

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JANUARY 6, 2012
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 6th day of January 2012.

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

Commissioner Lopez offered a motion to name Commissioner Matthew D. Wender as President for the year 2012. 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 2012.

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 15th of each month at 9:00 a.m. (Unless the 15th is a Friday, then said Commission meeting will be held on the 15th) and the last Friday of each month at 9:00 a.m. during the calendar year of 2012.

Commissioner Lopez offered a motion to adopt the Organization Order for the calendar year 2012. 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 Beverly K. McKinney, Aaron Cody and Misty Fernandez, and Joshua R. Kincaid and Trena Garvin. Commissioner Scalph seconded.

Commissioner Scalph offered a motion to approve and sign real property tickets for Wallace E. and Sherry Thornburg and Curtis J. and Mary Canterbury. Commissioner Lopez seconded.

Commissioner Lopez offered a motion to approve and sign refund for Wallace E. and Sherry Thornburg (\$264.83). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approve 1st half payrolls, payrolls to be released January 13, 2012. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of November 21 and December 2, 2011. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney informed the Commissioners that Attorney James Blankenship will not be here today.

Mr. Harris presented on behalf of Mr. Blankenship an Order approving waiver of final settlement of Brenda Mullins, Administratrix and a Order approving the appointment of Jason Mullins as the successor Administrator regarding the Estate of Rex Lane Mullins to the Commissioners.

Commissioner Wender offered a motion to approve the Petition to Remove the Administratrix, Brenda Mullins be dismissed, approved the Waiver of Final Settlement filed by the Administratrix and beneficiaries of the Estate of Rex Lane Mullins, Brenda Mullins is removed as Administratrix of the Estate of Rex Lane Mullins, and the surety on the bond of said Administratrix is released and Jason Mullins is hereby appointed as the Administrator of the Estate of Rex Lane Mullins, and the bond and surety thereon heretofore posted before the Clerk of the County Commission is hereby approved. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Petition to Combine or Divide and Segregate Land to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Petition to Combine or Divide and Segregate Land for John Arnold and Ira L. Lee. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she received an e-mail from the County Commissioners' Association of WV asking that the County Commission sign a Resolution to support the announcement and subsequent implementation of Active WV 2015: WV Physical Activity Plan.

Commissioner Scalph offered a motion to sign Resolution designating that Thursday, January 19, 2012 be noted as WV Physical Activity Day. 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 February 2012.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Prevention Officer at the Oak Hill High School, amount \$2,296.72.

The Commissioners signed a drawdown request to Region 4 Planning and Development Council for the Governor's Community Participation Program Grant for Friends of the Lewis House, amount \$5,000.00.

The Commissioners signed a Resolution from Region 4 Planning and Development Council approving invoices relating to construction and other services for the Energy Efficiency and Conservation Grant for the Fayette County Courthouse-Boiler Project, amount \$495.50.

The Commissioners received/reviewed and signed from the Fayette County Health Department an application for a Permit to Operate a Recreational Water Facility (Pool, Bathing Beach, Spa) at the Fayette County Park.

The Commissioners received and reviewed a letter from the Fayette County Board of Zoning Appeals recommending that Clifford "Duke" Ramsey be reappointed to serve on the Fayette County Board of Zoning Appeals for a term of 3 years.

Commissioner Lopez offered a motion to reappoint Clifford "Duke" Ramsey, a member of the Fayette County Board of Zoning Appeals for a term of 3 years. Commissioners Scalph seconded. Unanimous. Order and appointment to service letter signed.

The Commissioners signed a letter of support of the proposal for Housing Counseling Assistance submitted by the Southern Appalachian Labor School (SALS).

The Commissioners signed Sales Tax Report to the West Virginia State Tax Department for the period Ending December 31, 2011, amount \$129.80.

Ms. Berry presented two (2) Budget Revisions for Fiscal Year 2011-2012 for the General County Fund and the Coal Severance Fund to be approved and signed.

Commissioner Scalph offered a motion to approve and sign General County Fund Budget Revision for Fiscal Year 2011-2012. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign Coal Severance Fund Budget Revision for Fiscal Year 2011-2012. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners of the many complaints she received regarding the holes in the road around the parking lot of the Memorial Building.

Ms. Berry told the Commissioners that Earl Pauley, Park Superintendent recommends getting a cold mix from Greenbrier Excavating and Paving, cost would be \$131.25 per ton and \$114.00 to

haul. Ms. Berry told the Commissioners that Mr. Pauley recommends that they haul.

Ms. Berry told the Commissioners the cost for 8 tons would be \$1,050.00.

Commissioner Lopez offered a motion to spend up to \$1,050.00 for cold mix for the Memorial Building parking lot. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from The Historic Oak Hill School informing that the Southern Appalachian Labor School would appreciate consideration of \$20,000.00 to assist with the rehabilitation of The Historic Oak Hill School, formerly Oak Hill Elementary School.

The Commissioners asked that this be held for Budget Session.

Ms. Berry informed the Commissioners the State Tax Department has scheduled the Board of Equalization and Review Industrial and Minerals hearings on February 3, 2012.

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

January 31, 2012 Tuesday	9:00 A.M.
February 3, 2012 Friday	9:00 A.M. (Mineral hearings)
and	1:00 P.M. (Industrial hearings)

February 9, 2012 Thursday 9:00 A.M.
February 15, 2012 Wednesday 9:00 A.M.
February 21, 2012 Tuesday 9:00 A.M.

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

The Commissioners discussed March Budget schedule, March 2 Regular meeting and Officeholders, March 9 Budget Work Session, March 16 Budget Work Session and March 30 Regular meeting.

The Commissioners asked to hold off scheduling other meetings.

Carl Harris, Prosecuting Attorney informed the Commissioners that based upon the Order of Judge Paul Blake in the matter of Caleb and Joshua Sutphin, Civil Action #11-AA-2 asking that the Commission vacate the Order finding that the writing bearing the date of November 23, 2009 was the Last Will and Testament of Keith Sutphin.

Commissioner Scalph offered a motion that the Commission vacates their previous Order determining that the written document reported to be the will of Keith Sutphin is not a valid holographic will. Commissioner Lopez seconded. Unanimous.

John Stump with Steptoe and Johnson appeared before the Commission to present an Inducement Resolution for the Boy Scouts of America.

Carl Harris, Prosecuting Attorney told the Commissioners he reviewed the document and it doesn't commit the Commission to any financial commitment.

Mr. Stump told the Commissioners that this is an issuance of Commercial Development Revenue Bonds, no obligation to the County.

Commissioner Scalph offered a motion to adopt/approve and sign the Inducement Resolution as presented on behalf of the Boy Scouts of America, principal amount not to exceed d\$200,000,000. Commissioner Lopez seconded. Unanimous (See attached Resolution).

David Pollard, County Resource Coordinator appeared before the Commission to give an update on the Small Cities Block Grants (SCBG) application.

Mr. Pollard told the Commissioners that Kanawha Falls Public Service District has been awarded a Small Cities Block Grant (SCBG) for \$200,000 to be used in administration of the (SCBG), and in accordance with the approved application of the Grantee, shall do, perform, and carry out, in a satisfactory and property manner all duties, tasks, and functions necessary to assist the Fayette County Commission in completing their Kanawha Falls Public Service District Boonesborough Water Extension Project.

Mr. Pollard told the Commissioners the deadline is February 10, 2012.

Mr. Pollard suggested to the Commission to plan projects and get them in as soon as possible.

Commissioner Wender asked Mr. Pollard to get with W. D. Smith, Executive Director Region 4 Planning and Development Council and talk with Judson Wallace regarding future application for the Armstrong Deepwater Public Service District.

Commissioner Wender asked Mr. Pollard to send a letter to the West Virginia Development Office informing that Fayette County Commission is not going to apply.

David Neal, E911 Coordinator appeared before the Commission to discuss the 911 Center Equipment Purchase.

Commissioner Wender told Mr. Neal that the price has doubled for some of the equipment.

After a brief discussion, Commissioner Wender asked Mr. Neal to get on the agenda and give a detail as to the specific equipment, balance on what it would be, need to include the source and give us a time frame.

Ms. Berry asked the Commissioners if she and Stephanie Sears can attend the Budget Training Seminar in Charleston on February 14, 2012. The Commissioners approved.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of December 23 to December 29, 2011, amount \$200.00 and the week of December 30 to December 31, 2011, amount \$20.00; allotment to the New River Humane Society, amount \$15,498.73 for the month of December 2011.

The Commissioners received and reviewed a letter from Stafford Consultants Incorporated regarding New Haven Public Service District Spy Rock/Edmond/Flanagan Mountain Operation/Maintenance.

The Commissioners received and reviewed a Public Notice from the U. S. Army Corps of Engineers giving notification of Permits issued during November 17-30, 2011.

The Commissioners received and reviewed an e-mail from Commissioner Wender to Tim Richardson, Zoning Officer regarding the Boy Scouts of America Annexation-BNI.

The Commissioners received and reviewed Certificate of Liability Insurance from the Black Diamond Girl Scout Council, Inc.

The Commissioners received and reviewed a letter from Eddie Young, Assessor regarding McClelland and Associates property.

The Commissioners received and reviewed a letter from the U. S. Department of Homeland Security-FEMA informing that Fayette County adoption of the Region 4 Planning and Development Council Hazard Mitigation Plan dated July 18, 2011 has been received by the Federal Emergency Management Agency (FEMA). The plan is now approved with the receipt and acceptance of the formal adoption resolution. As such, Fayette County is now eligible to apply for federal disaster assistance until the Region 4 Planning and Development Council Hazard Mitigation Plan expires on November 21, 2016.

The Commissioners received and reviewed a letter from the West Virginia Development Office informing that the Small Cities Block Grant Program (SCBG) application deadline for Fiscal year 2012 is March 26, 2012.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Service regarding the inquiry on the funding status of the Dunloup Creek Watershed Project.

The Commissioners received and reviewed checks for 911 Fees from Verizon, amount \$2.00 and Lumos Network, amount \$894.81; Jail Fees - City of Mount Hope, amount \$48.80; Division of Justice and Community Services for Community Corrections Grant, amount \$36,291.71.

The meeting was adjourned at 11:35 a.m. The next scheduled meeting is January 9, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
JANUARY 9, 2012
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 9th day of January 2012.

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

Commissioner Wender informed the Commission that they are here today to enter a Final Settlement of the account of Marsha Ryan,

Executrix of the Estate of Deloris F. Christian. The Commissioners reviewed Final Settlement and signed.

Ms. Berry informed the Commissioners she received a letter from the Gauley River Public Service District requesting that Russell Dearing be reappointed to serve as a Commissioner on the Gauley River Public Service District Board.

Commissioner Lopez offered a motion to approve request of the Gauley River Public Service District to reappoint Russell Dearing, a Commissioner on the Gauley River Public Service District Board. Commissioner Scalph seconded. Unanimous. Order and Appointment to Serve letter signed.

Ms. Berry presented a Requisition for a Construction Drawdown from the Fayette County Building Commission to WesBanco Bank, Inc. in the amount of \$132,501.00 to Radford and Radford.

Ms. Berry informed the Commissioners that the Board of Equalization and Review mineral hearings will be held at 9:00 a.m. and the industrial hearings will be held at 1:00 p.m. on February 3, 2012.

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

January 31, 2012	Tuesday	9:00 A.M.
February 3, 2012	Friday	9:00 A.M. (Mineral)
and		1:00 A.M. (Industrial)
February 9, 2012	Thursday	9:00 A.M.
February 15, 2012	Wednesday	9:00 A.M.
February 21, 2012	Tuesday	9:00 A.M.

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

Discussion was held regarding Dean Kincaid a member of the Fayette County Board of Zoning Appeals Board who resigned.

Commissioner Lopez informed he had talked with Mr. Kincaid about reconsidering his resignation.

After a brief discussion no decision was made.

The meeting was adjourned at 9:45 a.m. The next scheduled meeting is January 27, 2012.

FAYETTE COUNTY COMMISSION

REGULAR SESSION
JANUARY 27, 2012
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 27th day of January 2012.

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 for Joann Angus, Hurley Construction, Tina L. Dalporto, and Lonnie and Robert Newhouse. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Robert P. and Sherry I. Coffeit, Leonard Tyrone and Louise A. Powell, Steven J. Light, Ralph S. or Crystal A. Johnson, Marc Eugene or Christina J. Whitney, Sean Marion Gill, Philip A. Cassis, Dustin Williams, and Tri County Delivery Inc. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign refund for Tri County Delivery, Inc., in the amount \$1,403.23. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve 2nd half payrolls checks to be released January 30, 2012. Commissioner Scalph seconded. Unanimous.

Greg Ingram, Recorder for the City of Montgomery appeared before the Commission to request funding in the amount of \$3,000.00 for the Montgomery Pool and to request match funding of \$5,000.00 for their Transportation Enhancement Grant.

Mr. Ingram asked the Commission if they would consider these requests in their 2012-2013 Budget.

Les Thomas Chairman of the City of Montgomery Historical Committee appeared before the Commission to request a donation in the amount of \$2,500.00 to be used for preservation and presentation of historical documents and artifacts.

Mr. Thomas asked the Commission if they would consider this request in their 2012-2013 Budget.

Commissioner Scalph offered a motion to approve minutes of December 16, 2011 and January 9, 2012. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Contract and Resolution for a Small Cities Block Grant for Kanawha Falls Public Service District Water Extension Project.

Commissioner Scalph offered a motion to approve and authorize the adoption of said Resolution. Commissioner Lopez seconded. Unanimous. Commissioner Wender signed Grant Agreement.

The Commissioners received and reviewed a request from Rita VanBuskirk and the Fayetteville Head Start to use the Memorial Building for a Valentines Dance and Party on February 14, 2012.

Commissioner Lopez offered a motion to approve the request of Rita VanBuskirk and the Fayetteville Head Start to use the Memorial Building for a Valentines Dance and Party. The \$1,000.00 rental fee will be waived. All other rules are applicable, including insurance and custodian. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a drawdown request from Region 4 Planning and Development Council for the Danese Public Service District Water Extension Project, amount \$4,937.66.

Commissioner Lopez offered a motion to approve drawdown request for the Danese Public Service District Water Extension Project in the amount of \$4,937.66. Commissioner Scalph seconded. Unanimous.

Commissioner Wender signed a drawdown request to the West Virginia Division of Justice and Community Services for the Community Corrections Center for \$19,213.55 for the month of December.

David Neal, E911 Coordinator appeared before the Commission and presented an updated budget spreadsheet for the upcoming capital outlay for the 911 Center. (See attached)

The Commissioners asked that David Neal reschedule for January 31, 2012 at 9:00 a.m. and present a revised budget, listing all equipment, original costs (from original budget), cost now, source and time-line.

The Commissioners also asked that he prepare a priority lists, time-line, what you need to have and when which item needs to be bid out and what kind of lead time we will need.

John Stump informed the Commissioners he is here today for a public hearing for Enactment of Bond Authorizing Resolution and Issuance of Revenue Bonds by Fayette County Commission for Boy Scouts of America Project.

Commissioner Wender opened floor to the public for any discussion at 9:15 a.m. There were no comments.

Commissioner Wender closed the public hearing at 9:16 a.m.

Mr. Stump presented Resolution for Bond of Boy Scout.

Commissioner Wender asked Mr. Stump about West Virginia residence being able to buy ½ of bonds. Mr. Stump informed the Commissioner that Chase declined offer.

Commissioner Scalph offered a motion to go forward with bond issuance subject to Carl Harris, Prosecuting Attorney to review. To approve a Resolution authorizing and directing the issuance of not more than \$200,000,000 aggregate principal amount of Commercial Development Revenue Bonds, (Arrow WV, Inc. Project), of the County Commission of Fayette County, West Virginia for the purpose of financing the further design, acquisition, construction and equipping of the summit Bechtel Family National Scout Reserve, together with all necessary appurtenances thereto; providing parameters for establishing the principal amounts provisions for redemption and maturity of, and rates of interest on and other terms and provisions of such bonds; appointing the President as the representative of the issuer to approve the final terms and pricing of the bonds within such parameters; authorizing execution and delivery of the bond documents and other documents, instruments, agreements and certificates; providing for the appointment of a registrar; requesting the authentication of such bonds; and authorizing execution and delivery of other documents and the taking of all other actions relating to such financing. Commissioner Lopez seconded. Unanimous. (See attached)

The Commissioners will receive a bond issuance fee of \$100,000.00.

Attorney Phil Tissue presented two (2) Estate matters to the Commissioners.

One is to reopen the Estate of Haskell Savage to transfer stock of Fayette Construction to Sally Savage and daughter. The Commission to issue a letter of Administration to George Savage for him to sign.

Commissioner Scalph offered a motion to grant Mr. Tissue to allow reopening the Estate of Haskell Savage waiving requirements for George Savage to appear before the Commission due to personal illness. Commissioner Lopez seconded. Unanimous.

Attorney Tissue presented an Entry of a Fiduciary Commissioner Report in the Estate of Helen Davis.

Attorney Tissue presented an Order to be signed to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Order giving contributions of assets for the Estate of Helen Davis. Commissioner Lopez seconded. Unanimous.

Okey Skidmore, Manager Fayette County Memorial Building and Larry Harrah representing the Fayette Lions Club appeared before the Commission to discuss the use of the Fayette County Memorial Building on March 17, 2012 for a benefit concert with 4 to 5 different bands and want to offer free eye screening to the public.

Mr. Harrah asked that the Commission waive the rental fee of the Fayette County Memorial Building. Mr. Harrah told the Commissioners that they have insurance and will present the certificate.

Commissioner Lopez offered a motion to approve the use of the Fayette County Memorial Building by the Fayette Lion's Club and waive the rental fee. Commissioner Scalph seconded. Unanimous.

A brief discussion was held regarding Tim Richardson's trip to South Dakota for the City of Oak Hill. After the discussion, Commissioner Wender offered a motion to approve Tim Richardson be allowed to go to South Dakota for the City of Oak Hill without taking vacation time from County because it will benefit the County. Commissioner Scalph seconded. Unanimous.

The Commissioners met with Sheriff Steve Kessler, Earl Pauley, Park Superintendent, Eddie Young, Assessor, Dan Pauley, Randy Redden and Peggy Bennett to discuss the Natural Gas Vehicle Workshop being held by the State on February 16, 2012 in Charleston.

Commissioner Wender asked that the County be represented.

Commissioner Wender informed the County will pay the registration fee of \$55.00.

Commissioner Wender offered a motion to cover the registration fee of \$55.00 and travel expenses for a representative from the Sheriff's Office, Assessor's Office and the Fayette County Park to attend the Natural Gas Vehicle Workshop. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a request from Earl Pauley, Park Superintendent requesting to purchase a snow plow for the Fayette County Park.

Discussion was held, Commissioner Lopez offered a motion to approve purchase of the snow plow for the Fayette County Park approximate cost \$4,500.00. Commissioner Scalph seconded. Unanimous.

Angela Gerald, Project Director appeared before the Commission to present an abandoned house of a neighbor of Anna Withrow on Gatewood Road.

Ms. Withrow presented the Commission with an update on the abandoned house. Mr. Bragg, property owner, was burning illegally. Ms. Withrow told the Commissioners she provided the fire laws to Mr. Bragg. He built a wall to cover up. Mr. Bragg ended up burning the house completely.

Ms. Gerald told the Commissioners she sent Mr. Bragg a certified letter stating he had not done what he was supposed to do. Ms. Gerald told the Commissioners she has not received a response from the letter. After ten (10) days, if no response, the case will be turned over to the Prosecuting Attorney's Office.

The Commissioners asked Ms. Gerald to give periodic updates to them and Ms. Withrow on the Bragg property. The Commissioners received and reviewed a letter from Judy Gunsaulis, Director Fayette County Public Libraries informing that Felice Stark has resigned as a member of the Fayette County Public Library.

Ms. Gunsaulis is recommending that Bernice Clayton of Mount Hope be appointed to fill Ms. Stark's unexpired term which will end on June 30, 2013.

Commissioner Scalph offered a motion to approve the recommendation of the Fayette County Public Library to appoint Bernice Clayton to fill the unexpired term of Felice Stark as a member of the Fayette County Public Library Board. Commissioner Lopez seconded. Unanimous. An Order and appointment to serve letter was signed.

The Commissioners signed a letter to the officeholders regarding the Fiscal Year 2012-2013 Budget.

The Commissioners approved for Alicia Treadway and Lisa Redden to enter Election Room to start cleanup for May Primary Election.

Carl Harris, Prosecuting Attorney informed the Commissioners he clarified with Tim Richardson, Zoning Officer that he is not getting compensated extra for his trip to South Dakota for the City of Oak Hill.

The Commissioners received and reviewed the response that Eddie Young, Assessor sent to the Peace Leasing, LLC regarding their request for a review of their 2011 Property Tax.

The Commissioners received and reviewed a notice from Just For Kids, Inc. informing of their Public Policy Forum being held Monday, January 30, 2012 at the McBee's Iris Pub and Restaurant in Beckley.

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

The Commissioners received and reviewed Pledge Statement from SunTrust Bank listing securities pledged as of December 30, 2011.

The Commissioners received and reviewed an e-mail from Tim Richardson, Zoning Officer reminding them of the Planning Commission Meeting being held on January 23, 2012.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the 25% of the coal severance tax will be directly deposited on January 13, 2012, amount \$41,151.45.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of January 13 to January 19, 2012, amount \$135.00

The Commissioners received and reviewed checks for 911 Fees from BullsEye Telecom, Inc, amount \$385.00, Granite Telecommunications, LLC, amount \$427.00, IDT Corporation, amount \$17.50, Vonage Tax Account, amount \$280.00, Frontier, amount \$78.94, Frontier, amount \$31,120.30, Compliance Solutions, Inc., amount \$427.00, and Mountain Communications, LLC, amount \$65.17; Franchise Fees from Suddenlink Communications, amount \$49,344.87; Division of Human Services-FRN, amount \$10,000.00; Supreme Court-Community Correction Drug Test, amount \$90.00; Dept. of Health and Human Resources, Community Corrections drug screening, amount \$689.00; Division of Justice and Community-JAG, amount \$2,083.33 and Community Corrections, amount \$20,279.61; Insurance Claim, amount \$720.47; Circuit Clerk Restitution

State WV v. Thomas E. Woodrum, amount \$250.00 and Fayette County Board of Education-Building and equipment rents, amount \$4,500.00.

The meeting was adjourned at 12:45 p.m. The next scheduled meeting is January 31, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION AND BOARD OF
EQUALIZATION AND REVIEW
JANUARY 31, 2012
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 31st day of January 2012.

Commissioner Wender called the Board of Equalization and Review hearing to order at 9:05 a.m.

Eddie Young, Assessor presented the Tax Books to the Commissioners.

