falls Public Service District.

1. Mr. Smith presented a drawdown request to the West Virginia Development Office for the Danese Public Service District Water Extension Project #07ARCP25639, amount \$51,343.26.

Commissioner Scalph offered a motion to approve Resolution of the Danese Public Service District approving invoices relating to design, construction, and other services for the water extension project, amount \$51,343.26. Commissioner Lopez seconded. Unanimous.

Commissioner Wender called the public hearing to order at 10:30 a.m. Commissioner Wender informed the purpose of the hearing is to discuss an application with the West Virginia Development Office for a

Small Cities Community Development Block Grant for their Water Extension Project.

W. D. told the Commissioners the application will be submitted next week. The Commission's request is in the amount of \$1,459,899.00 for Water Extension to the communities of Kanawha Falls and Boonesborough. The total project cost is in the amount of \$1,469,899.00.

W. D. Smith presented the transmittal letter to the Commissioners.

A group of concerned citizens attended the hearing to voice their support of the project.

The hearing was adjourned at 10:45 a. m.

W. D. Smith presented to the Commissioners Resolutions to be approved and signed.

Commissioner Lopez offered a motion to legally authorize Commissioner Wender to execute agreements, and he is authorized to execute, to have acknowledged, and to have delivered on behalf of the Fayette County Commission an application with the State of West Virginia for Community Development Block Grant Funds. Commissioner Scalph seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion to adopt a Citizen Participation Plan for the Small Cities Community Development Block Grant. Commissioner Scalph seconded. Unanimous. Resolution signed.

Commissioner Lopez offered a motion that Fayette County Commission approve and authorize the adoption of a Resolution

Formalizing a Fair Housing Program. Commissioner Scalph seconded.  
Unanimous. Resolution signed.

Jim Lively, Sr., Mike Smith and Dave Pollard appeared before the Commission.

Commissioner Wender informed they had received a letter from the Fayette County Urban Renewal Authority informing that on June 30, 2011 they are expected to close on the 12.21-acre parcel at Glen Jean, and they are here today to make a request that the Commission authorize them to use the full purchase price to pay down the Fayette County Urban Renewal Authority debt on the Wolf Creek project.

Dave Pollard, County Resource Coordinator told the Commissioners they have in their possession a \$10,000.00 deposit on this property, a notarized letter of intent, and an agreement in place for a total sales price of \$225,000.00.

Mike Smith told the Commissioners with this deposit they can make a payment to the West Virginia Development Housing Fund and this would result in an ability to renegotiate a lower interest rate on the loan.

After a brief discussion, Commissioner Lopez offered a motion that Fayette County Commission does not accept repayment of the \$140,000.00 loan for an additional period of 3-years. The Commission would issue a letter to the Fayette County Urban Renewal Authority stating this agreement. Commissioner Scalph seconded. Unanimous.

Tom Feazell a member of the Fayetteville Rotary Club appeared before the Commission to make a formal request for funding to replace the Town clock.

Mr. Feazell presented a picture as to where they are thinking about placing the clock.

After a brief discussion, Commissioner Wender suggested to stepping back on making any decisions until the Town of Fayetteville decide on what their plans would be.

Commissioner Wender informed the Commission will not take any action until it's decided exactly where the clock is going to go.

Commissioner Wender informed they are here today to adopt the Budget for Fiscal Year 2011-2012.

Ms. Berry gave a brief summary of what the Commission approved for the Fiscal Year 2011-2012.

Ms. Berry told the Commissioners Revenue for the General County Fund is up by \$236,000.00.

Ms. Berry told the Commissioners the Budget for this Fiscal Year 2011-2012 is the General County Fund Budget is \$8,803,279 and the Coal Severance Fund Budget is \$690,015.

Ms. Berry asked that the Commissioners make a motion to approve this Fiscal Year Budget for 2011-2012.

Commissioner Lopez offered a motion to adopt the Budget for Fiscal Year 2011-2012 for the General County Fund (\$8,803,279) and the Coal Severance Fund (\$690,015). Commissioner Scalph seconded. Unanimous. The Commissioners signed the Fiscal Year Budget for 2011-2012.

The Commissioners asked Debbie Berry to include in the elected officials budget letters that the Commission has included funding effective July 1, 2012 for funds to pay the increase from the current

12.5% to 14.5% for the employers' contribution to the PERS are included.

Ms. Berry informed the Commissioners the Elected Officials signed a letter to the West Virginia State Auditor informing that for cost/savings and efficiency purposes the policy for the purchase of commodities for various Fayette County Departments has been that the Office of the County Commission will be the central purchasing office.

Ms. Berry presented a Requisition from Kelvin Holliday, County Clerk, requesting purchases of a cabinet and chairs for the Probate Clerk's Office.

The Commissioners signed an Order and a Letter of Appointment to Serve to Fredrick A. "Rick" Rutledge appointing him a member of the Fayette County Farmland Land Protection Board.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Correction Grant, amount 44,980.00.

The Commissioners signed a drawdown request to the West Virginia Development Office for the American Red Cross Grant, amount \$10,493.00.

The Commissioners approved for Marion Tanner to use the County Commission Room for the American National Democrat Party meeting being held April 14, 2011 from 6:00 p.m. to 8:00 p.m.

The Commissioners signed a letter to Doug Arbogast stating their support for the Geotourism for West Virginia initiative he is currently developing and proposing.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for rent for the Month of April 2011.

The Commissioners received and reviewed a letter from the Central Appalachian Empowerment Zone requesting that the Commission name a Commissioner to the Board to replace Commissioner Kenneth Eskew.

Commissioner Wender asked Ms. Berry to contact Connie Lupardus to be scheduled for the April 8, 2011 County Commission meeting to discuss.

Commissioner Wender asked that this be tabled until after they have spoken with Ms. Lupardus.

Dickie Smith, Maintenance Supervisor appeared before the Commission to inform them that he had received a request from Judge Paul Blake to fill in the cracks in the wall on the 2<sup>nd</sup> floor of the Courthouse Annex and request replacing the twelve (12) windows on the floor.

Mr. Smith told the Commissioners he had received two (2) bids for the twelve (12) windows on the 2<sup>nd</sup> floor of the Courthouse Annex -- Fayette Awning and Glass Company (\$3,700) and AAA Glass (\$2,300). The Commissioners approved for AAA Glass to replace the windows on the 2<sup>nd</sup> floor of the Courthouse Annex.

Commissioner Wender suggested to Mr. Smith to call Dan Snead regarding the cracks in the walls.

Mr. Smith told the Commissioners he had talked with Larry Pettit regarding the sewer problem and the back flow requirement.

Mr. Smith told the Commissioners that Mr. Pettit can put in a sewer trap at a cost of \$3,100.00.

Commissioner Lopez offered a motion that Fayette County Commission approves Pettit and Pettit Plumbing and Heating, Inc. to install a sewer trap, cost \$3,100. Commissioner Scalph seconded. Unanimous.

Commissioner Wender asked Mr. Smith to contact Greg Nunn to see how many people are qualified to do the backflow.

The Commissioners received and reviewed an invitation from the West Virginia University Institute of Technology inviting the Commission to attend the Tech Pool Grand Opening Ceremony being held Thursday, March 31, 2011 at the Neal D. Baisi Athletic Center.

The Commissioners received and reviewed a notice from the Surface Transportation Board informing their decision regarding Docket No. AB 55 (Sub-No.682X) CSX Transportation, Inc.-Abandonment Exemption-in Greenbrier and Fayette Counties, W. Va.

The Commissioners received and reviewed in invitation from Valley Elementary School inviting the Commission to attend the ribbon cutting ceremony celebrating the completion of their new addition being held Monday, April 11, 2011 at the Valley Elementary School in Smithers, WV.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 4, to March 10, 2011, amount \$461.00.

The Commissioners received and reviewed from SunTrust Bank Pledge Statement listing the securities pledged as of February 28, 2011.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the February 2011, Greenbrier Table Games Tax will be directly deposited on March 16, 2011, amount \$158.71 and funds due for the February 2011, Table Games will be directly deposited on March 16, 2011, amount \$\$6,448.88.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, amount \$96.04; WV Development Office for Danese Public Service District, amount \$27,900.73 and New Haven Public Service District/Stringtown Road, amount \$14,158.36; Circuit Clerk for Restitution, Case #09-F-171 (State of WV v. Thomas Eugene Woodrum), amount \$250.00.

The Commissioners received and reviewed an e-mail from Kelvin Holliday, County Clerk to the Commissioners regarding his recommendation to move the Early Voting to the Fayette County Memorial Building.

The meeting was adjourned at 1:25 p.m. The next scheduled meeting April 8, 2011.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 8, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 8<sup>th</sup> day of April 2011.

Commissioner Wender called the meeting of the Fayette County Building Commission to order at 9:00 a.m.

Persons in attendance were John Stump, Rob Steptoe, Steve Pridemore, William Thornton, Morgan Bracken, Matthew Wender, John Lopez, Denise Scalph, Debbie Berry and Larry Harrah.

The purpose of the meeting is to conduct a second reading of an Ordinance authorizing the conveyance of real property by the County Commission to the Fayette County Building Commission for the purpose of permitting the acquisition, construction and financing of a new 911 Emergency Response Center. (See attached Ordinance)

Steve Pridemore offered a motion to adopt and present the Ordinance to the Fayette County Commission. William Thornton seconded. All approved.

Rob Steptoe gave a summary of what the next step would be.

The meeting was adjourned at 9:15 a.m.

Commissioner Wender called the Fayette County Commission meeting to order at 9:15 a.m.

John Stump presented the first reading of an Ordinance authorizing the conveyance of real property by the County Commission to the Fayette County Building Commission for the purpose of permitting the acquisition, construction and financing of a new 911 Emergency Response Center to the Commissioners.

Commissioner Wender discussed the Leasing of the 911 Center.

Commissioner Wender informed the Fayette County Commission will make the bond payment, and the 911 Emergency Response Center will transfer from the Fayette County 911 Fund to reimburse the Fayette County General Fund for payment.

Commissioner Scalph offered a motion to approve the first reading of the Ordinance authorizing the conveyance of real property by the County Commission to the Fayette County Building Commission for the purpose of permitting the acquisition, construction and financing of a new 911 Emergency Response Center. Commissioner Lopez seconded. Unanimous.

The Commissioners received and signed an application from the Fayette County Health Department to Renew the Permits to Operate the Fayette County Park Dining Hall, the Fayette County Park Pool, the Fayette County Park (park/playground), and the Harlem Heights Park.

Commissioner Lopez informed the Commissioners he will not be attending the Commission meeting on April 19 due to a doctor's appointment that he cannot change and asked that the scheduled Commission appointments be rescheduled

Commissioner Lopez approved Ms. Berry to stamp his name on the contributions to outside agencies letters that will be going out on April 19, 2011.

Ms. Berry told the Commissioners she received the Records Management and Preservation Board Grant Agreement for the Circuit Clerk's Office, amount \$9,918.00. The Commissioners signed the Agreement.

The Commissioners received and reviewed a letter from the Fayetteville Fairs and Festivals Committee requesting permission to use the Courthouse lawn/sidewalks for their annual New River Gorge Heritage Festival being held on Friday, July 1<sup>st</sup> through Monday, July 4<sup>th</sup>, 2011.

Commissioner Scalph offered a motion that Fayette County Commission approves request of the Fayetteville Fairs and Festivals Committee regarding permission to use the Courthouse lawn on Friday, July 1<sup>st</sup> through Monday, July 4<sup>th</sup> , 2011 with the conditions that no vehicles are permitted on the Courthouse lawn for any purpose; that all county property shall be cleaned up immediately after the event concludes; no alcoholic beverages are permitted; that the Fayetteville Fairs and Festivals Committee is responsible for any and all damages to Courthouse property, including but not limited to repair and/or replacement; also insurance for the event is required. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion that Fayette County Commission approves request of the Fayetteville Fairs and Festivals Committee to use the Memorial Building as a back-up plan in case of inclement weather for the purpose of hosting the Artisan Market during the New River Gorge Heritage Festival. Commissioner Lopez seconded. Unanimous.

Theresa White, OES Director appeared before the Commission to give a Progress Report on the Dunloup Creek Project. (See attached)

Meredith Gregg, John Brenemen, Savannah Lyons, Dick Ramsey, Loriann McCauley and Brian Sparks appeared before the Commission to request funding and to discuss and give an update on the work of the Fayette County Farmers Market.

Ms. Gregg presented the Lease Agreement for the Fayette County Farmers' Market for the Year 2011 for the Commissioners to sign.

Commissioner Scalph offered a motion that Fayette County Commission enters into a Lease Agreement with the Fayette County Farmers' Market. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph asked that a copy of the Lease Agreement be attached to the minutes.

Commissioner Wender informed they are here today to make Recognition of the High School Basketball Teams who participated in the sectional, regional, and state competitions (Oak Hill High School, Meadow Bridge High School, and Midland Trail High School).

Present for the Recognition were Senator William Laird, former Senator Shirley Love, Delegates John Pino and David Perry, Circuit Clerk Daniel Wright, Assessor Eddie Young, Sheriff Steve Kessler, County Clerk Kelvin Holliday.

Commissioner Wender made his comments and stated, on behalf of the Commissioners, his appreciation to the schools, coaches, and the senior players.

Commissioner Wender read the Proclamations presented.

Steve Kennan, Reporter for the Fayette Tribune took pictures.

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

Commissioner Lopez offered a motion to approve and sign real property tickets for Teresa L. Tomlin, Roger Pete and Susan Kelly, Rowland Land Co. LLC, Jimmy N. Mahood etux and Nicky Adkins. Commissioners Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign personal property tickets for Leonard E. Kirk, William K. and Christi McGraw,

Jeremy D. and Monica R. Miller, Roy Licoln Wood, Jeffrey W. Floyd, Lisa Skidmore, Ronald L. and Carolyn Gray, Brenda Smith, Billy J. Butler and Jackie L. Shelton, and Aneta J. Anderson. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for Rowland Land Co., LLC (\$1,751.06) and Chloe Alderman (\$215.08). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approve 1<sup>st</sup> half payrolls, checks to be released on April 15, 2011. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of February 7, 2011. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Fire Levy Pumper Replacement Agreements for the Armstrong Creek Volunteer Fire Department for the period July 1, 2010 to June 30, 2011 and the period July 1, 2011 to June 30, 2012 for the Commissioners to sign.

The Commissioners signed the Fire Levy Pumper Replacement Agreements for the Armstrong Creek Volunteer Fire Department.

The Commissioners signed letters to the Fayette-Nicholas Chapter American Red Cross (\$2,500), the Upper Kanawha Valley Economic Development Corporation (\$2,000), Gauneka Ruritan Club (\$8,000) and the New River Humane Society (\$5,000) attaching a copy of the Agreement for the Legislative Digest Grant from the Governor's Community Participation Grant Program.

The Commissioners recessed the County Commission meeting at 12:25 p.m.

The Commissioners reconvened the County Commission meeting at 1:25 p.m.

Bill Hannabass, City Manager of Oak Hill appeared before the Commissioners to present a Petition to annex into the City of Oak Hill a 2.62 acre tract to be annexed into the corporation of Oak Hill situate along Route 21/18 on the waters of Wolf Creek near Lochgelly, Plateau District, Fayette County, West Virginia.

Commissioner Lopez offered a motion to approve and sign Petition by the City of Oak to annex 2.62 acre tract into the City of Oak Hill pending the review and approval of the Prosecuting Attorney.

Commissioner Scalph seconded. Unanimous.

Michael Keleman with Suddenlink appeared before the Commissioners to discuss their Franchise Agreement.

Mr. Keleman told the Commissioners that Gauley Bridge and Smithers are receiving the Public Broadcasting Channel on Channel 17.

Commissioner Wender asked if the Page-Kincaid area was receiving a Broadcast Channel.

Mr. Keleman told the Commissioners that Page-Kincaid area is hooked up with the Oak Hill Public Broadcasting Channel.

After a brief discussion, Commissioner Scalph offered a motion to approve and sign Suddenlink Franchise Agreement for 5-years pending the Prosecuting Attorney's review and approval. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Development Office requesting that the Upper Paint Creek Watershed Association Grant (\$3,000.00) be extended to cover the period from July 1, 2011 through June 30, 2012. This time extension is being requested due to securing all funds needed to complete the project.

Ms. Berry informed the Commissioners the exterior doors at the Fayette County Memorial Building have been installed.

The Commissioners signed drawdown Request for Payment to the West Virginia Development Office for the four (4) sets of side entrance exterior doors at the Fayette County Soldiers and Sailors Memorial Building, amount \$20,000.00.

Ms. Berry informed the Commissioners they had received a Community Participation Program Grant for \$16,000.00 to pave the parking lot of the Road Office.

Ms. Berry asked the Commissioners if they would consider changing the scope of the grant to paving the main parking lot.

The Commissioners signed a drawdown request to the West Virginia Development Office for the Upper Kanawha Valley Community Center/Capital Improvement, amount \$4,000.00.

The Commissioners signed a letter to the New River Humane Society attaching a copy of the Agreement for the Legislative Digest Grant in the amount of \$5,000.00 from the Governor's Community Participation Grant Program.

The Commissioners signed an Agreement from the West Virginia Division of Justice and Community Services (WVDCJS) between the Fayette County Commission and the Fayette County Board of Education.

The Commissioners signed a drawdown request to the West Virginia Division of Criminal Justice Service for the JAG Grant, amount \$2,219.18.

Ms. Berry presented a Contract Agreement from the West Virginia Development Office for the New River Youth Symphony and Chorus (\$3,000.00) to the Commissioners.

Commissioner Scalph offered a motion to authorize Commissioner Wender to execute agreement on behalf of the Fayette County Commission with the State of West Virginia for the Community Participation Program Grant Fund. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Berry presented a Contract Agreement from the West Virginia Development Office for the Fayette County Historical Society (\$3,500.00) to the Commissioners.

Commissioner Scalph offered a motion to authorize Commissioner Wender to execute agreement on behalf of the Fayette County Commission with the State of West Virginia for the Community Participation Program Grant Fund. Commissioner Lopez seconded. Unanimous. Resolution signed.

Ms. Berry informed the Commissioners she has been made aware of the need to transfer funds to the Fayette County Dog Tax Fund, and she has prepared an Order to transfer \$4,500.00 from the Fayette County General Fund to the Fayette County Dog Tax Fund.

Commissioner Lopez offered a motion to transfer \$4,500.00 from the Fayette County General County Fund to the Fayette County Dog Tax Fund. Commissioner Scalph seconded. Unanimous.

The Commissioners signed Proclamation proclaiming Fair Housing Month for the month of April.

The Commissioners received and reviewed a letter from the Fayette County Emergency Food Assistance Center requesting assistance in replacing the doors and windows in front of their building.

The Commissioners asked Ms. Berry to have Ms. Betty Steen get two (2) more bids. The Commissioners asked Ms. Berry to find out who owns the building and wouldn't this be their responsibility to replace the doors and windows.

The Commissioners received and reviewed an invitation from the Fayette County Animal Shelter/NRHS to visit the shelter.

Commissioner Lopez informed the Commissioners he would like further discussion regarding Bob Blackburn insurance.

The Commissioners asked Ms. Berry to check with Carl Harris, Prosecuting Attorney to see if he found out any more details.

The Commissioners received/reviewed and approved invoice from the Coal Heritage Highways Authority for Project Cost Share for VISTA Leah Squires for the period 11-29-10 thru 11-28-11, amount \$10,770.00.

The Commissioners received and reviewed a letter from the Division of Criminal Justice Services acknowledging receipt of their request for the amount of \$300,542.67 in Community corrections Grant Funds.

The Commissioners received and reviewed Independent Auditors Report and Related Financial Statements of Armstrong Creek Volunteer Fire Department Fire Levy Fund for the Fiscal Years Ended June 30, 2009 and June 30, 2010.

The Commissioners received and reviewed a copy of a letter from the Prosecuting Attorney to the Office of Emergency Services requesting a criminal history regarding Danny R. Harper, Laneesha Lewis, Larry Gwinn, and Donald E. Naylor.

The Commissioners received and reviewed a copy of a letter from Earl Pauley, Park Superintendent to Debbie Aliff, Payroll Clerk informing he had spoken with Commissioner Lopez on Thursday, March 17, 2011, and he gave his approval to move David Gilliam and Alisha Church to 32 hours per week at the pay rate of \$7.75 starting March 16, 2011.

The Commissioners received and reviewed a letter from Travelers Insurance informing the application for benefits filed for Gail Withrow has been approved.

The Commissioners received and reviewed from the Unemployment Compensation Division informing that Lisa M. Hudson has filed a claim for unemployment compensation naming the Fayette County Commission as either the last or a previous employer.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that Governor Tomblin has proclaimed April 2011 as Fair Housing Month for the State of West Virginia.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the February Limited Video Lottery will be directly deposited on March 28, 2011, amount \$7,287.47.

The Commissioners received and reviewed a copy of the drafted letter to Tommy Jackson regarding relocation of his office.

The Commissioners received and reviewed a letter from the West Virginia American Water informing they notice that the water use at 104 Wiseman Avenue, Fayetteville, West Virginia (the WVU Extension Office) is considerably higher than normal and suggested they check the property for possible problems which could cause unusually high water use.

The Commissioners received and reviewed the News Drop from the West Virginia American Water.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding the New Haven Public Service District-Derryhale/Sun Mine Road Water Extension Project Pre-Construction Conference being held at the New Haven Public Service District office on April 11, 2011 at 2:00 p.m.

The Commissioners received and reviewed minutes from Page-Kincaid Public Service District for the month of March.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the Interim Closeout-Fiscal Year 2008 Small Cities Block Grant for Fayette County Commission/Stringtown Road Water Extension Project, Project #08SCBG0031X is hereby considered to be closed out on an interim basis, pending receipt of final audit of all Small Cities block Grant (SCBG) funds.

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 20, 2011 at The Inn at Mountain Quest, Frost, West Virginia.

The Commissioners received and reviewed a copy of a letter from the West Virginia Consolidated Public Retirement Board informing that the Board of Trustees is expected to adopt the employer contribution rate of 13% for the West Virginia Deputy Sheriff Retirement System.

The Commissioners received and reviewed the New River Convention and Visitors Bureau 50% allocation Hotel Occupancy Tax for January, February, and March 2011, amount \$10,427.64.

The Commissioners received and reviewed Account Statements from the Bank of New York Mellon for the period February 23, 2011 through March 22, 2011 and for the March 1, 2011 through March 23, 2011.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 11 to March 17, 2011, amount \$1,167.00, the week of March 18 to March 24, 2011, amount \$931.00 and the week of March 25 to March 31, 2011, amount \$380.00.

The Commissioners received and reviewed a letter from the County Commissioners' Association of West Virginia informing of the Spring Board and Legislative Committee meeting scheduled for May 15-16, 2011 at Glade Springs Resort.

The Commissioners received and reviewed checks for 911 Fees from Suddenlink, amount \$15,655.50, IDT Corporation, amount \$21.00, Access Point, Inc., amount \$1,641.50, Public Service Commission, amount \$178,495.20, Granite Telecommunications, LLC, amount \$416.50, AT&T IXC's & Alascom, M. E., amount \$434.00, Frontier Communications, amount

\$34,330.86; City of Beckley Reimbursement -DUI Patrols, amount \$368.92; WV Treasury-Community Corrections-Drug Screening, amount \$1,047.00; Justice & Community Services Division-Community Corrections \$44,290.48 and check from Preit Services, LLC, Donation K-9 Fund, amount \$500.00.

The meeting was adjourned at 2:45 p.m. The next scheduled meeting is April 19, 2011.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
APRIL 19, 2011  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Matthew D. Wender, Denise Scalph

The Fayette County Commission met in a special session on this 19<sup>th</sup> day of April 2011.

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

Commissioner Wender recessed the Commission meeting to test voting equipment for Early Voting for the Special Primary Election being held May 14, 2011.

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

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

Ms. Berry presented a letter she received from the State Auditors Office giving a Notice of Approval of the Levy Estimate (Budget) to the Commissioners.

Commissioner Scalph offered a motion that the Fayette County Commission, on this day, approves the County Commission Levy Order and Rate Sheet for Fiscal Year 2011-201. Commissioner Wender seconded. Unanimous.