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

Commissioner Wender recessed the Board of Equalization and Review at 9:30 a. m. will reconvene February 3, 2012.

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

The Commissioners signed a letter to the City of Montgomery informing they have approved for the fiscal year beginning July 1, 2012, \$5,000.00 to be used for the River Access Boat Ramp for the City of Montgomery.

Ms. Berry presented a Requisition from WesBanco Bank, Inc. requesting a drawdown for Construction for Radford and Radford, Inc., amount \$194,860.80. The Commission approved and signed.

David Neal, E911 Coordinator appeared before the Commission to present a revised budget, listing all equipment, original costs (from original budget), cost now, source and time-line. (See an attached spreadsheet)

Dan Snead, AIA and Morgan Bracken appeared before the Commission to discuss and present a change order for the extension of the Industrial Park Utility Right-of-Way for the extension of sewer and electric utilities.

After the brief discussion, Commissioner Lopez offered a motion to approve the proposal of \$16,469.00 for the extension of the Industrial Park Right-of-Way for the extension of sewer and electric utilities. The Fayette County Urban Renewal Authority to take care of the cost. Commissioner Scalph seconded. Unanimous.

The Commissioners authorized Dan Snead to inform Radford and Radford to proceed with the work immediately.

The meeting was adjourned at 11:10 a.m. The next scheduled meeting is February 3, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION AND BOARD OF
EQUALIZATION AND REVIEW
FEBRUARY 3, 2012
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 3rd day of February 2012.

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

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

Commissioner Scalph offered a motion to approve minutes of January 6, 2012. Commissioner Lopez seconded. Unanimous.

Theresa White, OES Director presented a Lease Agreement to be signed from Patsy and James Wills for the adjourning property bought by the Commissioners in the Dunloup Creek Buyout.

Commissioner Lopez offered a motion to approve and sign Lease Agreement for Patsy and James Wills for the adjourning property bought by the Commissioners in the Dunloup Creek Buyout. Commissioner Scalph seconded. Unanimous.

Commissioner Wender reconvened the Board of Equalization and Review hearings to order at 10:25 a. m.

Timothy Waggoner, Attorney for the West Virginia State Tax Department was sworn in.

Mr. Waggoner presented the 2011 updated Administrative Notices the Tax Commissioner has to publish to the Commissioners for them to review.

Commissioner Wender informed the first case is WV Land Portfolio, Inc.

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

Christopher Farmer, Geologist for the West Virginia State Tax Department was sworn in.

Pete Schreiber representative for the WV Land Portfolio was present.

Mr. Farmer presented to the Commissioners case Parcel/Map No. 01-9999-069-263.000 Glade Creek changed from T-20 to T-40 from \$1,469,830 to \$146,983, Parcel/Map No. 01-9999-0609-2694.0000 Glade Creek changed from T-20 to T-40 from \$70,089 to \$7,009, Parcel/Map No. 01-9999-0609-2729.0000 Glade Creek changed from T-20 to T-40 from \$49,213 to \$4,921, Parcel/Map No. 01-9999-0609-2738.0000 Glade Creek changed from T-20 to T-40 from \$27,786 to \$2,779, Parcel/Map No. 01-9999-0609-2747.0000 Glade Creek changed from T-20 to T-40 from \$104,444 to \$10,444, Parcel/Map No. 01-9999-0609-2765.0000 Glade Creek changed

from T-20 to T-40 from \$67,877 to \$10,222, Parcel/Map 01-9999-0609-2783.0000 Glade Creek changed from T-20 to T-40 from \$79,837 to \$7,984, Parcel/Map No. 01-9999-0609-2809.0000 Glade Creek changed from T-40 from \$12,526 to \$12,360, Parcel/Map No. 01-9999-0609-2836.0000 Glade Creek changed from T-20 to T-40 \$10,547 to \$1,055, Parcel/Map No. 01-9999-0609-2943.0000 Glade Creek changed from T-20 to T-40 from \$16,475 to \$1,647, Parcel/Map No. 01-9999-0609-2961.0000 Glade Creek changed from T-20 to T-40 from \$10,505 to \$1,051, Parcel/Map No. 01-9999-0609-2998.0000 Glade Creek changed from T-20 to T-40 from \$11,190 to \$1,119, Parcel/Map No. 01-9999-0609-3032.0000 Glade Creek changed from T-20 to T-40 from \$85,545 to \$8,555, Parcel/Map No. 01-9999-0609-3050.0000 Glade Creek changed from T-20 to T-40 from \$354,028 to \$35,403, Parcel/Map No. 01-9999-0609-3069.0000 Glade Creek changed from T-20 to T-40 from \$19,301 to \$1,930, Parcel/Map No. 01-9999-0609-3103.0000 Glade Creek changed from T-20 to T-40 from \$55,094 to \$5,509, Parcel/Map No. 01-9999-0800-6748.0000 Glade Creek changed from T-20 to T-40 from \$1,155,363 to \$115,536 and Parcel/Map No. 01-9999-0801-1206.0000 Glade Creek changed from T-20 to T-40 from \$518,645 to \$51,865.

Commissioner Wender asked if there were any other comments or questions. The Commissioners informed they will take this information under advisement and will finalize at the February 21, 2012 Commission meeting.

The Commissioner recessed the Board of Equalization and Review hearings at 11:30 a.m.

The Commission reconvened the Board of Equalization and Review hearings at 11:50 a.m.

Phillip Wriston representative for Imperial Colliery Company and Midvale Colliery Company and T, A. Deitz Estate appeared before the Commission to present his applications for review of property assessment.

Phillip Wriston was sworn in.

Carl Harris, Prosecuting Attorney informed the Commission that it is his understanding that there is no objection to the values on these coal properties.

Commissioner Wender informed since there is no information or action to be taken on Imperial Collier Company and the same for Midvale Colliery Company and T. A. Deitz Estate these matters are closed.

Discussion was held regarding the Kanawha Gauley Coal and Coke property.

Mr. Wriston presented a letter he received from Rolston and Company who inspected the property for the purpose of estimating the market value. The date of the appraisal was October 16, 2008.

Jack Booda was sworn.

Carl Harris asked Mr. Wriston if this was the property that has been on the market for sale. Mr. Wriston replied yes.

After a brief discussion, Commissioner Wender informed the Commission will take this under advisement and make their decision by February 21, 2012.

The Commission recessed the Board of Equalization and Review hearing at 12:00 p.m.

The Commission reconvened the County Commission meeting at 12:00 p. m.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the JAG Grant for \$2,756.06 for the month of January.

The Commissioners signed Order designating the total number and type of election boards for the various precincts for the Presidential Primary Election.

Commissioner Wender reconvened as the Board of Equalization and Review for the Industrial Hearings at 1:25 p.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.

Present for the hearing were Eddie Young, Assessor, Carl Harris, Prosecuting Attorney, Brian Perry, Leslie Patrick and Ken Casto representatives for Georgia Pacific, Timothy Waggoner, Attorney and Denise Wilson, Appraiser for the West Virginia State Tax Department.

Brian Perry told the Commissioners they are here today to request release for a reduction in taxes. Mr. Perry presented the figures to the Commissioners.

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 Commissioners they are asking for economic obsolescence on the personal property. This would represent a 45% adjustment to the total personal property value.

Attorney Timothy Waggoner questioned Denise Wilson, Appraiser from the West Virginia State Tax Department.

Mr. Waggoner asked Ms. Wilson that based on the information that was received at that sight visit and what you have been told here today by the taxpayers are there any possible changes the taxpayer should have made on that return for this year.

Ms. Wilson replied she would have looked into asking for either a non in use for economic obsolescence and in order to do that they could file a return on a sheet of paper and that would give them 50% off on the machinery.

Mr. Waggoner informed officially they did not request the 50% off so the State did not grant it.

Ms. Wilson informed they did not request it so they did not grant it.

Commissioner Wender asked Carl Harris, Prosecuting Attorney can they revise this letter and change the request and make it consistent with what the State would allow.

Mr. Harris replied the State is saying they are going to stick with the figures that they had. However, the Commission can change it

if they want to and he doesn't think there should be a change in the request.

Commissioner Wender asked Brian Perry if would correct the letter and submit calculations for the requested reduction in value.

After the brief discussion, the Commission informed they would take this request under advisement and let them know by February 21, 2012 of their decision.

The Commissioners received and reviewed a letter from the State Tax Department reminding the Commission of the proper procedures concerning the Board of Review and Equalization hearings.

The Commissioners received and reviewed an invitation from the Friends of Scouting 2012 Seneca District Leadership Luncheon inviting the Commission to participate in this celebration by sharing their time and treasure and making their yearly pledge commitment to the Seneca District Friends of Scouting Campaign.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of January 27 to January 31, 2012, amount \$170.00 and allotment for \$15,183.75 for the month of February.

The Commissioners received and reviewed checks for 911 Fees from CeBridge Telecom, amount \$17, 993.50 and check from Secretary of State for Special General Election Reimbursement, amount \$103,427.21.

The meeting was adjourned at 2:00 p.m. The next scheduled meeting is February 9, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION AND BOARD
OF EQUALIZATION AND REVIEW
FEBRUARY 9, 2012
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Matthew D. Wender, Denise A. Scalph

The Fayette County Commission met in a special session on this 9th day of February 2012 as Board of Equalization and Review.

Commissioner Wender informed the Board of Equalization and Review was scheduled for 9:00 a.m. it is now 10:00 a.m.

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

The Commission will convene as Board of Equalization and Review on February 15, 2012.

The Commission adjourned the Board of Equalization and Review hearing at 10:00 a.m.

The Commission reconvened the County Commission meeting at 10:00 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 Brenton L. and Evelyn C. Davis, William H. and Tania L. Sheaves. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve refunds for JoAnn Angus (\$273.54) and Tina Dalporto (\$243.01). Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve the new calculations from Georgia Pacific. Commissioner Wender seconded. Unanimous. A letter to be prepared by February 21, 2012.

Commissioner Scalph offered a motion to approve vouchers and invoices, checks to be released today and approved 1st half payrolls, checks to be released February 12, 2012. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of January 6, 2012. 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 Lawrence H. Smailes and V. Joy McKinney. Commissioner Wender seconded. Unanimous.

Commissioner Wender signed letters to Senator William R. Laird, IV, Delegate John Pino, Delegate David G. Perry and Delegate Margaret Staggers informing that the Kanawha Valley Regional Transportation Authority (KRT) has been working with the Administration of WVU Tech in Montgomery to establish commuter service between Montgomery and Charleston for workers, students and others who travel between the areas on a daily basis.

Commissioner Wender is requesting that they introduce and support funding through the WV Fiscal Year 2013 budget to establish this commuter service.

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 2012.

Ms. Berry informed the Commissioners she received a request from John David asking that the Commission sign a support letter for the Southern Appalachian Labor School (SALS) to seek funds from the EPA Environmental Justice Programs to conduct community forums on the impact of surface mining in regard to resident health, economic sustainability and environmental conditions in Fayette County for the Coalfield Environmental Health Project.

The Commissioners asked Ms. Berry to get more information regarding the project from John David.

The Commissioners signed letters to the Sportsman Recreation Center (\$3,000.00), Appalachian Heritage Education Museum (\$5,000.00), African American Arts and Heritage (\$3,000.00) and Gauneka Ruritan Club (\$6,000.00) enclosing a Community Participation Program application for Fiscal Year 2012.

The Commissioners signed an Order designating the total number and type of election boards for the various precincts for the Presidential Primary Election.

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

The Commissioners received and reviewed from Branch Banking and Trust Company Account Statement for the period August 1, 2011 to January 31, 2012.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period January 1, 2012 through January 31, 2012.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statements and Asset Lists for December 1, 2011 through December 31, 2011 and for January 1, 2012 through January 31, 2012.

The Commissioners received and reviewed a check from the Auditors Office for 2nd Quarter P-Card, amount \$858.33 and a check from the West Virginia Development Office for the Fayette County Historical Society, amount \$3,150.00.

The meeting was adjourned at 11:10 a.m. The next scheduled meeting is February 15, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION AND BOARD
OF EQUALIZATION AND REVIEW
FEBRUARY 15, 2012
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 15th day of February 2012 as Board of Equalization and Review.

Commissioner Wender informed the Board of Equalization and Review was scheduled for 9:00 a.m. it is now 9:20 a.m.

The Commissioners signed letters to WV Land Portfolio, LLC, Georgia Pacific, and Kanawha Gauley Coal and Coke giving their decision for their application for review of property assessment.

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

The Commission will reconvene as Board of Equalization and Review on February 21, 2012.

The Commission adjourned the Board of Equalization and Review hearing at 9:30 a.m.

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

Commissioner Lopez offered a motion to approve vouchers and invoices and 1st half payrolls, checks to be released today. Commissioner Scalph seconded. Unanimous.

Dave Pollard, County Resource Coordinator appeared before the Commission to request funding for the Leadership Fayette County Graduation Fund Raiser.

Commissioner Lopez offered a motion to approve contribution of \$750.00 for Leadership Fayette County Graduation Fund Raiser.

Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to Felice Stark informing that the Commission has been advised of her resignation from the Fayette County Public Library Board. The Commission offered their sincere appreciation for her 16 years of service to Fayette County and our citizens.

Commissioner Scalph offered a motion that the Commission sign the West Virginia Certified Development Community (CDC) Program Resolution of Participation and Cooperation designating the New River Gorge Regional Development Authority as representing our county for the purpose of participating in this program. Commissioner Lopez seconded. Resolution signed.

Ms. Berry presented a Resolution to be signed authorizing a contract with the State of West Virginia for Community Participation Program Funds for the Fayette County Sheriff Department/Special Response Team (\$8,000.00).

Commissioner Lopez offered a motion that Fayette County Commission approves and authorizes the adoption of said Resolution for the Fayette County Sheriff Department/Special Response Team (\$8,000.00). Commissioner Scalph seconded. Resolution signed.

The Commission received/reviewed and approved an invoice for \$10,000.00 matching funds that the Commission pledged from Region 4

Planning and Development Council on behalf of the New Haven Public Service District-Spy Rock Road/Edmond Road/Flanagan Mountain project.

Allen Ballard, Building Inspector presented pictures he had taken of the new 911 Center to the Commissioners.

Discussion was held regarding who will be attending the Seneca District Friends of Scouting Campaign and Luncheon. The RSVP has to be in by February 21, 2012.

The Commission received and reviewed a letter from the City of Mount Hope requesting the \$2,500.00 contribution budgeted for the Mount Hope Community Center. The Commission approved to release the check.

Carl Harris, Prosecuting Attorney informed the Commission that he reviewed the Last Will and Testament of Lark Scott which was admitted to probate on the 28th day of November 2011.

Mr. Harris told the Commissioners it is required by the West Virginia Statute that the will be witnessed by two witnesses. The will was not.

Mr. Harris told the Commissioners the will should not have been submitted for probate.

Present was the Petitioner Helen Boley Spencer, appearing in person and by her counsel, Thomas Fast, and the Executrix of the Estate of Lark Scott, Bertha J. Scott, appearing in person by her counsel, Anthony Ciliberti.

Mr. Harris told the Commissioners that all of the parties agreed that the Last Will and Testament of Lark Scott admitted to probate on

November 28, 2011, did not have attesting witnesses as required by West Virginia Code Chapter 41, Article 1, Section 3, as amended, and should not have been admitted to probate.

Mr. Harris told the Commissioners they should enter an Order revoking the appointment of Bertha J. Scott.

Mr. Harris told the Commissioners that a claim had been filed against the Estate and it has been paid.

Attorney Anthony Ciliberti is asking that the bond posted by Bertha J. Scott as principle and Gerald Hanshew and Barbara Hanshew as surety be released.

The Commissioners asked that Carl Harris, Prosecuting Attorney prepare the Order, once the Order has been prepared the Commission will sign. Copy of the Order should be forward to Thomas Fast, Anthony Cilberti and the aforesaid claimant.

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

The Commission reconvened the Commission meeting at 10:30 a.m.

John David appeared before the Commission to present their Newsletter, Audit, and a booklet of the families from last summer and to present his request for continued support funding for Fiscal Year 2012-2013.

The Commission asked Mr. David to give a brief summary regarding his request for a letter of support for the EPA Environmental Justice Programs to conduct community forums on the impact of surface mining in regard to resident health, economic sustainability and

environmental conditions in Fayette County for the Coalfield Environmental Health Project.

Mr. David asked the Commission if they would consider County license for SALS motor vehicles they own.

Discussion was held. The Commission told Mr. David they would have Carl Harris, Prosecuting Attorney review.

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

Mason Hines, Director, Fayette County Evidence Center appeared before the Commission to give an update on the program.

Discussion was held regarding the \$25,000.00 financial support to assist in keeping the Fayette County Evidence Center in operations.

The Commission asked that the drawdowns be made in three payments, 1/3 in February (\$8333.33), 1/3 in April (\$8,333.33), and 1/3 in June (\$8,333.34).

Commissioner Scalph offered a motion to approve today the first drawdown of the \$25,000.00 commitment, the second drawdown in April and the final drawdown in June. Commissioner Lopez seconded.

Unanimous.

The Commissioners asked that Mr. Hines come back in two (2) weeks before the final drawdown to give an update on how these other entities are doing.

The Commission recessed the Commission meeting at 11:30 a.m.

The Commission reconvened the Commission meeting at 11:45 a.m.

Levi Rose appeared before the Commission to discuss the Onsite Septic System Database Project.

Mr. Rose gave a summary of where they have been a 1½ years ago.

Mr. Rose told the Commissioners he is here today to request funding for the project.

Mr. Rose told the Commissioners the county has no Geographic Information System (GIS).

Mr. Rose told the Commissioners he has met with the Fayette County Health Department and talked about the project.

Commissioner Wender told Mr. Rose that their budget session is in March.

After a brief discussion the Commission asked that a letter be drafted informing the Commission has approved an allocation from our current year budget in the amount of \$8,000 for the Onsite Septic System Database project. These funds are contingent upon a duplicate match from the Fayette County Health Department.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of January 31, 2012 the securities were held as collateral to secure the deposits of Fayette County Commission.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing the securities pledge as of January 31, 2012.

The Commissioners received and reviewed the Legislative Lineup newsletter.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 3, to February 9, 2012.

The Commissioners received and reviewed check for 911 Fee from Frontier Communications, amount \$78.94 and a money order from Fayette Awning and Glass, Inc. a refund to the Fayette County Sheriff.

The meeting was adjourned at 12:30 p.m. The next scheduled meeting is February 21, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION AND BOARD
OF EQUALIZATION AND REVIEW
FEBRUARY 21, 2012
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 21st day of February 2012 as Board of Equalization and Review.

Commissioner Wender informed the Board of Equalization and Review was scheduled for 9:00 a.m. it is now 9:20 a.m.

Commissioner Wender informed the Fayette County Commission is sitting this morning Tuesday, February 21, 2012 this is the last scheduled day of hearings on the real estate tax tickets concerning the upcoming fiscal year.

Commissioner Wender informed again today we have nobody here to discuss with the Board of Equalization and Review their tax assessment and this being the last day of the Board of Equalization and Review we will adjourn. However, Commissioner Wender informed that the Fayette County Commission last week did send to those mineral owners and industrial hearings request our response to their request for consideration of the property taxes so that is complete there were no additional hearing last week so we have no more decisions to make. The Chair would entertain a motion that we adjourn as Board of Equalization and Review for this fiscal year.

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

The Commission adjourned the Board of Equalization and Review at 9:35 a.m.

The Commission reconvenes the County Commission meeting at 9:35 a.m.

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

Commissioner Scalph offered a motion to approve and sign real property ticket for George and Ruth E. Eder, Jr. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approve 2nd half payrolls, checks to be released February 29, 2012. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of January 31, 2012. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the Board of Education Lease Agreement.

Carl Harris, Prosecuting Attorney informed the Commissioners that the County cannot put County license on Southern Appalachian Labor School (SALS) motor vehicles.

Mr. Harris presented the letter he would be sending to John David, Director Southern Appalachian Labor School (SALS) regarding County license for their motor vehicles to the Commissioners.

Ms. Berry presented an invoice from WesBanco for the first drawdown for the Fayette County Building Commission (WV) Lease Revenue Bonds, Series 2011 Debt Service Payment #1085005933, amount \$51,168.06.

Commissioner Lopez offered a motion to approve 1st drawdown on the Fayette County Building Commission (WV) Lease Revenue Bonds, Series 2011, amount \$51,168.06. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a drawdown from Region 4 Planning and Development Council on behalf of the Danese Public Service District Water Extension Project #07ARCP15639, amount \$4,905.10.

Commissioner Lopez offered a motion to approve drawdown request from Region 4 Planning and Development Council on behalf of the Danese Public Service District Water Extension Project #07ARCP15639, amount \$4,905.10. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she has prepared letters to the Fayette County Sheriff's Department (\$4,000.00), Fayette-Nicholas Chapter American Red Cross (\$2,500.00), and Fayette County Historical Society (\$2,000.00) enclosing their Community Participation Program application for Fiscal Year 2012.

Commissioner Lopez offered a motion to sign letters to the Fayette County Sheriff's Department (\$4,000.00), Fayette-Nicholas Chapter American Red Cross (\$2,500.00) and the Fayette County Historical Society (\$2,000.00). Commissioner Scalph seconded. Unanimous.

The Commissioners signed the Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Center, amount \$23,923.68 for the Month of January.

The Commissioners signed a letter to Levi Rose informing that the Fayette County Commission has approved an allocation from their current year budget in the amount of \$8,000.00 for the Onsite Septic

System Database Project. The funds are contingent upon a duplicate match from the Fayette County Health Department.

After the brief discussion regarding the pay scale raises for the 911 employees.

Commissioner Lopez offered a motion that Fayette County Commission authorizes an hourly pay raise for Tonja McMullen and Rebecca Hutchens. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion that the pay schedule which has been in existence since 2003 does not appear to have been approved by any minutes of the Fayette County Commission and in order to ensure the record is clear the pay schedule as set forth in the document in 2003 shall no longer be applied to 911 employees because there has been no documentation presented or found to support it. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an Order changing location of polling place for Precinct 72 former Polling place Danese Elementary School to new polling place Danese Christian School.

Commissioner Scalph offered a motion to approve changing Precinct 72 Danese from the former Danese Elementary School to the new polling place Danese Christian School. Commissioner Lopez seconded. Unanimous.

Bobby Meadows, Jodie Ward, and Earl Pauley appeared before the Commission to discuss the Sportsman Recreation Center.

Commissioner Wender asked Bobby Meadows to give a list of each item.

Mr. Meadows gave a list:

1. Steps in the lower parking lot in complete.

Earl Pauley informed the Commissioners he hasn't had the time or the people to get it done.

Commissioner Wender asked Mr. Pauley to check with Bud Hill.

Carl Harris, Prosecuting Attorney suggested checking with the Bridgemont Community and Technology College or Vo-Tech to see if they had some students who will consider doing the work for credit.

Commissioner Wender asked Earl Pauley to check if Bridgemont or Vo-Tech can do this and let the Commission know by March 2, 2012.

2. The Clubhouse roof leaks. This was purchased from Priddy's

Carl Harris asked if there was a written contract with Priddy's, if so there should have been a warranty.

Commissioner Lopez asked Mr. Meadows if he is asking for a new roof.

Commissioner Wender asked to check and see if there were a contract and warranty and get back with them on March 2.

3. The High House and Low House both are leaking.

Discussion was held regarding repairing the leaks.

Commissioner Wender asked that this expense be ran through the Fayette County Park account.

4. Bobby Meadow's ask if they have any money left from the \$3,000.00 grant. Mr. Meadow told the Commissioners the money has to be used by June.

Commissioner Wender asked Ms. Berry to check into the \$3,000.00 and they will address on March 2.

The Commissioners received and reviewed a letter from the Mountain Transit Authority informing that in an effort to improve public transportation in our area, they have hired a consultant to review their current bus routes and conduct an analysis of the transit service they provide.

The Commissioners received and reviewed a letter from Delegate Margaret Stagers thanking the Commission for their letter concerning the KRT working with WVU Tech to provide commuter service between Montgomery and Charleston.

The Commissioners received and reviewed a letter from Capital Resource Agency regarding the removal of Margo Christian-Brooks as President of the Board.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 10 to February 16, 2012, amount \$335.00.

The Commissioners received and reviewed a letter from the Fayette County Office of Emergency Services acknowledging the receipt of \$1.00 payment for the lease of Dunloup property located at 153 Pearl Street, Glen Jean for James and Patsy Wills.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the January 2012 Table Games will be directly deposited on February 16, 2012, amount \$\$7,627.35 and the funds due for the January 2012 Greenbrier

Table Games Tax will be directly deposited on February 16, 2012, amount \$128.19.

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

The Commissioners received and reviewed a check for 911 Fees from Frontier Communications, amount \$30,887.79 and a check from the Sheriff of Nicholas County for the Communication Corrections Center, amount \$40,187.81.

The meeting was adjourned at 11:10 a.m. The next scheduled meeting is March 2, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 2, 2012
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 2nd day of March 2012.

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 tax tickets for David Ray Adkins, Martha Morrison, etal, Amber A. and Rusty McDonald, James D. Cook and Franklin George, etux. Commissioner Lopez seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve minutes of February 3 and February 9, 2012. Commissioner Lopez seconded. Unanimous.

Mike Todorovich appeared before the Commission to give an update on the Broadband Program.

Mr. Todorovich told the Commissioners they received a WV BTOP Broadband Grant in February 2010. The total grant is \$126,323,296, the match is \$33,500,000, the total of the grant with the match is \$159,823,296.

Mr. Todorovich named the Grant Implementation Team-Governor Earl Ray Tomblin, Erica Mani, Governor's Executive Office, Jimmy Gianato, BTOP recipient Administrator, Michael Todorovich, Principal Investigator/Project Director, and John Dunlap, Director Infrastructure Design and Operations-WVOT.

Mr. Todorovich reviewed with the Commissioners the Community Anchor Institutions, the purpose of the community anchor build out portions of this grant is to provide the infrastructure broadband service to 1062 entities.

Mr. Todorovich told the Commissioners the Community Anchors have completed (New) 106, completed (improved) 247 remaining 709 for a total of 1062; miles completed 191 and miles remaining 380 for a total of 571. Mr. Todorovich reviewed the advantages or benefits of the Community Anchor Institutions (CAI).

Mr. Todorovich reviewed the Microwave/Radio Tower. The purpose of the tower portion of this grant is to build twelve (12) new towers and upgrade ninety-five (95) additional towers (antennae and radios) with the Commissioners. Mr. Todorovich reviewed the advantages or benefits of Tower Network.

Mr. Todorovich reviewed with the Commissioners the NRAO to WVU, the purpose of this project is to construct a reliable high capacity data connection between the Greenbank Observatory in Greenbank, WV and West Virginia University located in Morgantown, WV. Mr. Todorovich reviewed the advantages or benefits of NRAO/WVU Connectivity.

Mr. Todorovich gave a Progress to Date review - CAI Status vs Plan vs 100% completion, Tower Status vs Plan vs 100% completion, NRAO Status vs Plan vs 100% completion.

Mr. Todorovich told the Commissioners by November or December 2012 they anticipate the completion of the plan.

Mr. Todorovich also reviewed the Frontier and WV Mitigation Plan, Benefits of the Grant to WV and Cost Savings Potentials.

The Commissioners told Mr. Todorovich to keep up the good work.

Eddie Young, Assessor appeared before the Commission to discuss his upcoming Fiscal Year 2012-2013 Budget.

Mr. Young informed the Commissioners his Budget would be the same, included PERS decrease from 14.5% to 14%, and asking for a \$150.00 raise for his employees.

The Commissioners told Mr. Young they would review and get back with him regarding their decision.

Ms. Berry presented Community Participation Grant Applications and Resolutions to the Commissioners to be signed.

Commissioner Lopez offered a motion to approve and sign the Community Participation Grant Application and Resolution for the Gauneka Ruritan Club (\$6,000). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign the Community Participation Grant Application and Resolution for the Fayette County Historical Society (\$2,000). Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign the Community Participation Grant Application and Resolution for the Fayette-Nicholas Chapter American Red Cross (\$2,500). Commissioner Scalph seconded. Unanimous.

The Commissioners signed the Fire Levy Protection Agreement for the Smithers Volunteer Fire Department for the period July 1, 2011 to June 30, 2012.

The Commissioners received and reviewed Gauley River Volunteer Fire Department Audit Report for Fiscal Year ending June 30, 2011.

Ms. Berry presented close out documents for the Fayette County Courthouse Boiler Project to the Commissioners for signatures.

Commissioner Scalph offered a motion to acknowledge the Certificate of Completion and Acceptance for the Boiler and approve Resolution authorizing the payment of \$5,562.50 to Casto Technical for the Boiler replacement. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve Maintenance Agreement from Casto Technical for the new boiler. Commissioner Scalph seconded. Unanimous.

Earl Pauley, Park Superintendent appeared before the Commission to discuss his upcoming Fiscal Year 2012-2013 Budget. Peggy Bennett spoke on behalf of Mr. Pauley.

Maintenance Garage Budget - Ms. Bennett told the Commissioners Dan Pauley is requesting an increase in salary from \$13.31 to \$15.00 per hour and for Randy Redden from \$9.80 to \$11.00 per hour. Ms. Bennett asking that the utilities stay the same (\$5,800), maintenance and repairs of auto and trucks stay the same 9\$100,000), and Automobile supplies stay the same (\$25,000).

Ms. Bennett told the Commissioners they had budgeted \$3,611.00 in last year's budget to purchase a tire changing machine. Ms. Bennett asked the Commission if they would approve to purchase the tire changing machine today.

Commissioner Lopez offered a motion to approve purchase of the tire changing machine, cost \$3,611.00 for the Fayette County Maintenance Garage. Commissioner Scalph seconded. Unanimous.

Fayette County Park - Ms. Bennett told the Commissioners Salary and Wages for the employees same as last year, the three (3) part time regular employees salary stays the same as last year, park extra help a small increase.

Ms. Bennett told the Commissioners she would like for Anita Wendell to be the CPO/Pool Manager for this year. She has already made arrangements for Ms. Wendell to attend the class.

Discussion was held, the Commissioners told Ms. Bennett they would like for her to remain as the CPO also.

Ms. Bennett told the Commissioners they have received several request for new equipment for the smaller children.

Ms. Bennet told the Commissioners that both pieces of equipment they are requesting are ADA compliant.

Ms. Bennett is requesting that an adjustment be made to the Fayette County Park Capital Outlay-Maintenance and Repair Building and Grounds.

Commissioner Wender offered a motion that Fayette County Commission approves a Budget Revision for the Fayette County Park Maintenance and Repair Building and Grounds Expense to adjust that amount to increase the Capitol Outlay Expense, estimated price \$6,500.00. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to purchase a Mow and Vac Lawn Vacuum, cost \$1,199.00 for the Fayette County Park. Commissioner Scalph seconded. Unanimous.

March Tucker, Office of Emergency Services (OEMS) and David Neal, E911 Coordinator appeared before the Commission to discuss Jan Care Ambulance Service in Fayette County.

Mr. Tucker told the Commissioners they can negotiate a contract with Jan Care Ambulance Service and include what level of services they would provide. They would have to work with the 911 Center.

Mr. Tucker also suggested to the Commissioners they could create an Authority similar to Boone, Cabell, Brook and Kanawha Counties.

After the discussion, Commissioner Wender asked David Neal to prepare a list of calls received, number of calls and dropped calls.

Commissioner Wender asked Mr. Neal to prepare what data he can find on the Meadow Bridge area, the length of time, actual arrival on scene time.

The Commissioners received and reviewed a letter from the Fayetteville Elementary School requesting use of the Memorial Building for a Jump Rope for Heart Event to be held on March 9, and March 23, 2012.

Commissioner Lopez offered a motion to approve the request of the Fayetteville Elementary School to use the Memorial Building on March 9 and March 23, 2012 for their Jump Rope for Heart Event. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding Temporary Shutdown or Permanent Shutdown of the Courthouse incinerator.

After the brief discussion, Commissioner Lopez offered a motion not to renew the permit for the Courthouse incinerator. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Southern Appalachian Labor School asking that the Fayette County Commission sign a letter of support for the Coalfield Environmental Health Project.

After a brief discussion the Commission decided to hold off on signing a letter of support.

The Commissioners received and reviewed a letter from Steve Keblesh, Owner of the Summersville Lake Retreat requesting support for the Summersville Lake Retreat Lighthouse, Windtower Section Repurposed into 104' tall Lighthouse overlooking the cliffs of Summersville Lake. The Commission declined to participate.

The Commissioners approved to change the Commission meeting in April from April 5th to April 2nd.

The Commission recessed the Commission meeting at 12:50 p.m.

The Commission reconvened the Commission meeting at 1:00 p.m.

Commissioner Wender informed they are here today to give recognition to the Midland Trail Dance Team.

Present were Rhonda Chuyka, Coach, Richard Pettit, Vice Principal and Caleb Ellison. Also, present was Mickey and Minnie Mouse.

Commissioner Wender informed the Walt Disney Performing Arts Group has invited the Midland Trail Dance Team to take classes and

perform. The group is scheduled to travel to Orlando, Florida on Saturday, April 14, 2012.

Commissioner Wender asked Commissioner Scalph to read the County Commission's Proclamation.

Steve Kessler, Sheriff appeared before the Commission to discuss his upcoming Fiscal Year 2012-2013 budget.

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

Sheriff Kessler told the Commissioners no changes in salaries, longevity \$7,680, six (6) deputies on probation once probation is complete salary increases would be \$7,200, increase employees' salaries \$150.00 a month, need truck for Dog Warden, asking for five (5) vehicles, cost for each vehicle \$23,950, total cost \$119,750, Community Corrections two (2) vans, Charlie's 80,000 high mileage can be replaced with a used vehicle, K-9 Fund no change, Project Lifesaver \$3,500, supplies and materials \$31,000, Training and Education \$5,000, Uniform Allowance, \$20,000, Animal Control no change and cost for keeping guns safe 35 bloc pistol replacement, cost \$7,907. Sheriff Kessler told the Commissioners he would pay half out of the Concealed Weapons Fund.

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

David Neal, E911 Coordinator appeared before the Commission to discuss his upcoming Fiscal Year 2012-2013 budget.

Mr. Neal told the Commissioners for the Community Center he is asking for an across the board hourly rate increase an increase of a current full-time employee appointed as a training officer, an increase in overtime \$39,535, an increase for extra help (part time) \$3,144, utilities for the new 911 Center \$60,000, an increase in Training and Education \$2,000, and an increase for Capital Outlay Equipment \$72,200.

The Commissioners told Mr. Neal they would review and get back with him regarding their decision.

Kelvin Holliday, County Clerk appeared before the Commission to discuss his upcoming Fiscal Year 2012-2013 budget.

Mr. Holliday told the Commissioners he would like to raise Traci Sutphin's salary the same as Alicia Treadway, and change Gail Withrow, from a part-time employee to a full time employee.

Discussion was held regarding the cost for paper ballots and the cost of iVotronics.

Commissioner Wender asked Mr. Holliday to find out the cost of using paper ballots compared to the cost of going to iVotronics.

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

The Commissioners received and reviewed a letter from the New Haven Public Service District requesting a \$125,000.00 loan for the Winona Wastewater Project.

The loan is needed to get the project in a "readiness to proceed" state that is necessary in order to secure permanent project

financing. Upon closing of the permanent project financing, the \$125,000.00 loan will be reimbursed to the Fayette County Commission.

The Commissioners received and reviewed a letter from the West Virginia Solid Waste Management Board informing that the term of Carri Strunk will expire on June 30, 2012.

The Commissioners received and reviewed a copy of a letter to Kelvin Holliday, County Clerk from Gary Lilly, Chairman, Fayette County Republican Executive Committee requesting under the Freedom of Information Act the final vote totals for the Montgomery precinct satellite voting during the special election for Governor in 2011, a copy of the final expenses for the operation of the early voting there. A copy of the cost involved in moving Danese Precinct to another location and that satellite voting would be taking place there. A copy of the notification that was in the paper regarding early voting, a public comment period was set for November 21, 2011 for public comment.

The Commissioners sent copies of the Public Notice for Public Hearing for Community Voting Locations to be held Monday, April 2, 2012 at 9:00 a.m. and copies of the Public Notice for Public Hearing to realign the boundaries of New Haven and Valley Magisterial Districts to be held Monday, April 2, 2012 at 9:30 a.m. to Gary Lilly.

The Commissioners received and reviewed a letter from the National Parks Conservation Association regarding the Petition for wastewater treatment services for Mill Creek and surrounding areas near Mount Hope, West Virginia.

The Commissioners received and reviewed the Fall/Winter 2011/2012
Newsletter from the West Virginia Brownfields Assistance Center.

The Commissioners received and reviewed a copy of a letter to Susan O'Connell, Director of the Division of Public Transit from Senator William R. Laird, IV informing he has been advised that an effort is currently under way to improve commuter bus services between Montgomery and Charleston for the benefit of workers, students and others relying on these transportation services. Senator Laird is requesting the assistance of her office in determining what processes may be required to improve these services.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the January Limited Video Lottery will be directly deposited on February 27, 2012, amount \$6,672.58.

The Commissioners received and reviewed a letter from Shentel Cable Company informing they will be making pricing changes in certain of its cable television systems on or after April 1, 2012.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of February 17 to February 23, 2012, amount \$295.00.

The Commissioners received and reviewed copy of checks for 911 Fees from Cebridge Telecom WV, amount \$18,133.50, Granite Telecommunications LLC, amount \$427.00, AT&T Communications of WV, amount \$273.00, Mountain Communications LLC, amount \$61.74, Level 3 Communications LLC, amount \$10.50, IDT Corporation, amount \$17.50, Lumos, amount \$1,662.01; Alarm Fee from Marylu Walker, amount \$120.00; Reimbursement from Fayette County Solid Waste Authority, amount

\$798.15; Supreme Court FLM rent, amount \$2,700.00; Division of Justice and Community Services-Community Corrections, amount \$19,213.55; and the Division of Justice and Community Services-JAG, amount \$2,300.64.

The meeting was adjourned at 3:00 p.m. The next scheduled meeting is March 9, 2012.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

MARCH 9, 2012

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 9TH day of March 2012.

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

Esther Morey, CODA Mountain Academy of Music appeared before the Commission to request funding for the Fiscal Year 2012-2013.

Ms. Morey presented a brief summary of what the CODA Mountain Academy of Music is doing to the Commissioners.

Ms. Morey had three of the students perform for the Commissioners, on the harp Heidi Morey, on the cello Kenda Ramsey and on the viola Jacob Borsman.

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

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

Commissioner Lopez offered a motion to approve refund for David Ray Adkins, amount \$142.48. Commissioner Scalph seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve minutes of February 15 and February 21, 2012. Commissioner Lopez seconded. Unanimous.

Todd Cornett, Rick Cornett, Shane Wheeler representatives of Jan-Care Ambulance Service, Celeste "CC" Arritt, David Neal, E911 Coordinator appeared before the Commission to discuss ambulance service in the Meadow Bridge area.

Mr. Neal told the Commissioners the response time in February was five (5) minute increments, 527 responses, 75% within the response time.

Mr. Neal told the Commissioners the response time has gotten better by 12%.

After a brief discussion, Commissioner Wender asked that this be set aside.

Commissioner Wender introduced Gregory "Greg" Bailey, Director Engineering Division with the West Virginia Division of Highways.

Commissioner Wender informed that Mr. Bailey is here today to discuss the Thomas Buford Pugh Bridge (formerly Prince Bridge) Replacement Project.

Mr. Bailey reported that the purpose of the project is to provide a bridge that meets current West Virginia Division of Highways design standards and addresses the safety issues associated with the condition of the existing bridge.

Mr. Bailey informed that taking into consideration the safety of the bridge for the traveling public all of the project constraints only two alternatives are viable options:

Option #1 - Rebuild the existing bridge in its current location and require a detour on existing routes. This alternative will close the bridge to traffic for 6-8 months during construction. The total construction time is estimated to be 2 years. However, building on the existing location and closing the bridge to traffic will expedite the construction completion time. Cost for this option 56.5 million.

Option #2 - Build the new bridge downstream of the existing bridge allowing traffic to be maintained on the existing bridge during construction. Total construction time is 3 years. Cost for this option 10.5 million.

After a brief discussion Mr. Bailey informed they would make a decision on this project by the end of March.

The Commissioners thanked Mr. Bailey for his presentation.

The Commission recessed the Commission meeting at 11:35 a.m.

The Commission reconvened the Commission meeting at 11:45 a.m.

Upon returning Commissioner Wender asked Jan-Care Ambulance Service if they would consider placing a unit in the Danese/Meadow Bridge area?

Mr. Rick Cornett replied they would not be in agreement with this.

Commissioner Wender proposed that the Commission ask Jan-Care Ambulance Service to lease the ambulance in the Danese/Meadow Bridge area for a period of 90-days and carefully track the cost they incur, at the end of the 90-day period they sit down and discuss in a public meeting what the revenue for emergency traffic service only will run.

Commissioner Wender asked that in June, Jan-Care Ambulance get on the Agenda to give an update.

Lisa Redden, Chief Deputy County Clerk's Office appeared before the Commission to give an update on equipment for the upcoming Presidential Primary Election.

Ms. Redden told the Commissioners she received a new estimate of \$121,000.00 on the used iVotronics, after negotiating and discussing they decided to use the old estimate of \$110,000.00 for the used iVotronics.

Ms. Redden told the Commissioners they need to upgrade the maintenance agreement on the iVotronics from Bronze to Silver.

Commissioner Scalph offered a motion that Fayette County Commission upgrades the maintenance agreement on the iVotronics from Bronze to Silver. Commissioner Wender seconded. Unanimous.

Ms. Redden told the Commissioners they need to purchase two (2) batteries for the iVotronics, cost \$95.00 each and they need to purchase an additional supervisor terminal cost would be approximate \$2,000.00.

Commissioner Scalph offered a motion that Fayette County Commission authorizes the purchase of two (2) batteries for the iVotronics, cost \$95.00 each and purchase an additional supervisor terminal for up to \$2,000.00. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion that Fayette County Commission recess the Commission meeting at 12:41 p.m. to go into an Executive Session. Commissioner Scalph seconded. Unanimous.

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

Alice King, W. D. Smith with Region 4 Planning and Development Council, Kevin Meadows with the West Virginia Development Office and members of the Kanawha Falls Public Service District and residents appeared before the Commission for an informational meeting on the Small City Block Grant (SCBG) project for the Kanawha Public Service District.

Mr. Meadows reviewed with the Commissioners the Project Implementation Guide.

Ms. King told the Commissioners that a Memorandum of Understanding needs to be signed.

Paul Gosh, Engineer on the Project told the Commissioners they had discussed the bridge. They prefer crossing the river will not involve digging at all.

Ms. King presented the Progress Report regarding the Small Cities Block Grant Funds 2012 Letter of Intent for the Commissioners to sign.

The Commissioners approved and signed the 2012 Letter of Intent for the Kanawha Falls Public Service District-Boonesborough Water Extension Project.

The meeting was adjourned at 1:35 p.m.

The Commission recessed the County Commission meeting at 1:35 p.m.

The Commission reconvened the County Commission meeting at 1:50 p.m.

Commissioner Scalph offered a motion to approve 1st half payrolls, checks to be release March 15, 2012. Commissioner Wender seconded. Unanimous.

Dave Pollard, County Resource Coordinator appeared before the Commission to discuss the request of the New Haven Public Service District for financial assistance of \$125,000.00 for the Winona Wastewater Project.

Mr. Pollard told the Commissioners that New Haven Public Service District is ready to proceed with the construction.

Ed Shutt, Engineer told the Commissioners that the proposed starting date has to be submitted by April 1, 2012 so it can be approved by April 9, 2012.

Mr. Shutt told the Commissioners that a public meeting was held, the District asked that they do a door to door surveys. The response was overwhelmingly good.

Mr. Pollard told the Commissioners that the New Haven Public Service District has no revenue.

W. D. Smith informed the Commissioners that New Haven Public Service District doesn't have funds to pay the upcoming bills and the Department of Environmental Protection want allow them to participate in a loan.

Mr. Smith told the Commissioners that the start-up of the construction is May.

Mr. Smith told the Commissioners that the New Haven Public Service District needs cash to get the project started. They are asking the Commission to make a contribution to the project.

Commissioner Wender asked if there are proposals on how the proposal would be structured.

Commissioner Wender informed the Commission will make a decision by March 23, 2012.

The Commissioners received and reviewed a Requisition for Construction drawdown from WesBanco Bank, Inc. for Radford and Radford, Inc. in the amount of \$108, 538.20

Commissioner Scalph offered a motion to approve the Requisition for Construction from WesBanco Bank, Inc. in the amount \$108,538.20. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an application for a Community Participation Program Grant for the African American Arts and Heritage (3,000.00).

Ms. Berry is asking that they approve and authorize the adoption of the Resolution.

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

the African American Arts and Heritage. Commissioner Scalph seconded. Unanimous. Resolution signed.

The Commissioners signed Proclamation proclaiming April 2012 Fair Housing Month.

Ms. Berry informed the Commissioners she had notified the Executive Committee for the Democrat and Republican parties that they needed their list of poll workers for the upcoming Presidential Primary Election.