The Commissioners signed the Order laying the levy to be used in Fayette County for Fiscal Year 2011-2012. Kelvin Holliday, County Clerk is to sign the Levy Rate Sheet for Fiscal Year 2011-2012.

The Commissioners signed letters to the outside agencies regarding their contribution for Fiscal Year 2011-2012 Budget.

The Commissioners signed letters to the Elected Officials and Department Heads regarding their Fiscal Year 2011-2012 Budget.

Discussion was held with Allen Ballard, Building Inspection Officer, Tim Richardson, Zoning Officer, Dave Pollard, County Resource Coordinator and Carl Harris, Prosecuting Attorney regarding the Boy Scout of America (BSA) Building Inspection Fees. No decisions were made.

The Commissioners received and reviewed a letter from Lita A. Eskew, Coordinator for the Church Women of Fayetteville asking permission to use the front of the Courthouse for the National Day of Prayer on Thursday, May 6, 2011 from 11:30 a.m. to 1:00 p.m.

The Commissioners approved their request for the 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; that all county property shall be cleaned up immediately after the event concludes.

The Commissioners signed letters to Senators William Laird and Greg Tucker, Delegates David Perry, Margaret Staggers and John Pino informing that the Commission supports the New Haven Public Service District's request to redirect (change of scope) to use the \$80,350.00 of the Community Participation Grant to fund the "soft cost" for the Spy Rock/Edmond Road/Flanagan Mountain proposed water project.

Ms. Berry informed the Commissioners that Dan Snead has submitted two (2) invoices for the Architectural Engineering Services for the new Fayette County OES/E-911 Center, amount \$62,500.00.

Ms. Berry told the Commissioners she received a letter from Attorney Paul Clay, Jr. enclosing the Special Commissioner's Finding of Facts and Recommendations and a proposed Order regarding the Estate of Ben Willard Olds, Sr.

The Commissioners asked Ms. Berry to make sure everyone involved receives a copy of the Order.

The Commissioners signed a drawdown request to the West Virginia Division of Criminal Justice Service for the Community Corrections Grant, amount \$15,776.00.

The Commissioners signed a drawdown request to the West Virginia Development Office for the Capital Resource Agency, amount \$3,270.00.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of May.

The Commissioners received and reviewed a letter from Bill Hannabass, City Manager of the City of Oak Hill requesting funding for the renovation of the Concession Stand and Restroom Facilities.

Commissioner Wender offered a motion to release the \$4,000.00 of its funds from the Coal Severance Fund in the current Fiscal Year for the renovation of the concession stand and restroom facilities at the Oak Hill Little League. Commissioner Scalph seconded. Unanimous.

Carl Harris, Prosecuting Attorney informed the Commissioners that before Michael Angelona appeared before the Commission on April 29, 2011 that he make sure he has done all the paper work.

Carl Harris told the Commissioners he reviewed the City of Oak Annexation; okay to approve.

The Commissioners received and reviewed Permits from the Fayette County Health Department to Operate the Food Service Establishment at the Fayette County Park, Permit to operate a recreational water facility at the Fayette County Park Pool, Permit to operate a Park/Playground at the Fayette County Park and a Permit a Park/Playground at the Harlem Heights Park.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Carl Harris, Prosecuting Attorney informing he has hired Jessica Hames as his new receptionist effective April 15, 2011. Her starting salary is \$18,800.00 with benefits.

The Commissioners received and reviewed a copy of an e-mail to Debbie Aliff, Payroll Clerk from David Neal, E-911 Coordinator informing that Becky Hutchens has been employed by the Fayette County 911 Center for a period of 5-years. Please increase her hourly pay rate to \$11.31 effective April 1, 2011.

The Commissioners received and reviewed a letter from the City of Montgomery thanking the Commission for their donations to the

Montgomery Park and Recreation Commission and the Montgomery Historical Committee.

The Commissioners received and reviewed Pledge Statement from the SunTrust Bank listing securities pledged to the Fayette County Commission as of March 31, 2011.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the funds due for the 75% of the coal severance tax was directly deposited on April 8, 2011, amount \$221,127.72 and the funds due for the March 2011 Table Games were directly deposited on April 18, 2011, amount \$7,513.11.

The Commissioners received and reviewed a check from the Division of Human Services for FRN, amount \$10,000.00.

The meeting was adjourned at 12:12 p.m. The next scheduled meeting is April 29, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 29, 2011  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 29<sup>th</sup> day of April 2011.

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

Deputy Mike Fridley appeared before the Commissioners to present a Location Release for the Commissioners to sign.

Deputy Fridley told the Commissioners this would give The Hoff Productions permission to enter upon and use the property and the

contents thereof and the appurtenances thereto located at Fayette County.

Deputy Fridley told the Commissioners this is for the purpose of photographing and recording certain scenes in connection with a program tentatively entitled Appalachian K-9.

The Commissioners approved and signed the Location Release.

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

Commissioner Lopez offered a motion to approve and sign real property tickets for Michael Holcomb and Robert Speed and Bertha Clark. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign personal property tickets for Dale A. and Shannon K. Watkins, Jr., Charles Hall, Frank E. Pauley, Kenneth H. Carte, Jr., Southern Electrical Construction, Inc., Michael W. and Jinnie Rollins, Janet K. Johnson, Vicky Wriston, Melissa L. and Gary Thomas Calloway. Commissioner Lopez seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve minutes of February 16, February 22, February 23, and March 4, 2011. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a drawdown request from Region 4 Planning and Development Council for the Danese Public Service District Water

Extension, Project #07ARCP15639, amount \$117,676.15 to the Commissioners.

Commissioner Lopez offered a motion to approve drawdown request for the Danese Public Service District Water Extension, Project #07ARCP15639, amount \$117,676.15. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Peggy Day requesting \$5,000.00 for assistance in purchasing playground equipment for the Danese Christian School in Danese.

The Commissioners signed Request for Reimbursements to the West Virginia Division of Justice and Community Services for the Community Corrections Grant for the months of March, amount \$3,100.00 and April, amount \$4,980.00.

Ms. Berry presented Budget Revisions for the General County Fund Budget for the Fiscal Year 2010-2011 to the Commissioners.

Commissioner Scalph offered a motion that subject to the approval of the State Auditor as ex officio chief inspector of public offices, the County Commission does hereby direct the budget be revised prior to the expenditure of or obligation of funds for which no appropriation or insufficient appropriation currently exists. Commissioner Lopez seconded. Unanimous. Resolution signed.

Angela Gerald and Allen Ballard appeared before the Commissioners to give an update on the dilapidated building project.

Ms. Gerald told the Commissioners that they are holding off on the demolition order issued to Richard and Kimberly Canterbury. The Canterbury property is a part of the Dunloup Creek buyout. The

Canterbury 's have cleaned up vegetation around the house and have painted the house.

Ms. Gerald told the Commissioners that Triad Engineering has sent out thirty-four (34) Right of Entry Letters for the Brownfield Grant. They have received five (5) back. The five (5) signed Right of Entry Letters have been sent to the Environmental Protection Agency for approval. Ms. Gerald told the Commissioners they are waiting for their decision. Ms. Gerald told the Commissioners if the houses have asbestos they would have to send out bids.

Ms. Gerald told the Commissioners they have three (3) more cases that have been turned over to the Prosecuting Attorney's Office.

Commissioner Wender asked Angela Gerald and Allen Ballard to get on the agenda once a month to give them an update.

Commissioner Lopez asked if they could have the lien owner of the property be responsible for cleaning up the property.

Carl Harris, Prosecuting Attorney replied no. He told the Commissioners he would have to do further research.

The Commissioners recessed the Commission meeting at 9:55 a.m.

The Commissioners reconvened the Commission meeting at 10.09 a.m.

Commissioner Wender informed the Commission is here today to open the bids received for the 911 Center.

Commissioner Wender informed they received six (6) bids.

Commissioner Wender informed they will ask that Dan Snead with J. Dan Snead Associates to review and make recommendation and bring back to the Commissioners.

The Commissioners opened the Bids: Lambardee Development Company, \$2,608,000.00, Kyle Construction, \$2,750,000.00, Danhill Construction, \$2,459,000.00, MIRC, \$2,430,000.00, Flint Construction, \$2,505,000.00, and Radford and Radford, \$2,475,600.00.

Dan Snead told the Commissioners he will review and get back with them on Monday.

Debbie Kemmerling, Carol Zickafoose and LaShawn Davis appeared before the Commission on behalf of the Black Diamond Girl Scouts Council.

Ms. Kemmerling told the Commissioners she is here today to request financial assistance for the Plateau Service Area.

Ms. Kemmerling gave a brief summary of the girl scouts activities.

After a brief discussion, Commissioner Lopez offered a motion that Fayette County Commission gives an appropriation of \$1,500.00 to the Black Diamond Girl Scouts. Commissioner Scalph seconded. Unanimous.

Commissioner Wender asked Ms. Kemmerling to send in a letter of request giving a break down on how much would go to Fayette County and how much would go to Greenbrier County.

David Neal, E911 Coordinator appeared before the Commission to discuss wrecker services for the 911 Center.

Carl Harris, Prosecuting Attorney asked Mr. Neal if there is a written policy for the ambulance and wrecker services.

Mr. Neal replied no.

Mr. Harris informed there should be a written policy for ambulance and wrecker services.

Commissioner Wender asked Mr. Neal about the 911 Advisory Board.

Mr. Neal told the Commissioner's participation and support for the Board have declined.

After a brief discussion, Commissioner Wender asked Mr. Neal to make recommendations for members for the 911 Advisory Board and give the list to Ms. Berry.

Commissioner Wender asked Ms. Berry to send a letter to each person on the list and let them know that they are being considered to serve on the 911 Advisory Board.

Attorney James Blankenship appeared before the Commission to present Report of Claims in the Estate of Douglas Wayne Matheny.

Mr. Blankenship told the Commissioners he took evidence and issued a copy of the Report of Claims to the Executrix, Glenda K. Matheny and the claimant, Tammy Hopkins.

Mr. Blankenship told the Commissioners that Carl Harris, Prosecuting Attorney has reviewed the Order.

Commissioner Scalph offered a motion that the Commission has received and reviewed Report of Claims from the Fiduciary Commissioner and approves the findings that he has made and adopts the findings that were made in the Estate of Douglas Wayne Matheny. Commissioner Lopez seconded. Unanimous. Order signed.

Carl Harris informed the Commissioners he had talked with Attorney Phil Tissue regarding his Petition to Remove Administrator of the Estate of Anicita Maminta.

Mr. Harris told the Commissioners he asked James Blankenship to serve as the Fiduciary Commissioner of the Estate of Anicita Maminta.

Commissioner Scalph offered a motion that the Commission appoints James Blankenship, Fiduciary Commissioner to represent and conduct the hearings in the Estate of Anicita Maminta. Commissioner Lopez seconded. Unanimous.

Dianna Wilson and Charlie Mays, Chairman of the Upper Kanawha Valley Economic Development Co. (UKVEDC) appeared before the Commission to request funding.

Ms. Wilson told the Commissioners the reason she is asking for their support the funding from a number of organizations has decreased. They would be losing income from one of their tenants at the end of September and the grant that pay her salary will end in September.

Ms. Wilson told the Commissioners they would be asking for funding from the City of Montgomery and Kanawha County Commission.

The Commissioners informed Ms. Wilson they will take under advisement and will think of other ways to assist in the funding. Earl Pauley, Park Superintendent, Joe Carelli and Peggy Bennett appeared before the Commissioners.

Mr. Pauley informed the Commissioners he had checked into purchasing a lawn mower from Bad Boys' Mower. The cost would be \$4,049.00. Mr. Pauley told the Commissioners the lawn mower has a life expectancy of ten (10) years.

Commissioner Lopez asked Mr. Pauley if he had a priority list.

Commissioner Lopez discussed hiring a part-time person (David Jones) to help Joe Carelli.

Commissioner Wender asked Mr. Pauley to get other bids for the lawn mower and present the bids at the next Commission meeting on May 6, 2011.

Commissioner Lopez suggested making allocation for the lawn mower from the Boomer Ballfield contribution.

Earl Pauley, Park Superintendent informed the Commissioners he had received a request from Camp Kismet requesting to change the normal swimming pool hour schedule for his group of kids.

After a brief discussion, the Commissioners told Mr. Pauley to inform Camp Kismet that the normal swimming pool hour schedule would not be changed.

The Commissioners received and reviewed a request from the Fayette County Animal Control Center requesting purchasing Surveillance Equipment. The estimated cost received from the American Micro Tech is \$6,420.96.

Commissioner Scalph offered a motion to approve Surveillance Equipment for the Fayette County Animal Control Center and approved the submitted bid from the American Micro Tech, amount \$6,420.96. Commissioner Lopez seconded. Unanimous.

The Commissioners approved to pay for the Surveillance Equipment this year, but will deduct the cost from the New River Humane Society's budget next year.

The Commissioners received and reviewed a letter from Peggy Day requesting funding for playground equipment and ground cover for the Danese Christian School in Danese.

Carl Harris, Prosecuting Attorney informed the Commissioners this is not community property it's private and the County cannot contribute funds to a private agency.

Commissioner Lopez asked Ms. Berry to send a letter to Ms. Day regarding their decision.

The Commissioners received and reviewed from the Assessor's Office a Petition to Combine or Divide and Segregate Land for Nancy Rosette.

Commissioner Scalph offered a motion to approve and sign Petition to Combine and Segregate Land for Nancy Rosette. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Armstrong Public Service District recommending that Stanley Garten be reappointed to service as a Commissioner on the Armstrong Public Service District Board.

Commissioner Lopez offered a motion to reappoint Stanley Garten, a member of the Armstrong Public Service District term to expire April 1, 2017.

The Commissioners received and reviewed a letter from the Fayetteville Police Department requesting permission to setup a tent on the Courthouse lawn near the parking lot facing the old County Jail on Friday, May 20, 2011 for the purpose of the Memorial Service that will be conducted.

Commissioner Lopez offered a motion to approve the request of the Fayetteville Police Department, to setup a tent on the Courthouse lawn on Friday, May 20, 2011 for the purpose of the Memorial Service that will be conducted, 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 event concludes.

The Commissioners received and reviewed a letter from Adam Stephens, Event Promoter for Captain Thurmond's Challenge requesting permission to use the Courthouse lawn for their 16<sup>th</sup> Annual Captain Thurmond's Challenge for the weekend of August 20, 2011 and requesting the use of some power for the awards ceremony and requesting permission to place porta-pots on the parking lot.

Commissioner Lopez offered a motion to approve the request of Captain Thurmond's Challenge, to use the Courthouse lawn for the weekend of August 20, 2011, approve the request to place port-a-pots on parking lot no earlier than 4:30 p. m. August 19 and removed no later than August 22, 2011. Commissioner Scalph seconded. Unanimous.

The Commissioners signed the Federal Excise Tax Exemption Certificate for Speedway SuperAmerica LLC.

Ms. Berry informed the Commissioners she received an e-mail from Dan Snead informing that the Engineer that is doing the Courthouse Electrical Upgrade has had several discussions with the Fire Marshal's Office concerning the enclosed connecting bridge passway between the Courthouse and the Jail.

Mr. Snead informed the Fire Marshal stated that as long as there is a 2-hour separation then the building can be treated as two separate buildings. Jeff Armentrout, Assistant State Fire Marshal did an inspection and stated the door on the courtroom side of the passway needed to be changed in order to meet the 2-hour separation requirement.

Ms. Berry told the Commissioners they are in the process of having the door changed.

Ms. Berry told the Commissioners the Engineer informed her that they are proceeding with this project since the required separation will be met.

Ms. Berry presented to the Commissioners a quote she received from AAA Glass and Awning Company for the fire-rated door, amount \$1,850.00.

Commissioner Scalph offered a motion to approve the \$1,850.00 quote from AAA Glass Awning and Company for the fire-rated door. Commissioner Lopez seconded. Unanimous.

Dickie Smith, Maintenance Supervisor informed the Commissioners he received quotes for the air conditioner outside the County Commission Office and the County Clerk Office from Camco Heating and Cooling System (\$5,150.00), Childers Enterprise (\$5,495.00) and Ward Plumbing Heating and Cooling System (\$2,150.00). Mr. Smith told the Commissioners that he had to check with Ward on their quote. Mr. Smith told the Commissioners he was waiting for another quote from Casto Technical Services.

Commissioner Scalph offered a motion to approve Camco Heating and Cooling System (\$5,150.00) and allow Debbie Berry to approve the lower bid once all the bids are received. Commissioner Lopez seconded. Unanimous.

The Commissioners received/reviewed and signed a letter from CSX Real Property informing that the Seller and Buyer desire to modify the terms of the Purchase-Sale Agreement to extend closing to occur no later than June 15, 2011. All other terms and conditions of the Purchase-Sale Agreement shall remain in full force and effect.

The Commissioners received and reviewed a request from Kelvin Holliday, County Clerk requesting purchases of desks and chairs for his office, cost \$1,220.40.

Commissioner Scalph offered a motion to allow Fayette County Commission to proceed with the \$1,220.40 to purchase desks and chairs for the County Clerk's Office. The check will be released today. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk regarding establishing satellite precincts for early voting for the October 4<sup>th</sup> special general election.

The Commissioners received and reviewed a copy of a letter to Steptoe and Johnson thanking them for the recent opportunity to discuss building code fee inspections as they relate to the Project Arrow development in Glen Jean, West Virginia.

The meeting was adjourned at 1:58 p.m. The next scheduled meeting is June 6, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION

MAY 6, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 6<sup>th</sup> day of May 2011.

Commissioner Wender called the Building Commission meeting to order at 9:00 a.m.

Persons in attendance were Morgan Bracken, Steve Pridemore, Will Thornton, John Stump, David Neal, Mike Fridley, Nick Mooney and Steve Cruikshank.

The purpose of the meeting is to conduct a third reading of an Ordinance authorizing the conveyance of real property by the County Commission to the Fayette County Building Commission for the purpose of permitting the acquisition, construction and financing of a new 911 Emergency Response Center. The issuance of the Fayette County Building Commission lease Revenue Bonds, Series 2011, in the aggregate principal amount up to \$2,000,000.

Steve Pridemore offered a motion to accept Ordinance as written and read. William Thornton seconded. Unanimous.

The purpose of the meeting is to conduct a first reading of an Ordinance authorizing the conveyance of real property by the County Commission to the Fayette County Building Commission for the purpose of permitting the acquisition, construction and financing of a new 911 Emergency Response Center. The issuance of the Fayette County Building Commission lease Revenue Bonds, Series 2011, in the aggregate principal amount up to \$3,000,000.

Steve Pridemore offered a motion to accept Ordinance as written and read. William Thornton seconded. Unanimous.

Morgan Bracken adjourned the Building Commission Meeting at 9:45 a.m.

Commissioner Wender called the Commission meeting to order at 10:00 a.m.

Commissioner Scalph offered a motion to approve releasing payment of invoices and vouchers, approve 1<sup>st</sup> half payrolls, checks to be released May 13, 2011. Commissioner Lopez seconded. Unanimous.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

JUNE 15, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special Executive Session on this 15th day of June 2011 to discuss a personnel matter.

No decision was made.

The Commissioners recessed the Executive Session.

The meeting was adjourned. The next scheduled meeting is June 30, 2011.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 8, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 8<sup>th</sup> day of July 2011.

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

Cindy Hysell presented exonerations to be approved and signed to the Commissioners.

Commissioner Lopez offered a motion to approve and sign the 16 personal property tickets (See attached). Commissioner Scalph seconded. Unanimous

Commissioner Scalph offered a motion to approve and sign real property ticket for Marvin L. and Linda L. Cooper. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices and approved 1<sup>st</sup> half payroll checks to be released on July 15, 2011. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of April 29, 2011. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an Order to approve the list of Poll Workers received from the Chairman of the Democratic Executive Committee and the Chairman of the Republican Executive Committee to work at the October 4, 2011 Special General Election to the Commissioners.

Commissioner Scalph offered a motion that Fayette County Commission approves and signs Order appointing the Poll workers to work in the upcoming Special General Election being held October 4, 2011. Commissioner Lopez seconded. Unanimous. Order signed.

Ms. Berry presented an Order to approve and sign to increase the mileage rate from fifty-one cents (.51¢) per mile to fifty-five cents (.55¢) per mile.

Commissioner Scalph offered a motion to approve increasing the mileage from fifty-one cents (.51¢) per mile to fifty-five cents (.55¢) per mile. Commissioner Lopez seconded. Unanimous. Order signed.

Ms. Berry presented a Budget Revision for the Coal Severance Fund for Fiscal Year 2010-2011 in the amount of \$724,902.

Commissioner Scalph offered a motion that subject to the approval of the State Auditor as ex officio chief inspector of public offices, the County Commission does hereby direct the Coal Severance Fund Budget to be revised prior to the expenditures of or obligation of funds for which no appropriation or insufficient appropriation currently exists. Commissioner Lopez seconded. Unanimous. Order signed.

Carl Harris, Prosecuting Attorney presented an Order regarding a petition filed to hear evidence in regard to a controversy concerning the Estate of Aniceta Maminta. The Commissioners informed that this matter should be referred to a Fiduciary Commissioner to handle the taking of evidence and making a recommendation to the Commission.

The Commissioners asked that Attorney James Blankenship be appointed Fiduciary Commissioner to hear all matters relating to the Petition and make a recommendation for a decision on this matter to the Commission. Order signed.

The Commissioners received and reviewed bids from the Fayette County Emergency Food Assistance Center asking that the Commissioners assist them in replacing the windows and door at the Fayette County Emergency Food Assistance Center.

Commissioner Scalph offered a motion to approve the lower bid to replace windows and door with the understanding the bid includes labor, amount \$3,826.54. Commissioner Lopez seconded. Unanimous.

Kenneth Smart, Chairman, John David and Bart Jackson with the Page-Kincaid Public Service District appeared before the Commissioners.

John David gave an update to the Commissioners.

The Commissioners called for opening of the bids for the new 911/OES Center.

The Commissioners received six (6) bids from--Kyle Construction (\$2,200,000), Dan Hill Construction (\$2,155,000), Venture One Construction (\$2,196,800), Radford and Radford (\$1,885,000), Lombardi Development (\$2,225,500), Flint Construction (\$2,041,180).

The Commissioners asked that the bids go to Dan Snead to review to make sure everything is correct. The Commissioners asked Mr. Snead to make recommendation and get back with the Commissioners.

Michael Angelona appeared before the Commissioners to present an Order to close the road between Lots 34, 35, 24 and 25 at Tourison Addition, Fayetteville, Fayette County.

Mr. Angelona was sworn in and hearing was recorded.

Mr. Angelona did comply with all the rules and regulations. All property owners have been notified.

Commissioner Scalph offered a motion to approve the road closing between Lots 34, 35, 24, and 25 at Tourison Addition. All property owners have been notified. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Brian Parsons, Assistant Prosecuting Attorney to do Order for the Commission to sign.

The Commissioners received and reviewed a letter from Communities Re- Unite requesting a donation of \$500.00 for their 2011 Communities Re-Unite Biannual Reunion.

Commissioner Scalph offered a motion to allocate \$500.00 for the Communities Re-Unite Biannual Reunion being held on September 2 and September 3, 2011. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed the County Commission meeting at 11:40 a.m. to go into an Executive Session.

The Commissioners reconvened the County Commission meeting at 12:15 p.m. and recessed for lunch.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing that the salaries of Steve Fox (\$32,000), Cynthia Hysell

(\$32,000), John Michael Bone (\$29,400), Buren Renick (\$31,000) and Tara Tyree (\$20,000) will increase effective July 1, 2011.

The Commissioners signed the Local Government Purchasing Card Participation Agreement.

The Commissioners signed Sales Tax Report for the period ending June 30, 2011 for the Fayette County Park.

The Commissioners received and reviewed a letter from Cecil I. Walker Machinery Company offering State of West Virginia equipment contracts that are available to all West Virginia government and non-profit entities.

The Commissioners received and reviewed Newsletter from the Community Correction Day Report Center.

The Commissioners received and reviewed from the Fayette County Animal Control Center Weekly Fees Collected for the week of July 1 to July 7, 2011.

The Commissioners received and reviewed checks from the Supreme Court, FLM, amount \$2,700; Dept. of Health and Human Resource, Community Corrections, amount \$123.00, City of Beckley DUI, amount \$87.48.