Ms. Berry presented the list of poll workers to the Commissioners.

Commissioner Scalph offered a motion that Fayette County Commission approves the Order for the list of Poll Workers for the upcoming Presidential Primary Election being held May 8, 2012. Commissioner Lopez seconded. Unanimous. Order signed.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the JAG Grant, amount \$2,357.08.

The Commissioners received and reviewed a request from Earl Pauley, Park Superintendent requesting a drop box (trash box) for the Animal Shelter, cost \$3,890.00.

Discussion was held, the Commission asked to hold for discussion during their Budget Session.

The Commissioners received and reviewed a letter from Dan Snead, AIA attaching a request from Radford and Radford, Inc. for a Change

Order to change interior thickened slabs to convention spread footings, cost \$9,352.00 for the new Fayette County OES/E911Center.

Commissioner Scalp offered a motion to approve Change Order #2 from Radford and Radford, amount \$9,352.00. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia Development Office responding to our recent application for Fiscal Year 2011 Flex-E-Grant funding assistance, for the project titled Park and Ride.

After a careful review they are unable to accommodate the request for funds.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties informing that there is still time to participate in the Associations' endorsed life insurance program brought to you by Commercial Insurance and Sun Life Financial.

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding a Workers' Compensation claim for Michael D. Grose.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statement and Asset List for the month of February.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 1, 2012, amount \$25.00 and the New River Humane Society allotment for the month of March, amount \$14,066.05.

The Commissioners received and reviewed a Remittance by the County Assessor to the West Virginia State Treasurer's Office for the Courthouse Facilities Improvement Fund, amount \$148.00 for the month of February.

The Commissioners received and reviewed a check from the City of Beckley for DUI, amount \$265.04.

The meeting was adjourned 3:15 p.m. The next scheduled meeting is March 16, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MARCH 16, 2012
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 16th day of March 2012.

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 Timothy R. and Stephanie J. Bess, Jr. and Shari A. Bragg. Commissioner Scalph seconded. Unanimous.

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

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the Estate of Kirk Anthony Bowles.

Present for the hearing were Attorney Belinda Morton counsel for Katherine Peyton and E. L. Wheeler.

Mr. Harris told the Commissioners that this matter is mute.

Mr. Harris informed the Commissioners that this hearing was scheduled for today but after scheduling the hearing Ms. Peyton informed that she had found the will but it was too late to notify everyone.

Mr. Harris told the Commissioners that Ms. Peyton has been appointed Executive of the Estate.

Mr. Harris told the Commissioners that no hearing is required.

Mr. E. L. Wheeler asked if he could get a copy of the will. Mr. Harris replied yes.

Ms. Berry informed the Commissioners she received from Tim Richardson, Zoning Officer, a copy of Bobby Green's resignation from the Fayette County Planning and Zoning Commission.

The Commissioners informed they will review and see if they can come up with a name.

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 April 2012.

The Commissioners signed a letter to the Office of the State Auditor confirming the services they are to provide for the Fiscal Year ending June 30, 2011 audit.

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.

The Commissioners signed a drawdown from Region 4 Planning and Development Council for the Danese Public Service District Water Extension, amount \$4,866.13.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Correction Center, amount \$21,396.49.

Gloria King, President, Carrie Carr, Judy Learmonth, Beth Powers, Tara Workman, and Felicia McKinney members of the New River Humane Society appeared before the Commission to discuss their upcoming Fiscal Year 2012-2013 Budget.

Ms. King gave a brief summary of what was going on at the Animal Shelter and what is needed for the Animal Shelter.

Ms. King told the Commissioners that seven more wooden cages need to be removed and replaced with two (2) sets of twelve (12) new cages to complete the wall.

Ms. King told the Commissioners they are asking for their assistance to purchase one set of twelve (12) new cages, cost \$7,173.00.

Ms. King told the Commissioners they need a new cargo van, cost \$27,000.00.

Discussion was held regarding the bid they received for the pouring of a concrete slab for the Animal Shelter.

Commissioner Wender asked Carl Harris, Prosecuting Attorney what if the County leased the property to the New River Humane Society and this would make them responsible?

Mr. Harris told Commissioner Wender he would have to review this matter.

The Commissioners asked to table this discussion until after April.

The Commissioners told Ms. King they would take under advisement and get back with her regarding their decision.

Fred Cooper, CHIP Outreach Coordinator for the Children's Health Insurance Program (CHIP) appeared before the Commission to request funding for Fiscal Year 2012-2013.

Mr. Cooper gave a brief summary of the Program.

Mr. Cooper told the Commissioners he is trying to raise \$36,000.00.

Mr. Cooper told the Commissioners he would be making a request to the City of Beckley, Raleigh County, and Wyoming County.

Commissioner Wender suggested to Mr. Cooper to submit a breakdown of who pays for this program by Friday, March 23, 2012.

Commissioner Wender signed excerpt from the minutes of May 27, 2011.

The Commissioners received and reviewed an invitation from the Fayette County Chamber of Commerce inviting the Commission to attend, Meet the Candidates on Thursday, April 5, 2012 at the Oak Hill Holiday Lodge.

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 listing of the proposed amendment to the approved 2012-2017 Statewide Transportation Improvement Program (STIP).

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period February 1 through February 29, 2012.

The Commissioners received and reviewed Unemployment Compensation Monetary Determination for James W. Fitzwater from the WorkForce West Virginia.

The Commissioners received and reviewed a check from the West Virginia Department of Health and Human Resources for the Community Correction Center, amount \$31.00.

The Commissioners adjourned the County Commission meeting at 10:30 a.m. and reconvened for Budget Work Session.

The next scheduled meeting is March 23, 2012.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

MARCH 23, 2012

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 23rd day of March 2012.

Commissioner Wender called the meeting to order at 9:22 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 George Bernard and Mona Walton, Clayton L. Scott, Shirley V. and Lucy M. Willis, Willie Watson and Timothy R. and Stephanie J. Bess, Jr. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve refund for Timothy R. Bess, Jr., amount \$466.86. Commissioner Lopez seconded. Unanimous.

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

Commissioner Scalph offered a motion to approve minutes of March 2 and March 9, 2012. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve 2nd half payrolls, checks to be released March 30, 2012. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented an invoice from Steve Cruikshank, OES Deputy Director regarding first and last months rent for the NARR Base Camp property, amount \$10,000.00.

Discussion was held regarding the property, after the discussion, the Commissioners approved and asked that the check be given to Carl Harris, Prosecuting Attorney.

The Elected Officials were invited by the Commission to attend the adoption of the Budget for Fiscal Year 2012-2013.

Commissioner Wender informed they are here today to adopt the Budget for Fiscal Year 2012-2013.

Commissioner Wender gave a brief summary of what the Commission approved for the Fiscal Year 2012-2013.

Commissioner Wender informed the General County Fund Budget increased by \$500,000 from last year. The most increases came from salary \$372,000 based on a \$150.00 a month for each employee. The other increase basically is capital outlay.

Commissioner Wender informed the Coal Severance Fund Budget increased \$155,000 most of the increase came from the Winona Sewer Project which we hope to get back.

Commissioner Wender informed they approved four (4) cruisers and an additional \$80,000 for other non-deputy vehicles (Dog Warden, Community Corrections and Transportation).

Commissioner Wender informed the Budget for this Fiscal Year 2012-2013 General County Fund Budget is \$9,499,605 and the Coal Severance Fund Budget is \$849,829. Commissioner Wender asked for a motion to approve this year's Fiscal Year Budget.

Commissioner Scalph offered a motion to adopt the Budget for Fiscal Year 2012-2013 for the General County Fund (\$9,499,605) and the Coal Severance Fund (\$849,829). Commissioner Lopez seconded. Unanimous. The Commissioners signed the Fiscal year Budget for 2012-2013.

The Commission set up a conference call with Earl Smith, Wyoming County Mountain Heart Coordinator.

Discussion was held on some issues regarding changes in the organization structure, eliminating the Coordinator in Fayette County and money constraints.

Commissioner Wender asked Mr. Smith to attend the April 20th County Commission meeting at 10:00 a.m. to discuss the issues of-- What kind of Budget Fayette County would have? How many houses Fayette County are expected to get done? How many houses did Fayette County get done and what Fayette County will have for next year?

Ms. Berry presented a grant application for the West Virginia Division of Justice and Community Services Purdue Pharma Asset Forfeiture Grant for Prescription Drug Investigation/Interventions.

Ms. Berry told the Commissioners that this grant requires an \$8,450 match. Sheriff Steve Kessler is requesting that the Fayette County Commission pay half (\$4,225) of the match required. Sheriff Kessler informed he will pay the other half (\$4,225).

Commissioner Lopez offered a motion that Fayette County Commission approves to pay the \$4,225 half for the Purdue Pharma Asset Forfeiture Grant for Prescription Drug Investigation/Interventions Grant. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Al Martine, Principal at Meadow Bridge High School requesting allocation of funds for a trip for the Senior Class to travel to Washington, D.C. on April 24th and 25th, 2012 to be honored for setting a national record of registering 100% of all seniors to vote.

On the advice of Carl Harris, Prosecuting Attorney the Fayette County Commission cannot give donations of that sort.

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, 2012.

Commissioner Lopez 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, 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 received and reviewed a request from Stephen K. Erskine with Camp Kismet requesting a discounted rental rate for the Fayette County Park for their camp being held July 2-6, 2012 so that the greatest amount of donations they received will be allocated toward enhancing the experience for children to attend.

Ms. Berry told the Commission she talked with Peggy Bennett she informed they have been given a discount in the past and they would not object. Ms. Bennett also informed that someone has paid for damages that were made to one of the cabins from last year's camp.

Commissioner Lopez offered a motion to approve same discount (from \$600 to \$350) we gave last year to Camp Kismet. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented Budget Revision #4 for the General County Fund for Fiscal Year 2011-2012.

Commissioner Scalph offered a motion to approve Budget Revision #4 for the General County Fund for Fiscal Year 2011-2012.

Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners she received a request from the Fayette County Park to purchase a drop box for the Fayette County Animal Shelter, cost \$3,890.00.

Commissioner Lopez offered a motion that Fayette County Commission approves purchase of a drop box for the Fayette County

Animal Shelter cost \$3,890.00. Commissioner Scalph seconded.

Unanimous.

Ms. Berry presented a request from the Minden Kwanzaa Community Association, Inc. requesting that the Fayette County Commission fund the cost for a Surveyor to come in and survey the Playground property located in Minden.

Discussion was held, the Commission asked Ms. Berry to get the exact cost to survey the land and bring back to the next County Commission meeting.

Heather Hanshew, Recorder for the Town of Meadow Bridge, Janet Zamelia, Director Fayette County Senior Program, Joyce Arthur and Betsy Rhodes appeared before the Commission to discuss the Meadow Bridge Community Building rental fee.

Janet Zamelia discussed the increase in the rental fee. Ms. Zamelia informed the Commission that the money is not in the Budget for this increase.

Ms. Zamelia presented the Budget for the Senior Program to the Commission.

Ms. Hanshew presented the Budget for the Meadow Bridge Community Building to show why the increase is needed and the letter the Town of Meadow Bridge sent to the Putnam County Committee on Aging regarding the increase. (See attached)

After the discussion Commissioner Wender proposed that Fayette County Commission agrees to pay \$200.00 in addition to the \$200.00 the Town of Meadow Bridge receives from the Putnam

County Committee on Aging for April, May, and June 2012 for the Meadow Bridge Community Building and the Commission will include \$2,400.00 in their Fiscal Year 2012-2013 Budget to offset these cost for next year.

Commissioner Scalph offered a motion that Fayette County Commission agrees to pay \$600.00 for the additional cost of rent for April, May and June 2012 for the Meadow Bridge Community Building and will include \$2,400.00 in our Fiscal Year 2012-2013 Budget to offset these cost for next year. Commissioner Lopez seconded. Unanimous. See an attached letter.

Ms. Berry to prepare the written proposal and send to the Mayor and Council of the Town Meadow Bridge for their approval.

Ms. Berry informed the Commissioners she received an Order from Attorney James Blankenship ordering to release the Surety Bond in the Estate of Harold J. Adkins.

Commissioner Scalph offered a motion that Fayette County Commission approves the Order Releasing Surety Bond in the Estate of Harold J. Adkins. Commissioner Wender seconded.

Ms. Berry presented a Grant Agreement with the Division of Culture and History for Records Management and Preservation Grants (\$21,279) to the Commissioners.

Ms. Berry informed the Commissioners the grants are for the Fayette County Clerk's Office (\$13,779) to purchase moveable track shelving for Estate and Probate Files and (\$7,500) for Fayette County

Circuit Clerk to continue digitizing and microfilming Civil (1970-1987) and Criminal (1974-1991,2009-Present Order Books).

The Commissioners approved and signed.

Ray Perdue, James Perdue's brother appeared before the Commission to inform them that he would like to purchase a bench to be placed outside the courthouse in memory of his brother.

The Commission approved.

The Commission discussed purchasing three (3) benches and three (3) chairs to place in front of the Probation Office in memory of Kenneth L. Eskew, Gene Carte, Jr. and John L. Witt.

The Commissioners asked Ms. Berry to check with Carl Harris, Prosecuting Attorney to see if this could be done.

The Commissioners received and reviewed an invoice to Arrow WV, Inc. in the amount of \$100,000.00 for the County Commission of Fayette County (West Virginia) Commercial Development Revenue Bond (Arrow WV, Inc. Project), Series 2012.

The Commissioners received and reviewed a fax from the West Virginia Association of Counties informing of the additional share of Coal Severance Tax.

The Commissioners received and reviewed a letter from the Natural Resources Conservation Service informing the waiver for the Lafferty Property, Glen Jean, WV has been granted on behalf of Kevin Wickey, State Conservationist, NRC, West Virginia.

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

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the February 2012 Greenbrier Table Games Tax will be directly deposited on March 16, 2012, amount \$100.87 and February 2012 Table Games will be directly deposited on March 16, 2012, amount \$\$8,194.94.

The Commissioners received and reviewed a letter from the Town of Fayetteville regarding a Storm Water Project Funding Request in the amount of \$21,000.00 for the replacement and installation of a Box Culvert Piping, Class I Stone Aggregate for Storm Water Control and pavement replacement for Storm Water Control on Heslep Avenue and Wiseman avenues.

The Commissioners received and reviewed a copy of a letter from Steptoe and Johnson to Greg Stone, Assistant State Conservationist Natural Resource Conservation Service thanking them for granting a waiver to allow the West Virginia Department of Highways to obtain a right of way from Fayette County Commission to construct the new Glen Jean Summit access road across the Lafferty Property purchased as part of the flood buyout project.

The Commissioners received and reviewed a letter from Maple Coal Company notifying that, in accordance with all applicable state and federal laws and as approved by the West Virginia Department of Environmental Protection, Maple Coal Company plans to conduct blasting

operations Permit Number S-3041-91 located 4.5 miles southwest of Powellton, West Virginia in the Valley District of Fayette County situated on the waters of Right Fork of/and Armstrong Creek, Hickory Camp, Unknown Branch, Unnamed Branch, and Laurel Branch of Paint Creek of the Kanawha River.

The Commissioners received and reviewed a letter from WesBanco Trust and Investment Services informing that in accordance with the Commission instructions in Requisition #4 dated March 9, 2012, they issued a check to Radford and Radford, Inc. in the amount of \$108,538.20.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 9 to March 15, 2012, amount \$395.00.

The Commissioners received and reviewed checks for 911 Fees from Level 3 Communications LLC, amount \$49.00, Public Service Commission, amount \$182,785.05, Vonage Tax Account, amount \$280.00, IDT Corporation, amount \$14.00, Frontier, amount \$30,832.40, Mountain Communications, LLC, amount \$61.74, Granite Telecommunications LLC, amount \$427.00 and AT&T Communications of WV, amount \$343.00; Alarm Fee, amount \$75.00; Rent for the Memorial Building from the Housing Authority of the City of Bluefield, amount \$1,019.00; Supreme Court drug screen reimbursement, amount \$196.00; Soldiers and Sailors, amount \$\$50.00.

The meeting was adjourned at 12:20 p.m. The next scheduled meeting is April 2, 2012.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 2, 2012

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on this 2nd day of April 2012.

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

The Commissioners received from Carol Smith and Norma Williams keys for the ballot box for early voting.

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 Wild Blue WV LLC. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Walter S. or Linda S. Casey, Shirl A. or Joseph D. Burrow, Jr., Darla Terry, Sherry Tipton, Robin M. Marvin and James M. or Traci Massey. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1st half payrolls,

checks to be released on April 13, 2012. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of March 16, 2012. Commissioner Lopez seconded. Unanimous.

Commissioner Wender called the Public Hearing for the Early Voting Locations to order.

Gary Lilly, Chairman of the Republican Executive Committee voiced his comments regarding early voting.

Mr. Lilly told the Commissioners that the Republican Executive Committee voted against early voting.

Mr. Lilly discussed the cost for early voting. Mr. Lilly informed the County Clerk had hired three (3) early voting workers at \$8.00 an hour.

Mr. Lilly made a complaint about early voting at the Memorial Building. Mr. Lilly feels this is illegal.

Mr. Lilly addressed all the hearing that wasn't published, told the Commissioners that all the public notices and letters he received regarding early voting in the Danese area did not have a date on them.

Carl Harris, Prosecuting Attorney commented on the cost of the election.

Commissioner Wender addressed the cost of early voting.

Mr. Lilly informed the Commissioners he did not receive notice of a raise for the poll workers.

Marion Tanner, Chairperson for the Democratic Executive Committee informed the Commissioners they unanimously approved early voting.

Ms. Tanner told the Commissioners that the main issue is getting people to vote anything they can do to encourage people to vote.

Randall Patterson appeared before the Commission to address his concerns about the location for early voting in Danese.

Mr. Patterson told the Commissioners his concerns about the storing of the ballots at the Danese Christian School location.

Celesti "CC" Arritt told the Commissioners she feels like the people in their area don't matter, all decisions are made for this area. Ms. Arritt asked the Commission if they would consider changing the early voting location.

Dorothy Foster spoke against the early voting location.

Commissioner Wender called for a vote to early satellite voting at Montgomery and Danese.

Commissioner Lopez offered a motion to have early voting in the Montgomery and Danese areas. Commissioner Scalph seconded. Unanimous. (See attached Order)

Kelvin Holliday, County Clerk informed he concurs with the Commissioners to have early voting in the Montgomery and Danese areas.

Commissioner Wender asked where should we have early voting for the Primary and General Election.

Commissioner Scalph offered a motion to move early voting from the Danese Christian School back to the Danese Elementary School. We did listen to the request of the citizens to change.

Commissioner Wender asked that this motion be tabled until Kelvin Holliday, County Clerk can check with the Danese Elementary School to see if this is okay and he would get back with us.

Commissioner Wender called the public hearing for Magisterial Changes to order at 9:30 a.m.

Gary Lilly appeared before the Commission to inform them that his notice he received did not have a date on it, questioned the Commission on the reason why redistrict was being done?

Commissioner Wender informed that this was not the Commission decision, they are complying with the Secretary of State to bring the magisterial districts of Fayette County in compliance with all provision of the Constitutions of the United States and West Virginia and the Official Code of West Virginia, 1931, as amended, especially Article II, Section 4 of the Constitution of West Virginia and Code 7-2-2, dealing with equal apportionment of representation.

Mr. Lilly questioned the Commission if everyone had been notified. Mr. Lilly told the Commissioners he received calls some saying they were notified and some saying they were not notified.

Kelvin Holliday, County Clerk informed everyone had been sent a letter using the address the Voter's Registration Office has to notify them of the change.

Attorney Tom Fast asked the Commission if the proper procedures had been done to notify everyone.

Ms. Berry told Mr. Fast they did follow the proper procedures according to West Virginia Code 7-2-2 (See attached).

Ms. Berry told Mr. Fast she posted notices on the bulletin boards of the courthouse and post notices in public places each district would be affected.

Commissioner Wender informed that the Commission has examined the current boundaries of the New Haven, Valley and Plateau Magisterial Districts and has determined that said districts should be brought into equal apportionment of representation as indicated by the current census data.

Commissioner Wender called for a motion to increase Valley Magisterial District to include 354 voters from the New Haven District and decrease New Haven Magisterial District 354 voters to the Valley District.

Commissioner Scalph offered a motion that Fayette County Commission in compliance with West Virginia Code 7-2-2 approves the Magisterial changes. Valley Magisterial District increases to include 354 voters from the New Haven District and to decrease New Haven Magisterial District 354 voters to the Valley District. Commissioner Lopez seconded. Unanimous. Order signed. (See attached)

Commissioner Wender informed that earlier they had a motion to move early voting from the Danese Christian School back to the Danese Elementary School.

Commissioner Wender informed that Kelvin Holliday, County Clerk had checked with the Danese Elementary School to see if this move was okay. Mr. Holliday informed the Commission it has been approved.

The motion was then seconded by Commissioner Lopez to move early voting from the Danese Christian School back to the Danese Elementary School.

Tim Richardson, Zoning Officer appeared before the Commission to present Case #Z-519-12-1: Request of American Alpine Club, Owner, for a change in land classification, from LC-2 (Public Land Conservation District), to B-3 (Business, Tourism District), on property legally described as, 39.78 AC Surf Pine Springs, off of Ames Heights Road, New Haven District.

Mr. Richardson told the Commissioners that the Fayette County Planning Commission voted unanimously (10-0) to approve the request to reclassify this request.

Penn Burris representing the American Alpine Club appeared before the Commission to give an update.

Mr. Burris told the Commissioners that this would be a three (3) phase project. Fifteen (15) acres will be a campground, 15 acres a buffer. The campground would hold a maximum capacity of 60 campsites or less. There will be a full time manager and an assistant manager on the site. This will be a year round operation with bathhouse facilities, a pavilion, laundry facilities and a climber's library. Will be opened to the public an interpretative trail in conjunction with the National Park Service?

There was no opposition to this request.

Commissioner Lopez offered a motion to approve the recommendation of the Fayette County Planning Commission to approve reclassification

from LC-2 (Public Land Conservation District) to B-3 (Business, Tourism District). Commissioner Scalph seconded. Unanimous. Order signed.

Ms. Berry presented on behalf of Steve Cruikshank, Deputy Director/Fire Coordinator, a map of the facility the Fayette County Firemen's Association is hoping to purchase.

Discussion was held, Commissioner Wender asked that a letter be drafted to Steve Cruikshank asking that he provide a well-written comprehensive plan for this project. The plan should include the cost of acquisition of the property, the cost of repairs and a timeline to preserve the structural integrity of the buildings and structures. A budget and timeline for the remodeling that is necessary for the adaptive uses of the structures. An outside assessment of the condition of the wastewater plant, all HVAC systems, all plumbing system, all foundations, electrical systems and any other mechanical issue that should be taken into consideration that has the potential for future cost expenditures.