The meeting was adjourned. The next scheduled meeting is July 18, 2011.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 18, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 18<sup>th</sup> day of July 2011.

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

The County Commission meeting for July 29, 2011 was cancelled.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today, approved 2<sup>nd</sup> half payrolls checks to be released on July 29, 2011. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of May 6, May 20, May 27, and June 10, 2011. Commissioner Lopez seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve real property tax tickets (See attached). Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter she received from John Brenemen regarding a case with dogs attacking his sheep to the Commissioners.

The Commissioners discussed and reviewed the pictures that were brought in.

Carl Harris, Prosecuting Attorney informed the Commissioners he would research.

The Commissioners asked Mr. Harris to present his recommendation at their next Commission meeting.

Gloria King, Director of the New River Humane Society appeared before the Commissioners.

Ms. King told the Commission that Commissioner Wender and Allen Ballard had visited the Fayette County Animal Control Center to check out the building.

Ms. King told the Commissioners that Commissioner Wender believes the building is beyond fixing.

Commissioner Wender recommends building a new building.

Ms. Berry presented a letter she received from Allen Ballard regarding fixing or replacing the roof at the lower animal shelter facility to the Commissioners.

The Commissioners asked Ms. Berry to read the letter.

Ms. Berry told the Commissioners that Mr. Ballard believes a new building should be rebuilt.

The Commissioners told Ms. Berry to ask Mr. Ballard to put together an estimate of cost to rebuild the building and send his recommendation to the Commissioner by August 5, 2011.

The Commissioners scheduled a public hearing at 9:30 a.m. regarding Abandoned Property Complaint on David Bragg.

Present for the hearing was Allen Ballard, Angela Gerald, and Carl Harris, Prosecuting Attorney.

David Bragg was not present by 9:40 a.m.

Mr. Harris told the Commissioners he was notified of the meeting on June 1, 2011 by the Sheriff's Office.

Commissioner Lopez offered a motion to proceed with demolition on 52 Upper Summerlee Road and bid out the project (Surface lot 274-288 Johnson Subdivision owned by David Bragg). Commissioner Scalph seconded. Unanimous.

The Commissioners recessed the Commission meeting 9:50 a.m. to enter into an Executive Session to discuss a personnel matter.

The Commissioners reconvened the Commission meeting at 10:05 a.m.

Bid opening for the Electrical Upgrade for the Courthouse is scheduled at 10:05 a.m.

The Commissioners received three (3) bids:

	<u>Base Bid Amount</u>	<u>Add Alternate No. 1</u>
Advanced Electrical Services	\$88,000.00	\$12,000.00
Bluestone Electric	\$79,000.00	\$12,000.00
Lowe Brothers Electric	\$70,400.00	\$14,500.00

The Commissioners turned bids over to Dan Snead to review and make recommendation at the next County Commission meeting.

Ms. Berry presented a request for funding from Aletha Stolar, Director Family Resource Network to the Commissioners.

Ms Stolar is requesting funding to attend the Appalachian Regional Commission's Healthy Families: Healthy Future Conference in Prestonsburg, Kentucky, September 7-9, 2011. The cost is approximately \$580.00.

Commissioner Scalph offered a motion to approve request of Aletha Stolar to attend the Appalachian Regional Commission's Healthy Families: Healthy Future Conference on September 7-9,2011, cost \$580.00. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Mountain Transit Authority informing they support the establishment, by Mountain Transit Authority, of regularly scheduled bus transportation to the Amtrak Station at Prince, West Virginia.

Commissioner Lopez offered a motion to reappoint Denise A. Scalph to the Coal Heritage Highway Authority for a two (2) year term. Commissioner Wender seconded. Unanimous. Order and appointment to service letter signed.

Attorney James Blankenship presented a Petition to abandon an unnamed and unused street for Wilma McKown to the Commissioners.

Commissioner Lopez offered a motion to approve the request from Wilma McKown to abandon an unnamed and unused street. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from the New Haven Public Service District requesting that Imogene Pennington and Eula Ewing be reappointed members of the New Haven Public Service District for a six year term.

Commissioner Lopez offered a motion to reappoint Imogene Pennington and Eula Ewing members of the New Haven Public Service District for a six year term. Commissioner Scalph seconded. Unanimous. Order and appointment to service letter signed.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Center, amount \$4,950.00 for the period June 1, 2011 to June 30, 2011.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Center, amount \$31,563.19 for the period June 1, 2011 to June 30, 2011.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council asking the Commissioners to adopt the Hazard Mitigation Plan Resolution.

The Commissioners asked Ms. Berry to read the Resolution.

Commissioner Lopez offered a motion to approve and sign Hazard Mitigation Plan Resolution. Commissioner Scalph seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a letter from Laura Sevy requesting that the polling place for Precinct 74 be moved from the Cliftop Community Center to the Corliss Community Center.

The Commissioners approved to move Precinct 74 from the Cliftop Community Center to the Corliss Community for the May 2012 Primary Election and asked Ms. Berry to prepare the necessary paperwork.

Kelvin Holliday, County Clerk, Lisa Redden and Alisha Treadway presented updates on the upcoming election to the Commissioners.

Keys to storage room needs to say DO NOT DUPLICATE.

Mr. Holliday told the Commissioners the only persons to have keys are the Election Officials (Carol Smith and Kelvin Holliday).

Early Voting at the Fayette County Memorial Building is ready.

Lisa Redden and Alisha Treadway to make a proposal of how many people you actually need for election and present to the Commissioners on August 19, 2011.

Ms. Redden told the Commissioners satellite voting to be advertised in the Montgomery location.

Lisa Redden made a request to increase early voters workers hourly rate from \$8.50 to \$9.50

Commissioner Wender asks that this be included in the proposal to be presented on August 19, 2011.

Kenneth Hayes, Chairman of the New Haven Public Service District gave an update on the water project.

Mr. Hayes told the Commissioners that the Stringtown Project is completed. They have another project in process right now.

Edmond Road and Flanagan Mountain project received a \$399,000 grant. AML granted 100% construction cost for both projects.

Mr. Hayes told the Commissioners he is here today to ask the Commission to sign a letter of support for the funding. Mr. Hayes to present the support letters for the funding.

The Commissioners received and reviewed a letter from the Fayette County Farmland Protection Program informing that they currently have two (2) vacancies.

The Board is recommending that Sid Howard from the Southern Soil Conservation District and John Gilkerson, a cattleman be appointed to fill these vacancies.

Ms. Berry presented Orders to appoint Sid Howard and John Gilkerson to the Fayette County Farmland Protection Program Board.

Commissioner Lopez offered a motion to appoint Sid Howard to replace John Brenemen and John Gilkerson to replace Alan Wickline on the Fayette County Farmland Protection Program Board. Commissioner Scalph seconded. Unanimous.

Cindy Renick, Chief Tax Deputy presented to the Commissioners a list of the outstanding checks (as of June 30, 2010) that have never cleared our bank accounts and are at least one year old. The checks need to be receipted back into the various bank accounts.

Commissioner Scalph offered a motion to approve voiding outstanding checks more than one year old that was presented by the Sheriff. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from Deputy Sheriff Steve K. Neal requesting use of the Memorial Building to host and promote an annual boxing event during the month of October.

Commissioner Lopez offered a motion to approve the request of Deputy Sheriff Steve Neal, the use of the Memorial building to host and promote an annual boxing event October 1, 2011, the rental fee is waived. The custodial and trash service fees and insurance requirements will not be waived; all other rules are applicable. All alcoholic beverages are prohibited and adequate security is required for the event and for parking. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a Budget Revision for the General County Fund for Fiscal Year 2011-2012 to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Budget Revision for the General County Fund in the amount of \$3,368,997. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners received and reviewed a letter from Judge John Hatcher, Jr. requesting that sometime during the period of August 12, 2011 and September 2, 2011 the ante room be painted the same color green as the paint recently used in the County Clerk's front office. The Commissioners approved.

The Commissioners received and reviewed a letter from Jackie Brown, Chief of Police for the Montgomery Police Department informing they recently acquired a HUMVEE and patrol boat from the DRMS Law Enforcement Support Office.

Chief Brown informed the Commissioners due to current budget priorities, these vehicles will not be available for utilization unless additional monies are provided by outside sources for the purchasing of emergency equipment and the demilitarization of these vehicles. The estimated cost of making these vehicles fully functional is approximately \$5,000.00.

Chief Brown is requesting that the Fayette County Commission approve \$5,000.00 contribution for the necessary funding to make these vehicles operational so they may be utilized in the near future.

Commissioner Wender suggested they get on the agenda to discuss and asked Ms. Berry to check and see if the Kanawha County Commission contributed.

The Commissioners signed a letter to the West Virginia Surface mine Board regarding the Open Fork No.2 Surface Mine Permit (S301309)

The Commissioners received and reviewed a deposition transcript from the Workers' Compensation Office of Judges regarding Judy Treadway.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing their minutes for the month of June.

The Commissioners received and reviewed a draft copy of the Job Description for Deputy Fire Coordinator from Steve Cruikshank.

The Commissioners received and reviewed a letter from Stafford Consultants, Incorporated regarding New Haven Public Service District future Projects.

The Commissioners received and reviewed a check from the West Virginia Development Office for the New River Humane Society, amount \$5,000.00.

The Commissioners received and reviewed an e-mail from Dan Snead regarding the new OES/E-911 Center.

The meeting was adjourned at 12:30 p.m. The next scheduled meeting is August 5, 2011.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 5, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 5<sup>th</sup> day of August 2011.

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

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today, approved 1<sup>st</sup> half payrolls, check to be released on August 15, 2011. Commissioner Scalph seconded. Unanimous.

Eddie Young, Assessor presents an Application for Correction of Assessment for Artie Wriston to the Commissioners.

Commissioner Lopez offered a motion to accept an Application for Correction of Assessment for Artie Wriston, Commissioner Scalph seconded. Unanimous.

Mr. Young presented exonerations and a refund to be approved and signed to the Commissioners.

Commissioner Scalph offered a motion to approve a refund for Donald and Alice Chapman, amount \$408.42. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve real property tax tickets (see attached). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve personal property tax tickets (see attached). Commissioner Scalph seconded. Unanimous.

Rebecca Dean, City of Mount Hope/On Trac Project, appeared before the Commissioners to request funding from the Fayette County Commission to establish a park in Mount Hope. The total cost for the Project is \$25,000.00.

Ms. Dean told the Commissioners the Greater Kanawha Valley Foundation supports 58% of the project. They have received \$5,028.00 matches from Coal Heritage Highway Authority and the City of Mount Hope.

Ms. Dean told the Commission she is here today to request \$3,000.00 from the Fayette County Commission.

Commissioner Wender informed the Commission will give \$3,000.00 contingent on them raising the full amount of \$25,000.00.

Commissioner Lopez offered a motion that Fayette County Commission approves the \$3,000.00 on the contingency of raising the full amount of the \$25,000.00, including the Commission match. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she had notified the executive committee for the democratic and republican parties for names of the poll workers.

Ms. Berry told the Commissioners she received all the lists.

Commissioner Scalph offered a motion to accept and approve poll workers' list received from the democratic and republican executive committees for the upcoming Special General Election being held October 4, 2011. Commissioner Lopez seconded. Unanimous. Order signed.

Ms. Berry presented Fire Levy Protection Agreements and Fire Levy Pumper/Ladder Replacement Agreement to the Commissioners to be signed from the City of Oak Hill (\$266,000.00), Gauley Bridge Volunteer Fire Department (\$36,318.00), Armstrong Creek Volunteer Fire Department (\$35,734.00), Meadow Bridge Volunteer Fire Department (\$34,940.00), Nuttall Volunteer Fire Department (\$36,575.00), Ansted Certified Fire Department (\$46,857.00), Loup Creek Volunteer Fire Department (\$34,709.00) Mount Hope Volunteer Fire Department (\$38,842.00) Gauley River Volunteer Fire Department (\$33,808.00) and Boomer Volunteer Fire Department (\$35,522.00).

The Commissioners received and reviewed a letter from the Fayetteville Convention and Visitors Bureau requesting permission to use the Courthouse lawn and walkways on Saturday, October 15, 2011 and requesting the use of the Fayette County Memorial Building as a back-up plan in case of inclement weather for the purpose of hosting the 3<sup>rd</sup> Annual Bridge Day Chili and Cornbread Cook-off.

Commissioner Lopez offered a motion to approve the request of the Fayetteville Convention and Visitors Bureau to use the Courthouse lawn and walkways and the use of the Fayette County Memorial Building as a back-up plan in case of inclement weather for the purpose of hosting the 3<sup>rd</sup> Annual Bridge Day Chili and Cornbread Cook-off. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Saints Peter and Paul Catholic School requesting permission to use the Fayette County Memorial Building for their basketball games and practices.

Commissioner Lopez offered a motion to approve the request of Saints Peter and Paul Catholic School to use the Fayette County Memorial Building for their basketball games and practices. Commissioner Scalph seconded. Unanimous.

The Commissioner received and reviewed a letter from Cindy Dragan submitting her resignation as an Urban Renewal Authority Board member effective July 1, 2011.

The Commissioners were informed that a vacancy exists on the Fayette County Urban Renewal Authority due to the resignation of Cindy Dragan. The Board is recommending that Kathy Calhoun be appointed a member of the Fayette County Urban Renewal Authority, to fill the unexpired term, said term to expire March 1, 2014.

Commissioner Scalph offered a motion to appoint Kathy Calhoun a member of the Fayette County Urban Renewal Authority to fill the unexpired term of Cindy Dragan, term to expire March 1, 2014.

Commissioner Lopez seconded. Unanimous. An appointment letter to serve and Order signed.

The Commissioners were informed that the term of office for Jeffrey Proctor as a member of the Fayette County Urban Renewal Authority expired March 1, 2011. The Board is recommending that Jeffrey Proctor be reappointed to serve as a member of the Fayette County Urban Renewal Authority, said term to expire March 1, 2014.

Commissioner Lopez offered a motion to reappoint Jeffrey Proctor a member of the Fayette County Urban Renewal Authority, term to expire March 1, 2014. Commissioner Scalph seconded. Unanimous. An appointment letter to serve and Order were signed.

Commissioner Lopez informed the Commissioners that a vacancy exists on the Fayette County Board of Zoning Appeals due to the resignation of Rupert Chuyka. Commissioner recommends that Shirley Love be appointed a member of the Fayette County Board of Zoning Appeals to fill the unexpired term of Rupert Chuyka, said term to expire January 1, 2013.

Commissioner Lopez offered a motion to appoint Shirley Love a member of the Fayette County Board of Zoning Appeals to the fill the unexpired term of Rupert Chuyka, term to expire January 1, 2013. Commissioner Scalph seconded. Unanimous. An appointment letter to serve and Order were signed.

The Commissioners received and reviewed a letter from Cindy Dragan, Chairman of the Fayette County New River Gorge Bridge Day Commission, informing that the Department of Transportation is

recommending that Randy Gorby be appointed to fill the unexpired term of Loren Cox.

Commissioner Lopez offered a motion to appoint Randy Gorby a member of the Fayette County New River Gorge Bridge Day Commission to fill the unexpired term of Loren Cox, term to expire August 8, 2014. Commissioner Scalph seconded. Unanimous. An appointment letter to serve and Order were signed.

Ms. Berry presented a drawdown from Region 4 Planning and Development Council for the Danese Public Service District Water Extension, amount \$23,384.71.

Commissioner Lopez offered a motion to approve the drawdown for the Danese Public Service District Water Extension, amount \$23,384.71. Commissioner Scalph seconded.

Commissioner Lopez offered a motion to sign a letter to Janis Kitzemiller, Family Law Judge, requesting reimbursement for rent in the amount \$2,700.00 for the month of August. Commissioner Scalph seconded. Unanimous. Letter signed.

Mr. Michael Angelona appeared before the Commission on July 8, 2011 to request a road closing between Lots 34, 35, 24 and 25 at Tourison Addition, Fayetteville, Fayette County. A vote was taken upon the application for unused street closing and said request was unanimously approved. The Commissioners signed the Order of the Road Closing.

Allen Ballard and the New River Humane Society appeared before the Commission to discuss the cost to build a new animal shelter.

Mr. Ballard told the Commissioners the materials to build the new shelter would cost \$31,290.00.

Discussion was held regarding the location of the new shelter.

The Commissioners asked Mr. Ballard to do drawings of the new shelter and return to the Commission.

The Commissioners informed once all the information is received then they will advertise for the labor.

The Commissioners met at 10:30 a.m. to discuss the new 911 Center.

Present for the discussion was the Fayette County Building Commission, Fayette County Commission, David Neal, Dave Pollard, Dan Snead, Steve Cruikshank, Debbie Berry, Stephanie Sears and Carl Harris.

After the discussion, Commissioner Scalph offered a motion to approve to proceed with construction of the new building. The construction is issued by a bond. The decision to be made later on whether to go with 30, 25, or 20 years bond issuance.

Ms. Berry presented a quote from Bad Boy Mower she received from Earl Pauley for the cost of a lawn mower for the Fayette County Park to the Commissioners. The cost of the lawn mower is \$4,449.00.

The Commissioners approved the purchase of a lawn mower for the Fayette County Park from Bad Boys Mower, cost \$4,449.00.

Discussion was held regarding Lee Smith's raise that was approved in a previous meeting.

Commissioner Scalph made a motion to return Lee Smith to his original salary due to the project that he was to be given the

additional salary for doing has been delayed. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Rupert Chuyka informing Mr. Chuyka that they have been advised of his resignation from the Fayette County Board of Zoning Appeals effective May 13, 2011. The Commissioners offered their sincere appreciation for the 19 years of service to Fayette County and citizens.

The Commissioners signed a letter to the West Virginia Higher Education Policy Commission regarding an invitation to comment from the West Virginia University Institute of Technology Revitalization Team.

The Commissioners signed letters to Senators William Laird and Gregory Tucker, Delegates Margaret Staggers, David Perry and John Pino, thanking them for their continued efforts to pass the Coal Severance Tax reallocation bill (SB 1002/HB 103).

The Commissioners signed an Indemnity Agreement for Steve Kessler, Sheriff of Fayette County for additional bond coverage of \$400,000.00 due to his appointment over the Estate of Fred L. Crouse.

The Commissioners received and reviewed a several letters fo the Office of the State Treasurer informing the Greenbrier Table Games Tax distribution will be directly deposited on July 18, 2011, amount \$49.29, the Limited Video Lottery proceeds will be directly deposited on July 26, 2011, amount \$6,617.25, the Table Games proceeds will be directly deposited on July 18, 2011, amount \$7,368.87, the Wine, Liquor and Private Club Taxes will be directly deposited on July 19, 2011, amount \$\$3,864.03 and the Regional Jail Operations Partial

Reimbursement Fund will be directly deposited on July 21, 2011, amount \$75,984.40.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler informing that he had been notified by Stephens Auto that the four (4) cruisers that were ordered are in and ready for pick-up. Sheriff Kessler is requesting that a check be written in the amount of \$91,492.00 for the purchase of the four (4) 2011 Crown Victoria cruisers. The Commissioners approved.

The Commissioners received and reviewed a letter from Priority Ambulance Service informing that they are a new ambulance service in Fayette County and would like to be considered as an additional resource for Fayette County's 911 Center as needed when other resources have been depleted.

The Commissioners received and reviewed a copy of a Notice of Hearing from William A. McCourt, Jr. regarding the Estate of Ben Willard Olds, Sr.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School asking the Commissioners to send letters of support for the Housing Preservation Grant and the Home Rehabilitation Program.

The Commissioners received and reviewed a letter from Region 4 Planning and Development Council enclosing the Hazard Mitigation Plan Executive Summary in advance of the full plan.

The Commissioners received and reviewed a letter from WorkForce West Virginia regarding Elizabeth M. Campbell.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from the Prosecuting Attorney informing that Vickie Hylton 's last day is July 18, 2011. She will need to be paid for her 174 hours vacation.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from the Assessor informing that Charles Henry Briscoe, Jr. will start working in his office on July 25, 2011 as an Appraiser. His salary will be \$20,000.00. He will be paid out of the regular County Budget.

The Commissioners received and reviewed a letter from the Family Resource Network thankig the Commissioners for their financial support of the Program.

The Commissioners received and reviewed a decision from the Public Service Commission regarding Arbuckle Public Service District.

The Commissioners received and reviewed a letter from the Courthouse Facilities Improvement Authority enclosing a copy of the funding award to West Virginia Courthouses from 2004 to 2011, total amount \$14,180,003.

The Commissioners received and reviewed from Steve Cruikshank the Fire Levy Balance Sheet for the period July 1, 2010 to June 30, 2011.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of July 22 to July 28, 2011, amount \$1,555.00 and the week of July 29 to July 31, 2011, amount \$50.00, and the New Rive Humane Society allotment, amount \$15,585.76.

The Commissioners received and reviewed a quote for the pest control for the Fayette County Animal Shelter, cost \$185.00 a month.

The Commissioners received and reviewed a copy of a letter from the Public Service Commission congratulating Aletha Stolar on her appointment to the Fayette County Solid Waste Authority.

The Commissioners received and reviewed a letter from ISO thanking Tim Richardson, Fire Chief of the Oak Hill Fire Department and Greg Nunn, Supervisor for the West Virginia American Water Company for their cooperation during their recent Public Protection Classification (PPC) survey.

The Commissioners received and reviewed checks for the 911 Fees from nTelos, amount \$1,932.24; Franchise Fees from Shentel, amount \$1,144.45 and Suddenlink, amount \$53,208.08; Alarm Fees from Oak Hill United Methodist Church, amount \$240.00; DUI Fee from the City of Beckley, amount \$267.28; Rental of the Memorial Building from the Fayette County Board of Education, amount \$5,500.00; a check from the Department of Health and Human Resources for the Community Corrections Day Report Center, amount \$4,150.00 and Reimbursement from Ferrell Gas, amount \$876.49.

The Commissioners received and reviewed an e-mail from Chris Campbell requesting support for a new Fire Department in the Danese area.

The Commissioners received and reviewed an e-mail from Debbie Berry to David Nichols with the Secretary of State Office requesting status of our reimbursement for expenses for the Special Primary Election in May 2011.

The Commissioners received and reviewed an e-mail from Debbie Berry to Doug Arbogast informing the utility bills for the Fayette County Memorial Building are ready to be picked up.

The meeting was adjourned at 1:15 p.m. The next scheduled meeting is August 19, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 19, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, Denise A. Scalph

The Fayette County Commission met in a regular session on this 19<sup>th</sup> day of August 2011.

Commissioner Wender called the meeting to order at 9:25 a.m.

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

Commissioner Scalph offered a motion to approve and sign real property tax tickets for Bruce Hall, Larry V and Brenda Barrett, Garry and Betty Wolfe, William J. Sheaves, James and Elaine Horrocks, Gladys Smith, Hebert Bellew, Robert Cavalier, Lyn Haley and Bridge Brew Works LLC. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign personal property tax tickets for Franks Trucking, Donna S. Rowland, Three J's, Inc., BB&T Centralized Solutions I, General Motors LLC Lewis Corp. and Bridge Brew Works LLC. Commissioner Wender seconded. Unanimous.

Steve Cruikshank, Fayette County Fire Coordinator appeared before the Commission to discuss the hiring of a Deputy Fire Coordinator.

Mr. Cruikshank told the Commissioners that the Firefighters Association told him that this is something that should have been done.

Mr. Cruikshank told the Commissioners that the Firefighters Association informed that this would be a permanent position.

Mr. Cruikshank asked the Commissioners if they had any changes to the draft.

Commissioner Wender offered a motion that the Fayette County Commission would advertise for the position, but he feels the Firefighters Association should hire three (3) individuals to do the interviews and come back with their recommendation to the Commission. Commissioners Scalph seconded. Unanimous.

Commissioner Wender asked Mr. Cruikshank if he had a budget.

Mr. Cruikshank told the Commissioners the person would be hired on a six (6) month probationary period with a salary and after the probationary period the salary would increase.

Commissioner Wender offered a motion that the Firefighters Association appoints a committee to interview the candidates and come back with recommendation, what the salary would be, a recommendation on residence, recommendation on a standard six (6) month probationary period. Commissioner Scalph seconded. Unanimous.

Lisa Redden and Alicia Treadway appeared before the Commission to give another update on the upcoming election.

Ms. Redden told the Commissioners the keys for the ballot boxes should be ready by Tuesday and they had purchased a new computer for Early Voting.

Ms. Redden told the Commissioners she is working on trying to cut back on expenses for election workers.

Ms. Redden told the Commissioners that Commissioner Lopez asked her to keep him informed regarding the election workers.

Ms. Redden told the Commissioners the test of the machines for Early Voting is September 12, 2011 and the test of the machines for the General Election is September 26, 2011.

Ms. Berry told the Commissioners that the bids for the Boiler have been extended.

Commissioner Scalph offered a motion to proceed with sending letters to all the Telecommunications Providers to inform them that the Fayette County Commission has authorized the construction of a new E-911 Center at Wolf Creek Park and in construction the Center they will be placing a new tower on the site and will have room to share services with the telecommunications providers. Commissioner Wender seconded. Unanimous.

The Commissioners asks that David Neal, 911 Coordinator forward all the telecommunications providers addresses to Ms. Berry.

Commissioner Wender informed he feels that a Letter of Intent should be mailed to Radford and Radford Construction for the construction of the Fayette County 911 Communication Center.

Commissioner Scalph offered a motion to approve the Letter of Intent for the construction of the 911 Center and authorized

Commissioner Wender to sign on behalf of the Fayette County Commission. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a drawdown request to the West Virginia Division of Justice and Community Services for the Community Corrections Day Report Center, amount \$17,758.79

Commissioner Scalph offered a motion to approve drawdown request for the Community Corrections Day Report Center, amount \$17,758.79. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a drawdown from Region 4 Planning and Development Council for the Danese Public Service District Water Extension, amount \$16,699.35

Commissioner Scalph offered a motion to approve drawdown request for the Danese Public Service District Water Extension, amount \$16,699.35. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a drawdown for a Community Participation Program Grant to the West Virginia Development Office for the Armstrong Creek Public Service District, amount \$20,000.00.

Commissioner Scalph offered a motion to approve the Community Participation Program Grant drawdown request for the Armstrong Creek Public Service District, amount \$20,000.00. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a drawdown for a Community Participation Program Grant to the West Virginia Development Office for the American Red Cross, amount \$2,073.40.

Commissioner Scalph offered a motion to approve the Community Participation Program Grant drawdown request for the American Red Cross, amount \$2,073.40. Commissioner Wender seconded. Unanimous.

Patti Hamilton, Executive Director of the West Virginia Association of Counties appeared before the Commission at 10:00 a.m. to discuss the legislation that passed the recent legislative session and legislation that may not have passed or was never put forth that is of interest to each of us associated with county government.

Present for the meeting was the Fayette County Commission, Carl Harris, Prosecuting Attorney, Judy Radford, Executive Director New River Gorge Regional Authority, Dave Pollard, County Resource Coordinator, David Neal, E911 Coordinator, Steve Kessler, Sheriff, Kelvin Holliday, County Clerk, Steve Cruikshank, Fire Coordinator, Theresa White, OES Director, Allen Ballard, Building Inspector, Tim Richardson, Zoning Officer, Deborah Berry, County Administrator, and Deborah Aliff, Payroll Clerk.

The meeting was recessed at 12:05 p.m.

The Commission reconvened the County Commission meeting at 12:20 p.m.

Ms. Berry presented Fayette County Fire Levy Protection Agreements for Montgomery Volunteer Fire Department (\$46,512.00), Danese Volunteer Fire Department (\$36,674.00) and Gauley Bridge Volunteer Fire Department (\$36,318.00), and Fayette County Fire Levy Pumper Replacement Agreements for Armstrong Creek Volunteer Fire Department (\$49,000.00) for the period July 1, 2010 to June 30, 2011, Armstrong Creek Volunteer Fire Department (\$49,000.00) for the Period

July 1, 2011 to June 30, 2012 Montgomery Fire Department (\$266,000.00), Gauley Bridge Volunteer Fire Department (\$49,000.00), for the Period July 1, 2010 to June 30, 2011 Gauley Bridge Volunteer Fire Department (\$49,000.00) for the Period July 1, 2011 to June 30, 2012 for the Commission to sign.

Ms. Berry presented Orders appointing April Waddell to serve on the Board of Directors for the Central Appalachian Empowerment Zone of West Virginia (Census Tract No. 206) and an Order appointing Ernest E. Wickline to serve on the Board of Directors for the Central Appalachian Empowerment Zone of West Virginia (Census Tract No. 205) to the Commissioners.

Commissioner Scalph offered a motion to appoint April Waddell (Census Tract No.206) and Ernest E. Wickline (Census Tract No. 205) to serve on the Board of Directors for the Central Appalachian Empowerment Zone. Commissioner Wender seconded. Unanimous. Orders signed.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of September 2011.

The Commissioners received and reviewed a letter from the Fayette County Public Libraries informing that the term of Philip J. Tissue as a member of the Board of Directors expired June 30, 2011. They are requesting that he be reappointed to serve.

Commissioner Scalph offered a motion that Philip J. Tissue be reappointed to serve on the Fayette County Library Board, term to

expire June 16, 2016. Commissioner Wender seconded. Unanimous.  
Order and an appointment to serve letter signed.

The Commissioners received and reviewed a letter from Effie Spencer requesting that her son Dale Tomlin be appointed to fill the unexpired term of Leon Spencer as the Fayette County Survey.

The Commissioners asked to hold decision until the next County Commission September 2, 2011.

The Commissioners discussed the letter they received from John Brenemen regarding his fourteen (14) sheep that were attacked by dogs.

Carl Harris, Prosecuting Attorney told the Commissioners he had reviewed the West Virginia Code.

Discussion was held, Commissioner Scalph offered a motion that Fayette County Commission will reimburse Mr. Brenemen for the lost of ten (10) sheep which will come from the Dog Tax Fund. This will be paid over a two (2) month period. The Commissioners approved to pay \$2,000.00 over the next two months. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed the quotes from WesBanco Trust and Investment Service and the United Bank for acting as trustee, registrar, transfer and paying agent for the Fayette County 911 Center.

After a brief discussion, Commissioner Wender offered a motion to have WesBanco Trust and Investment Services be the Corporate Trustee for the Fayette County 911 Center. Commissioner Scalph seconded. Unanimous.

Commissioner Wender asked Ms. Sears to see if she can get WesBanco Trust and Investment Service to lower the cost.

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

Commissioner Scalph offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Leslie Boggs, Byron M. and Shirley Ann Winebrenner, Bobby G. and Rosalee M. Light, Kenneth Leroy and Lita Alice Eskew, Raymond D. and Sylvia J. Smith, Tommy and Nancy Horrocks, Larry A. Taylor, Jerry Lee and Deborah Ann Legg, Catherine M. Coleman, Charles I. and Angela Myers, Charles Biggs, Drema S. Bender and Harlon Good. Commissioner Wender seconded. Unanimous. Petitions signed.

The Commission called the meeting of the Arbuckle Public Service District to order at 1:05 p.m.

Present for the meeting were W. D. Smith, Executive Director Region 4 Planning and Development, Fayette County Commission, Dave Pollard, County Resource Coordinator, Members of the Arbuckle Public Service District, Carl Harris, Prosecuting Attorney, and Heather Lucas, New River Water Alliance.

Ms. Lucas gave a brief overview of the study of the New River Water Alliance.

Mr. Pollard gave an update on the Winona Water Project.

W. D. Smith gave an update of the Arbuckle Public Service District.

Mr. Smith informed the Commissioners that Arbuckle Public Service District to put in a Grant Application to do improvements to the District.

Commissioner Scalph offered a motion to release monies to Arbuckle Public Service District upon Debbie Berry receiving an invoice requesting the money, amount \$5,000.00. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a letter of support for the New Haven Public Service District to the Commissioners to sign.

The Commissioners received and reviewed a letter from Janette Woodrum, Chief Probation Officer requesting two (2) chairs for the Probation Department, cost \$377.45 each. The Commissioners approved.

The Commissioners received and reviewed a letter from Ashleigh Legg, Coordinator for the Foster Grandparent Program.

Ms. Legg is requesting funding to help recruit new Foster Grandparents and sustain the continuing services of their current Foster Grandparents serving Fayette.

The Commissioners received and reviewed a letter from Sheriff Steve Kessler requesting that the interior of the Sheriff's Office be painted and to replace two (2) doors within the building.

The Commissioners asks that Dickie Smith, Maintenance Supervisor purchase the paint.

Ms. Berry informed the Commissioners they would be using the Community Corrections workers.

Ms. Berry told the Commissioners that Sheriff Kessler asks that they consider windows and air conditioning for the future.

The Commissioners received/reviewed and signed a letter to the United States Department of Commerce Economic Development Administration regarding the 2009-2013 Comprehensive Economic Development Strategy (CEDS) for Fiscal Year 2011 Annual Report.

The Commissioners signed the West Virginia Motor Fuel Tax Refund Application for the period ending June 30, 2012.

The Commissioners received and reviewed an e-mail from the National Association of Counties asking that all counties, cities and towns across America to sound sirens and ring bells at 1:00 p.m. Eastern Daylight Time for a National Moment of Remembrance on September 11 to pay tribute to those we lost.

Ms. Berry presented to the Commissioners an e-mail from Dan Snead attaching a proposal from Flat Top Builders regarding the estimate to repair Drainage issues and Regrade area on south end of the Judicial Courthouse Annex.

The Commissioners asked Ms. Berry to get two (2) more quotes.

The Commissioners received and reviewed a letter from the West Virginia Division of Personnel regarding the Special General Election being held on Tuesday, October 4, 2011. This election is an official holiday for all State employees as provided in Section 14.1 of the Division of Personnel *Administrative Rule* (143CSR1).

The Commissioners received and reviewed a Pledge Statement from the SunTrust Bank listing securities pledged as of July 29, 2011.

The Commissioners received and reviewed from the Bank of New York Mellon an Account Statement for the period July 1, 2011 through July 31, 2011.

The Commissioners received and reviewed from Branch Banking and Trust Company an Account Statement for the period February 1, 2011 through July 31, 2011.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the July 2011 Greenbrier Table Games Tax will be directly deposited on August 16, 2011, amount \$65.10.

The Commissioners received and reviewed letters from Travelers Insurance regarding Gail Withrow claim.

The Commissioners received and reviewed a letter from Delegate John Pino informing he appreciates the Commission's collaborative support in the good opportunities we face that most certainly will make us the shining star in West Virginia.

The Commissioners received and reviewed Project Updates from Region 4 Planning and Development during the Annual Dinner that was held July 20, 2011 at the Summersville Lake Picnic Area, Nicholas County West Virginia.

The Commissioners received and reviewed Weekly Fees Collected by the Fayette County Animal Control Center/NRHS for the week of August 5 to August 11, 2011, amount \$585.00.

The Commissioners received and reviewed a copy of a Certificate of Approval signed by Steve Cruikshank, Fayette County Fire Coordinator approving and authorizing the entering into by the Montgomery Volunteer Fire Department, Incorporated, of the Volunteer Fire Department Lease and Option Agreement it as Lessee and Republic Fire National Corporation as Lessor in an aggregate principal amount

not to exceed \$314,945.00 to finance One (1) New Rosenbauer Cobra 85' Aerial Platform Quint, located at 816 Third Avenue, Montgomery, WV 25136.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, LLC, amount \$78.80 and Vonage Tax Account, amount \$276.50; check from the City of Beckley for DUA Patrol, amount \$88.20; check from the Fayette County Board of Education for the WVU Extension, amount \$24,237.00; check from the Department of Health and Human Resources for the Community Correction Day Report Center, amount \$1,174.00; check from the Division of Justice and Community Services for the Community Correction Day Report Center, amount \$24,913.21; check from the Supreme Court reimbursement for the Community Correction Day Report Center, amount \$240.00 and check from Highland Towers, LLC, amount \$2,000.00.

The Commissioners received and reviewed an e-mail from Denise L. Ferguson with the West Virginia Division of Culture and History informing that the records grant year began July 1, 2011 through June 30, 2012 to microfilm digitize the circuit clerk's civil and criminal index books 1800 to present.

The Commissioners received and reviewed an e-mail from Theresa White, Director Fayette County Emergency Services giving her schedule over the next few weeks.

The Commissioners received and reviewed a copy of an e-mail from Mayor James Higgins to Delegate Margarete Staggers informing that he and the City Council would like to leave Montgomery districts as is,

but if a change is necessary then they would like to have all of Montgomery in the Fayette County District.

The meeting was adjourned at 2:15 p.m. The next scheduled meeting is September 2, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 2, 2011  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 2<sup>nd</sup> day of September 2011.

Commissioner Wender called the meeting to order at 9:06 a.m.

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

Commissioner Scalph offered a motion to approve and sign real property tickets for (See attached). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Dianna S. Scarbro, Stephanie J. Jones, Larry A. Wheeler, Rodney Ray or Doretha Rainey, BB&T Centralized Solutions I, Juanita R. Mitchell, Brain T. Miller, Blue Skies Elderly Care and Duff Wayne Sullivan. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for Anthony J. and Galene Ackerct (\$264.54), Mark D. and Cynthia White (\$205.71), and David Ayersman (\$291.51). Commissioner Scalph seconded. Unanimous.

Commissioners Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1st half payrolls checks to be released on September 15, 2011. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of June 30, 2011 and July 8, 2011. Commissioner Lopez seconded. Unanimous.

Sheriff Steve Kessler appeared before the Commission to ask for software upgrade for the Tax Department.

Sheriff Kessler told the Commissioners he received a quote from Software Systems to add the Internet Tax Inquiry System.

Sheriff Kessler told the Commissioners the cost would be \$12,500.00. The Internet Tax Inquiry System will cost \$10,000.00 and the Installation Services will cost \$2,500.00.

Sheriff Kessler told the Commissioners he had talked with Mark Tennant with Software System and was told that the first year maintenance is free after the first year maintenance would cost \$1,200.00 for a year.

Commissioner Lopez offered a motion to approve purchase of the Internet Tax Inquiry System upgrade for the Tax Department, cost \$12,500.00. Commissioner Scalph seconded. Unanimous.

Commissioner Wender asked if this had to be bid out.

Sheriff Kessler told the Commissioners he is going with Software System because they already manage the services in the Tax Department.

Senator William Laird appeared before the Commissioners to give an update on the lighting of the New River Gorge Bridge.

Discussion was held no decisions were made.

Commissioner Wender asked if there were any comments.

Allen Ballard, Building Inspector appeared before the Commission to give an update and present plans for the new animal shelter.

Commissioner Wender informed they are here today to open bids for the Electrical Upgrade for the Courthouse.

Commissioner Wender informed they had advertised for bids earlier, but decided to rebid to get closer to the \$100,000.00 from the West Virginia Courthouse Facilities Improvement Grant.

Commissioner Wender informed the bids submitted to the Fayette County Commission has been properly advertised and the deadline was to submit the bids by 4:00 p.m. on September 1, 2011. Bids are to be opened at 10:00 a.m. September 2, 2011.

The Commissioners opened five (5) bids: Advanced Electrical Systems, Inc. (\$87,000), Alpha Contracting, Inc. (\$115,100), Bluestone Electric, Inc. (\$96,000), Lowe Brothers Electric Company (\$80,105), and Plateau Electric, Inc. (\$97,927).

The Commissioners recommended giving the five (5) bids to J. Dan Snead Associates to review and make recommendation of the lower bid if bid is in compliance.

Dan Snead will recommend the final low bidder after reviewing all five (5) bids and the four alternates.

Commissioner Wender informed they are here today to open bids for the Boiler for the Courthouse.

Commissioner Wender informed the bids submitted to the Fayette County Commission has been properly advertised and the deadline was to

submit the bids by 4:00 p.m. on September 1, 2011. Bids are to be opened at 10:15 a.m., September 2, 2011.

The Commissioners opened two (2) bids: Casto Technical Services (\$76,750) and Southern Air, Inc. (\$77,914).

Commissioners Wender recommended giving both bids to J. Dan Snead Associates to make sure both bids are in compliance, review and make recommendation of the lower bid to the Commissioners.

Discussion was held regarding the bids being over the \$105,192.00 of the Region 4 Energy Efficiency Program Grant.

Commissioner Scalph offered a motion that the Fayette County Commission will pay the difference of the Boiler bids up to \$10,000.00 with the exception of the amount received from Region 4 Energy Efficiency Program Grant. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Dan Snead to write a letter of recommendation for both the Electrical Upgrade and the Boiler.

Carrie Strunk and other members of the Recycling Program (see an attached list) appeared before the Commission to give an update on the Recycling Program through the Fayette County Board of Education.

Ms. Strunk told the Commissioners that the Fayette County Board of Education decided they no longer can support the full cost of the program.

Ms. Sturnk told the Commissioners that the Fayette County Board of Education is asking that the County Commission pay some of the cost.

Ms. Strunk told the Commissioners the majority of the cost is the hauling fee. Ms. Strunk told the Commissioners the cost of the hauling fee is \$16,000.00.

Ron Cantley with the Fayette County Board of Education told the Commissioners the Public Service Commission regulates the private rates, but they do not regulate the commercial rates.

Bill Lanham, City Manager for the Town of Fayetteville told the Commissioners they are more than willing to pick up the bins.

Mr. Lanham asked the Commissioners for a letter of support for the Recycling Program.

After a brief discussion, Commissioner Scalph offered a motion that the Fayette County Commission will participate for one (1) year with the Board of Education on a 50/50 basis, Fayette County Commission will contribute \$8,000.00, the shared monetary value and provide a recycled program support letter for the students and citizens of Fayette County not to exceed \$8,000.00 for the year. Commissioner Wender seconded. Unanimous.

Ms. Berry informed the Commissioners she received an e-mail from Vivian Parsons requesting that the Fayette County Commission participate in the 10<sup>th</sup> Anniversary of the 911 terrorist attack and the 224<sup>th</sup> Anniversary of the signing of the United States Constitution that is coming up in September.

Ms. Parsons asked that the Fayette County Commission sign a Proclamation proclaiming September 17, 2011 as Constitution Day and September 17-23, 2011 as Constitution Week in Fayette County.

The Commissioners approved and signed Constitution Day Proclamation.

The Commissioners signed a letter expressing their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10<sup>th</sup> anniversary of the terrorist attacks committed against the United States on September 11, 2001.

The Commissioners received and reviewed a letter from Jim Lively, Sr. requesting funding for the Oak Hill Amphitheater. The Commissioners approved \$10,000.00.

Commissioner Wender told the Commissioners he would ask Bill Hannabass, City Manager of Oak Hill the cost of a canopy or stage and ask Mr. Hannabass to give him an estimate of the cost.

Ms. Berry presented two (2) drawdown request to the West Virginia Development Office for a Governor's Community Participation Grant for the Gauneka Ruritan Community Center in the amount of \$5,000.00 and \$5,625.00 to the Commissioners.

Commissioner Scalph offered a motion to approve drawdown request to the West Virginia Development for a Governor's Community Participation Grant for Gauneka Ruritan Community Center in the amount of \$5,000.00. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve drawdown request to the West Virginia Development for a Governor's Community Participation Grant for Gauneka Ruritan Community Center in the amount of \$5,625.00. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a proposal from Triad Engineering, Inc. for the Fayette County Courthouse Asbestos Inspection, amount \$4,375.00 to the Commissioners.

Carl Harris, Prosecuting Attorney told the Commissioners he had questions about the contract. This is one of their standard contracts. Mr. Harris told the Commissioners he believes Number 8 Responsibilities of the Client is not applicable. The contract should be modified.

Commissioner Scalph offered a motion that Fayette County Commission enters into a Contract Agreement with Triad Engineering, Inc. For the Fayette County Courthouse Asbestos Inspection with the modification of Number 8 in the contract, cost \$4,375.00. Commissioner Wender seconded. Contract Agreement signed.

The Commissioners signed a letter to the Fayette County Volunteers, Inc. (Camp Kismet) informing that during the week of July 4-8, 2011 campers under their supervision damaged doors, curtains, mattresses and floors in Cabin 4 and Cabin 5 at the Fayette County Park.

The Commissioners informed Fayette County Volunteers, Inc. that an invoice had been submitted on July 12, 2011 and has remained unpaid, amount \$100.00.

The Commissioners are demanding that payment of \$100.00 be submitted as soon as possible.

The Commissioners received and reviewed a letter from the Fayette County AAU/WV Boys and Girls Hoopsters requesting use of the Memorial Building from September 1 through March 31, 2012.

Commissioner Scalph 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 \$1,000.00 rental fee will be waived however; this approval is until March 31, 2012. 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. Commissioner Wender seconded. Unanimous

The Commissioners signed a letter to Leonard Bickford informing the Fayette County Commission have been advised of his retirement from employment as a Fayette County Transport Officer effective July 29, 2011. The Commission offered their sincere appreciation for his five (5) years of service to Fayette County and our citizens.

The Commissioners signed a letter to Corporal Matthew T. Kessler extending their appreciation for the vital services he provides to the citizens of Fayette County and its many communities. The Commission extends their congratulations to Corporal Kessler for the recent Prevention Resource Office Program Award he received.

The Commissioners received and reviewed a Petition from John Romage, member of the Dunloup Creek Watershed Association regarding Wastewater Treatment Services for Park Heights, Mill Creek, Turkey Knob, and MacDonald areas.

The Commissioners asked that a letter be sent to Mr. Romage offering information on how we can work together to best achieve his state goals.

Ms. Berry informed the Commissioners that Dickie Smith, Maintenance Supervisor is requesting purchase of a Colt Series Wet-Dry Vacuum, cost \$646.70 for the Maintenance Department.

Discussion was held, Commissioner Scalph offered a motion to purchase a Colt Series Wet-Dry Vacuum for the Maintenance Department, cost \$646.70. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed an invitation from Southern Conservation District inviting the Commission to attend their Annual Awards Banquet being held September 27, 2011 at 6:00 p.m., at the Black Knight Country Club in Beckley.

Ms. Berry informed the Commissioners she is preparing the West Virginia Courthouse Facilities Improvement Fund Application for Funding Assistance for the purpose of phase two electrical upgrade at the Fayette County Courthouse.

Ms. Berry told the Commissioners she has to receive letters of support from Judge John W. Hatcher, Jr., Daniel E. Wright, Circuit Clerk and Kelvin E. Holliday, County Clerk.

Ms. Berry told the Commissioners that Stephanie Sears, Staff Account has prepared an updated budget for the 911 Center.

Carl Harris, Prosecuting Attorney told the Commissioners they need to schedule a hearing regarding the Estate of Thelma Smith Clonch to resolve and do the final settlement objections.

The Commissioners scheduled the hearing for 11:00 a.m., October 14, 2011 in the Fayette County Commission Room.

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

Commissioner Scalph offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Earl Berry, John and Jody Lea Parrish, Fred D. and Paulette L. Wallace, Robert E. and Loretta J. Blackburn, Kenneth AJ Haid, Jackie Lee Wooley and Charles B. and alma Vance. Commissioner Wender seconded. Unanimous.

Discussion was held regarding contemplating usage of the basement of the Fayette County Memorial Building as a storage place.

Commissioner Scalph offered a motion to purchase a Low Boy for the Fayette County Park, cost \$1,500.00. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to ask Jackie Brown, Chief of the City of Montgomery Police Department to come in and make a request for assistance for the HUMVEE and patrol boat in making available for utilization the purchasing of emergency equipment and the demilitarization of these vehicles.

The Commissioners received and reviewed a Requisition from the County Clerk's Office requesting carpet for the front office. The Commissioners approved to get quotes.

The Commissioners received and reviewed a Newsletter from the West Virginia Ethics Review.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of

August 12 to August 18, 2011, amount \$215.00 and the week of August 19 to August 25, 2011, amount \$410.00.

The Commissioners received and reviewed a letter from the West Virginia American Water regarding Fayette County Public-Private Water Projects.

The Commissioners received and reviewed checks for 911 Fees from nTelos, amount \$1,926.42 and Cebridge Telecom WV, amount \$16,663.50; the Division of Human Services-Family Resource Network (FRN), amount \$12,500.00; Supreme Court-Rent Family Law Judge (FLJ), amount \$2,700.00; WV Development Office-Danese PSD, amount \$23,348.71; FC Solid Waste Authority-Reimbursement, amount \$798.15 and the Division of Justice and Community Services-Community Corrections Day Report Center, amount \$31,544.35.