Commissioner Wender asked that a copy of the letter be sent to Joe Crist, President of the Fayette County Firemen's Association.

Ms. Berry presented an invoice from Hall, LLC in the amount of \$5,000.00 for the Fayette County Firefighter's Association lease for the month of April.

Commissioner Scalph offered a motion to approve payment of \$5,000.00 for the property the Fayette County Firefighter's Association is leasing. Commissioner Lopez seconded. Unanimous.

Theresa White, OES Director appeared before the Commission to inform them that she has prepared three (3) Lease Agreements for the Dunloup Creek Real Property Project.

Ms. White told the Commissioners that James and Patsy Wills would like to include in their lease another tract of land on the other side of their property.

Ms. White told the Commissioners she has prepared an amended Lease Agreement for Patsy and James Wills.

Commissioner Scalph offered a motion to amend the Lease Agreement with Patsy and James Wills a certain tract or parcel of land situate in Plateau District, Fayette County, West Virginia and being more particularly described as 153 Pearl Street, Glen Jean (formerly owned by Gary & Cynthia Aliff), Lot 30 Glen Jean SD (formerly owned by Jonathan and Gena Hart) and Lot 29 Glen Jean SD (formerly owned by Gretel Lively). Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign the Lease Agreement with Carl and Judy Williams that certain tract or parcel of land situate in Plateau District, Fayette County, West Virginia and being more particularly described as Lot 22 Glen Jean SD (formerly owned by Lisa Crawford/Douglas Burdick) and Lot 13 Glen Jean SD (formerly owned by Lynn Jennings Roache'). Commissioner Lopez seconded. Unanimous

Commissioner Scalph offered a motion to approve and sign the Lease Agreement with Chris Hunt that certain tract or parcel of land situate in Plateau District, Fayette County, West Virginia and being

more particularly described as Surface Lot 150 Kilsyth SD (formerly owned by Edward Boyd) and Surface Lot 151 Kilsyth SD (formerly owned by Betty Maroney) and Lot 103 Kilsyth SD (formerly owned by Tony & Jayne Ann Smith). Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign the Lease Agreement with Dennis Sanger that certain tract or parcel of land situate in Plateau District, Fayette County, West Virginia and being more particularly described as Surface Lot 129 Kilsyth SD (formerly owned by Dennis Sanger). Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Judge Paul Blake requesting the doors in the Magistrate Clerk's Office be replaced with doors with half-lite wired glass, similar to those at the Circuit Clerk's Office and requesting that a new door for the closet in the Magistrate Clerk's Office be replaced.

Ms. Berry told the Commissioners that Dickie Smith, Maintenance Supervisor is getting quotes on the doors and he has purchased a new door for the closet and a lock is being put on today.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent informing that after giving a lot of thought, he feels that it would be best if the County did not give Camp Kismet a discount for the upcoming scheduled camp for the week of July 2, 2012.

Mr. Pauley told the Commissioners the reason for this is, we had damages from this camp last year and the Fayette Volunteers, which is

the organization that funds this camp, refused to pay the \$100.00 damage fee.

The Commissioners received and reviewed a letter from the Fayetteville Family Worship Center requesting the use of the Fayette County Memorial Building for the purpose of having a worship service with National Evangelist Donnie Swaggart on July 20th, July 21st, and July 22nd, 2012.

Discussion was held, the Commissioners asked Ms. Berry to check with Carl Harris, Prosecuting Attorney to see if they can approve this request.

Ms. Berry told the Commissioners she received a request from Esther Morey asking if she could receive the funds for CODA Mountain Academy of Music prior to July 1, 2012.

The Commissioners approved to release the funds to CODA Mountain Academy of Music (\$5,000.00) prior to July 1, 2012.

Ms. Berry informed the Commissioners she received an e-mail from Gary Redden, representative with Natural Resource Conservation Services (NRCS) asking for a copy of the minutes where the Commission authorized Carl Harris, Prosecuting Attorney to sign the HUD Settlement Statements.

Ms. Berry told the Commissioners she has prepared a Resolution informing that Carl Harris, Prosecuting Attorney for Fayette County be duly and legally authorized to review and sign the HUD Settlement Statements and other closing documents and Theresa White, Director of the Office of Emergency Services for the County Commission, Fayette

County, West Virginia, be duly and legally authorized to sign requests for money distribution and to receive funds on behalf of the Fayette County Commission with regard to the Dunloup Creek Real Property Project.

Commissioner Lopez offered a motion to approve and authorize the adoption of the Resolution. Commissioner Scalph seconded. Unanimous. Resolution signed.

The Commissioners received and reviewed a request from the Voter's Registration for two (2) Laptops for Satellite Voting in the Montgomery and Danese locations. The Commission approved.

The Commissioners signed minutes of the Fayette County Planning and Zoning Commission for April 2, 2012.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Justice Assistant Grant (JAG), amount \$2,454.96 for the month of March.

The Commissioners signed the West Virginia Justice Assistance Grant (JAG) Program Application, funds requested \$25,000.00, match proposed \$17,562.27 and Project Period July 1, 2012 thru June 30, 2013.

The Commissioners signed a letter to Jan-Care Emergency Ambulance Services expressing their appreciation for their efforts to provide emergency services to the Meadow Bridge area of Fayette County.

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

Christopher Rinehart's salary be increased to \$21,200.00 beginning in April, his six-month trial period will be up.

The Commissioners received and reviewed minutes of the WVU Extension Service Committee for the month of February.

The Commissioners received and reviewed a letter from Suddenlink informing they will be removing the TV Guide Channel from their channel lineup because they no longer see it as the best source of TV program listing information for their customers.

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges regarding Tommy Jackson, Claimant request for an extension.

The Commissioners received and reviewed several letters from BrickStreet Mutual Insurance Company regarding Loralie N. Hissam claims.

The Commissioners received and reviewed a letter sent to the Town of Meadow Bridge regarding their proposal to allow the Fayette County Senior Meal Program to continue at the Meadow Bridge Community Center.

The Commissioners received and reviewed the Pool Rules/Regulation for the Fayette County Park.

The Commissioners received and reviewed a letter from Marion Tanner, Chairman of the Fayette County Democratic Executive Committee informing that at their regular meeting to discuss the April 2 Public hearing to designate community voting locations for early voting. The Committee unanimously recommends approval of the community voting locations at Danese Christian School and Montgomery Town Hall.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates enclosing a Project Schedule submitted by Radford and Radford, Inc. for the New Fayette County OES/E-911 Center.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the February Limited Video Lottery will be directly deposited on March 26, 2012, amount \$7,224.01.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of March 23, to March 29, 2012, amount \$190.00.

The Commissioners received and reviewed checks for 911 Fees from Cebridge Telecom WV, amount \$18,445.00; Supreme Court-Family Law Judge rent, amount \$2,700.00; FC Soldiers and Sailors Memorial Building, amount \$25.00.

The Commissioners received and reviewed pictures of the New River Humane Society new Van.

The meeting was adjourned at 1:30 p.m. The next scheduled meeting is April 17, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
APRIL 17, 2012
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 17th day of April 2012.

Commissioner Wender called the meeting to order at 9:30 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 Raymond E. and Jennie Thomas, Jr., Calven F. and Josephine Comer, Sr., Jessica Vaughn, James Henry Wilson, Terry and Robin Ellis, Kelley D. Sheets, Michael or Deborah Arrington, Natilla I. Smith, The Robbins Company, Barbara or David H. Ewing, Sr., Christina J. Whitney, Richard J. and Amber R. and Jerry D. Brumfield, Paul L. Knight, Joshua Leshar, Franklin R. or Jade George.

Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets for Eddie and Frank E. Souk, and Sharon Faye Ingram. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign refund for Eddie Souk, Jr., amount \$322.92. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented the County Commission Levy Order and Rate Sheet for Fiscal Year 2012-2013.

Commissioner Wender read the County Commission Levy Order.

Commissioner Lopez offered a motion that the Fayette County Commission, on this day, approves the County Commission Levy Order and

Rate Sheet for Fiscal Year 2012-2013. Commissioner Scalph seconded.
Unanimous.

The Commissioners signed the order laying the levy to be used in Fayette County for Fiscal Year 2012-2013. Kelvin Holliday, County Clerk is to sign the Levy Rate Sheet for Fiscal Year 2012-2013.

Sammy Black appeared before the Commission to discuss cell tower locations in Fayette County.

Discussion was held regarding a sight for a cell tower and whom they should send their complaints to.

Tim Richardson, Zoning Officer suggested to the Commission to have Mr. Black give them guidance as to whom to address their complaints to.

Mr. Black suggested sending letters to the carriers.

Commissioner Lopez suggested that Mr. Black work with Mr. Richardson and Mr. Richardson to work with the Commission on this. Commissioner Lopez told Mr. Black to do whatever he needs to do to get a cell tower in the Armstrong Creek area.

The Commissioners signed letters to the outside agencies regarding their contribution for Fiscal Year 2012-2013 Budget.

The Commissioners signed letter to the Elected Officials and Department Heads regarding their Fiscal Year 2012-2013 Budget.

Angela Gerald appeared before the Commission to give an update on the dilapidated program.

Ms. Gerald told the Commissioners they are putting up housing violation's signs, gotten a complaint on a dilapidated 2-story house in the Clifftop area, housing violation signs have been posted.

Ms. Gerald told the Commissioners that their next target is Whipple.

Gary Lilly was present for the update and asked Ms. Gerald where are they with Buren Renick property.

Ms. Gerald told Mr. Lilly what all had been done and that Allen Ballard is working with Mr. Renick to solve the situation.

Commissioner Wender asked Ms. Gerald to get back on the agenda for May to give another update.

Ms. Berry presented the Community Participation Grant Applications and Resolutions for signatures to the Commissioners for the Sportsman Recreation Center - \$3,000.00 for Concrete Pad/Storage Building, the Fayette County Sheriff's Department/Dog Warden Equipment - \$4,000.00 for vehicle for Dog Warden and Appalachian Heritage Educational Museum - \$5,000.00 for roof repairs.

Commissioner Lopez offered a motion to approve and sign Applications and Resolutions for the Sportsman Recreation Center - \$3,000.00 for Concrete Pad/Storage Building, the Fayette County Sheriff's Department/Dog Warden Equipment - \$4,000.00 for vehicle for Dog Warden and Appalachian Heritage Educational Museum - \$5,000.00 for roof repairs. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented drawdown request for the Community Participation Financial Reports/Request for payment and Certificates

of Grant Completion for the Fayette-Nicholas American Red Cross - \$2,500 for two (2) computers and the Fayette County Historical Society - \$169.80 for work at the Contentment Complex for the Commissioners to sign.

Ms. Berry presented a letter from J. Dan Snead Associates, Inc. informing that Radford and Radford, Inc. has proposed Change Order #5 for the New 911 Center revising the routing of the sanitary line per revised drawing C5 by Thrasher Engineering dated 12/6/11, cost would be \$3,806.69.

The Commissioners approved and signed Change Order #5 request, cost \$3,806.69.

Ms. Berry presented a Requisition for Construction Drawdown from Radford and Radford, Inc., amount \$154,896.30 for the New 911 Center.

The Commissioners approved and signed Requisition for Construction Drawdown from Radford and Radford, Inc., amount \$154,896.30 for the New 911 Center.

The Commissioners received and reviewed a letter from the Town of Meadow Bridge requesting the Commission donates a cruiser and equipment for the Meadow Bridge Police Department.

Commissioner Scalph offered a motion that the Fayette County Commission donates a cruiser and equipment to the Town of Meadow Bridge following July 1, 2012. Commissioner Lopez seconded

The Commissioners received and reviewed a letter from Eddie Souk, Jr. regarding an overpayment of taxes on his property. A copy of the letter was forwarded to Eddie Young, Assessor to review and advise.

Mr. Young informed the Commissioners there was a clerical error made on Eddie Souk, Jr. real property assessment.

Mr. Young asked that the Commission approve a tax refund for tax years 2007, 2008, 2009 and 2010 in the total amount of \$1,254.90 in the form a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid.

Commissioner Scalph offered a motion to approve and sign an Order subject to the approval of the Assessor, Eddie Souk, Jr. be afforded tax relief for tax years 2007, 2008, 2009 and 2010 in the total amount of \$1,254.90 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid. Commissioner Lopez seconded. Unanimous. Order signed.

Ms. Berry told the Commissioners that Okey Skidmore informed her that the lights in the Fayette County Memorial Building Gym needs to be repaired for early voting.

Ms. Berry presented a quote from H. G. Carte Electric, Inc. to replace the Fayette County Memorial Building Gym lights, total job cost \$7,995.00 and a quote to replace the Stage Lighting at the Fayette County Memorial Building, total job cost \$1,550.00.

Discussion was held, Commissioner Lopez offered a motion that Fayette County Commission approves H. G. Carte Electric, Inc. to do electrical repairs for early voting at the Fayette County Memorial Building, cost \$7,995.00 and to do lighting repairs on the stage of

the Fayette County Memorial Building, cost \$1,550.00. Commissioner Scalph seconded. Unanimous.

Lavanna Thompson appeared before the Commission to ask for assistance in getting her sister (Lisa Lizette) to do a final settlement on the Estate of Lillian Faye Harles.

Discussion was held, Larry Harrah, Assistant Prosecuting Attorney reviewed the file and told the Commission that nothing has been filed.

The Commissioners asked Mr. Harrah to draft a letter to Ms. Lizette and asks her to file a final settlement in the Estate of Lillian Faye Harles.

Peggy Rogers appeared before the Commission to request funding for the First Book Organization.

Ms. Rogers gave a brief summary of their Organization.

Ms. Rogers is requesting that the Commission contribute \$2,000.00 for the start-up of the Organization.

Commissioner Scalph offered a motion that Fayette County Commission approves to allocate \$2,000 to the First Book Organization. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Paul A. Tygrett, Jr., Retired Chief of Police requesting permission to set up a tent on the Courthouse lawn for the purpose of the Memorial Service that will be conducted on May 15, 2012.

Commissioner Scalph offered a motion to approve request for permission to set up a tent on the Courthouse lawn for the purpose of

the Memorial Service that will be conducted. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding the Coalbed Methane Gas Distribution Fund, informing that in order for the State Treasurer to create the special revenue fund account and distribute these funds, it is imperative that they are provided with the correct legal name and mailing address for the Commission and their designated economic development entities.

The Commission signed a letter to the West Virginia Development Office asking that they accept this letter as a written confirmation that Matthew D. Wender, President of the Fayette County Commission designates Judy Radford of the New River Gorge Regional Development Authority as the lead entity for economic development activities in Fayette County for distribution of Coalbed Methane Severance Tax Funds.

Commissioner Scalph offered a motion that Fayette County Commission adopts the Resolution of Participation to participate in the distribution of portions of Coalbed Methane Severance Tax to economic development authorities and county commission. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a letter from CREATE Fayetteville asking permission to use the parking lot adjacent to the Courthouse as a spot for Flea Market vendors to sell their wares the first Saturday of every month from June through October.

Discussion was held, Commissioner Wender informed they would have to provide insurance.

The Commissioners asked Larry Harrah, Assistant Prosecuting Attorney to draft a letter with exclusions, i.e., set guidelines, insurance, clean up trash after.

Commissioner Scalph offered a motion to approve CREATE Fayetteville to use the parking lot adjacent to the Courthouse the first Saturday of every month from June through October as a spot for Flea Market vendors to sell their wares and Larry Harrah to write letter. Commissioner Wender seconded. Unanimous. (See attached letter)

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Center, amount \$23,846.41.

The Commissioners signed Applications for a Permit to Operate from the Fayette County Health Department for the Harlem Heights Park, Fayette County Park and Boomer Ball Field.

The Commissioners signed a letter to Okey Skidmore informing that the request of the Fayetteville Family Worship Center to use the Memorial Building for the purpose of having worship services with National Evangelist Donnie Swaggart did meet the public, non-profit guidelines and the \$1,000.00 rental fee will be waived. All other rules are applicable, including insurance, garbage, and custodian.

The Commissioners received and reviewed a letter from the New River Gorge Challenge (formerly the Captain Thurmond's Challenge)

requesting permission to use the courthouse property for the event including electricity for the awards ceremony.

Commissioner Scalph offered a motion to approve the New River Gorge Challenge request to use the courthouse property for their 1st Annual New River Gorge Challenge. Commissioner Lopez seconded.

The Commissioners received and reviewed a letter from the High Country Garden Club requesting \$2,500.00 to replace the floor at the Community Center. They also request that Precinct 74 be moved from Clifftop to their Community Center.

Commissioner Lopez offered a motion to approve the \$2,500.00 to replace the floor at the Community Center for the High Country Garden Club. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a Remittance by the County Assessor to the State Treasurer' Office for the Courthouse Facilities Improvement Fund, amount \$40.00.

The Commissioners received and reviewed a copy of a letter from the Division of Justice and Community Services informing that a staff member recently completed an on-site program review of the Grant #12-CC-04 on March 22, 2012 and enclosed for our information a copy of the report following his on-site review.

The Commissioners received and reviewed Account Statement from the Bank of New York Mellon for the period January 1 to March 31, 2012.

The Commissioners received and reviewed a copy of a letter to Angela Gerald, Project Director for the Fayette County Dilapidated

Committee regarding questions from citizens in the Clifftop area concerning the status of dilapidated properties located in Clifftop.

The Commissioners received and reviewed from the WorkForce WV Unemployment Compensation regarding Lisa M. Hudson.

The Commissioners received and reviewed the First Quarter (Jan. Feb. Mar.) allocation for the New River Convention and Visitors Bureau, amount \$20,465.24

The Commissioners received and reviewed a letter from the City of Smithers thanking the Commission for their assistance in helping their City.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the March 2012 Table Games will be directly deposited on April 16, 2012, amount \$8,487.25, funds due for the March 2012 Greenbrier Table Games will be directly deposited on April 16, 2012, amount \$97.10, funds due for the 75% of the coal severance tax will be directly deposited on or before April 17, 2012, amount \$204,831.88 and funds due for the 25% of the coal severance tax will be directly deposited on or before April 18, 2012, amount \$37,685.77.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of April 1 to April 5, 2012, amount \$140.00 and the week of April 6 to April 12, 2012, amount \$160.00.

The Commissioners received and reviewed checks for 911 Fees from Compliance Solutions, Inc., amount \$357.00, Frontier Communications,

amount \$82.33, and Vonage Tax Account, amount \$280.00; a check from Victoria Fire and Casualty Company-Insurance Reimbursement, amount \$2,720.10; Soldiers and Sailors Fund, amount \$50.00.

The meeting was adjourned at 11:35 a.m. The next scheduled meeting is April 20, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 20, 2012
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 20th day of April 2012.

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

Patricia Nelson appeared before the Commission to voice her concerns regarding the Harlem Heights Park.

Ms. Nelson told the Commissioners the fence needs to be replaced, need to paint and do maintenance on the gazebo.

Ms. Nelson talked about long term planning for the park such as a baseball field and a nature trail.

Commissioner Scalph asked Ms. Nelson if she has any estimate on what this would cost. Ms. Nelson replied no.

Commissioner Wender suggested having Dennler's Fencing to replace the fence.

Commissioner Wender authorized Debbie Berry to contact Dennler to check on the cost of repair for the fence.

Brian Parsons, Assistant Prosecuting Attorney suggested to the Commission to get SALS summer help to paint the existing gazebo and to build another gazebo.

The Commissioners suggested putting off the building of the gazebo until after July.

Commissioner Scalph offered a motion to authorize an estimate for the fence around the basketball court at the Harlem Heights Park and authorize SALS to paint the existing gazebo. Commissioner Lopez seconded. Unanimous.

Mason Hines, Director Fayette County Evidence Center appeared before the Commission to request the final drawdown of \$8,333.33 for the Fayette County Evidence Center.

Mr. Hines told the Commissioners that the municipalities that utilize their services have not stepped up with their support. Mr. Hines told the Commissioners they will continue to pursue other funding options.

Mr. Hines told the Commissioners the contribution of \$8,333.00 matching funds from the Commission has been included in their State Justice Assistance Grant application.

Commissioner Wender offered a motion that the Fayette County Commission today honor the second of three payments of \$8,333.33 recognizing that the Fayette County Evidence Center was unable to fully come up with their match. This would conclude payment for the Commission. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve allotment of \$8,333.33 to the Fayette County Evidence Center. Commissioner Scalph seconded. Unanimous.

Commissioner Wender offered a motion that the Fayette County Commission will reallocate the \$25,000.00 for Fiscal Year 2012-2013 toward match money for the West Virginia Justice Assistant Grant application. This money would be available upon a contingency that the Fayette County Evidence Center comes up with the matching funds from the West Virginia Justice Assistance Grant application. Commissioner Lopez seconded. Unanimous.

Earl Smith, Executive Director for the Mountain Heart and Weatherization Program appeared before the Commission to give an update on the Weatherization Program.

Also present were Gerald Brown, Weatherization Coordinator and Treameca Padgett, CFO.

Mr. Smith told the Commissioners the Program is progressing in Fayette County.

Gerald Brown discussed the number of jobs in Fayette County.

Commissioner Scalph asked Mr. Smith if the program is in jeopardy and were there cut backs?

Mr. Smith told the Commissioners they are attempting to maintain four (4) employees.

Mr. Smith told the Commissioners in July the money is going to be a lot less. There would be a decrease in funds.

After a brief discussion Mr. Smith asked the Commission to come down and visit.

Mr. Smith told the Commissioners they would keep them abreast of what is going on.

Commissioner Wender informed they would get together and make plans to come down and visit and ask questions.

Randall Patterson, Board Member and Representative for the Meadow Bridge Little League appeared before the Commission to request funding for the Meadow Bridge Little League.

Mr. Patterson presented a list and the cost of the items, which could help provide a better and safer environment for the Little League players, approximate cost \$3,400.00.

After a brief discussion, Commissioner Scalph offered a motion to approve funding of \$1,500.00 for the Meadow Bridge Little League. This funding is to come out of the Coal Severance Fund. Commissioner Lopez seconded. Unanimous.

Theresa White, OES Director presented two (2) Hazard Mitigation Property Leases to the Commissioners.

Commissioner Wender offered a motion that the Commission hereby leases unto Loretta Crist Munique that certain tract or parcel of land situate in Plateau District, Fayette County, West Virginia, and being

more particularly described as Lot 11 Glen Jean SD (formerly owned by Gretel Lively), Lot 3 Glen Jean SD (formerly owned by Gary Slocum), and Lot 4 Part. Lot 5 Glen Jean SD (formerly owned by Georgia Fisher). The Tenant shall pay the Commission a Lease payment of One Dollar (\$1.00) per year payable in advance each year on the 1st day of the one-year anniversary of the agreement and leases unto John and Lori Fitzwater that certain tract or parcel of land situate in Plateau District, Fayette County, West Virginia, and being more particularly described as Surface Lot 75 Red Star SD (formerly owned by Dan and Ellen Smith). The Tenant shall pay the Commission a Lease payment of One Dollar (\$1.00) per year payable in advance each year on the 1st day of the one-year anniversary of the agreement. Commissioner Lopez seconded. Unanimous. (See attached Agreements)

The Commissioners recessed the Commission meeting at 11:30 a.m. to test the election equipment for Early Voting.