The meeting was adjourned at 12:55 p.m. The next scheduled meeting is September 26, 2011.

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
SEPTEMBER 12, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D, Wender, Denise A. Scalph

The Fayette County Commission met in a special session on this 12<sup>th</sup> day of September 2011.

Commissioner Wender called the meeting to order at 9:00 a.m. to test voting equipment for Early Voting for the Special General Election being held October 4, 2011.

The Commissioners reconvened the County Commission meeting at 9:30 a.m.

Discussion was held regarding the time of the meeting tomorrow for the discussion of the Bond Purchase Agreement for the 911 Center.

Ms. Berry presented a Community Participation Program Grant for the Historic Fayetteville CVB/Bridge Day Chili Cook-Off, Equipment, Promotion, and Staging Grant (\$3,000.00) for the Commissioners to sign.

Ms. Berry told the Commissioners she is preparing the Financial Statement for Fiscal Year 2010-2011. Ms. Berry told the Commissioners she plans to send to the paper tomorrow.

Ms. Berry informed the Commissioners she received the revised contract from the Division of Criminal Justice Services for the Court Security Fund Grant Program, amount \$16,035.00. The Commissioners approved and signed.

Ms. Berry informed the Commissioners they have started using the State Purchasing Card. Stephanie Sears has to prepare a County Policy.

Ms. Berry asked the Commissioners if they would approve using the State's Policy until their County Policy has been prepared.

Commissioner Scalph offered a motion that Fayette County Commission would adopt the Purchasing Card Policy and Procedures of the State as of September 2, 2011. Commissioner Wender seconded. Unanimous.

Ms. Berry presented Fayette County Fire Levy Protection Agreements for the Town of Fayetteville and the Pax Volunteer Fire Department, Inc. for Fiscal Year July 1, 2011 to June 30, 2012 for the Commissioners to sign.

Ms. Berry informed the Commissioner's she and Dave Pollard, County Resource Coordinator have prepared a letter to John Romage, Member of the Dunloup Creek Watershed Association regarding his petition for Wastewater Treatment Services for Park Heights, Mill Creek, Turkey Knob, and MacDonald areas. The Commissioners signed.

Commissioner Wender asked that a copy of the letter be sent to Bill Schonage, President of the Dunloup Creek Watershed Association.

The Commissioners approved to send Richard Smith, Maintenance Supervisor to the one-day Comprehensive Update OSHA Compliance 2012 Seminar in Beckley on November 14, 2011, cost \$179.00.

The Commissioners received and reviewed from Region 4 Planning and Development Council the Comprehensive Economic Development Strategy (CEDS) 2011 Annual Report for Public Review.

Ms. Berry told the Commissioners she received estimates for carpet from Lee's Carpet and Floor Covering for the County Clerk's front office, cost \$629.00 and for the County Administrator and Secretary's Office, cost \$1,449.00.

Commissioner Scalph offered a motion that Fayette County Commission approves the estimates presented for replacement of carpet for the County Clerk's front office amount \$629.00 and the County Administrator and Secretary's Office amount \$1,449.00 from Lee's Carpet and Floor Covering. Commissioner Wender seconded. Unanimous.

The Commissioners approved and signed Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Day Report Center, amount \$460.00.

The Commissioners received and reviewed Independent Auditors Report for Danese Volunteer Fire Department Fire Levy Fund for the Fiscal Years Ended December 31, 2003-2004-2005-2006-2007-2008-2009-and 2010.

The Commissioners approved and signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for Justice Assistant Grant for the Prevention Officer at Oak Hill High School for the month of June 1 to June 30, 2011, amount \$2,083.33 and for the month of August 1 to August 31, 2011, amount \$2,083.33.

Ms. Berry presented Budget Revision #2 for the General County Fund for Fiscal Year 2011-2012, amount \$199,237.00 for the Commissioners to approve and sign.

Commissioner Scalph offered a motion to approve and sign Budget Revision #2 for the General County Fund for Fiscal Year 2011-2012, amount \$199,237.00. Commissioner Wender seconded. Unanimous.

Alicia Treadway and Lisa Redden presented the Early Voting test results for the Special General Election for the Commissioners to sign.

Norma Williams presented the eight (8) back keys to the ballot boxes for Early Voting to the Commissioners.

The Commissioners received and reviewed the letter that was sent to the Mayor and Town Council Members of the Town of Fayetteville informing that the Fayette County Commission has voted to partner with the Fayette County Board of Education to continue offering paper and cardboard recycling services to Fayette County Schools that can accept these recyclables, and also extend that benefit to the citizens of

Fayette County to utilize recycling through the schools. The Fayette County Commission has agreed to pay up to \$8,000.00 to assist the Board of Education with the hauling fees.

The Commissioners received and reviewed an invoice from Kanawha-Gauley Coal and Coke Company for the annual rent per lease agreement dated September 30, 1996 between the Kanawha-Gauley Coal and Coke Company and the Fayette County Commission for the period October 1, 2011 through September 30, 2012, amount \$661.00.

The Commissioners received and reviewed a letter from Shentel informing they will be making price changes in its Ansted cable television system on or after October 1, 2011.

The Commissioners received and reviewed a notice from the West Virginia Supreme Court of Appeals informing that through a West Virginia Court Security Grant they are offering a Court Security Seminar on October 11-13, 2011 at Cabella's with lodging at Comfort Inn-Wheeling.

Ms. Berry informed the Commissioners she forward a copy to the Law Enforcement Department.

The Commissioners received and reviewed a letter from Harbinger Developments informing they are proposing to develop Hill Manor II Apartments as an Internal Revenue Code Section 42 Low-Income Housing Tax Credit Program property.

Per Carl Harris, Prosecuting Attorney Harbinger Developments need nothing from the Commission. Mr. Harris asked that Eddie Young, Assessor be notified.

The Commissioners received and reviewed a letter from the Department of Treasury regarding the \$11,600,000 County Commission of Fayette County, West Virginia Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Corporation Project), Series 1995.

Carl Harris, Prosecuting Attorney informed the Commissioners they should receive in writing something from Georgia-Pacific. The decision should be received by September 16, 2011, if haven't received in writing. Give Georgia-Pacific a call.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Arbuckle Public Service District.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Spy Rock/Edmond Road/Flanagan Mountain. The New Haven Public Service District has authorized Stafford to proceed with preparation at the Preliminary Plans/Contract Documents at their July 11, 2011 meeting since the WVDEP-AML subgrant agreement had been executed to pay for the engineering services required for the project.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period August 1, 2011 through August 31, 2011.

The Commissioners received and reviewed a letter from Brick Street Mutual Insurance regarding Deborah K. Aliff claim.

The Commissioners received and reviewed Bank Statement from the Fayette County National Bank regarding the Sheriff of Fayette County-Fayette County Financial Stabilization Fund.

The Commissioners received and reviewed a notice from the WorkForce West Virginia Unemployment Compensation regarding Nicole L. Kessler claim.

The Commissioners received and reviewed Weekly Fees Collected from the Fayette County Animal Control Center/NRHS for the week of August 26 to August 31, 2011, amount \$535.00 and the week of September 1, 2011, amount \$55.00 and allotment for the New River Humane Society, amount \$14,196.71.

The Commissioners received and reviewed check for the Fayette County Soldiers and Sailors Memorial, amount \$25.00.

The meeting was adjourned at 10:05 a.m. The next scheduled meeting is September 26, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 26, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, Denise A. Scalph

The Fayette County Commission met in a regular session on this 26<sup>th</sup> day of September 2011.

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

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

Commissioner Scalph offered a motion to approve and sign personal property tickets for Gary L. or Susan E. Wilson, Orville E. Grimmatt, William L. or Joyelle L. Thomas, Laura or Richard S. Welch, Edward O.

or Ella G. Blake and Jennifer Cantley. Commissioner Wender seconded.  
Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets (See attached). Commissioner Wender seconded.  
Unanimous.

Commissioner Scalph offered a motion to approve and sign refunds for Shelburn Blake (\$129.38) and Tomco CVS (\$5,152.789). Commissioner Wender seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Jeffrey S. and Rachael Gill, Leonard B. Lancaster, Fred Akerberg, Holly Clark, Bruce L. and Antoinette L. Webb and William M. and Linda Barker, Jr. Commissioner Wender seconded. Unanimous.

Carl Harris, Prosecuting Attorney appeared before the Commission on behalf of Steptoe and Johnson for the Boy Scouts of America (BSA) to discuss the property of Lucy Johnson the County owns from the buy out for a right-of-way and the condemning of a tract for the right-of-way. Mr. Harris told the Commissioners that the Boy Scouts of America would pay the cost.

Mr. Harris also wants to discuss agreeing to accept the conveyance of the Cunard Landfill to the County.

Mr. Harris told the Commissioners they need to make a motion to file a Petition with the Circuit Clerk to allow the Commission to buy the property from Lucy Johnson.

After a brief discussion, Commissioner Scalph offered a motion that the Fayette County Commission will file a petition for the conveyance of a lot from Lucy Johnson to the Commission for a tract of land to the Boy Scouts of America that is needed for the expansion of a right-of-way. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion that Fayette County Commission authorizes Commissioner Wender to sign the Petition for the condemned tract of land for the right-of-way. Commissioner Wender seconded. Unanimous.

Discussion was held regarding agreeing to accept the conveyance of the Cunard Landfill to the County. The Commissioners decided to table for further discussion.

Maxine Ross was scheduled to appear before the Commission at 9:30 a.m. to discuss the property abandon complaint. Ms. Ross was a no show.

Discussion was held, Commissioner Wender suggested that this be put on the next agenda for October 14, 2011. Commissioner Wender asked Angela Gerald to contact Ms. Ross.

Ms. Berry informed the Commissioners they had advertised for a transport vehicle for the Community Corrections Day Report Center. Bids were due by September 16, 2011.

Ms. Berry told the Commissioners she received two (2) bids one from Whiteside Chevrolet, Buick, GMC, Cadillac and the other from Ramey Automotive Group.

Commissioner Scalph offered a motion to refer the two (2) bids received on the transport vehicle to Charlie Bryant and Renee Harper

of the Community Corrections Day Report Center for recommendations. Commissioner Wender seconded. Unanimous.

Kim Good and Ashleigh Legg with the Foster Grandparent Program appeared before the Commission to request funding of \$10,000.00 to extend the Foster Grandparent Program in Fayette County.

Ms. Good told the Commissioners that they have a Memorandum of Understanding from the Board of Education.

Ms. Good told the Commissioners that the grant covers Ashleigh Legg salary of 30 hours a month.

Commissioner Wender asked Ms. Good to prepare a 2-part budget one for \$10,000.00 from Fayette County and the other \$10,000.00 from Greenbrier County, give a breakdown on how the program works in other counties full time or part time, and why Fayette County should pay and Mason County gets a free ride.

Commissioner Wender told Ms. Good the Commission will get her back on the agenda once the information is received and reviewed. Ms. Berry presented a drawdown request from Region 4 Planning and Development Council for the Danese Public Service District Water Extension, Project #07ARCP15639. The request is for \$11,799.49 from the Small Cities Block Grant funds.

Commissioner Scalph offered a motion to approve drawdown request for the Danese Public Service District Water Extension, amount \$11,799.49. Commissioner Wender seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve payrolls, checks to be released September 30, 2011. Commissioner Wender seconded. Unanimous.

Ms. Berry informed the Commissioners she received an e-mail from Kelly Workman with the West Virginia Development Office requesting that the Certification of Grant Completion form be completed with Commissioners Wender's signature for the payment of \$5,625.00 on the Gauneka Ruritans grant, project number 10LEDA0521, since they are paying the full amount of \$5,625.00. Commissioner Wender signed.

The Commissioners approved and signed Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Day Report Center, amount \$20,453.69.

The Commissioners approved and signed the Governor's Community Participation Grant for the New River Youth Symphony and Chorus (\$3,000.00).

Janet Zamiela, Director for the Fayette County Senior Programs appeared before the Commission to give an update on the Program. Attached is a list of the services provided.

Angela Gerald, Project Director for the Fayette County Dilapidated Building and Beautification Program appeared before the Commission to give an update on the Demolition Program.

Ms. Gerald told the Commissioners they had received complaints on J. P. Watson property. Letters have been sent. No change has been made to the property. Ms. Gerald told the Commissioners they need to schedule a hearing for J. P. Watson.

Commissioner Scalph offered a motion that the Commission accept the complaint to schedule a hearing for J. P. Watson before the Commission to take further action. Commissioner Wender seconded. Unanimous.

Ms. Gerald told the Commissioners she has placed an ad in the paper for asbestos bid on three (3) houses. The Urban Renewal Authority (URA) contract has been approved. Have to bid out for demolition. Final notices have been sent out on the demolition.

David McDowell appeared before the Commission to ask for assistance. His neighbor is blocking an access road to his home.

Carl Harris told Mr. McDowell that this is a civil issue and he has to take the matter to Circuit Court and file an injunction.

Commissioner Wender told Mr. McDowell the Commission do not have any authority over roads and told Mr. McDowell he would have to go to Circuit Court.

The Commission recessed 12:10 p.m. for lunch.

The Commission reconvened the Commission meeting at 1:00 p.m.

Levy Rhodes appeared before the Commission to discuss the Wolf Creek Stream-Stream Restoration Watershed Restoration Project.

Mr. Rhodes told the Commissioners he is here today to invite the Commission to become a partner on the Project.

Mr. Rhodes informed the Commissioners he would send a copy of the Proposal to Ms. Berry. A copy of proposal is attached.

Mr. Rhodes are asking the Commission to fund \$3,000.00 in support of this project.

Discussion was held, Commissioner Scalph offered a motion that Fayette County Commission will contribute the \$3,000.00 for the Project contingent that Mr. Rhodes provide other funding for the Project. Commissioner Wender seconded. Unanimous.

Pam Yost with the Natural Resources Conservation Services appeared before the Commission to present an Amended Agreement for the Dunloup Creek Buyout. This Amended Agreement reassigns the \$8.6 million to the Dunloup Creek Buyout to be used for additional purposes everything except the \$30,000.00 incentive.

Commissioner Scalph offered a motion that Fayette County Commission sign and approves the Amendment Agreement for the Dunloup Creek Buyout. Commissioner Wender seconded. Unanimous

W. D. Smith, Executive Director Region 4 Planning and Development Council appeared before the Commission to give an update on what is going on with the Arbuckle Public Service District.

Mr. Smith told the Commissioners that Arbuckle Public Service District is in the process of hiring an engineer. They will interview the top three (3) applicants.

Mr. Smith told the Commissioners that Arbuckle Public Service District needs their assistant for the cost of the Preliminary Engineering Report. Arbucukle Public Service District will contribute and make available \$3,000.00 for the engineer.

Commissioner Scalph offered a motion that Fayette County Commission will allocate up to \$10,000.00 to Arbuckle Public Service District regarding Rule 42 and the Preliminary Engineering Report with anticipation that the engineering firm will absorb a portion of that

Preliminary Engineering Report cost and if the Public Service Commission approves that provisions will be made for the Commission to receive best efforts to recapture funds. Commissioner Wender seconded. Unanimous.

W. D. Smith, Executive Director Region 4 Planning and Development Council and Dave Pollard, County Resource Coordinator appeared before the Commission to give an update on New Haven Public Service District and West Virginia American Water.

After a brief discussion, Mr. Smith told the Commissioners that the New Haven Public Service District has joined in the public suit against West Virginia American Water.

Mr. Smith is asking that the Commission join in and financially support the New Haven Public Service District suit.

Mr. Smith told the Commission he is requesting the Commission contribute \$2,000.00.

Commissioner Scalph offered a motion that Fayette County Commission allocates \$2,000.00 to join in the Public Suit on behalf of New Haven Public Service District against the West Virginia American Water. Commissioner Wender seconded. Unanimous.

Carl Harris, Prosecuting Attorney informed the Commissioners regarding the \$11,600,000 Commission of Fayette County, West Virginia, Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Project), Series 1995, Georgia-Pacific will send a retroactive letter to be signed authorizing the Commission to elect the retroactive application. Mr. Harris asked the Commission to make a motion and authorize Commissioner Wender to sign the letter.

Commissioner Scalph offered a motion that on behalf of the Fayette County Commission in accordance with Treas. Reg. Section 1.103-8(i)(2) the issuer of the \$11,600,000 Commission of Fayette County, West Virginia, Solid Waste Disposal Facility Revenue Bonds (Georgia-Pacific Project), Series 1995 elects the retroactive application of the new final solid waste disposal regulations found at Section 1.103-8 and authorize Commissioner Wender to sign the letter. Commissioner Wender seconded. Unanimous.

Dan Snead appeared before the Commissioners to present contracts for the new 911 Center, the Electrical upgrade, and the boiler.

Mr. Snead told the Commissioners that he did not have the contract for Lowe's Brothers Electric Company.

Discussion was held regarding the asbestos that was found during inspection for the boiler replacement.

Commissioner Scalph offered a motion that Fayette County Commission allocates up to \$10,000.00 to do the abatement for the clean-up of the asbestos in the elbow of the boiler. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion that Fayette County Commission authorizes Commissioner Wender to sign the contract for the Electrical Upgrade for Lowe's Brothers Electric Company and the contract for the Boiler for Casto Technical.

Ms. Berry informed the Commissioners she had been contacted by Jim Lively Insurance informing they need a Builders Risk added to their current policy due to the new 911 Center that is being built.

Ms. Berry told the Commissioners the cost would be an additional \$2,329.00.

Commissioner Scalph offered a motion that Fayette County Commission would add an addendum to Travelers Insurance their current policy. Total increase of \$2,329.00. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of October.

The Commissioners received and reviewed a letter from the Town of Fayetteville Fairs and Festivals requesting permission to use the Memorial Building for the craft show and the meet and greet with Santa on December 10, 2011 and the evening of December 9, 2011 from 5pm to 8pm. for vendor setups.

Commissioner Scalph offered a motion to approve the request of the Fayetteville Fairs and Festivals Committee to use the Memorial Building for their Craft Show and Santa and Mrs. Clause Visit as part of their 8<sup>th</sup> Annual Christmas Parade and Festival on December 10, 2011 and the evening of December 9, 2011 from 5pm to 8pm. 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 Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Health Department informing that John F. Eades has resigned his position on the Fayette County Board of Health a recommendation made by the Fayette County Board of Education.

The Fayette County Board of Education is recommending to the Fayette County Commission that they appoint Roy G. Crist to fill the unexpired term of John F. Eades as the new Fayette County Board of Health appointee.

Commissioner Scalph offered a motion that Fayette County Commission approves the recommendation of the Fayette County Board of Education to appoint Roy G. Crist to fill the unexpired term of John F. Eades as a member of the Fayette County Board of Health. Commissioner Wender seconded. Unanimous. An appointment letter to serve and an Order signed.

The Commissioners received and reviewed a letter from the Armstrong Public Service District requesting their contribution of \$20,000.00 for their project.

The Commissioners approved \$20,000.00 to be paid from their 2012 Budget.

The Commissioners received and reviewed a Compensation Survey from the West Virginia Association of Counties. The Commission has no response at this time.

Commissioner Wender offered a motion to approve Margo Christian-Brooks mileage expense for travel to meetings of the Capitol Resource Agency Board, amount \$123.66. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Leonard G. Sims, II requesting use of the Memorial Building for NWA Mountain State Wrestling.

Discussion was held, and the Commission asked Ms. Berry to get more information.

Ms. Berry presented to the Commissioners a copy of the Comprehensive Plan.

The Commissioners received and reviewed a letter from the State Tax Department informing pursuant to WV Code §11-13A-20a, the State Tax Department will soon distribute a portion of the Severance Tax attributable to the production of coalbed methane. The 2011 distribution will be the aggregated amount of coalbed methane Severance Tax collected during fiscal years 2009, 2010 and 2011. The State Tax Department has determined that the 2011 distribution of revenue to Fayette County will be as follows:

Fayette County Commission	\$ 9,277.53
Fayette County Economic Development Authority	\$15,188.52

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. confirming they have reviewed the recent bid from Lowe Brothers Electric and recommending that a contract be awarded for the Courthouse Electrical Upgrade.

The Commissioners received and reviewed a letter from the West Virginia State Police informing that Oak Hill Police Department is not in compliance in submitting required criminal report data to the State Uniform Crime Reporting Program.

The Commissioners received and reviewed a letter from the West Virginia American Water informing they are withdrawing its financial commitment for the Spy Rock/Edmond Road Project.

The Commissioners received and reviewed a notice from the Register-Herald informing that Raleigh County 911 calls are being rerouted to the Fayette County 911 Center due to an equipment problem.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing they have been notified of Deborah K. Aliff correct address.

The Commissioners received and reviewed a letter from Travelers Insurance informing that Gail Withrow claim is closed for temporary total disability benefits because they have not received additional medical evidence showing she remain disabled after the notice of suspension was issued on August 9, 2011.

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges giving Notice of Defective Protest Action Required because Fayette County Commission and Travelers Indemnity Company were not given a copy of Tommy Jackson protest.

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges informing the claimant Judy Treadway is requesting an extension.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing a copy of their minutes of August 2011.

The Commissioners received and reviewed a letter from the West Virginia University to the Local Government Leadership Academy Attendee informing they will be holding a special Executive Planning Session of the Local Government Leadership Academy. This event will

be held instead of the normal fall Local Government Leadership Academy.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. confirming they have reviewed the bid proposal documents from the apparent low bidder, Casto Technical, and it appears that their proposal is consistent with bidding requirements.

Since the Casto Technical Base Bid of \$76,750.00 and Alternate Bid of \$34,500.00 is within budget, it is his recommendation that a contract be awarded for the total amount of \$111,250.00.

The Commissioners received and reviewed a copy of a contract between Kokosing Construction and the Fayette County Sheriff Department regarding the New River Gorge Bridge LMC Overlay. Kokosing Construction shall pay \$40.00 per hour for a Traffic Director at the New River Gorge Bridge Project with the West Virginia Division of Highways.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 2 to September 8, 2011, amount \$380.00 and the week of September 9 to September 15, 2011, amount \$265.00.

The Commissioners received and reviewed checks for 911 Fees from the Public Service Commission, amount \$180,708.13, Frontier Communications, amount \$32,198.01, Mountain Communications, LLC, amount \$72.03, IDT Corporation, amount \$17.50, Vonage America, amount \$280.00, Frontier Communications, amount \$78.94, AT&T IXCs & Alascom, ME, amount \$504.00 and Granite Telecommunications LLC, amount \$444.50;

check from the WV Development Office for Armstrong PSD, amount \$20,000.00 and American Red Cross, amount \$2,073.40; Reimbursement from the Fayette County Board of Education for the Prev. Resource Officer, amount \$5,650.00 and a check from the Sheriff of Nicholas County for the Community Corrections Day Report Center, amount \$42,649.66.

The meeting was adjourned at 2:51 p.m. The next scheduled meeting is October 11, 2011.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
OCTOBER 11, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a special session on this 11<sup>th</sup> day of October to canvass the votes cast in the Special General Election held on October 4, 2011.

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

The canvass was adjourned at 11:27 a.m.

The Commission reconvened for a County Commission meeting at 11:30 a.m.

The Commissioners signed the Election Results including the Provisional Ballots from the Special General Election held on October 4, 2011.

The Commissioners signed a letter to Okey Skidmore, Manager of the Fayette County Memorial Building informing that the request of Benjy Simpson to use the Memorial Building for their 2011 Bridge Day Rappel Safety Orientation on Friday, October 14, 2011 did meet the public, non-profit guidelines and, consequently 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.

The Commissioners received and reviewed a request from the Fayette County Park to purchase a trailer and a pull out ramp.

Commissioner Lopez presented a quote from Croy Farm and Trailer Sales, Inc., cost \$3,595.00. The Commission decided to hold for discussion at the next October 14, 2011 Commission meeting.

The Commissioners received and reviewed a letter from Daniel Wright, Circuit Clerk requesting that necessary funds already appropriated in his travel budget be transferred so that necessary upper cabinets can be purchased to complete the kitchen previously built for his staff.

Mr. Wright informed the Commissioners additional details concerning type of kitchen cabinets and prices have been forwarded to Ms. Berry.

The Commissioners received and reviewed a letter from the County Commissioners' Association of West Virginia enclosing a list of the 8 regional roundtable meetings scheduled for 2011.

The Commissioners received and reviewed a copy of a letter to Debbie Aliff, Payroll Clerk from Cindy Renick informing of her unused vacation days (240 hrs.).

The Commissioners received and reviewed a letter from the Law Offices of Sanders, Austin, Flanigan and Flanigan responding to a Notice that was sent to the claimant dated September 16, 2011 wherein you indicated that Fayette County Commission and Traveler's Indemnity Company were not copied on Tommy Jackson protest letter.

The Commissioners received and reviewed letters from BrickStreet Insurance regarding Michael D. Grose claim.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statement and Asset List for the period of September 1, 2011 through September 30, 2011.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the August Limited Video Lottery proceeds was directly deposited on September 26, 2011, amount \$6,422.71.

The Commissioners signed Sales Tax Return for the Fayette County Park for the Period ending September 30, 2011, amount \$1,351.11.

The Commissioners received and reviewed from WesBanco Trust and Investment Services Disclosure Statement and Administrative Authorization for the Fayette County Building Commission authorizing them to invest the principal cash balances of Account #1085005933, 1085005942, 1085005951, and 1085005960.

The Commissioners received and reviewed Surface Transportation Board Decision on CSX Transportation, Inc.-Abandonment Exemption-In Greenbrier and Fayette Counties, W. VA.

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

The Commissioners received and reviewed from J. Dan Snead and Associates, Inc. the executed contract for the New OES/E-911 Center, Fayette County.

The Commissioners received and reviewed a letter from the Law Office of Gray Chamberlin LLC regarding Three Rivers.

The Commissioners received and reviewed Purchase Agreement from Ramey Automotive Group, Inc. for the purchase of a Transport Van for the Community Corrections Day Report Center, cost \$24,458.00 to be paid out of the Community Corrections Fund.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties informing all the County Commissions Coal Producing Counties of the additional coal severance tax with 5% pursuant to special session legislation.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 16 to September 22, 2011, amount \$445.00 and the week of September 23 to September 29, 2011, amount \$315.00 and allotment for the New River Humane Society for the month of September, amount \$15,650.01.

The Commissioners received and reviewed checks for Franchise Fees from Suddenlink Communications, amount \$12,556.18; check from the Division of Justice and community Services for the Purdue Pharma Asset Forfeiture Funds, amount \$4,950.00; Reimbursement to the Fayette

County Fire Levy Fund from the City of Oak Hill, amount \$420.00;  
Reimbursement to the General County Fund from the Fayette County Solid  
Waste Authority, amount \$798.15 and a check to the Soldiers and  
Sailors Fund, amount \$50.00.

The meeting was adjourned at 1:30 p.m. The next scheduled  
meeting is October 14, 2011.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 14, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this  
14<sup>th</sup> day of October 2011.

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

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

Commissioner Scalph 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 refunds  
for Watson Compton, amount \$333.30, the Federal National Mortgage  
Association, amount \$383.69, John E. and Gwendolyn Lovett, amount  
\$338.71, Samuel W. and Kristen J. Adkins, amount \$218.43 and Trustees  
of First Assembly of God Mount Hope, amount \$14.99. Commissioner  
Scalph seconded. Unanimous.

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

Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of July 8, 2011. Commissioner Lopez seconded.

T. J. Meadows, Communications Consultant for Appalachian Power appeared before the Commission to inform them of their plan for complying with a series of regulations proposed by the U. S. Environmental Protection Agency (EPA) that would impact coal-fueled power plants.

After a brief discussion, Commissioner Lopez asked that a letter of support be prepared.

The Commissioner received and reviewed an e-mail from Dave Pollard, County Resource Coordinator informing that Fayette County National Bank has approved their request for a \$400,000.00 line of credit in the name of Fayette County Urban Renewal Authority, Inc. to assist with paving at Wolf Creek Park.

Mr. Pollard is asking that Carl Harris, Prosecuting Attorney prepare a Resolution informing that the Fayette County Commission enter into an agreement with the Fayette County National Bank for a Line of Credit in the amount of Four Hundred Thousand Dollars (\$400,000.00) which will have a fee of Four Hundred Dollars (\$400.00) for opening the account and withdraws which will bear interest at the rate of the Wall Street Prime Rate plus One Per Cent (1%) with a floor rate of Five Per Cent (5%).

Commissioner Scalph offered a motion to approve the Resolution that Fayette County Commission enters into an agreement with the Fayette County National Bank for a Line of Credit in the amount of \$400,000.00 for the Wolf Creek Park. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney informed the Commissioners that the petition of Brenda Mullins, Administratrix regarding the Estate of Rex Lane Mullins be referred to James Blankenship, Fiduciary Commissioner to conduct a hearing and file a report with the Commission setting forth his findings of facts and recommendations.

Commissioner Scalph offered a motion that the Fayette County Commission refers the Petition of Brenda Mullins regarding the Estate of Rex Lane Mullins be referred to James Blankenship, Fiduciary Commissioner to conduct a hearing and file a report with the Commission setting forth his findings of facts and recommendations. Commissioner Lopez seconded. Unanimous.

Mike Hurd a representative of the Page-Kincaid Public Service District appeared before the Commission to obtain an easement across certain property(ies) owned by the Commission for the purpose of the Ingram Branch Sewer Project.

The Commissioners approved and signed Right-Of-Way Easement for the Page-Kincaid Public Service District.

Maxine Ross appeared before the Commission to discuss her abandoned property.

After a brief discussion, the Commission decided to authorize the Fayette County Beautification Committee to proceed with the abatement

and demolition of the property. Ms. Ross will be responsible for the abatement and demolition of the property.

Commissioner Scalph offered a motion that the Fayette County Commission authorizes the Fayette County Beautification Committee to proceed with the abatement and demolition of the property. Ms. Ross will be responsible for the abatement and demolition of the property. Ms. Ross has up until Monday to make a decision. Commissioner Lopez seconded. Unanimous.

Tim Richardson, Zoning Enforcement Officer and Pat Ford, Consultant, Sirk, Ford Initiatives, LLC appeared before the Commission to present a recommendation from the Fayette County Planning and Zoning Commission a 10-Year Update of the Fayette County Comprehensive Plan as required by West Virginia State Code 8A-3-11 and 8A-3-12.

Mr. Richardson told the Commission that this recommendation was compiled after a series of public hearings in the recognized districts throughout Fayette County and approved for recommendation on September 26, 2011 at a public meeting of the Fayette County Planning and Zoning Commission by a unanimous vote of 10-0.

After a brief discussion, Commissioner Scalph offered a motion that Fayette County Commission adopts the Amendment to the Comprehensive Plan and accept the recommendation from the Planning and Zoning Commission for the 10 Year Update of the Fayette County Comprehensive Plan that was approved for recommendation on September 26, 2011 at a public meeting of the Fayette County Planning and Zoning Commission. Commissioner Lopez seconded. Unanimous.

Mr. Richardson presented a Staff Proposal from the Fayette Transition Team for the Commission to review.

The Commissioners received and reviewed a quote from the Fayette County Park for the purchase of a trailer from Croy Farm and Trailer Sales, Inc. cost \$3,595.00.

After a brief discussion, Commissioner Lopez and Commissioner Scalph approved for Ms. Berry to ask Earl Pauley, Park Superintendent to get two (2) additional quotes.

The Commissioners received and reviewed a letter from Daniel E. Wright, Circuit Clerk requesting the funds already appropriated in his annual travel budget be transferred to purchase cabinets to complete the kitchen built for his staff.

Mr. Wright told the Commissioners details concerning the type of kitchen cabinets and prices have been forwarded to Ms. Berry. The Commissioners approved the request.

The Commissioners received and reviewed a letter from the Beckley Department of Veterans Affairs Medical Center requesting use of the Memorial Building for a Veterans Health Information Fair on November 16, 2011 from 12:00 p.m. to 6:00 p.m.

Commissioner Scalph offered a motion to approve the request of the Beckley Department of Veterans Affairs Medical Center's (VAMC) Rural Health Team to use the Memorial Building to sponsor a Veterans Health Information Fair on Wednesday, November 16, 2011. 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.

The Commissioners received and reviewed a letter from the Fayette County Green Advisory Team requesting permission to use the Courthouse lawn and walkways on Saturday, April 21, 2012 from 12:00 p.m. to 5:00 p.m. for the purpose of acknowledging the 2012 New River Earth Day Event and requesting the use of the Memorial Building as a back-up plan in case of inclement weather for the purpose of hosting Earth Day Event.

Commissioner Scalph offered a motion to approve the request regarding permission to use the Courthouse lawn and walkways and approve the request to use the Memorial Building as a back-up plan in case of inclement weather for the purpose acknowledging the 2012 New River Earth Day Event on Saturday, April 21, 2012 from 12:00 p.m. to 5:00 p.m. 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.

Carl Harris, Prosecuting Attorney informed the Commissioners that regarding the Estate of Thelma Smith Clonch this should be referred to James Blankenship, Special Fiduciary Commissioner to conduct a hearing and file a report with the Commission setting forth his findings of facts and recommendations.

Commissioner Scalph offered a motion that the Fayette County Commission refers the hearing of the Estate of Thelma Smith Clonch be referred to James Blankenship, Special Fiduciary Commissioner to conduct a hearing and file a report with the Commission setting forth

his findings of facts and recommendations. Commissioner Lopez seconded. Unanimous.

Allan Ballard appeared before the Commission to discuss the hours for the Fayette County Park employees who are working on the building for the Fayette County Animal Control Center/NRHS.

Tom Oxley appeared before the Commission to request funding for the Gauley River Public Service District for a backup pump and motor which is estimated to cost around \$15,000.00.

After a brief discussion, Mr. Oxley informed the Commissioners he has contacted the Nicholas County Commission to solicit assistance from them.

Commissioner Lopez informed that Fayette County Commission will make a commitment of \$5,000.00 contribution contingent that Nicholas County would support funding.

Commissioner Scalph offered a motion that Fayette County Commission approves to allocate \$5,000.00 to Gauley River Public Service District contingent upon the allocation from the Nicholas County Commission. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed for lunch at 12:05 p.m.

The Commissioners reconvened the Commission meeting at 2:00 p.m.

Mark Church, Carri Strunk, Chairman of the Fayette County Solid Waste Authority appeared before the Commission to discuss the Cunard Landfill.

Discussion was held no decisions were made.

The Commissioners signed 2011 Application for Certificate to temporary shutdown operation of the Courthouse incinerator for Fiscal Year July 1, 2011 to June 30, 2012.

Commissioner Lopez and Commissioner Scalph approved Petitions to Combine or Divide and Segregate Land for David Roach, James C. Moore, Leonard B. Lancaster, Andrew Adkins, Mark Allen Adkins and Daniel Ewing.

The Commissioners received/reviewed/approved and signed invoice for purchase of a Caterpillar C9 Diesel Generator for the new 911 Center, cost \$107,300.00. To be paid out of the 911 Fund.

Commissioner Lopez announced that the Commission is here today to certify the canvass of the Special General Election.

Ms. Berry presented the Abstracts by voting precincts and an Order to be signed by the Commission.

The Commissioners reviewed the Abstracts and Order. Commissioner Scalph offered a motion that the 2011 Special General Election be certified and all documents are signed. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Order certifying the results of the canvass for the 2011 Special General Election. A letter and an Order were forwarded to the Secretary of State and the County Clerk giving the results of the canvass.

Due to the absence of the County Clerk prior to the Certifying of the Election, therefore it was in his absence that the Commission asked the Chief Deputy in the County Clerk's Office to sign the documents.

The meeting was adjourned at 3:10 p.m. The next scheduled meeting is October 28, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 28, 2011  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 28<sup>th</sup> day of October 2011.

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

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

Commissioners Scalph offered a motion to approve and sign personal property tickets for Altec Capital Services LLC, robin and Meagan Chianumba, Angela B. Linkous, William H. and Janet K. Gilkerson, Tansy or Clayton Ferguson and Porter C. Jarrard. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign real property tickets for Stephen L. and Stacie Wolfe, BCWV LLC, Ed Boer, James D. and Debra J. Rinehart, Palm Resources, Danny Gene Blair, Wesley G. and Kimberly Holstein, Matthew Shane Griffith, Cheryl Faye Shepherd Dufour, Paul A. and Tara L. Tygrett, Jr., and Morris R. Nutter. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds for John Emory Atkins Acct.#0816-3284, amount \$6.26 and John Emory Atkins Acct.#0814-4723, amount \$6.26. Commissioner Scalph seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve minutes of July 18, August 5, August 19, September 2, and September 12, 2011. Commissioner Lopez seconded. Unanimous.

Andrea Bowman, 4-H and Youth Development Agent appeared before the Commissioners to give them an update on the program and the 4-H Camp in July.

Ms. Bowman thanked the Commission for their support and contribution and presented to the Commissioner's thank-you letter and card.

The Commissioners discussed who to appoint to fill the unexpired term of the Fayette County Surveyor.

Commissioner Scalph offered a motion to appoint Dale Tomlin a licensed surveyor to fill the unexpired term as Surveyor of Fayette County. Commissioner Lopez seconded. Commissioner Wender voted no. Vote passed 2-1. An Order and appointment to serve letter was signed.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer informing that the Fayette County Planning and Zoning Commission are recommending that Pat Day, George Becker, Charles Dummitt, Al Gannon and Dr. Bobby Green be reappointed to serve as members on the Fayette County Planning and Zoning Commission.

Commissioner Lopez offered a motion that Pat Day, George Becker, Charles Dummitt, Al Gannon and Dr. Bobby Green be reappointed members on the Fayette County Planning and Zoning Commission. Commissioner

Scalph seconded. Unanimous. Orders and appointment to serve letters were signed.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District requesting that John David be reappointed to serve as a member on the Page-Kincaid Public Service District.

Commissioner Lopez offered a motion that John David be reappointed to serve as a member on the Page-Kincaid Public Service District. Commissioner Scalph seconded. Unanimous. An Order and appointment to serve letter was signed.

Lorrie Thomas, Right-of-Way Agent with the Division of Highways appeared before the Commission to ask that they convey a piece of the property on McKenney Road in Minden to the Division of Highways for the Minden Project.

Ms. Thomas presented maps to the Commission and informed the Commission that the Division of Highways would prepare the deed.

Commissioner Scalph offered a motion that Fayette County Commission will convey the property to the Division of Highways and authorizes Commissioner Wender to sign the deed. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Daniel Wright, Chairman of the Fayette County Historic Landmark Commission informing that the terms of Kathleen Scott, Pat Wendell, Ann Skaggs and Daniel Wright expired on June 30, 2011. The Landmark Commission is requesting that they be reappointed to serve for another three years, term ending June 30, 2014.

Commissioner Lopez offered a motion to reappoint Kathleen Scott, Pat Wendell, Ann Skaggs, and Daniel Wright members of the Fayette County Historic Landmark Commission, term ending June 30, 2014. Commissioner Scalph seconded. Unanimous. Orders and appointment to server letters were signed.

The Commissioners signed the U. S. Environmental Protection Agency MBE/WBE Utilization Under Federal Grants and Cooperative Agreement for the Brownsfield Grant.

The Commissioners approved and signed the West Virginia County Records Management and Preservation Grant Program application for the County Clerk's Office for \$15,157.00 for file cabinets and the Circuit Clerk's Office for \$10,790.00 for Microfilm and Digitize Civil and Criminal Order Books.

The Commissioners signed drawdown request to the West Virginia Development Office, Governor's Community Participation Grant for the Bridge Day Chili Cook-off Equipment Promotion and Staging, amount \$411.28.

The Commissioners signed drawdown request to the West Virginia Courthouse Facilities Improvement Authority for the Courthouse Electrical Upgrade Grant, amount \$5,972.07.

Earl Smith, Mountain Heart Community Services appeared before the Commission to give them an update on Fayette County Weatherization Program.

Mr. Smith told the Commissioners that the contract was through July 1, 2010 but has been extended through December 31, 2011.

After a brief discussion, Commissioner Wender asked Mr. Smith to come back in January 2012 and let the County know where they stand.

Judson Wallace representative for the Commissioners on the Capital Resource Agency, Inc. Board appeared before the Commissioners to introduce the new Executive Director Danny Scalise. Also present was Margo Christain-Brooke.

Charles Mays, President of the Upper Kanawha Valley Economic Development Corporation (UKVEDC) appeared before the Commission to request funding to assist in the continuation of the operations of the Upper Kanawha Valley Economic Development Corporation.

Commissioner Wender informed that Fayette and Kanawha County Commissions have come to an agreement to commit \$20,000.00 from its Fiscal Year 2011-2012 Budget and \$20,000.00 from its Fiscal Year 2012-2013 Budget.

Commissioner Wender informed the Commission that the Kanawha County Commission has prepared a Letter of Intent and the Upper Kanawha Valley Economic Development Corporation Conditions for the Financial Participation of Fayette and Kanawha County Commission.

After a brief discussion, Commissioner Lopez offered a motion that Fayette County Commission will make available \$20,000.00 for Fiscal Year 2011-2012 to the Upper Kanawha Valley Economic Development Corporation (UKVEDC) and revisit for Fiscal Year 2012-2013 to make money available. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion to make an amendment that Fayette County Commission desire to support the Upper Kanawha Valley Center (UKVC) and the Upper Kanawha Valley Technical Community Center

(UKVTCC), the funds from the Fayette and Kanawha County Commissions may only be used for interest incurred with those two (2) vendors and may not be used for that portion of debt service deemed as principle repayment.

Commissioner Wender suggested that this be put on the agenda for the March Budget Session.

Tim Richardson, Zoning Officer appeared before the Commission to present for disposition Case #Z-518-11-1: Request of AWW Properties, LLC, contract owner, for a change in land classification, from R-R (Rural Residential District), with a PRD (Planned Residential District) overlay to B-3 (Business, Tourism District) on property legally described as, 69.88 AC Chestnutburg Road, New Haven District.

Mr. Richardson told the Commissioners the recommendation of the Planning Commission was to approve as requested by a vote of 11-0. Along with this recommendation was the recommended condition that the septic evaluations be continually addressed during the course of development.

Paul Buechler, Jeff Proctor and Dave Arnold gave presentation of the project.

Discussion was held between the Commission and Applicants regarding the septic and how it would be addressed as project evolves.

Commission Lopez offered a motion to approve this request as recommended by the Fayette County Planning Commission to rezone from R-R (Rural Residence District) with a PRD (Planned Residential Development) overlay to B-3 (Business, Tourism District).

Commissioner Scalph seconded. Unanimous. Vote passed 3-0.

There was no other business. The meeting was adjourned at 11:15 a.m. The Commission asked for a five minute recess.

The Commission reconvened the meeting at 11:25 a.m.

Leonard Sims, Promoter for NWA Mountain State Wrestling appeared before the Commission to discuss the rental fee for the Fayette County Memorial Building.

Commissioner Wender asked Mr. Sims if this was a non-profit organization. Mr. Sims replied no.

Mr. Sims is asking the Commission if they could work something out for the year regarding the rent for the Memorial Building.

Commissioner Wender asked Mr. Sims if he had any sponsors.

Mr. Sims replied he had some sponsors to help pay for the TV advertisements. They do 4 to 6 shows a year starting in January.

The Commissioners asked Mr. Sims to come back with some sponsors.

The Commissioners informed they would table this matter at a later date.

Kelvin Holliday, County Clerk appeared before the Commission to discuss election plans.

Mr. Holliday told the Commissioners he wants to start with Redistricting.

There are 9,683 voters in New Haven District, 9,086 in Plateau District and 7,703 in the Valley District. A total number of 26,472 voters in Fayette County.

Mr. Holliday told the Commissioners that his plan is to take Precinct #4 out of the New Haven District and put in the Plateau District bringing the total of voters in the Plateau District to

8,792; taking Precincts #'s 23 and 24 out of the Plateau District and putting in the Valley District bringing the total of voters in the Valley District to 8,891; the total number of voters in the New Haven District would be 8,789.

The Commissioners told Mr. Holliday they did not like that plan.

Discussion was held, the Commissioners asked Mr. Holliday to put Precincts 52 and 59 non-municipalities voters into the Valley District and get back with the Commissioners on the percentage.

Mr. Holliday asked the Commissioners to increase his Election Expense Budget by \$4,000.00 for two (2) part-time employees, to hire Leah Epperly part-time for two (2) days a week and for Gail Withrow.

Mr. Holliday asked the Commissioners to approve purchase of two copiers, one for the County Clerk's Office for less than \$5,000.00 and one for the Voter's Registration Office less than \$300.00.

Discussion was held regarding satellite voting.

Commissioner Wender asked Mr. Holliday to find a location in Meadow Bridge or Danese areas.

Mr. Holliday told the Commissioners that each precinct needs a third (no party) worker.

Mr. Holliday told the Commissioners he would like to purchase five (5) refurbish Ivotronics ADA Terminals for the upcoming election.

Commissioner Scalph offered a motion that Fayette County Commission will purchase five (5) refurbish Ivotronic ADA Terminals for the County Clerk's Office. Commissioner Lopez seconded.

Unanimous.

The Commissioners asked Mr. Holliday to check the cost between using Ivotronics only and using Ivotronic and paper ballots for the County.

Mr. Holliday informed the Commissioners for the upcoming 2012 Presidential Election. They would need two extra poll workers for each Precinct.

Commissioner Scalph offered a motion to approve the purchase of a \$300.00 flat bed copier for the Voter's Registration Office and a replacement copier for the County Clerk's Office for less than \$5,000.00 contingent on Debbie Berry checking the maintenance agreement on the old copier. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve increasing the Election Expense Budget \$4,000.00 for Gail Withrow and to hire Leah Epperly as a part-time employee in the Voter's Registration Office. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding increasing the Poll Workers pay.

After the brief discussion, Commissioner Lopez offered a motion to increase the Poll Workers pay from \$135.00 to \$150.00. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from the Gauley River Public Service District informing that on Wednesday, October 19, 2011 it was learned that the Nicholas County Commission did not take official action on the request for a contribution in support of a pump replacement with the Smith Branch Pump Station that serves the Mount Olive State Correctional Facility, but they agreed to hear the matter and take action at its November 1, 2011 meeting.

Mr. Deering told the Commissioners per telephone conversation between Birl O'Dell, President, Nicholas County Commission and Tom Oxley, Pentree, Incorporated indicated that although the Nicholas County Commission would most assuredly offer to assist financially, it was not likely to be in the amount of \$5,000.00, more likely \$2,000.00 to \$3,000.00.

Mr. Deering told the Commission that he hopes the Fayette County Commission would reconsider its position and agree to contribute \$5,000.00 regardless of the Nicholas County Commission's offer.

The Commissioners signed the Application for Distressed and At-Risk Counties Flex-E-Grant Program Fiscal Year 2011 for \$10,000.00.

Ms. Berry presented to the Commissioners a Governor's Community Participation Grant Program Contract and Resolution for the Minden Kwanza Community Playground amount \$5,000.00.

Commissioner Lopez offered a motion that Fayette County Commission sign contract for the Governor's Community Participation Grant for the Minden Kwanza Community Playground (\$5,000.00) and approved and authorized the adoption of the Resolution and authorized Commissioner Wender to sign. Commissioner Scalph seconded.

Ms. Berry presented to the Commissioners a drawdown request and a proposed Budget Amendment #4 from Region 4 Planning and Development Council for the Danese Public Service District Water Extension, amount \$7,812.09.

Commissioner Lopez offered a motion that Fayette County Commission approves and signs the drawdown request and the proposed

Budget Amendment #4 for the Danese Public Service District, amount \$7,812.09. Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of November 2011.

Ms. Berry told the Commissioners that Earl Pauley, Park Superintendent informed her that instead of purchasing a trailer he would like to purchase the Switch-N-Go for the Fayette County Park.

Ms. Berry presented a quote from Leggett Town and Country, \$20,867.00 to the Commissioners.

The Commissioners asked Ms. Berry to hold until January.

Dale Payne, Henry Meredith, Jim Reid, Howard Hughes and Doug Maddy appeared before the Commissioners to give an update on the Paint Creek Scenic Trail Association.

Mr. Payne told the Commissioners they are in the process of drawing up a design for the park. Mr. Payne asked the Commission for funding.

After a brief discussion, Commissioner Wender suggested that Commissioner Lopez and Senator Bill Laird get with the Governor to discuss funding for the project.