The Commissioners reconvened the County Commission meeting at 12:35 p.m.

The Commissioners signed the Lease for the Fraternal Order of Police, Memorial Lodge No. 118, effective February 1, 2012 through January 31, 2013.

The Commissioners signed the revised West Virginia Community Corrections Grant Program Application for the Community Corrections Center.

The Commissioners signed drawdown to the West Virginia Courthouse Facilities Improvement Authority for the Courthouse Electrical upgrade, amount \$61,198.56.

The Commissioners signed a letter to the Fayetteville Police Department approving their request, to setup a tent on the Courthouse lawn near the parking lot facing the old County Jail on Tuesday, May 15, 2012 for the purpose of the Memorial Service that will be conducted.

Ms. Berry told the Commissioners Okey Skidmore informed her that Fayetteville High School is requesting to use 150 chairs from the Memorial Building for their High School Prom.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2nd half payrolls, checks to be released April 30, 2012. Commissioner Scalph seconded. Unanimous.

The meeting was adjourned at 12:55 p.m. The next scheduled meeting is April 30, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
APRIL 30, 2012
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 30th day of April 2012.

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

The Commission recessed the Commission at 9:15 a.m. to test election equipment for the Primary Election.

The Commission reconvened the Commission meeting at 10:05 a.m.

The Commissioners signed Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Center, amount \$12, 388.69

Ms. Berry presented an Order and letters to the Commissioners to approve and sign incorporated banking institutions within the County to act as County depositories for the Fiscal Year beginning July 2012 (Fayette County National Bank, Chase (formerly Bank One Beckley, WV, N.A.), Bank of Mount Hope, Branch Banking and Trust (BB&T), United Bank, City National Bank of West Virginia.

Ms. Berry reminded the Commissioners that Know Your County Government Day is Friday, May 4, 2012.

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

The Commissioners signed final drawdown request to the West Virginia Development Office for the Danese Public Service District Water Extension Project, amount \$11,700.00.

Ms. Berry reminded the Commissioners that the National Day of Prayer is Thursday, May 3, 2012 will be held at the Methodist Church.

Carri Strunk, Chairman, Aletha Stolar, Tommy Harris, and Patty Giles Davis, members of the Fayette County Solid Waste Authority (FCSWA) appeared before the Commission to discuss hiring a full time Coordinator to handle the day to day operations of the Solid Waste Authority.

Ms. Strunk presented the Administrative Guide to the Solid Waste Management Board to the Commissioners.

Ms. Strunk told the Commissioners that this position is needed because of the ongoing and increasing responsibilities placed upon the Solid Waste Authority by the West Virginia Solid Waste Management Board.

The Coordinator will be taking over the responsibilities placed on the current county employees.

Ms. Strunk told the Commissioners she was contacted by the Solid Waste Management Board (SWMB) regarding an update to our Comprehensive Litter and Solid Waste Control Plan. The Plan is a 20-year plan for the Solid Waste and Recycling in our county, and is updated every five (5) years.

Ms. Strunk told the Commissioners that their most recent update had been rejected.

Ms. Strunk told the Commissioners that William (Bill) Toney, Engineer has performed all the updates the same as in the past. The Solid Waste Management Board (SWMB) wants the plan to be completely rewritten to address all the information requested by WV Code

Ms. Strunk told the Commissioners that because this Plan has yet to be updated, Fayette County Solid Waste Authority has been placed on a noncompliant list, which make them unable to obtain Solid Waste Management Board (SWMB) or West Virginia Department of Environmental Protection (DEP) grant funding.

The Commissioners asked if they had a job description for a Coordinator.

Aletha Stolar told the Commissioners that she has not come up with a job description.

Ms. Strunk told the Commissioners they are requesting that \$25,000.00 be allotted to the Solid Waste Authority to cover the cost of a full time Coordinator plus benefits.

Commissioner Wender asked Ms. Strunk to check and see how many counties have a Coordinator and check on their average salary.

Commissioner Wender asked Ms. Strunk to give the Commission until June 30 or July 1, 2012 to decide on a solution.

Commissioner Wender told Ms. Strunk that as of today they don't have a solution.

Commissioner Wender asked to put Ron Cantley on the Agenda to discuss their Recycling Program.

The Commissioners received and reviewed a letter from the Division of Justice and Community Services acknowledging receipt of their request for the amount of \$313,585.00 in Community Corrections Grant funds for the Fayette County Commission.

The Commissioners received and reviewed a letter from the Plateau Girl Scout Service Unit (Girl Scouts of Black Diamond), giving an update on the use of the funds allocated to the Girls Scouts in Fayette County.

The Commissioners received and reviewed a letter from the Southern Appalachian labor School (SALS) thanking the Commission for their generous support of SALS activities for the Fiscal Year beginning July 1, 2012.

The Commissioners received and reviewed a thank you note from First Book thanking the Commission for their generous contribution to their organization.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of April 13 to April 15, 2012, amount \$255.00.

The Commissioners received and reviewed a notice from the WorkForce West Virginia Unemployment Compensation regarding claimant Dana Wysong.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, LLC, amount \$58.31 and AT&T Communications of West Virginia, amount \$455.00; check from Homeland Security & Emergency Management reimbursement for OES salary, amount \$40,000.00; check from Region 4 Planning and Development Council reimbursement for Boiler, amount \$3,188.58 and a check from the Supreme Court-FLJ rent, amount \$2,700.00.

The meeting was adjourned at 11:10 a.m. The next scheduled meeting is May 14, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 14, 2012
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 14th day of May 2012 to canvass the votes cast in the Presidential Primary Election held on May 8, 2012.

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

Adam Hodges member of the Fayette County Farmland Protection Board appeared before the Commission to ask that Brian Smith be appointed to fill the unexpired term of Alan Rice on the Farmland Protection Board.

Commissioner Scalph offered a motion to appoint Brian Smith to fill the unexpired term of Alan Rice on the Farmland Protection Board term to expire May 16, 2013. Commissioner Lopez seconded. Unanimous. An Order and an Appointment to Serve letter were signed.

Commissioner Wender called the canvass to order at 9:20 a.m.

Commissioner Lopez pulled Precinct 32 and Precinct 59 to be hand counted for the Canvass.

In Precinct 4 there was a valid challenged ballot found and was counted with the provisional ballots.

The Commission approved for the valid provisional ballot to be manually voided out of the ERM. Attached is a copy of the ERM Manual report.

The canvass was adjourned at 2:15 p.m.

The Commission reconvened for a County Commission meeting at 2:20 p.m.

The Commissioners signed the Election Results including the Provisional Ballots from the Presidential Primary Election held on May 8, 2012.

The Commissioners signed Application and Certificate for Payment No. 6 from Radford and Radford, Inc., in the amount of \$344,629.00.

The Commissioners signed a letter to the West Virginia Development Office requesting that the Minden Kwanzaa Community Association, Inc. be extended to cover the period from July 1, 2012 through June 30, 2013.

The Commissioners signed drawdown request for the Minden Kwanzaa Community Association, Inc., amount \$1,890.88.

The Commissioners signed letters to the Secretary of State and the West Virginia Public Service Commission attaching a list of the public service districts and their current board member's address, telephone number and e-mail addresses.

The Commissioners signed a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$5,400.00 for the months of May and June 2012.

The Commissioners signed three (3) original Change Order No. 1 from Lowe Brothers Electric Company, Inc. for the Fayette County Courthouse Electrical Upgrade. The Contract Sum will be increased by this Change Order in the amount of \$6,274.37.

The Commissioners received and reviewed a letter from the Fayette County Health Department informing they unanimously recommends that Roy G. Crist be reappointed to serve on the Fayette County Board of Health for a five (5) year term, the term to expire June 30, 2017.

Commissioner Lopez offered a motion that Roy G. Crist be reappointed to serve on the Fayette County Health Board for a five (5) year term, term to expire June 30, 2017. Commissioner Scalph seconded. Unanimous. An Order and an Appointment to Serve letter signed.

The Commissioners signed a U. S. Environmental Protection Agency MBE/WBE Utilization Under Federal Grants and Cooperative Agreement for the Brownsfield Grant.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the Justice Assistant Grant (JAG) amount \$1,289.15 for the month of April.

The Commissioners signed an Equal Employment Opportunity Plan (EEOP) Certification for the Purdue Pharma Asset Forfeiture Grant.

The Commissioners received and reviewed a letter from the Office of the Attorney General informing that the Montgomery Volunteer Fire Department is currently deficient in the areas of training and equipment standards.

The Commissioners received and reviewed a letter from Precision Services, Inc. informing of their services to microfilm, document imaging and janitorial services.

The Commissioners received and reviewed a letter from WesBanco Trust and Investment Services informing they have issued a check to Radford and Radford, Inc. in the amount of \$154,896.30.

The Commissioners received and reviewed a letter from Stephen M. Cruikshank, Deputy Director/Fire Coordinator informing the Smithers Fire Department that the Fayette County 911 Center has been notified not to dispatch your station until we receive notice of Workers' Compensation coverage

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the March Limited Video Lottery will be directly deposited on April 26, 2012, amount \$7,064.01.

The Commissioners received and reviewed a letter from J. Dan Snead and Associates, Inc. to Radford and Radford, Inc. confirming that remaining application for payment for the new Fayette County OES/E911 Center work may eliminate the retainage.

The Commissioners received and reviewed a letter from the State Tax Department informing they have completed and enclosed a summary of

the county's appraisal ratio study comparing the accuracy of CAMA values to market values for real property subsequent to your meetings as a Board of Review and Equalization.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of April 20 to April 26, 2012, amount \$45.00 and the week of May 1 to May 3, 2012, amount \$75.00.

The Commissioners received and reviewed from the SunTrust Bank a Pledge Statement listing the securities pledged to the Fayette County Commission as of April 30, 2012.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statement and Asset List as of April 30, 2012.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the Period April 1, 2012 to April 30, 2012.

The Commissioners received and reviewed the Workers' Compensation Office of Judges decision regarding claimant Judy Treadway.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance regarding claimant Loralie N. Hissam and John M. Abbot.

The Commissioners received and reviewed a letter from the Unemployment Compensation Program regarding claimant R. F. Moore.

The Commissioners received and reviewed check for 911 Fee from Lumos Network, amount \$806.79; checks for Franchise Fee from Suddenlink Communications, amount \$51,604.98; check from Oak Hill High

School reimbursement for Prevention Resource Officer, amount \$5,000.00; Fayette County Solid Waste Authority reimbursement, amount \$798.15; payment for lease of Dunloup property, amount \$1.00 and payment for lease of FEMA property, amount \$1.00; check from the Supreme Court reimbursement, amount \$1,186.26.

The Commissioners received and reviewed an e-mail from Earl Smith informing that the Office of Economic Opportunity field monitors will not be making a second visit to his agency before the end of the 2011-2012 Program Year on June 30, 2012.

The meeting was adjourned 2:30 p.m. The next scheduled meeting is May 18, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
MAY 18, 2012
COURTHOUSE
FAYETTEVILLE, WV 25480
MEMBERS Present: Matthew D. Wender, John H. Lopez

The Fayette County Commission met in a regular session on this 18th day of May 18, 2012.

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 and sign real property tickets for Evelyn G. Holobek, Mary Jane Wallace and Patrick P. and Betty Wills. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign personal property tickets for Deborah L. or Delbert Gilliam, David L. Given, Nile R. Rogers, Brian K. and Sherrie J. Harrell, Tammy S. and William Michael Hess, Marsha A. Miller, Andrew E. and Rose M. Fox, Jr., Thomas M. Gipson, Cassandra E. Davis, Victor Blankenship, Karen or Cassie Sloan, Bobby L. Mack, James G. Wingfield, Marilyn Elaine Ritchie, Fred or Michael W. Shepherd and Gary Eugene or Cynthia Moore. Commissioner Wender seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refund for John C. Hancock, III, amount \$225.86. Commissioner Wender seconded. Unanimous.

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

Holly Clark, representative for CREATE Fayetteville appeared before the Commission to make an additional request to use the courthouse lawn and the front porch (should it rain) for their acoustic musicians who will be playing on Saturday during the Flea Market event.

Commissioner Wender informed Ms. Clark that her request to use the parking lot adjacent to the courthouse for a flea market during "Market Day" has been conditionally approved.

The Commission request that the following conditions be met prior to and during the event:

1. Prior to the event provide a Certificate of Insurance with a \$1,000,000 minimum policy limit which would indemnify

the Fayette County Commission of all liability associated with the flea market.

2. The sale of any firearm, knife, or deadly weapon of any kind is strictly prohibited.

3. Trash clean up must be provided after the event. In the event the space would be found to be uncleanly the Commission may charge for any costs associated with the clean up.

The Commission told Ms. Clark that the Commission reserves the right to revoke this approval if any of the aforementioned conditions are not met or if the Commission believes the use is not in the best interest of Fayette County.

Commissioner Lopez offered a motion to approve the request of CREATE Fayetteville to use the courthouse lawn and the front porch (should it rain) for their musicians to play on Saturday during the Flea Market event. Commissioner Wender seconded. Unanimous.

Deloris Martin appeared before the Commission to discuss her proposed fire hydrant for the Toney Fork Road in the Dothan area.

Commissioner Wender informed he had asked Ms. Martin to come before the Commission to discuss.

Ms. Martin presented a copy of the petition she sent to West Virginia American Water.

Ms. Martin told the Commissioners she had requested that two (2) fire hydrants be installed in the Toney Fork Road area.

Ms. Martin told the Commissioners she received a letter from West Virginia American Water giving an estimate of the cost to install a fire hydrant including materials and labor at the Toney Fork Road. The cost would be \$3,168.00.

After a brief discussion, Commissioner Wender suggested asking Dave Pollard, County Resource Coordinator to check on getting a second fire hydrant and to send a letter to West Virginia American Water informing them that the Fayette County Commission has agreed to provide \$3,168.00 for the placement of a fire hydrant for the residents in the Toney Fork Road area and requesting that West Virginia American Water matches the Commission's commitment by providing a second fire hydrant to maximize the fire protection benefit.

Commissioner Lopez offered a motion that the Fayette County Commission approves the expense for one (1) fire hydrant in the Dothan area, amount \$3,168.00. Commissioner Wender seconded. Unanimous.

The Commissioners signed letter to Lisa D. Harless-Lizotte informing her that as Executrix of the Estate of Lillian Faye Harless, the estate remains open. No action has been taken by you to bring this matter to a final disposition.

The Commission is asking Ms. Harless-Lizotte to take the necessary steps immediately to fulfill her fiduciary duties and bring this matter to a close.

The Commissioners signed Hazard Mitigation Property Lease to Rick and Vonda Bailey that certain tract or parcel of land situate in Plateau District, Fayette County, West Virginia, and being more particularly described as Surface Lot 101A Red Star SD (formerly owned by Lonnie and Johanna Richmond).

The Commissioners signed letters to the West Virginia Development Office requesting extensions to cover the period from July 1, 2012 through June 30, 2013 for the Bridge Day Chili Cook-off/Equipment to use remaining funds for the 2012 Cook-off Event and for the Upper Paint Creek Watershed Association due to securing all funds needed to complete the project.

The Commissioners received and signed an Application for a Permit to Operate a Food Establishment for the Fayette County Park from the Fayette County Health Department.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Justice and Community Service for the Community Corrections Center, amount \$21,895.86 for the month of April.

The Commissioners signed letter to serve as formal notification that the Fayette County Commission is actively involved in the planning process of the Region 4 Planning and Development Council. Therefore, the Commission feels that the Regional Development Plan/Overall Economic Development Plan that was renamed Comprehensive Economic Development Strategy (CEDS), adequately serves the requirement of the continuous planning process and the document has been transformed into an acceptable Comprehensive Economic Development Strategy.

The Commissioner received and reviewed a quote from Rick Myles Construction to replace the roof for Dining Hall at the Fayette County Park, cost \$9,900.00.

The Commission asked that this be tabled until the next Commission meeting.

The Commission received and reviewed a letter from Earl Pauley, Park Superintendent informing that the refrigerator/freezer in the Dining Hall is not working.

Ms. Bennett informed the Commissioners she received a quote from Camco to repair refrigerator/freezer for \$1,315.68 for a Commercial unit.

Ms. Bennett told the Commissioners she checked at Lowe's in Fayetteville, it is not a Commercial unit but it would work for what they need, cost \$629.10. Also, she found a Commercial Unit online for \$6,372.00.

Commissioner Lopez offered a motion to purchase the refrigerator/freezer from Lowe's in Fayetteville, cost \$629.10 for the Fayette County Park. Commissioner Wender seconded. Unanimous.

The Commissioners received and reviewed a Supplemental Agreement for the Meadow River Trail project from the Greenbrier County Commission.

The Greenbrier County Commission is asking that the Fayette County Commission approve and sign the Supplemental Agreement and Resolution.

Commissioner Lopez offered a motion that Fayette County Commission approves and signs Supplemental Agreement and Resolution for the Meadow River Trail project. Commissioner Wender seconded. Unanimous.

Sheriff Steve Kessler presented the Delinquent Tax List for the Year 2011 to the Commissioners.

Commissioner Lopez offered a motion to accept the copies of the Delinquent Tax List for Real Estate in Fayette County for the non-payment of taxes thereon for the year 2011, which said list being examined by the Commission. Commissioner Wender seconded. Unanimous.

Sharon Cruikshank, Director Fayette County Chambers of Commerce appeared before the Commission to thank the Commission for their support and gave a brief summary on what is going on in Fayette County.

Ms. Berry presented a Title, Authorization to Move Vehicle and a Power of Attorney for the total loss settlement figures for the 2007 Ford vehicle to the Commissioners. The Commissioners approved and signed.

Ms. Berry presented a Title and Power of Attorney to apply for a salvage title for the 1999 Jeep Cherokee to the Commissioners. The Commissioners approved and signed.

The Commissioners received and reviewed a letter from the White Oak Public Service District informing that the term of Eddie Chornobay expired on January 1, 2012. The Board is asking that Eddie Chornoby be reappointed for another six-year term.

Commissioner Lopez offered a motion that Eddie Chornobay be reappointed to serve on the White Oak Public Service District Board for a term of six-years. Commissioner Wender seconded. Unanimous. An Order and an Appointment to Serve letter were signed.

The Commissioners signed letter expressing their support of the plan by the Southern Appalachian Labor School (SALS) plans to seek Housing Preservation Grant funds.

The Commissioners signed letter expressing their support for the Southern Appalachian Labor School (SALS) application to continue home rehabilitation work within Fayette County, West Virginia.

Ms. Berry informed the Commissioners she received two (2) quotes for the replacement of the fence at the Harlem Heights Park, Dennler's Fencing (\$3,989.00) and Pronto Fence Company (\$8,000.00).

Commissioner Lopez offered a motion to accept the lower quote of Dennler's Fencing, amount \$3,989.00 to replace the fence at the Harlem Heights Park. Commissioner Wender seconded. Unanimous.

The Commissioners signed letter to the Elected Officials, Department Heads, and Safety Coordinator informing that in order to implement and maintain an effective Safety and Loss Control Program for employee workers' compensation claims, the members of the Fayette County Commission hereby authorize the creation of a Safety Committee. On or before Friday, May 25, 2012, please submit to Debbie Aliff, Safety Coordinator, the name of their representative to be a member of said committee.

Ms. Berry signed letter to the Elected Officials and Department Heads informing the current fiscal year ends on June 30, 2012; please submit all invoices dated on or before June 30, 2012, to Stephanie Sears as soon as possible but no later than July 1, 2012. To the extent possible, please submit travel reimbursements for June to

Stephanie Sears by June 22, 2012; please submit the balance of your June travel reimbursements by noon on July 1, 2012.

Also, Ms. Berry is asking that they contact Debbie Aliff, Payroll Clerk for any payroll related deadlines for June (i.e., extra help, overtime, etc.).

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

The Commission reconvened the Commission meeting at 10:40 a.m.

Angela Gerald appeared before the Commission to give an update on the dilapidated program.

Present for the hearing were Tim Richardson and Gary Lilly.

Ms. Gerald told the Commissioners the program is moving right along. They have four (4) more houses to give to the Prosecuting Attorney's Office to start the paperwork. They have completed 35 cases, the county has taken down three (3) houses will recuperate by putting liens on the property.

Ms. Gerald reported on Buren Renick's property. Ms. Gerald told the Commissioners she has given him a list of the ten (10) contractors he can use to tear the building down, he has gotten the power disconnected, he will be getting quotes on the cost to tear down the building.

Ms. Gerald told the Commissioners he is working on the project.

After the brief discussion with Mr. Richardson and Mr. Lilly the Commission asked Ms. Gerald to start the paperwork to have Mr. Renick appear before the Commission.

Elmer Pritt and Rodney Myers members of the American Legion Post #149, and Nancy McKown, Council member for the Town of Fayetteville and the Huse Memorial Park appeared before the Commission to request that they join with them in an \$80,000.00 LaFayette Huse Veterans Memorial Project to honor all branches of service.

Mr. Pritt presented a picture of the LaFayette Huse Veterans Memorial Project.

Mr. Pritt told the Commissioners that the Town of Fayetteville has donated the land. The Memorial will be located at the Huse Memorial Park.

Mr. Pritt told the Commissioners the Memorial will be constructed for the purchase and placement of a brick in honor or in memory of Fayette County Veterans. Each brick at the cost of \$100.00 will have engraved the Veteran's Rank, Name and Branch of Service.

Mr. Pritt told the Commissioners they are hoping to raise \$40,000.00 from the sale of the bricks.

Mr. Pritt told the Commissioners this Memorial Wall will be constructed uniting within a wall the five branches of service, US Army, US Coast Guard, US Navy, US Marines and US Air Force just as they are united in service for our country. Each service flag will fly proudly along the side of our American Flag. And of course the POW flag will fly for Prisoners of War and Missing in Action, who are never forgotten. In the center will be the name of those listed as killed in action, missing in action, and prisoners of war from the Fayette County area, a special tribute for their ultimate sacrifice.

After a brief discussion, the Commission informed they would review at the end of June. The Commission informed the funds are not in the budget for this year.

The Commission informed they would make some decision about this by the end of June or July to see what the County can do.

The Commissioners received and reviewed a letter from BrickStreet Insurance confirming the Safety and Loss Control Survey conducted on April 18, 2012.