Mason Hines, Director Fayette County Evidence Center appeared before the Commission to request funding.

Mr. Hines gave a brief summary of the program.

Mr. Hines told the Commissioners they were to late to apply for funding through the grant program.

After the brief discussion, Commissioner Lopez offered a motion that Fayette County Commission approves allocation of \$25,000.00 to the Fayette County Evidence Center contingent that Fayette County Evidence Center comes up with other funding. Once Mr. Hines tells the Commission the other funding is in place, Fayette County Commission will pay in installments of three (3). Commissioner Scalp seconded. Unanimous.

The Commissioners signed minutes and Order of the Zoning Hearing held today at 10:30 a. m. for Case #Z-518-11-1: Request of AWW Properties LLC, contract owner, for a change in land classification, from R-R (rural Residential District), with a PRD (Planned Residential Development) overlay to B-3 (Business, Tourism District), on property legally described as, 69.88 ac Chestnutburg Road, New Haven District.

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

Commissioner Scalp offered a motion that Fayette County Commission approves and signs Petitions to Combine or Divide and Segregate Land for George B. Franco, Shelby Jean Jeffries and Elaine and Freddie Jo Duncan. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Thanks! Plain and Simple who created the West Virginia Rosie the Riveter Project requesting a donation of \$600.00 for the cost of the additional editing, duplicating and hiring someone with military training to help coordinate the documentary film.

The Commissioners asked that this be held for next weeks County Commission meeting.

The Commissioners received and reviewed a letter from the U. S. Department of the Treasury regarding notification of no Change Determination \$11,600,000 County Commission of Fayette, West Virginia Solid Waste Disposal Facility Revenue Bonds, Series 1995 (Georgia Pacific Corporation Project). Close Examination with no change to the position that interest received is excludable from gross income.

The Commissioners signed a letter of support to the Honorable Barack Obama on behalf of Appalachian Electric Power for more time and flexibility to reduce the negative impact of the proposed Environmental Protection Agency rules on customers, jobs and the economy regarding the Environmental Protection Agency's soon to be final regulation for utility Maximum Achievable Control Technology (MACT) standards for hazardous air pollutants.

The Commissioners received and reviewed a letter from Judge John Hatcher regarding the parking problem around the Courthouse.

The Commissioners received and reviewed Petition from John Romage from citizens of Mill Creek, Park Heights, McDonald, Turkey Knob, (which are unincorporated communities) requesting a public sewer.

The Commissioners received and reviewed a letter from Doug Hylton regarding retaining his services for the development of the Fayette County portion of the Meadow River Rail Trail Project. The Commissioners asked that this be tabled.

The Commissioners received and reviewed a letter from 12 & 6 WV Partners, LLC making an offer to the Fayette County Solid Waste Authority to purchase the Cunard Landfill.

The Commissioners received and reviewed a Resolution from Region 4 Planning and Development Council requesting approval of invoices relating to construction and other services for the Energy Efficiency and Conservation Grant for the Fayette County Courthouse Boiler Project.

The Commissioners approved and authorized and direct Region 4 Planning and Development Council/West Virginia Division of Energy to submit payment of invoices dated September 13, 2011 in the amount of \$47,711.85 to Casto Technical Services. Resolution signed.

The Commissioners received and reviewed a copy of a letter from Stafford Consultants Incorporated to Pro Contracting, Inc. enclosing the New Haven Public Service District Contract No. 17-Derry Hale/Sun Mine Road Definitive Certificate of Substantial Completion for their execution and return to their office with all attachments no later than October 29, 2011.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that the funds due for the September 2011 Table Games was directly deposited on October 17, 2011, amount \$6,643.92 and the funds due for the September Limited Video Lottery will be directly deposited on October 26, 2011, amount \$6,323.34.

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges regarding Claimant Judy Treadway.

The Commissioners received and reviewed a letter from Wells Fargo informing Betty Keffer claim has been forwarded to our insurance

carrier. A representative assigned to this claim will be contacting this office in the next few days.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of October 7 to October 13, 2011, amount \$415.00.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of September 30, 2011 the securities were held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing securities pledged as of September 30, 2011.

The Commissioners received and reviewed an Account Statement from BNY Mellon for the period September 1, 2011 through September 30, 2011.

The Commissioners received and reviewed a letter from the Oak Hill 4-H Green Devils requesting Community Program Support/Donation for the "Operation 12 Days of Christmas" Baskets.

The Commissioners received and reviewed checks for 911 Fees from Frontier, amount \$78.94 and Vonage Tax Account, amount \$280.00; check for Soldiers and Sailor's Fund, amount \$25.00.

The meeting was adjourned at 3:15 p.m. The next scheduled meeting is November 4, 2011.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 4, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 4<sup>th</sup> day of November 2011.

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

Dale Tomlin the new Fayette County Surveyor appeared before the Commission to be sworn in by our County Clerk Kelvin Holliday.

Present for the swearing in was Kaye Smith, Traci Sutphin and Lisa Redden.

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

The Commissioners received and reviewed an e-mail from Rick Rutledge informing that the Fayette County Farmland Protection Board is recommending that Randall Paterson be appointed to fill the vacancy due to Rick Rutledge accepting the job of Program Coordinator for the Fayette County Farmland Protection Board.

Commissioner Lopez offered a motion to approve the recommendation of the Fayette County Farmland Protection Board to appoint Randall Patterson to fill the unexpired term of Frederick A. "Rick" Rutledge due to the appointment of Mr. Rutledge as Program Coordinator. Commissioner Wender seconded. Unanimous. An Order and appointment to serve letter was signed.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community

Correction Day Report Center, amount \$20,103.46 for the period September 1 through September 30, 2011.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Prevention Officer, amount \$2,083.33 for the period October 1 through October 31, 2011.

The Commissioners decided not to sign Consulting Agreement with Doug Hylton Consulting, LLC to identify sources of grant funding and in the preparation of grant requests for the Meadow River Rail Trail Project.

The Commissioners received and reviewed a letter from the WV Blazers requesting use of the Fayette County Memorial Building for eight (8) home games for the 2011-2012 basketball season, for practice once or twice a week and to use the facility on November 13, 2011 for their tryouts and first team meeting (1 PM to 5 PM).

Commissioner Scalph offered a motion to approve request of the WV Blazers to use the Fayette County Memorial Building for their tryouts and first team meeting (1 PM to 5 PM) November 13, 2011 only. Commissioner Lopez seconded. Unanimous.

Brian Sparks and Lauren Weatherford from the West Virginia University Extension Office appeared before the Commissioners to introduce Susan Arbogast, the new Nutritional Outreach Instructor.

Ms. Weatherford gave a brief summary of Ms. Arbogast job.

Kelvin Holliday, County Clerk appeared before the Commission to present the cost to purchase five (5) refurbished DRE Touch Screen

Devices and two (2) refurbished RTAL printers, total cost is \$10,050.00

Commissioner Scalph offered a motion that Fayette County Commission approves purchase of five (5) refurbished Ivotronics, cost \$8,475.00 and two (2) refurbished RTAL printers, cost \$1,450.00, total shipping and handling included is \$10,050.00. Commissioner Lopez seconded. Unanimous.

Mr. Holliday informed the Commissioners he had visited the Town of Meadow Bridge on Monday for a possible site for satellite voting.

The Commissioners asked Mr. Holliday to check in the Danese area.

Commissioner Wender suggested to Mr. Holliday to go ahead and have a discussion with the Town of Meadow Bridge make sure they know that the Commission is considering this area.

The Commission asked that this be scheduled on the agenda to discuss on Monday, November 21, 2011 after Mr. Holliday does a study of the sites.

Discussion was held regarding the redistricting of Fayette County.

Carl Harris, Prosecuting Attorney informed the Commissioners that the satellite voting and the redistricting are not on the agenda for discussion. Since this is not on the agenda, they should reschedule the discussion for November 21, 2011.

Mr. Holliday informed the Commissioners that Gilbert Raney should be paid for attending the election class. Mr. Holliday informed the Commissioners that Mr. Raney was under doctors' care on October 4, 2011 the day of the election.

Commissioner Lopez offered a motion that Gilbert Raney, be paid for attending the election class for the Special General Election, amount \$50.00. Commissioner Scalph seconded. Unanimous.

Todd Cornett, Rick Cornett appeared before the Commission to give a brief summary of their program since the merger of Jan Care Ambulance and General Ambulance Services.

Also, present for the discussion was David Neal, E911 Coordinator, Shane Wheeler, representative with Jan Care Ambulance Service.

Celeste "CC" Arritt, Shirley McGraw and Brenda Roach attended the meeting to discuss the ambulance service in the Meadow Bridge area.

After the brief discussion, Todd Cornett told the Commissioners and the residents of Meadow Bridge he would go back and look at the Meadow Bridge area and see if there is a better and faster route to dispatch the ambulance service to the area.

Commissioner Wender informed he would like to set another meeting in February. Commissioner Wender asked that Todd Cornett be put back on the agenda for discussion for sometime in mid to late February.

Commissioner Lopez questioned David Neal, E911 Coordinator as to why Pete Lopez, Owner of the Montgomery Auto Care Wrecker Service, was not added to the 911 Rotation List.

Mr. Neal told the Commissioners he has no problem adding Montgomery Auto Care Wrecker Service to the 911 Rotation list if all his papers and documents are in order.

Commissioner Scalph offered a motion to put Montgomery Auto Care Wrecker Service on the Fayette County 911 Rotation List if he does

meet the requirements and also approve the on-site warehouse if approved by David Neal. Commissioner Wender seconded. Commissioner Lopez abstained. Vote passed 2-1.

Angela Gerald, Project Director with the Fayette County Beautification Committee reported to the Commissioners that the Boy Scouts of America is buying Maxine Ross property. Ms. Ross has signed the papers.

Ms. Gerald told the Commissioners that the Boy Scouts of America will handle the abatement.

Ms. Gerald told the Commissioners that Gabriel Pena is interested in salvage for the County. Mr. Pena is interested in putting bids on these properties.

Ms. Gerald told the Commissioners the Fayette County Urban Renewal Authority has to decide on who gets the bids.

Allen Ballard, Building Inspector appeared before the Commission to give an update on the new building at the Fayette County Animal Shelter.

Ms. Berry presented the Lease Agreement from the Fayette County Board of Education for leasing of the Fayette County Memorial Building for evening activities for basketball games, practices and graduation to the Commissioners.

Commissioner Scalph offered a motion to approve Lease Agreement for the Fayette County Memorial Building to the Fayette County Board of Education for one (1) year for rental of the Building for basketball games, practices and graduation for a flat fee of \$10,000.00. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to the Natural Resource Conservation Service requesting further information as to the funds necessary to complete the Dunloup Voluntary Buyout Project.

The Commissioners asked Commissioner Lopez to talk with Earl Pauley, Park Superintendent regarding the Switch N Go. Commissioner Lopez will make the decision on whether to buy or not buy.

Commissioner Wender asked to put on the agenda to visit Judge Paul Blake's Offices.

The Commissioners received and reviewed a thank-you note from Betty Crookshanks, Commissioner Greenbrier County Commission thanking Commissioner Wender, Commissioner Scalph and Ms. Lita Eskew for taking time out to help participate in the announcement of receiving the deed for the Meadow River Rail Trail.

The Commissioners received and reviewed an invitation from Judge Paul Blake inviting the Commissioners to attend the swearing in ceremony for Matthew D. England as Family Court Judge on November 4, 2011 at 11:00 a.m. in Judge Blake's Courtroom in the Fayette County Courthouse Annex.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of October 21 to October 27, 2011, amount \$205.00 and the week of November 1 to November 3, 2011, amount \$85.00 and the New River Humane Society allocation for the month of November, amount \$14,122.34.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that the request of Orthopaedic and Spine Surgery

Association LLC dated October 10, 2011 has been approved (claimant Michael D. Grose).

The Commissioners received and reviewed Oath of Offices for Ann Skaggs, member of the Fayette County Historic Landmark Commission, John P. David, member of the Page-Kincaid Public Service District, Al Gannon, member of the Fayette County Planning and Zoning Commission and Bobby G. Green, member of the Fayette County Planning and Zoning Commission.

The Commissioners received and reviewed checks from the WV Development Office for Gauneka Ruritans Club, amount \$5,000.00; Supreme Court for Family Law Master Rent, amount \$2,700.00; Fayette County Solid Waste Authority for Reimbursement, amount \$798.15; and Division of Human Service for FRN, amount \$10,000.00.

The meeting was adjourned at 12:15 p.m. The next scheduled meeting is November 14, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 14, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of November 2011.

Commissioner Wender called the meeting to order at 9:08 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 tickets for Ted K. or Sharon Ramsey, Jack Nobles and Alma K. Brown, Joshua or Beverly Evans, Rufus B. or Loreice Wallace, Sr., Carol J. (Bibb) McClelland and Colleen Rogers. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets for Jim and Judy Brandstetter, W. S. Abbot etal and Larry D. and Tiffany L. James. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve refunds for Paul A. and Tara Tygrett, Jr.(\$180.00) and Morris R. and Joan Nutter (\$18.19). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and motion to approve 1<sup>st</sup> half payrolls, checks to be released November 15, 2011. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of September 26, 2011, October 11, 2011 and October 14, 2011. Commissioner Lopez seconded. Unanimous.

David Neal, E-911 Coordinator appeared before the Commission to discuss the waiver of fees for the Glen Jean Tower.

Also, present for the discussion was Tim Richardson, Zoning Officer.

Discussion was held, after the discussion Commissioner Wender suggested tabling until it goes to the Board of Zoning Appeals.

Mr. Richardson told the Commissioners this would be scheduled for the Board of Zoning Appeals January 9, 2012 meeting.

Commissioner Wender suggested waiving the \$500.00 application fee and come back and waive the \$2,500.00 permit fee.

Commissioner Scalph offered a motion to proceed with the application to the Board of Zoning Appeals waiving application fees, after the process is complete they will readjust application for the permit fee, amend if there is a co-locator they will be required to pay the \$500.00 application fee. Commissioner Lopez seconded.

Unanimous.

The Commission recessed the Commission meeting at 9:35 a.m. for an Executive Session.

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

Discussion was held regarding the WV State Police request to solicit opinions on 311 Dialing Code by the Public Service Commission.

David Neal, E-911 Coordinator told the Commissioners that this is not going to be a good thing, this is not funded on the State Level.

After the discussion the Commissioners asked Commissioner Wender to prepare a letter to the Public Service Commission opposing this movement.

Commissioner Scalph offered a motion that the Fayette County Commission draft a letter regarding the proposed 311 non-emergency services opposing the State Police to establish the 311 non-emergency services. Commissioners Lopez seconded. Unanimous.

The Commission recessed the Commission meeting for five (5) minutes at 10:05 a.m.

The Commission reconvened the Commission meeting at 10:15 a.m.

Commissioner Wender informed they are here today to present Grant Awards on behalf of Senators William Laird and Ron Miller.

Commissioner Wender presented a Fiscal Year 2012 Community Participation Grant to the Sportsman Recreation Center to construct an 8'x12' concrete pad and to purchase a metal storage building with double doors to store field maintenance equipment, amount \$3,000.00. Present for the presentation was Jody Ward.

Commissioner Wender presented a Fiscal Year 2012 Community Participation Grant to the Gauneka Ruritan Club for capital improvements including upgrades of replacing several roof gutters, three (3) main entrance doors, hardware and carpet to the building, amount \$6,000.00. Present for the presentation were Brad and Bonnie Carelli.

Commissioner Wender presented a Fiscal Year 2012 Community Participation Grant to the Fayette County Firefighters Association for supplies and materials for countywide live fire training as required by the State Fire Commission, amount \$4,500.00. Present for the presentation were Steve Cruikshank, Shannon Estep, Joe Crist, President and John Vernon.

Commissioner Wender presented a Community Participation Discretionary Grant to the Armstrong Creek Volunteer Fire Department to offset loss of payment from state due to accounting error, amount \$6,000.00. Present for the presentation was Shannon Estep.

Commissioner Wender presented a Fiscal Year 2012 Community Participation Grant to the African American Arts and Heritage for

summer session, amount \$3,000.00. Present for the presentation were Norman and Priscilla Jordan.

Commissioner Wender presented a Fiscal Year 2012 Community Participation Grant to the Appalachian Heritage Education Museum for a new roof and other improvements, amount \$5,000.00. Present for the presentation was Joy Lynn.

Angela Gerald, Project Director for the Fayette County Dilapidated and Beautification Committee presented three (3) Complaints to recommend that complete demolition and removal of all buildings or dwellings on these properties within 30 days. All debris to be disposed of in a manner consistent with the applicable law to the Commissioners (See attached Complaints).

Carl Harris, Prosecuting Attorney presented pictures of each of the properties.

William Holstine, property is located at 1463 Court Street, Fayetteville, WV.

Commissioner Scalph offered a motion to accept the recommendation of the Fayette County Dilapidated and Beautification Committee to proceed with sending notice for demolition and removal of all buildings or dwellings on the property. Commissioner Lopez seconded. Unanimous.

Ethel saunders and Hobert Burton both deceased, property is located at 151 Greentown Loop Road.

Commissioner Scalph offered a motion to accept the recommendation of the Fayette County Dilapidated and Beautification Committee to proceed with sending notice for demolition and removal of all

buildings or dwellings on the property. Commissioner Lopez seconded.  
Unanimous.

Barbara Matheny, property is located at 1187 Scarbro Road.

Commissioner Scalph offered a motion to accept the recommendation of the Fayette County Dilapidated and Beautification Committee to proceed with sending notice for demolition and removal of all buildings or dwellings on the property. Commissioner Lopez seconded.  
Unanimous.

Ms. Berry presented one (1) bid from DanHill Construction she received for the Fayette County Animal Shelter.

The Commissioners opened the DanHill Construction bid cost \$52,690.00.

Discussion was held, the Commissioners decided to readvertise in the Beckley, Charleston and the Fayette Tribune.

Carl Harris, Prosecuting Attorney informed the Commissioners that the Landfill Deed has been approved. Mr. Harris told the Commissioners that the Fayette County Solid Waste Authority is taking over the Lease.

The Commissioners asked that this be tabled for later.

Ms. Berry presented the Shentel Cable Franchise Renewal to the Commissioners to sign.

Commissioner Scalph offered a motion that Fayette County Commission enters into a Franchise Agreement with Shentel for five (5) years. Commissioner Lopez seconded. Unanimous. The Franchise Agreement was signed.

Ms. Berry informed the Commissioners that Lorrie Thomas with the West Virginia Department of Transportation has forwarded the Deed for the McKinney Road property to be reviewed and signed.

The Commissioners signed the Holiday List that shall be regarded, treated, and observed as legal holidays for 2012 for the Department Heads and Employees.

The Commissioners received and reviewed a letter from the West Virginia Blazers requesting permission to use the Fayette County Memorial Building for their eight (8) remaining home games.

Discussion was held. The Commissioners informed using the Fayette County Memorial Building for free is out of the question.

The Commissioners received and reviewed a letter from the Historic Oak Hill School, formerly the Oak Hill Elementary School requesting \$12,000.00 to assist with the rehabilitation of the 625 seat auditorium and two conference rooms. The Commission declined their request.

The Commissioners received and reviewed a Community Participation Grant Program application for the Southern Appalachian Labor School.

Commissioner Lopez offered a motion to sign the Community Participation Grant application for the Southern Appalachian Labor School. Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting for reimbursement for rent in the amount of \$2,700.00 for the month of December.

Discussion was held regarding endorsing Earl Smith with the Mountain Heart Community Services as their Fayette County Weatherization Agency.

Commissioner Lopez offered a motion that Fayette County Commission will endorse Mountain Heart Community Services as their Fayette County Weatherization Agency. Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to the Office of Economic Opportunity informing they wholeheartedly support Mountain Heart Community Services implementation of the Weatherization Program to continue assisting families in our area.

Discussion was held regarding documents for the new 911 Center, if they should go to the Chairman of the Fayette County Building Commission or Debbie Berry.

The Commissioners suggested all documents for the new 911 Center should come to Debbie Berry first and she would forward to the Chairman Morgan Bracken of the Fayette County Building Commission.

The Commission declined the request from MCPI-Team.com to set up cameras in Courthouse to look for ghosts.

Commissioner Wender informed the Commission that since they have been contacted by several individuals in Fayette County expressing concerns and asking questions about the West Virginia Department of Transportation proposal for lighting the New River Gorge Bridge, the Commission should write a letter to the West Virginia Department of Transportation asking for a public hearing.

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." The completion of the additional duties entitles Mr. Young to the additional compensation of \$15,000, as provided in West Virginia Code §7-7-6b.

The Commissioners received and reviewed a report of the Fayette County Commission Revenues other than Taxes as of October 31, 2011.

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

The Commissioners received and reviewed a letter from the Friends of Lewis House requesting the release of funds for the Friends of Lewis House Grant of \$2,500 for their heating and cooling upgrade.

The Commissioners received and reviewed a copy of the invoice to the West Virginia Secretary of State's Office for the October 4, 2011 Special Election, amount \$106,430.31.

The Commissioners received and reviewed a Pledge Statement from the SunTrust Bank listing securities pledged as of October 31, 2011.

The Commissioners received and reviewed a letter from the Branch Banking and Trust Company listing the securities held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission as of October 31, 2011.

The Commissioners received and reviewed an Account Statement from The Bank of New York Mellon for the period October 1 to October 31, 2011.

The meeting was adjourned at 12:51 p.m. The next scheduled meeting is November 21, 2011.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 21, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 21<sup>st</sup> day of November 2011.

Commissioner Wender called the meeting to order at 9:14 a. m.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2<sup>nd</sup> half payrolls, checks to be released November 30, 2011. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding the Cunard Landfill. Commissioner Wender asked Edward McGuire, Consultant for the Boy Scouts of America to give a summary of what the property would be used for.

After the brief discussion, Commissioner Scalph offered a motion that Fayette County Commission proceeds with the conveyance of the property to the Fayette County Solid Waste Authority (93.56) informing that the responsibility/liability etc. of the property does not change for the county that was originally placed by the Department of Environmental Protection. The conveyance of the property does not alter what was already required of regarding that property and authorize Commissioner Wender to sign the deed. Commissioner Lopez seconded. Unanimous.

Commissioner Wender asked that Kimberly Bennett appear before the Commission to discuss the Food Pantries in Fayette County.

Commissioner Wender told the Commission that there are some issues with getting sufficient food in the food pantries.

The Commission asked Ms. Bennet how many food pantries are in the Fayette County area.

Ms. Bennett replied about six (6) Food Pantries but she was not sure.

After a brief discussion, Commissioner Wender told Ms. Bennett the Commission would meet on December 2, 2011 and asked Ms. Bennett if she would attend and give an update on the Food Pantries.

Joe Geiger with the West Virginia Division of Culture and History County Records Archivist appeared before the Commission to discuss record storage space for the County.

Commissioner Wender told Mr. Geiger the Commission is considering using the Fayette County Memorial Building basement for a storage facility.

Commissioner Wender asked Mr. Geiger if the State have funding available for an off-sight facility.

Mr. Geiger replied not at this time.

Commissioner Wender asked Mr. Geiger if he would give a report of what Fayette County storage problem is.

Commissioner Scalph asked Mr. Geiger if he would look at the Fayette County Memorial Building and the rooms downstairs to see if they are durable.

Commissioner Wender suggested that Mr. Geiger get back on the agenda sometime in January to have further discussion.

Attorney Benjamin Warder appeared before the Commission to Petition for a Probate in Solemn Form of a copy of Last Will for the Estate of Donald Hall.

Commissioner Wender swore in Jim Crabtree and Kathryn Reynolds.

The Commissioners asked Ms. Reynolds if this was Donald Hall's handwriting. Ms. Reynolds replied yes.

After testimony and statements Carl Harris, Prosecuting Attorney told the Commissioners they can accept this as Donald Hall's Last Will and Testament.

Commissioner Lopez offered a motion to accept this as Donald Hall's Last Will and Testament, appoint Kathryn Reynolds as the Executrix. Ms. Reynolds to post a bond as required by statue and appoint James Blankenship as the Fiduciary Commission. Commissioner Scalph seconded. Unanimous.

The Commissioner asked Mr. Warder to prepare an Order for the Commission to sign and notify James Blankenship that he has been appointed Fiduciary Commission of the Estate.

Greg Puckett, West Virginia Blazers appeared before the Commission to discuss use of the Fayette County Memorial Building for 8 to 10 games and practice once a week for 2½ hours.

Discussion was held the Commission told Mr. Puckett they would waive the \$1,000.00 rental fee, however a \$1.00 per person to be charged at the gate, a \$100.00 per each night for the custodial and trash service fees requirements on game day.

Mr. Puckett told the Commissioners he would give this information to Cindy Harrington the General Manager of the West Virginia Blazers and she will get back with Okey Skidmore, Manager of the Fayette County Memorial Building.

Kelvin Holliday, County Clerk appeared before the Commission to discuss redistricting and satellite voting locations.

Mr. Holliday told the Commissioners that two (2) areas of Fayette were affected by the current redistricting, the Fayetteville area and the Ansted area.

Mr. Holliday told the Commissioners he would be moving approximately 200 non-municipal Fayetteville voters from Precinct 52 New Haven District to Precinct 51 Valley District and will be relocating non-municipal Ansted voters approximately 200 in the Valley District, transferring them from New Haven District where they will vote at the existing Precinct 59 location.

Mr. Holliday told the Commissioners that Precinct 59 is now the Valley District.

Mr. Holliday told the Commissioners the Town of Ansted residents remains in New Haven District but now they will vote in Precinct 60 at Ansted Elementary School thus maintaining the Ansted municipality within one magisterial District of Fayette County.

Commissioner Scalph offered a motion to authorize the redistricting as presented by the County Clerk Kelvin Holliday. Commissioner Lopez seconded. Unanimous.

Mr. Holliday told the Commissioners he had checked out the Danese Christian School as a location for early "satellite" voting.

The school offers spacious gym area for voting as well as plentiful parking, handicap access and other amenities.

After further discussion, Commissioner Lopez offered a motion to approve the location for early "satellite" voting at the Danese Christian School. Commissioner Scalph seconded. Unanimous.

Mr. Holliday informed the Commissioners that with the anticipated closure of the Danese Elementary School Mr. Holliday recommended to the Commissioners to relocate Precinct 72 to the Danese Christian School for the May 8, 2012 Primary Election.

After a brief discussion, Commissioner Scalph offered a motion to change the location of Precinct 72, Danese Elementary School to the Danese Christian School for the upcoming May 8, 2012 Primary Election. Commissioner Lopez seconded. Unanimous.

Commissioner Wender suggested tabling the discussion of the purchasing of IvoTronics for March.

Commissioner Wender suggested scheduling discussion of the IvoTronics sometime in February.

David Neal, E911 Coordinator, Major Chard Gonzalez with the National Guard, Joe Gonzalez with the STECS and Jimmy Gianato, Director West Virginia Division of Homeland Security and Emergency Management appeared before the Commission to discuss a tower at the Glen Jean Armory site.

After a brief discussion, Commissioner Lopez offered a motion that Fayette County Commission approves the request of the West Virginia Division of Homeland Security to initiate a tower for public safety only at the Glen Jean Armory Site subject to the final

confirmation of the Prosecuting Attorney's Office that the County Commission has this authority consistent with the Unified Development Code. Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to the West Virginia Department of Transportation informing they had been contacted by a number of individuals in Fayette County expressing concerns and asking questions about the proposal for lighting the New Rive Gorge Bridge.

The Commissioners signed a letter to the West Virginia Public Service Commission protesting to the use by the West Virginia State police of the abbreviated 311 dialing code.

The Commissioners received and reviewed the Staff Proposal regarding the Fayette Transition Team.

Commissioner Scalph offered a motion that Fayette County Commission approves the recommendations of the Fayette Transition Team. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a drawdown request to the West Virginia Development Office for Gauneka Ruritan Community Center for \$2,375.00 from the Governor's Community Participation Grant Program.

The Commissioners signed a drawdown request to the West Virginia Development Office for Sportsman Recreation Center for \$1,998.30 from the Governor's Community Participation Grant Program.

The Commissioners signed Authorization for Transfer of Funds and Authorization to Sign a Stop Payment Form for the Sheriff of Fayette County.

The Commissioners signed a drawdown request to Region 4 Planning and Development Council for the Danese Public Service District Water

Extension Project #07ARCP15639 for \$5,139.67 from the Small Cities Block Grant Funds.

The Commissioners received and reviewed a letter from the Ben Argento Basketball League requesting the use of the Memorial Building for practices and game playing on Saturday's for their 2011-2012 Basketball Season.

Commissioner Lopez offered a motion that Fayette County Commission approves the use of the Memorial Building for the Ben Argento Basketball League upcoming basketball season pending no conflict of schedule. The \$1,000.00 rental fee will be waived; however, the custodial and trash service fee requirement will not be waived on game days. All other rules are applicable including insurance, and responsible adult supervision is required at all times. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from the Gauley River Public Service District requesting the financial assistance approved for the Smith Branch Pump Station, amount \$5,000.00

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer to Carl Harris, Prosecuting Attorney informing that after their meeting on November 14, 2011 regarding the waivers for the Glen Jean Tower, Mr. Richardson asked Mr. Harris should the County Commission requires or wave the requirement of our Unified Development Code of a surety bond for purpose of removal if necessary.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the October 2011 Table Games

will be directly deposited on November 16, 2011, amount \$7,188.77 and the October 2011 Greenbrier Table Games Tax will be directly deposited on November 26, 2011, amount \$134.83.

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding Michael D. Grose.

The Commissioners received and reviewed a letter from the WorkForce Unemployment Compensation Division regarding Kenton G. Stover.

The Commissioners received and reviewed a letter from the Law offices of Sanders, Austin, Flanigan and Flanigan regarding Tommy Jackson claim.

The Commissioners received and reviewed an Official Oath of Office from Kathleen Scott member of the Fayette County Historic Landmark Commission.

The Commissioners received and reviewed checks for 911 Fees from Frontier, amount \$31,870.65 and Mountain Communications, LLC, amount \$68.60; check from the Clerk of the Circuit Court restitution for State West Virginia v. Thomas E. Woodrum, amount \$250.00

The meeting was adjourned at 1:20 p.m. The next scheduled meeting is December 2, 2011.

DECEMBER 2, 2011  
COURTHOUSE  
FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 2<sup>nd</sup> day of December 2011.

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

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 Terry E. Willis, Sr. Commissioner Scalph seconded.

Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approve 1<sup>st</sup> half payrolls, checks to be released on December 15, 2011. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of October 28, 2011. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Resolution authorizing and direct Region 4 Planning and Development Council/West Virginia Division of Energy to submit payment of an invoice dated October 13, 2011 in the amount of \$28,200.75 to Casto Technical Services for the Fayette County Courthouse Boiler Project.

The Commissioners received from J. Dan Snead and Associates, Inc. approved Application and Certificate for Payment No. 1 from Radford and Radford, Inc. in the amount of \$20,178.90 for the new Fayette County 911 Center.

The Commissioners approved the Requisition from J. Dan Snead and Associates, Inc. for payment to Radford and Radford, Inc., amount \$20,178.90 for the new Fayette County 911 Center.

The Commissioners opened and reviewed bids for the Fayette County Animal Shelter.

Only two (2) bids were received-Main Street Builders and DanHill Construction.

The Commissioners reviewed the bids and question if these bids included material and labor. The Commissioners asked Allen Ballard to get clarification from both bidders and get back with the Commission today.

Steve Cruikshank, Deputy OES Coordinator appeared before the Commission to make recommendation for the Assistant Fire Coordinator.

Mr. Cruikshank told the Commissioners that four (4) candidates sent in their application. One (1) was withdrawn.

Tim Richardson informed the Commissioners that Chris Martin is an outstanding candidate for this position.

After a brief discussion, Commissioner Scalph offered a motion to accept the recommendation of the Firefighters Association and their Committee to hire Chris Martin as Assistant Fire Coordinator effective January 1, 2012 with a six-month probation period under the terms and conditions established by the Committee, starting salary \$28,000.00 after probationary period salary would increase to \$30,000.00. Commissioner Lopez seconded.

John David appeared before the Commission to inform them that at their November 14, 2011 Commission meeting they approved to sign a

Community Participation Grant Program application for the Southern Appalachian Labor School.

Mr. David told the Commission that a Resolution for the Community Participation Grant has to be approved and signed.

Commissioner Scalph offered a motion to approve and authorize the adoption of the Resolution for a Community Participation Grant Program application for the Southern Appalachian Labor School. Commissioner Wender seconded. Unanimous. Resolution signed.

Mr. David presented to the Commissioners copy of the plans for the rehabilitation of the 625 seat auditorium and two conferences rooms for the Historic Oak Hill School, formerly the Oak Hill Elementary School.

Mr. David told the Commissioners they are looking for some funds, annual projected cost of \$100,000 for utilities and maintenance on the building.

Commissioner Lopez informed the Commissioners due to sickness he will have to excuse himself from the meeting.

Commissioner Scalph offered a motion that Fayette County Commission accept the bid from Main Street Builders out of Prince West Virginia (\$4,300.00) for the slab at the Fayette County Animal Shelter and asked that the Contractor will hold the bid for 6-months. Commissioner Wender seconded. Unanimous.

Kimberly Bennett, District Commissioner Boy Scouts appeared before the Commission to give an update on the Food Pantries in Fayette County.

Ms. Bennett told the Commissioners that Betty Steen is in charge of the Oak Hill, Danese and Fayetteville areas and Dorothy Davila is in charge of Montgomery, Gauley Bridge and Armstrong Creek areas.

After a brief discussion, Commissioner Scalph offered a motion that Fayette County Commission recognizes with the current conditions in the County that there is a need for providing food for Fayette County Residents, therefore according to 7-1-3y of the West Virginia Code the Commission is making a budgetary allocation for the purpose of aiding these pantries that needs assistance. The Commission approves a one time allocation of \$1,000.00 to the Fayette County Emergency Food Assistance Center and the Capital Resource Agency. Commissioner Wender seconded. Unanimous.

John Bracken, Hawks Nest State Park Superintendent appeared before the Commission to give an update on the Hawks Nest Golf Course.

After the brief update, Commissioner informed they would continue to make their case with the Governor regarding the closing of the Golf Course.

David Neal, E911 Coordinator appeared before the Commission to discuss a cell tower in the Armstrong Creek area.

After the brief discussion, Commissioner Wender told Mr. Neal that since Commissioner Lopez was absent and he asked that you be put on the agenda to discuss the cell tower, Commissioner Wender asked Mr. Neal to contact Commissioner Lopez to discuss further.

The Commissioners received and reviewed a letter from Attorney Paul O. Clay, Jr. requesting a hearing on a Motion for Removal of

William E. Dixon as Administrator of the Estate of Charles Edward Dixon.

Carl Harris, Prosecuting Attorney informed the Commissioners he would prepare an Order informing James C. Blankenship, III, Attorney at Law, Fayetteville, West Virginia that he has been appointed to conduct a hearing on the Motion For Removal of Administrator, to make Findings of Fact, Conclusions of Law, and recommendation to the Commission.

Counsel for the Petitioners, Paul Clay is charged with obtaining a hearing date with the Special Commission and providing notices of the hearing to the Administrator, the heirs and any other interested parties.

Mr. Harris informed the Commissioners he would direct the Clerk of the Commission provide attested copies of the Order to Paul Clay, James Blankenship and William E. Dixon.

Tom Snyder, WQAZ Radio appeared before the Commission to discuss his connection with Shentel Cable.

After a brief discussion, Commissioner Wender asked Mr. Snyder to prepare a facts and solution memorandum to the situation and send to Carl Harris, Prosecuting Attorney to review.

Terry Moore appeared before the Commission to give them an update on the clean up of her property.

Angela Gerald gave a detailed plan on what Ms. Moore is going to do. Ms. Gerald told the Commissioners the house should be down by January, windows are out miscellaneous debris has been hauled away.

Commissioner Wender gave Ms. Moore some suggestions on whom she can get to assist with her situation.

Bernard Hall appeared before the Commission to voice his complaint on Georgia Pacific.

Mr. Hall told the Commissioners that pollution is coming out of the building.

The Commissioners told Mr. Hall as far as they know there is no activity in the building and no plans to reopen in the near future.

Mr. Hall questioned about the permit modification.

Catherine Moore with the Beckley Newspaper informed Mr. Hall that if he had any comments regarding the permit modification she could give him the information on where to send his comments.

The Commissioners received and reviewed a request for a drawdown from Mason Hines, Director of the Fayette County Evidence Center (FCEC) for \$8,333.33.

The Commissioners asked that this be revisited in January 2012.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Program for expenses for October 2011 in the amount of \$41,903.21.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services Justice Assistant Grant for Prevention Officer for the month of November 2011 in the amount of \$2,083.33.

Ms. Berry informed the Commissioners she needs an RSVP on who would be attending the December 12, 2011 Governors' announcement of

approval for a Small Cities Block Grant (SCBG) Application for the Kanawha Falls Public Service District. Commissioner Wender and Commissioner Scalph told Ms. Berry they will be attending.

The Commissioners signed a letter to Okey Skidmore, Manager of the Fayette County Memorial Building informing that the request of Cindy P. Harrington to use the building for the upcoming West Virginia Blazers Basketball Games pending no conflict of schedule was approved. The \$1,000.00 rental fee will be waived; however, a \$1.00 per person to be charged at the gate, a \$100.00 per each night for the custodial and trash service fees requirements on game day. All other rules are applicable including insurance.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of November 18 to November 24, 2011, amount \$270.00, the week of November 25 to November 30, 2011, amount \$249.00 and the week of December 1, 2011, amount \$1,140.00.

The Commissioners received and reviewed a letter from the West Virginia Development acknowledging receipt of the Appalachian Regional Commission (ARC) Enhanced Programs for Distressed Counties Flex-E-Grant Application requesting \$8,500.00 to support the Park and Ride project.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the October Limited Video Lottery will be directly deposited on November 28, 2011, amount \$6,514.33.

The Commissioners received and reviewed a letter from the Mount Hope Heritage and Hope thanking the Commission for their support of their project for the creation of a park at the North entrance of Mount Hope and requesting the \$3,000.00 contingent upon confirmation of other funds raised.

The Commissioners received and reviewed a letter from Gauley River Public Service District thanking the Commission for its timely contribution to the Smith Branch Pump Station Repair Project.

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 list of proposed amendments to the approved 2012-2017 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed a letter from Brian Parsons, Assistant Prosecuting Attorney regarding the Commission's request to consider whether the proposed communication tower construction requested by the State of West Virginia on the National Guard armory facility situated Glen Jean, Fayette County, West Virginia is controlled by the Fayette County Unified Development Code (UDC).

The Commissioners received and reviewed a letter from the Public Service Commission regarding WV State Police request the implementation of a statewide 311 services for the public to make non-emergency phone calls to the nearest WV State Police Department.

The Commissioners received and reviewed a letter from the Office of Economic Opportunity thanking the Commission for their support for the Weatherization Program at Mountain Heart Community Service.

The Commissioners received and reviewed checks for 911 Fees from Lumos, amount \$813.00; check from the Division of Justice and Community Services for the Community Corrections Center, amount \$18,452.52; check from the Division of Justice and Community Services for (JAG) Prevention Officer, amount \$4,756.31; reimbursement from the Fayette County Solid Waste Authority (FCSWA), amount \$798.15 and check from the Supreme Court Family Law Master (rent), amount \$2,700.00.

The meeting was adjourned at 12:15 p.m. The next scheduled meeting is December 16, 2011.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

DECEMBER 16, 2011

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 16<sup>th</sup> day of December 2011.

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

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

Commissioner Scalph offered a motion to approve and sign real property tickets for Moyla Denise Hall, Paul G. Belcher, Timothy

Gerald Lightner, Loren Cox, James Keffer, Ernest L. Wright and Harley Vest. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Rodney Ray or Doretha Rainey, Ted K. or Sharon Ramsey, William D. Massie, Peggy Ann Franklin, Larry E. and Joan Stowers, Steve L. and Deirdre Gilkerson, Sandra K. and Shirley Vandall, David W. Weaver and Leigha C. Miller. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approve 2<sup>nd</sup> half payrolls, checks to be released December 30, 2011. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve November 14, 2011 minutes. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Correction Program expenses for November 2011 in the amount of \$19,279.61.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Justice Assistant Grant, Perdue Pharma Grant and Substance Abuse Program for September 2011 to November 2011 in the amount of \$7,872.97.

Ms. Berry presented a Governor's Community Partnership grant for the Fayette County Historical Society, Contentment Museum in the amount of \$3,330.17 to the Commissioners.

Commissioner Lopez offered a motion to approve the drawdown request to the Governor's Community Partnership Grant for the Fayette County Historical Society, Contentment Museum in the amount of \$3,330.17. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners that Debbie Aliff, Payroll Clerk forgot to send in her 941 Deposit for June. The Internal Revenue Service is charging a penalty of \$5,467.64. A copy of the letter Ms. Aliff had sent to the Internal Revenue Services was attached.

Discussion was held, the Commission asked Carl Harris, Prosecuting Attorney to see if there is any other result that can be used. After discussion the Commission approved to the pay the penalty of \$5,467.64.

Ms. Berry presented a letter to the West Virginia Courthouse Facilities Improvement Authority requesting a 6-month extension on Phase 1 of the Fayette County Courthouse Electrical Upgrade. The Commissioners signed.

Ms. Berry presented a contract with the West Virginia Courthouse Facilities Improvement Authority for Phase 2 of the Electrical Upgrade in the amount of \$84,060.00.

Commissioner Lopez offered a motion that the Fayette County Commission approves and sign contract agreement for the State of West Virginia Courthouse Facilities Improvement Authority for Phase 2 of the Fayette County Courthouse Electrical Upgrade, amount \$84,960.00. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk asking that Paul Clay be appointed to fill the vacant position as a Special Fiduciary Commissioner due to the resignation of Fred Jesser and him moving to Greenbrier County.

Commissioner Lopez offered a motion that Paul Clay be appointed to fill the vacant Special Fiduciary Commissioner position due to the resignation of Fred Jesser. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented an Order, ordering the balance of the Fayette County General School Fund in the amount of \$121,529.26 for the calendar year 2011 to be transferred to the Fayette County General County Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates.

Commissioner Scalph offered a motion to approve and sign Order, ordering the balance of the Fayette County General School Fund in the amount of \$121,529.26 for the calendar year 2011 to be transferred to the Fayette County General County Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates. Commissioner Lopez seconded. Unanimous.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of January 2012.

The Commissioners received and reviewed a letter from Chief Magistrate Danita Young requesting that the refrigerator in the Fayette County Magistrate Court lounge be replaced.

Ms. Berry informed the Commissioners that Dickie Smith has gotten quotes from Lowe's for a 16 cubic Frigidaire \$439.00 and a 14 cubic Whirlpool \$399.00.

Commissioner Lopez offered a motion to approve purchasing the 14 cubic refrigerator from Lowe's for the Magistrate Court Lounge, amount \$399.00. Commissioner Scalph seconded. Unanimous.

Ms. Berry told the Commissioners that Allie Nwosu had called requesting if she could work Christmas Break December 19 to December 30, 2011. The Commissioners approved.

Ms. Berry told the Commissioners that the County Commissioners' Association of West Virginia (CCAWV) is planning their Legislative Association Meeting and Educational & Training on January 22 to January 24, 2012. Ms. Berry asked the Commissioners if they would be attending. Commissioner Wender and Commissioner Scalph informed they would be attending.

The Commissioner received and reviewed a letter from Region 4 Planning and Development Council requesting a drawdown for the Danese Public Service District Water Extension Project #07ARCP15639 in the amount of \$31,756.01.

Commissioner Lopez offered a motion to approve drawdown request from Region 4 Planning and Development Council for the Danese Public Service District Water Extension Project #07ARCP15639 in the amount of \$31,756.01. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed an invitation from Just for Kids, Inc. and the Partners in Prevention Team for Southern West Virginia inviting the Fayette County Commission to their 2<sup>nd</sup> Annual

Public Policy Forum being held Thursday, January 5, 2012 at 10:30 a.m. to 1:00 p.m. at the McBee's Irish Pub and Restaurant in Beckley. Commissioner Wender asked Ms. Berry to make sure Aletha Stolar is aware of the invitation.

Ms. Berry told the Commissioners they need to decide on a schedule for the Board of Equalization and Review in February.

The Commissioners decided to have the 1<sup>st</sup> Board of Equalization and Review hearing on January 27, 2012 but asked Ms. Berry to work on and decide on the February schedule and e-mail a copy of the dates to them.

Theresa White, OES Director appeared before the Commission to ask that they sign a Lease Agreement for the property the Commission acquired from the NRCS Dunloup Buyout located at 123 McKell Avenue and 118 McKell Avenue to Nelsi Ferri.

Carl Harris, Prosecuting Attorney told the Commissioners this is the standard lease agreement.

Commissioner Lopez offered a motion that Fayette County Commission approves and sign Lease Agreement for the property located at 123 McKell Avenue and 118 McKell Avenue to Nelsi Ferri under the standard conditions cannot build on the property for \$1.00. Commissioner Scalph seconded. Unanimous.

Commissioner Wender asked Theresa White to get on the agenda early in January 2012 to give an update on the Dunloup Buyout.

Tom Hughes appeared before the Commission to present a Resolution Approving the Financing by Pax Volunteer Fire Department, Inc. of up

to \$103,950 for the lease purchase of a new Ford F550 mini-pumper truck.

Discussion was held, Commissioner Lopez offered a motion that Fayette County Commission approves and signs the Resolution Approving the Financing on behalf of the Pax Volunteer Fire Department for \$103,950. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented 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 William M. and Carolyn L. Hagerman. Commissioner Scalph seconded. Unanimous.

Ms. Berry told the Commissioners she received a letter today from the Fayette County Emergency Food Assistance Center requesting the \$1,000.00 contribution approved for the Food Pantry.

Ms. Berry asked the Commission if they would approve Stephanie Sears to write check today. The Commission approved.

The Commissioners received and reviewed a letter from Dean Kincaid informing the Commission that he is resigning as of January 1, 2012 as a member on the Fayette County Planning and Zoning Commission.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. asking David Neal, E911 Coordinator that if he can purchase APC UPS Systems through the NJPA (National Joint Powers Alliance) purchasing contract, then he concurs with Mark King of Harper Engineering and recommends that you proceed with the purchase.

The Commissioners received and reviewed a letter from Capital Resource Agency thanking the Commission for their allocation of \$1,000.00 to help keep their food pantry stocked and requesting that the Commission make the funds available.

The Commissioners received and reviewed a letter from WesBanco informing that in accordance with their instructions from Requisition #1 dated December 2, 2011, today they issued a check to Radford and Radford, Inc. in the amount of \$20,178.90.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding the New Haven Public Service District Spy Rock/Edmond Road/Flanagan Mountain Readiness to Proceed Schedule.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the November 2011 Table Games will be directly deposited on December 16, 2011, amount \$7,016.88 and the funds due for the November 2011 Greenbrier Table Games will be directly deposited on December 16, 2011, amount \$119.45.

The Commissioners received and reviewed a copy of a letter from Pullin, Fowler, Flanagan, Brown and Poe PLLC to Dr. George Zaldivar requesting that he examine Tommy Lee Jackson, claimant on behalf of the employer, Fayette County Commission in connection with his workers' compensation claim.

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges regarding Order Overruling Claimant's (Judy L. Treadway) Objection.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of November 30, 2011, listing the securities held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed from SunTrust Bank a Pledge Statement listing the securities pledged as of November 30, 2011.

The Commissioners received and reviewed from the Bank of New York Mellon an Account Statement for the Period of November 1, 2011 through November 30, 2011.

The Commissioners received and reviewed From the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of December 2 to December 8, 2011, amount \$305.00 and the week of December 9 to December 13, 2011, amount \$215.00

The Commissioners received and reviewed checks for 911 Fees from the Public Service Commission, amount \$179,854.11, Mountain Communications, LLC, amount \$61.74, Vonage Tax Account, amount \$280.00, Frontier, amount \$31,457.70; and a check from the Ben Argento Basketball for rent of the Fayette County Memorial Building, amount \$726.88.

The meeting was adjourned at 11:20 a.m. The next scheduled meeting is January 6, 2012.

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