Lorrie Thomas with the West Virginia Division of Highways appeared before the Commission to ask that they sign a deed to convey unto the West Virginia Department of Transportation, Division of Highways access right of way for public road purposes parcels of land situate in Plateau District, Fayette County, West Virginia Lot 134, Glen Jean Addition.

Commissioner Lopez offered a motion that Fayette County Commission transfer property to the West Virginia Department of Transportation, Division of Highways, Lot 134 Glen Jean Addition. Commissioner Wender seconded. Unanimous. The Commissioners signed the Deed.

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

The Commissioners received and reviewed a notice from the West Virginia Association of Counties informing of the 2012 Regional Wrap Up being held June 5 to June 8, 2012.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that funds due for the April 2012 Table Games will be directly deposit on May 16, 2012, amount \$7,591.48 and funds due for the April 2012 Greenbrier Table Games will be directly deposit on May 16, 2012, amount \$126.62.

The Commissioners received and reviewed a letter from the New River Gorge Convention and Visitors Bureau notifying the Commission that they have filed for an extension on their 2011 Exempt Organization Return.

The Commissioners received and reviewed a copy of a letter from Sheriff Steve Kessler to Deborah Aliff, Payroll Clerk informing he has appointed Mike Fridley to the position of Chief Deputy effective May 15, 2012, yearly salary \$44,665.00 or \$3,722.08 per month.

The Commissioners received and reviewed a letter from the Public Service Commission regarding Case No. 07-1101-PSWD-G1, Arbuckle Public Service District.

The Commissioners received and reviewed Quarterly Report from Dave Pollard, County Resource Coordinator.

The Commissioners received and reviewed checks for 911 Fees from Frontier, amount \$30,263.48, Verizon, amount \$2.00; check from the West Virginia Development Office for Fayette/Nicholas American Red Cross, amount \$2,500.00 and Fayette County Historical Society Contentment Complex, amount \$169.80; check from the Department of Health and Human Resources-reimbursement, amount \$3,348.45, checks for Lease of Dunloup property, amount \$2.00.

The meeting was adjourned at 11:50 a.m. The next scheduled meeting is May 22, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 22, 2012
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present:

John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a special session on this 22nd day of May 2012.

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

Commissioner Lopez announced that the Commission is here today to certify the canvass of the Presidential Primary 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 2012 Presidential Primary 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 2012 Presidential Primary Election. A letter and an Order were forwarded to the Secretary of State and the County Clerk giving the results of the canvass.

Ms. Berry told the Commissioners that Fayetteville High School has invited them to attend their graduation.

Commissioner Scalph informed she would try to attend.

The Commissioners signed a letter to West Virginia American Water informing that the Fayette County Commission has agreed to provide \$3,168.00 for the placement of a fire hydrant for residents in the Toney Fork Road area. However, in order to receive maximum benefit, a second hydrant needs to be placed so that all can be located within 1,000 feet of a hydrant.

The Commission is requesting that West Virginia American Water match the Commission's commitment by providing a second fire hydrant to maximize the fire protection benefit.

Ms. Berry informed the Commissioners she received two (2) Governor's Community Participation Grant Program Contract between the West Virginia Development Office and the Fayette County Commission for the Fayette County Historical Society's Contentment Complex Museum and School House, amount \$2,000.00 and Fayette-Nicholas Chapter American Red Cross, amount \$2,500.00.

Ms. Berry told the Commissioners that the Contract and Resolution have to be signed and approved.

Commissioner Lopez offered a motion to approve and authorize the adoption of said Resolutions for the Fayette County Historical Society's Contentment Complex Museum and School House and the Fayette-Nicholas Chapter American Red Cross. Commissioner Scalph seconded. Unanimous. The Contracts and Resolutions were signed.

The Commissioners received and reviewed a request from Imagine Project, Inc. requesting use of the Memorial Building for a documentary on "An Imaginary Thing" on June 16, 2012.

The Commissioners signed a letter to Okey Skidmore, Manager of the Fayette County Memorial Building informing that it was decided that the request of the Imagine Project, Inc. to use the Memorial Building for the purpose of presenting a documentary on "An Imaginary Thing" did meet the public, non-profit guidelines and, consequently the \$1,000.00 rental fee will be waived. All other rules are applicable, including insurance, garbage, and custodian.

Discussion was held regarding the cost of the roof at the Fayette County Park for the Dining Hall. Commissioner Lopez suggested talking with Allen Ballard.

The Commission approved to cancel the June 1st County Commission meeting.

Ms. Berry informed the Commissioners that since they wouldn't be meeting again until June 15th, Ms. Berry asked the Commission if they would approve for Stephanie Sears to write checks for utilities and other invoices that may be due before they met again. The Commission approved.

The meeting was adjourned at 10:45 a.m. The next scheduled meeting is June 15, 2012.

JUNE 15, 2012

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 15th day of June 2012.

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

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

Commissioner Lopez offered a motion to approve and sign personal property tickets for Donald and Dina Ledford, Alvin Booker, Kandra A. or Jerome R. Kirk, Jesse J. Anderson, Bessie M. or Lloyd S. Smith, David S. and Lori Doyle, Marilyn Elaine Ritchie, William C. Johnson, Ronald W. and Alicia Norris, Rebekah K. (Snyder) maiden Harvey, and John E. Pyatt. Commissioner Scalph seconded. Unanimous.

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 vouchers and invoices and 1st half payrolls, checks to be released today. Commissioner Scalph seconded. Unanimous.

Commissioner Wender informed they have prepared an invoice to the Secretary of State's Office for both the Primary Election ballot instruction error and notifying voters of changes due to redistricting. The total amount of reimbursement \$6,501.58.

Allen Ballard, Building Inspector and Bill Hannabass, City Manager for the City of Oak Hill appeared before the Commission to sign the Intergovernmental Agreement, the City of Oak Hill and the Fayette County Commission has toward the Building Permit and Building Code Enforcement.

Mr. Ballard told the Commissioners that from July 1, 2011 to May 22, 2012 they made a total of \$24,200.66 in building permit fees. Mr. Ballard told the Commissioners the Building Safety Department under his supervision has done a total of \$9,137.40 cost of Inspections which leaves a total of \$15,063.26. Under the Agreement this will be divided equally which will be \$7,531.63 for the City of Oak Hill and The Fayette County Commission.

Commissioner Lopez offered a motion to approve and sign the Building Inspectors Intergovernmental Agreement for a period of one year beginning on July 1, 2012 and expiring on June 30, 2012 with the City of Oak Hill. Commissioner Scalph seconded. Unanimous. The Prosecuting Attorney has prepared the Agreement for the upcoming year. The Agreement was signed.

Steve Cruikshank, Fire Coordinator/Deputy Director OES appeared before the Commission to present a Proposal for the Purchase of Property for the Fayette County Fire Academy.

Also present for the presentation was Theresa White, Chris Martin, John Vernon, Joe Crist, Mark Bass, Benny Filliagi, Esther Morey and Rev. Robert Morey.

Mr. Cruikshank turned the presentation over to Chris Martin, Deputy Fire Coordinator.

Mr. Martin told the Commissioners the property is located at 25721 Midland Trail, Hico, West Virginia. The property is formerly known as North American River Runners which was a rafting company. The property is approximately 32 acres in size and has several buildings on it.

Mr. Martin told the Commissioners in the proposal he has included photographs showing the buildings, a Photo Log giving a brief description of what they plan to call each building/area and its proposed use and have included notes on each building and their remodeling plans for each building. (See attached)

Mr. Martin told the Commissioners in the proposal they will find a list of what they feel are positive attributes for the County that this proposed facility will produce.

Mr. Martin told the Commissioners not only will it benefit Fayette County, but it will benefit surrounding Counties as well.

Mr. Martin told the Commissioners they have included a spreadsheet showing their financial status and a proposed budget for the coming years through 2016. (See attached)

Mr. Martin told the Commissioners he would let Steve Cruikshank go over the spreadsheet and the proposed budget for the coming years through 2016.

Mr. Cruikshank went over the spreadsheet and the proposed budget with the Commissioners.

Ms. Stephanie Sears, Staff Accountant informed the Commissioners that Mr. Cruikshank should have included in the budget the purchase of the facility, closing cost survey and title and transfer stamps.

Ms. Sears presented the corrected spreadsheet and the proposed budget for the coming years through 2016 to the Commissioners.

Commissioner Wender asked if there were any comments.

Carl Harris, Prosecuting Attorney voiced his comments.

Mr. Cruikshank told the Commissioners that the Firefighters Association has approved of the purchase.

Commissioner Lopez offered a motion that the Fayette County Commission approves the purchase of the property contingent that they have a title search, insurance, has an appraisal done that the appraisal has to be equal to the purchase price or above the purchase price of the property. Commissioner Scalph seconded. Unanimous.

Brian Sparks, Agriculture Agent and Lauren Weatherford, Family and Health Agent with the WVU Extension appeared before the Commission to give updates on their programs.

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

The Commission reconvened the Commission meeting at 11:20 a.m.

Dave Pollard, County Resource Coordinator appeared before the Commission to give an update on the case with West Virginia American Water.

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).

Also present for the hearing was Allen Ballard, Chairman of the Fayette County Dilapidated and Beautification Committee and Gary Lilly, a concerned citizen.

Carl Harris, Prosecuting Attorney presented pictures of each of the properties.

Josh Conaway, property is located at 1595 Scarbro Road, Scarbro, 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.

Leland Cooper, property is located at 58 Packs Branch Road, Pax 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.

Buren E. Renick, Jr. and Cynthia L. Renick property is located at 7659 Gatewood Road, Fayetteville, WV.

Commissioner Wender 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, property is located at 151 Greentown Loop Road, Greentown, WV.

Commissioner Scalph offered a motion to accept the recommendation of the Fayette County Dilapidated and Beautification Committee to proceed with sending the notice for demolition and removal of all buildings or dwellings on the property. Commissioner Lopez seconded. Unanimous. The Prosecuting Attorney's Office is preparing the Order.

The Commission recessed the Commission meeting at 11:55 a.m. for an Executive Session with David Neal, E911 Coordinator.

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

David Neal, E911 Coordinator presented a list of items remaining to be purchased for the new 911 Center.

Mr. Neal informed the Commissioners that the bid for the Dispatch Logger/Recorder is pending.

After a brief discussion, Commissioner Scalph offered a motion that the Fayette County Commission approves the monies for the new 911 Center excluding the \$27,410 for the Dispatch Logger/Recorder. Once we receive the quotes as presented by David Neal, Stephanie Sears, Staff Accountant will issue the purchase order once she has the quote

in her hand. Commissioner Lopez seconded. Unanimous. See an attached list.

Tristan Cleveland VISTA worker through New River Gorge Regional Development Authority (NRGRDA) appeared before the Commission to introduce herself and inform the Commission of some of the projects she's working on. Adam Hodges was also in attendance.

Ms. Cleveland told the Commissioners that the Litter Sweep was successful, and they picked up 9.46 tons of trash. Ms. Cleveland told the Commissioners she is working with the Boy Scouts, and will continue to work with groups in Fayette County.

Ms. Berry presented two (2) Budget Revisions to the Commissioners to approve and sign.

Commissioner Scalph offered a motion to approve Budget Revision for Fiscal Year 2011-2012 with no change in funding just reallocation in funding for the General County Fund. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve Budget Revision for Fiscal Year 2011-2012 for the Coal Severance Fund (\$220,907). Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign the Brownsfield Federal Financial Report for the Grant period October 2010 to September 30, 2011.

The Commissioners received and reviewed a quote from Flat Top Construction, Inc. to repair the surface drainage at the Courthouse Annex Building, cost \$8,500.00.

Commissioner Scalph offered a motion that Fayette County Commission approves the \$8,500.00 to create a positive surface drainage at the Courthouse Annex Building. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a Hazard Mitigation Property Lease to the Commissioners.

The Commissioners approved to hereby lease unto Kirk Tilley and Lindsay Behringer that certain tract or parcel of land situate in Plateau District, Fayette County, West Virginia, and being more particularly described as Lot 3 Section 1 Sweetwood Hills SD, Scarbro (formerly owned by Ronnie D. & Helen Lewis). The Tenant shall pay the Commission a Lease payment of One Dollar (\$1.00) per year payable in advance each year on the 1st day of the one-year anniversary of the agreement. (See attached Agreement)

The Commissioners signed Request for Reimbursement to the West Virginia Division of Criminal Justice Services for the JAG Grant for the month of May, amount \$2,281.55.

Ms. Berry presented three (3) Grant Applications and Resolutions for the Commissioners to approve and sign; 4-H Camp Improvements in the amount of \$5,000.00, African American Arts and Heritage Academy in the amount of \$3,000.00, and Guaneka Ruritan Club/Fall View Community Center in the amount of \$6,000.00.

Commissioner Lopez offered a motion to approve and sign Grant Applications for 4-H Camp Improvements (\$5,000.00), African American Arts and Heritage Academy (\$3,000.00) and Guaneka Ruritan Club/Falls

View Community Center (\$6,000.00). Commissioner Scalph seconded.

Unanimous.

The Commissioners approved the request of the Fayetteville Fairs and Festival Committee permission to use the Courthouse lawn/sidewalks for their Annual New River Gorge Heritage Festival to be held on Friday, June 29 - July 4, 2012 and request for the use of the Memorial Building as a back-up plan in case of inclement weather for the purpose of hosting the Gospel Sing.

The Commissioners approved the request of the New River Humane Society, Inc. permission for use of the Courthouse lawn to set up an adoption booth for the purpose of making the animals in the parade available for adoption on June 29, 2012, however, the Fayetteville Fairs and Festival Committee has been given permission to use the courthouse lawn on that day. The Commission asked that they coordinate with Carol Smith, Chairman of the Fayetteville Fairs and Festival Committee the space needed on the courthouse lawn.

The Commissioners received and reviewed a letter from the Fayetteville Convention and Visitors Bureau requesting permission for use of the Courthouse lawn and walkways on Saturday, October 20, 2012 for the purpose of hosting the 4th Annual Bridge Day Chili and Cornbread Cook-off.

Commissioner Scalph offered a motion to approve the request of the Fayetteville Convention and Visitors Bureau permission to use the Courthouse lawn and walkways on Saturday, October 20, 2012 for the

purpose of hosting the 4th Annual Bridge Day Chili and Cornbread Cook-off. Commissioner Wender seconded. Unanimous.

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, September 8, 2012 as the location for the Civil War re-enactors to interact face-to-face with small groups of visitors and residents in order to deliver a living history of their life and times during the war.

Commissioner Scalph offered a motion to approve the request of Fayetteville Convention and Visitors Bureau requesting permission to use the Courthouse Lawn and walkways on Saturday, September 8, 2012 as the location for the Civil War re-enactors to interact face-to-face with small groups of visitors and residents in order to deliver a living history of their life and times during the war. Commissioner Wender seconded. Unanimous.

The Commissioners signed a letter to the New River Gorge Regional Development Authority reappointing Dave Arnold a private citizen representative to the New River Gorge Regional Development Authority Board of Directors effective July 1, 2012 through June 30, 2015.

The Commissioners signed a letter to Okey Skidmore, Manager of the Fayette County Memorial Building approving use of the Fayette County Memorial Building for the 2012 Bridge Day Rappel Safety Orientation, Friday, October 19, 2012.

The Commissioners received and reviewed a letter from W. D. Smith, Executive Director Region 4 Planning and Development Council

regarding vacant seats for the Fayette County Commission private sector members of the Region 4 Planning and Development Council.

Discussion was held no decision was made.

The Commissioners received and reviewed a letter from Betty Steen with the Fayette County Emergency Food Assistance Center requesting \$5,000.00 to establish a utility fund to assist those in Fayette County who needs assistance with their utilities.

The Commissioners asked that this letter be forward to Danny Scalise with the Capital Resource Agency.

The Commissioners signed a Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Corrections Day Center for the month of May, amount \$20,345.42.

The Commissioners received and reviewed a letter from the Department of Environmental Protection inviting the Commission to attend a meeting of the Upper and Lower Kanawha River Watersheds to develop a statewide water resource's management plan by 2013. The meeting is scheduled for Thursday, July 12, 2012 at the Department of Environmental Office in Charleston, West Virginia.

Commissioner Wender asked Ms. Berry to e-mail him a reminder of the meeting.

The Commissioners received and reviewed a letter from the Upper Kanawha Valley Little League requesting assistance in purchasing a garden tractor for field maintenance.

The Commissioners approved \$2,300.00 to assist the Upper Kanawha Valley Little League to purchase a garden tractor for field maintenance.

The Commissioners received and reviewed Requisition for Construction drawdown for the new 911 Center in the amount of \$490,073.69.

The Commissioners signed drawdown request for payment to the West Virginia Development Office for the Community Participation Grant for the Minden Kwanzaa Community Association in the amount of \$1,883.85.

Ms. Berry informed the Commissioners she received information concerning County Commissioners' Association Annual meeting Sunday, August 5 through Wednesday, August 8, 2012 at the Mountaineer Resort and Casino.

The Commissioners signed an Order ordering the annual pro-rate 5-year costs associated with such special levy election to be deducted from the total annual amount raised for each entity receiving funds from such Special Levy and transferred to the Fayette County Election Expense Levy Fund, Law Enforcement Levy Fund \$6,8700.00, Library Levy Fund \$3,200.00, and Fire Levy Fund \$10,000.00.

The Commissioners received and reviewed Audit Reports from the Nuttall Volunteer Fire Department and the Ansted Fire Department.

Discussion was held regarding the repairs of the kitchen roof at the Fayette County Park. No decision was made.

The Commission received and reviewed a letter from Jeremiah Johnson, Mayor of the Town of Pax requesting that the approved

\$1,000.00 for the Town of Pax flood control be used to remove a tree in the close proximity to "Paint Creek" creek.

The Commission asked Ms. Berry to inform Jeremiah Johnson, Mayor that this is up to him and the Town Council discretion.

The Commissioners received and reviewed a letter from Judge John W. Hatcher, Jr. requesting that a small window-unit air conditioner be installed in the coffee room near the Courtroom.

Ms. Berry informed the Commissioners that Dickie Smith, Maintenance Supervisor informed her that the small window-unit air conditioner has been installed.

The Commissioners received and reviewed a letter from the New River Humane Society, Inc. informing they would like to acknowledge the Commission by including its name on the new cargo van they committed money toward the purchase along with their logo.

Ms. Berry informed the Commissioners she asked Carl Harris, Prosecuting Attorney if this could be done. Mr. Harris told Ms. Berry that the Commission could not do this.

The Commissioners received and reviewed an Order from the Public Service Commission regarding the Arbuckle Public Service District.

The Commissioners received and reviewed a letter from Chief Tax Deputy Ronda Falk informing that effective June 1, 2012 all registration renewals mailed from the DMV will include an information insert regarding the new electronic insurance verification program.

The Commissioners reviewed the letter sent to the West Virginia Department of Transportation authorizing them to enter upon property

belonging to Lucy Johnson, which right of entry was obtained by the Fayette County Commission in Fayette County Civil Action 11-C-256, by order signed by the Honorable Paul M. Blake, Jr. and dated May 25, 2012, said order was filed in the Office of the Clerk of the Circuit Court of Fayette County, West Virginia, on May 25, 2012.

The Commissioners received and reviewed a letter from Dr. George and Carolyn Becker regarding the deplorable and extremely unsafe conditions in the Historic Community of Winona.

The Commissioners received and reviewed an Official Oath of Office from Eddie Chornobay member of the White Oak Public Service District.

The Commissioners received and reviewed a letter from Eddie Young, Assessor informing Keith Dempsey will be starting June 1, 2012 as a part time summer help. Mr. Young informed salary to be paid out of his Regular County Budget. He will be paid \$7.50 per hour.

The Commissioners received and reviewed an e-mail from Michael Todorovich regarding Broadband at the Courthouse.

The Commissioners received and reviewed a letter from Kenneth W. Smart informing that due to an on going of an unexpected illness he is submitting his resignation as of July 1, 2012.

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

The Commissioners received and reviewed, a thank-you from the American Red Cross, thanking the Commission for the Governor's Community Grant reimbursement of \$2,500.00 they received.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources regarding the Administrative Order issued to the Kanawha Falls Community Water.

The Commissioners received and reviewed a letter from the Town of Meadow Bridge informing that effective July 2012 the rent for the Meadow Bridge Community Building has been set for \$250.00 a month plus utilities.

The Commissioners received and reviewed a copy of the Fayette County Planning Commission meeting of May 21, 2012.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing that as of May 31, 2012 lists the securities 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 the securities pledged to the Fayette County Commission as of May 31, 2012.

The Commissioners received and reviewed Account Statement from the Bank of New York Mellon for the period May 1, 2012 through May 31, 2012.

The Commissioners received and reviewed Cash Statement and Asset List from the Bank of New York Mellon as of May 31, 2012.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the May 2012 Greenbrier Table Games Tax will be directly deposited on June 18, 2012, amount \$130.45.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the 75% of the oil and gas severance tax will be directly deposited on June 14, 2012, amount \$41,804.61 and the 25% of the oil and gas severance tax will be directly deposited on June 14, 2012, amount \$29,296.25.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of June 1 to June 7, 2012, amount \$90.00 and the week of June 8 to June 14, 2012, amount \$190.00 and allotment for the Month of May 2012, amount \$13,206.37.

The Commissioners received and reviewed several correspondences from BrickStreet Insurance.

The Commissioners received and reviewed checks for 911 Fees from Lumos, amount \$849.42, Cebridge Telecom WV, amount \$18,564.00, Frontier, amount \$82.33, Interface Security Systems, Inc., amount \$24.00, Frontier, amount \$29,863.60 and Public Service Commission, amount \$180,737.73; checks for Jail Fees from the Town of Fayetteville, \$48.80 and City of Mount Hope, amount \$48.80; Division of Justice and Community Services- Community Corrections, amount \$23,846.41; Travelers Insurance claim, amount \$3,021.00; City of Beckley DUA Reimbursement, amount \$264.60; Division of Human Services-

FRN State Grant, amount \$10,000.00; Fayette County Solid Waste Authority reimbursement for salaries, amount \$798.15; Auditors Office Internal use reimbursement P-Cards, amount \$813.86; Department of Health and Human Resources reimbursement Community Corrections, amount \$3,861.90; Westfield Insurance-Insurance Claim, amount \$11,982.28 and Soldiers and Sailors, amount \$25.00.

The meeting was adjourned at 2:40 p.m. The next scheduled meeting is June 29, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 29, 2012
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 29th day of June 2012.

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

Commissioner Scalph offered a motion that Fayette County Commission approves the upgrade of the lines at Armstrong Public Service District, cost \$10,000.00. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices and 2nd half payrolls, checks to be released today.

Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of March 23, April 2, April 17, April 20, April 30, May 14 and May 22, 2012.

Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney informed the Commissioners he will prepare a Petition for Declaratory Judgment in the Circuit Court to the Fayette County Firefighters Association, Inc. regarding their request for funds from the Levy Fund with which to purchase improved real estate located at Hico, Fayette County, West Virginia for the purpose of establishing a fire fighter's training facility. That the training facility would accommodate Fayette County Firefighters and class would be open to firefighters from around the State, for a fee.

Mr. Harris told the Commissioners they need clarification of the funds and he is asking the Court for an opinion.

Commissioner Scalph offered a motion to authorize Carl Harris, Prosecuting Attorney to file a Declaratory Judgment in the Circuit Court for the purpose of whether or not fire equipment purchase money can be used for real estate and establishing a fire fighter training facility which would be used for training firemen from other counties. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an Order designating four (4) banks to be County depositories of public monies (Fayette County National Bank,

Branch Banking and Trust (BB&T), Chase (formerly Bank One Beckley, WV, N.A.) and Bank of Mount Hope, Inc.

Ms. Berry informed the Commissioners she sent the Order over to the Prosecuting Attorney's Office to review.

Commissioner Scalph offered a motion to accept and make binding by this Order the depository bonds and/or the securities and agreements as received and make a part thereof for the banking institutions enumerated (Fayette County National Bank, Branch Banking and Trust (BB&T), Chase (formerly Bank One Beckley, WV, N.A., and the Bank of Mount Hope, Inc.). Commissioner Lopez seconded. Unanimous. Order and letters to each bank signed.

Ms. Berry presented a Request for Reimbursement to the Division of Community Justice Services for the Sheriff's Department, amount \$8,000.00.

Commissioner Scalph offered a motion to approve Request for Reimbursement to the Division of Community Justice Services for the Sheriff's Department, amount \$8,000.00. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners that Sheriff Steve Kessler is going on vacation on Monday, July 2, 2012 and would like to know if he can receive his Sheriff Commission check today.

Commissioner Lopez offered a motion to approve writing of the Sheriff Commission, amount \$15,000.00. 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 July 2012.

Ms. Berry informed the Commissioners she received an invoice from the Coal Heritage Highway Authority for Project Cost Share for VISTA worker Tristan Cleveland for February 18, 2012 through February 16, 2013, amount \$10,770.00.

Commissioner Scalph offered a motion to approve payment of \$10,770.00 to the Coal Heritage Highway Authority for Project Cost Share for VISTA worker Tristan Cleveland. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners she received a request on June 25, 2012 from the Ansted New Haven Community Improvement Association requesting their drawdown for the approved funds of \$1,700.00 in support of the Ansted Food Co-Pack Project (Blue Smoke Salsa). Ms. Berry informed the Commissioners she had talked with Commissioner Lopez the Purchasing Agent and he approved payment to the Ansted New Haven Community Improvement Association.

Discussion was held regarding the appropriation of the \$20,000.00 to the Upper Kanawha Valley Economic Development Corporation for Fiscal Year 2012-2013.

Commissioner Lopez suggested transferring the allocated funds of the Hawks Nest Golf Course to the Upper Kanawha Valley Economic Development Corporation.

Commissioner Wender suggested amending the Fiscal Year 2012-2013 Budget.

Commissioner Scalph offered a motion to amend the Fiscal Year 2012-2013 Budget to approve the \$20,000.00 allocation to the Hawks Nest Golf Course be transferred to the Upper Kanawha Valley Economic Development Corporation for Fiscal Year 2012-2013. Commissioner Lopez seconded. Unanimous.

Heather Lucas appeared before the Commission to give an update on the New River Clean Water Alliance in Fayette County.

Also, present for the update were Levi Rhodes and Bobby Bower.

Gloria King, Carrie Carr and Judy Learmonth members of the New River Humane Society appeared before the Commission to give a brief update of the program.

Ms. King asked the Commissioners if they would participate in the purchase of cat cages. Ms. King told the Commissioners they received a grant for \$3,000.00 toward the purchase. The total cost of the cages is \$14,251.00. Ms. King asked the Commission if they would pay the remaining cost of \$11,251.00.

Commissioner Lopez offered a motion that Fayette County Commission would allocate \$11,251.00 toward the purchase of the cat cages. This would be paid out of the current Coal Severance Fund. Commissioner Scalph seconded. Unanimous.

Ron Cantley with the Fayette County Board of Education appeared before the Commission to give them an update on their Recycling Program.

Mr. Cantley told the Commissioners that the program has gotten off with a very good start. Collins Middle School and Mount Hope Elementary School is very active in the program.

Mr. Cantley told the Commissioners the grand total weight recycled is 42,520 pounds. This number does not take into account the recycling weights picked up by Bill Lanham, Town Superintendent for the Fayetteville Schools participating. This represents 21.25 tons of recyclables that Fayette County Board of Education did not have to pay to send to the landfill.

Discussion was held regarding why the rates between commercial garbage haulers that haul the recyclables to the Raleigh County Recycling Center were different.

Commissioner Wender asked Ms. Berry to send a letter to the Public Service Commission requesting an explanation for the difference in rates for Dave's Sanitation Service, Oak Hill Garbage and A & W Sanitation Service.

Mr. Cantley told the Commissioners that right now their share of the cost for pulls would be approximately \$1,350.00. Mr. Cantley told the Commissioners he would get them a complete total of the cost.

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

The Commission reconvened the Commission meeting at 11:00 a.m.

Walter Beene, Bob Meadows and Jodie Ward appeared before the Commission to discuss the list of repairs needed at the Fayette Gun Club.

Mr. Meadows told the Commissioners they received a grant for \$3,000.00.

Mr. Meadows told the Commissioners they have problems with the roof at the Gun House.

Carl Harris, Prosecuting Attorney informed if the warranty is for 90 days and done the way the specs called for there is nothing that can be done. The building wasn't designed to be a building. Mr. Harris told the Commissioners he would check on the warranty for the roof.

Mr. Meadows informed the Commissioners that nothing has been done on the steps.

Mr. Meadows told the Commissioners that the things on the list they that presented to the Commission have not been done.

Discussion was held regarding working something out with John David and his summer workers in getting the repairs done.

Commissioner Scalph offered a motion to allocate funding up to \$1,000.00 to pay the cost to purchase material for the high and low houses. Commissioner Lopez seconded. Unanimous.

Jim Reed, Howard Hughes, Dale Payne, Doug Maddy and Michael Baker appeared before the Commission to discuss the Paint Creek Scenic Trail.

Mr. Baker asked the Commissioners if they would consider taking ownership of the property with the West Virginia Turnpike Authority.

After a brief discussion, Commissioner Wender offered a motion that Fayette County Commission will stand ready to be a party on the

project and the Fayette County Commission would take ownership of those parcels, they would be paid and would be the lease of the parcels. Commissioner Lopez seconded. Unanimous.

Rick Wilson, Director Economic Development and Paul Miller, Policy Outreach Director appeared before the Commission to present an Economic Development presentation on the Mineral Trust Fund.

Mr. Miller told the Commissioners the educating goal is to get endorsements on their Resolution.

Mr. Miller read a copy of the Resolution to the Commissioners.

Mr. Miller told the Commissioners he would e-mail a copy of the Resolution to Ms. Berry.

Commissioner Scalph offered a motion that Fayette County Commission sign the Resolution to peruse the creating of the Economic Development Mineral Trust Fund. Commissioner Lopez seconded. Unanimous.

The Commissioners recessed the County Commission meeting for lunch at 12:33 p.m.

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

Bill Robinson, West Virginia Division of Highways, Doug Hylton and Betty Crookshank, Greenbrier County Commissioners appeared before the Commission to discuss the Meadow River Rail Trail.

Mr. Robinson told the Commissioners that he had been contacted and was told that a Coal Company had brought the land.

Discussion was held regarding the Coal Company wanting to put the railroad back.

Commissioner Wender asked what should the Commission do.

Carl Harris, Prosecuting Attorney suggested contacting the Secretary of State Office.

Commissioner Wender informed the stimulus money would be lost.

Commissioner Wender suggested writing a letter to the Coal Company asking what their intent are.

Carl Harris agreed with Commissioner Wender to send a letter to the Coal Company and ask them what are their intentions.

Commissioner Wender and Commissioner Hylton informed that they have prepared their \$10,000.00 check for the grant match.

The Commissioners asked Mr. Robinson what would happen with these monies.

Mr. Robinson informed they would be put in an escrow account.

After a brief discussion, Commissioner Scalph offered a motion that Fayette County Commission would pay the \$10,000.00 grant match and it would be totally put in an escrow account pending the outcome of this matter. Commissioner Lopez seconded. Unanimous

Jim Lively, Sr. and Michael Lively presented the Renewal of Liability Insurance for the Courthouse to the Commissioners for Fiscal Year 2012-2013.

Mr. Lively informed no change in the basic rates for county insurance. The building rate increased 3%.

Commissioner Scalph offered a motion that Fayette County Commission approves the Renewal of Liability Insurance as presented by Jim Lively Insurance, cost \$311,157. Commissioner Lopez seconded. Unanimous.

The Commissioners suggested rescheduling the County Clerk for July 13, 2012 at 1:30 p.m. to discuss the Computer System.

Commissioner Scalph offered a motion to approve the change in Precinct #72 from the Danese Elementary School to the Danese Community Center pending further discussion for early voting and the general election. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Planning and Zoning Commission recommending that Gary Harding, Dianna Smallwood Russell, Miles Dean, Van Burks and Doug Maddy be reappointed members of the Fayette County Planning and Zoning Commission term expiring August 3, 2012.

The Commission asked that this be tabled.

Discussion was held regarding Kelvin Holliday, County Clerk request to the Prosecuting Attorney's Office regarding employee Gail Withrow.

Commissioner Scalph offered a motion that due to the part time employment that Gail Withrow has had at the County Clerk's Office the probationary period set forth in the Employees Manual be waived since she has already proved to be a good employee. Commissioner Lopez seconded. Unanimous.

The Commissioners asked to hold the letter from Meadow Bridge regarding their request for rent.

The Commissioners asked to hold the appointment of Mountain Transit Authority appointment until July 13, 2012.

The Commissioners asked that a Special Executive Session be called to discuss with Allen Ballard, Dave Pollard, Tim Richardson, Angela Gerald and Rachel Davis how their 40-hour work week is spent.

The Commissioners approved to appoint Matthew D. Wender, Commissioner and Sharon Cruikshank, Fayette County Chamber of Commerce members of the Prince Railroad Station Authority, terms to expire February 24, 2016.

The Commissioners approved to sign the West Virginia American Water Agreement.

Ms. Berry presented Budget Statement for the ensuing Fiscal Year beginning July 1, 2012 to June 30, 2013 to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Budget Statement submitted today for Fiscal Year 2012-2013. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Fayette County Beautification Committee recommending that Aletha Stolar be reappointed to serve as a member of the Fayette County Beautification Committee.

Commissioner Scalph offered a motion to reappoint, Aletha Stolar, a member of the Fayette County Beautification Committee. Commissioner Wender seconded. Unanimous. Order and appointment to serve letter signed.

Ms. Berry presented an Order to transfer \$6,593.26 from the Fayette County Worthless Check Fund to the General County Fund for reimbursement of previous expenditures as set forth in the order of the Fayette County Commission and entered to record on June 15, 1995, an Order to transfer \$37,278.04 for the Fiscal Year 2011-2012 from the Magistrate Court Fund to the Fayette County General Fund and an Order to transfer the balance of the Fayette County General School Fund in the amount of \$121,690.34 to the Fayette County General Fund to defray the balance due said fund for the cost of care and feeding of misdemeanor prisoners incarcerated by magistrates to the Commissioners.

Commissioner Scalph offered a motion to approve transfer of funds from the Fayette County Worthless Check Fund (6,593.26) to the General County Fund, to transfer the sum of \$37,278.04 for the Fiscal Year 2011-2012 from the Magistrate Court Fund to the Fayette County General Fund and to transfer the balance of the Fayette County General School Fund in the amount of \$121,690.34 to the Fayette County General Fund. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney giving a list of vacation and sick time for his employees as of June 30, 2012.

The Commissioners received/reviewed and approved Dog Tax Commission for Harvey "Eddie" Young, Assessor in the amount of \$683.40.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that the funds due for the 75% of the Coal Severance Tax will be directly deposit on or before June 29, 2012, amount \$209,172.27.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing that with the duty of developing a state-wide water resource management plan by 2013, the Water Use Section is hosting a meeting in Summersville, West Virginia to aid in the development of the plan as it relates to the Gauley River Watershed.

The Commissioners received and reviewed a letter from Potesta Engineers and Environmental Consultants regarding their Floodplain Management Services.

The Commissioners received and reviewed a letter from the West Virginia Association of Counties informing they will be sponsoring a Healthy Counties Conference to assist county officials in taking a lead role in one of West Virginia's most pressing issues. The Live Well Health Conference will be held July 23-24, 2012 at the Charleston Embassy Suites.

The Commissioners received and reviewed a letter from BrickStreet Insurance regarding Loralie N. Hissam claim.

The Commissioners received and reviewed a copy of a letter from Bowles, Rice, McDavid, Graff and Love LLP to the Workers' Compensation Office of Judges informing that T. Jonathan Cook is no longer with the firm; however they still represent the Fayette County Commission in

the Judy Treadway claim and requests that any correspondence or pleadings be directed to Marion E. Ray.

The Commissioners received and reviewed a letter from the Department of Health and Human Resources informing that Kanawha Falls Community Water (the Water System) is being issued an Administrative Order (Order) due to failure to comply with the public health laws of the State of West Virginia.

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

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that they have not received medical evidence showing that John Abbot continues to be totally disable, accordingly, the claim is now closed for payment of temporary total disability benefits.

The Commissioners received and reviewed a letter from the United States Bankruptcy Court regarding Land Resource, LLC, et al.

The Commissioners received and reviewed checks for 911 Fees from IDT Corporation, amount \$17.50, Granite Telecommunications LLC, amount \$437.50, AT&T Communications of West Virginia, amount \$434.00, Mountain Communications, LLC, amount \$51.45; City of Beckley for CIOT Patrols, amount \$1,282.71.

The meeting was adjourned at 4:15 p.m. The next scheduled meeting is July 13, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 13, 2012
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 13th day of July 2012.

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

Gary Hough, Director of Transportation/School Services introduced, Keith Butcher, the new Superintendent for the Fayette County Board of Education to the Commissioners.

Commissioner Wender commented about the storm we had two weeks ago and asked if anyone had any other comments.

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

Commissioner Scalph offered a motion to approve and signed real property tickets. See the attached list. Commissioner Lopez seconded. Unanimous.

Mr. Young informed he had no personal property tickets.

Commissioner Lopez offered a motion to approve vouchers and invoices and 1st half payrolls, checks to be released today. Commissioner Scalph seconded. Unanimous.

Gloria King, Carrie Carr appeared before the Commission to discuss the repairs that need to be done at the animal shelter.

Discussion was held regarding the interior wall for the animal shelter. Commissioner Lopez informed the slab is not in but the footer is in.

Commissioner Wender suggested advertising and asked Carl Harris, Prosecuting Attorney to write the advertisement.

Commissioner Wender informed Ms. King that Earl Pauley, Park Superintendent would be here this afternoon and if she would like to come back at 1:00 p.m. to discuss the repairs.

Ms. Berry informed the Commissioners she received a letter from the Fayette County Public Library Board recommending that Catherine Marshall be reappointed to serve on the Board.

Commissioner Lopez offered a motion that Catherine Marshall be reappointed for a five-year term to serve on the Fayette County Library Board, effective July 1, 2012, said term to expire June 30, 2017.

Ms. Berry presented a Contract Agreement for the West Virginia Community Corrections Grant for Fayette County in the amount of \$304,538.00 to the Commissioners.

Ms. Berry presented A Budget Revision for Fiscal Year 2012-2013 for the Coal Severance Fund Budget to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Budget Revision for Fiscal Year 2012-2013 for the Coal Severance Fund Budget, amount \$1,469,189. Commissioner Scalph seconded. Unanimous.

The Commissioners signed invoice to the Fayette County Board of Education for the Annual Memorandum of Agreement with West Virginia University Cooperative Extension and the County Extension Service Committee for the quarterly payment for July, August, and September, amount \$6,059.25.

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 August 2012.

The Commissioners signed a Requisition for Construction Draw for the new 911 Center in the amount of \$337,508.00.

Ms. Berry told the Commissioners the total amount spent up to July 13, 2012 is \$1,438,557.49.

The Commissioners signed the 2012 Application for Certificate to Operate from the West Virginia Department of Environmental Protection-Division of Air Quality for the Courthouse Incinerator. This facility is currently on Permanent Shutdown.

The Commissioners signed the Consumers Sales Tax Report for the Quarter ending June 30, 2012.

Ms. Berry presented a letter from Deputy Steven Neal requesting use of the Fayette County Memorial Building for a boxing event to be held on October 13, 2012 to the Commissioners.

The Commissioners asked Ms. Berry to talk with Deputy Neal and get more details regarding the boxing event.

Attorney James C. Blankenship, III, Fiduciary Commissioner appeared before the Commission to present his Report of Claims in the Estate of Douglas Wayne Matheny.

Mr. Blankenship informed the Commissioners the parties interested in this matter were notified by certified mail of the hearing set for today, Tammy Hopkins appearing at the hearing in person, the personal representative of the Estate, Glenda K. Matheny, failed to appear in person or by counsel.

After consideration of the Report and the comments of the Fiduciary Commissioner who presented said Report for approval, Commissioner Scalph offered a motion that Fayette County Commission adopts the report of James Blankenship findings of facts, it is the Order and Judgement of the Commission that the Executrix shall pay to Tammy Hopkins the amount of \$2,918.24 for the sums collected under the aforesaid Land Contract, and further, the Executrix shall pay Tammy Hopkins the additional sum of \$155.00 as half of the cash assets she received, and \$662.05 for a total of \$3,735.29. Commissioner Lopez seconded. Unanimous. See attached Order.

Commissioner Scalph offered a motion to appoint Steven Tyra to fill the vacancy due to the resignation of Carl Thompson on the Mountain Transit Authority Board, said term to expire June 30, 2015. Commissioner Lopez seconded. Unanimous. An Order and a letter to serve were signed.

Commissioner Lopez offered a motion to appoint Matthew D. Wender a member of the Prince Railroad Station Authority Board, the term to

expire on February 24, 2016. Commissioner Scalph seconded.

Unanimous.

Commissioner Scalph offered a motion to appoint Sharon Cruikshank a member of the Prince Railroad Station Authority Board, the term to expire on February 24, 2016. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters appointing Matthew D. Wender and Sharon Cruikshank members of the Prince Railroad Station Authority Board, the terms to expire on February 24, 2016.

The Commissioners received and reviewed a letter from Rebecca Cyrus, Director of the Good News Outreach Mission requesting additional funds to assist with recovery from the storm of June 29, 2012.

Commissioner Scalph asked Ms. Berry to check with Theresa White, OES Director to see if she can offer some assistance.

Angela Gerald, Project Director for the Fayette County Dilapidated and Beautification Committee presented one (1) Complaint to recommend that complete demolition and removal of all buildings or dwellings on this property within 30 days. All debris to be disposed of in a manner consistent with the applicable laws to the Commissioners (See attached Complaints).

Carl Harris, Prosecuting Attorney presented pictures of the property.

Nancy L. Ratliff, property is located at 2579 Scarbro Road, Scarbro, WV 25901.

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. Gerald presented an Abandoned Properties Update to the Commissioners.

Ms. Berry presented a Certificate of Substantial Completion for Phase 1 of the Electrical Upgrade of the Fayette County Courthouse.

Ms. Berry told the Commissioners as soon as the final reports are completed, the process of advertising for Phase 2 of the upgrade will begin.

Commissioner Wender asked for a recess at 10:50 a.m. for an Executive Session to discuss a personal matter.

Commissioner Lopez offered a motion to adjourn the Executive Session and back to the County Commission meeting at 11:45 a.m. Commissioner Scalph seconded. Unanimous.

Ms. Berry told the Commissioners they did not receive any bids on the Fayette County Park Dining Hall.

Tyler Bragg, GIS Specialist, Fayette County Assessor's Office appeared before the Commission to inform them that he is working with the Zoning Officer, Building Code Inspector in developing a grant through the West Virginia Geological and Economic Survey Technical Assistance Grants Program

Mr. Bragg told the Commissioners the object of the Technical Assistant Grants is to make citizens aware of broadband services and Internet applications that are currently available, or due to become available, as broadband infrastructure is installed across the state.

Mr. Bragg told the Commissioners the grants will be awarded in amounts ranging from \$5,000.00 to \$30,000.00. There is a required match of 25% of the total award.

Mr. Bragg told the Commissioners the grant proposal is due by August 1, 2012 (award notification by August 31, 2012).

Mr. Bragg told the Commissioners this is a 3-Phase project: 1-County Website Creation, 2-Refine Zoning GIS layer and Create Interactive Map, and 3-Build web-based Zoning and Building Permit Application and Submission Tool.

Mr. Bragg told the Commissioners he is here today to seek the Commission's approval and support of the project. Application approved and signed.

Commissioner Scalph offered a motion to approve purchase of a new computer for the Zoning Office, cost \$1,547.10. Commissioner Wender seconded. Unanimous.

The Commission recess the County Commission meeting for lunch at 12:40 p.m.

The Commission reconvened the County Commission meeting at 1:35 p.m.

Earl Pauley, Park Superintendent, Peggy Bennett appeared before the Commission to discuss the repairs at the Fayette Gun Club and the

repairs at the Animal Shelter. Also, present were, Gloria King and Carrie Carr.

John David, SALS, Bob Meadows, Chairman and Walter Beene of the Fayette Gun Club were scheduled to appear but did not show.

Commissioner Wender informed the first issue is laying the block at the new Animal Shelter and the second issue is the maintenance on the Fayette Gun Club buildings.

Mr. Pauley informed the Commissioners they put a 1½' fence around the roof of the building. Mr. Pauley told the Commissioners the problem is the ricocheting of the bullets.

Commissioner Wender informed it is his understanding from Bob Meadows that they would do the repairs.

Commissioner Wender asked Mr. Pauley if he has any ideas on how they would go about getting the blocks laid.

Commissioner Lopez informed everything involves prevailing wages.

Peggy Bennett suggested to the Commissioners to hire Melvin Withrow as a temporary part time employee. Ms. Bennett told the Commissioners that Mr. Withrow is a mason.

Commissioner Lopez and Peggy Bennett to get with Mr. Withrow to see if he would be interested in the job.

Ms. Bennett informed the Commissioners that four (4) of their lifeguards quit.

Ms. Berry informed the Commissioners that the term of Carri Strunk as a member of the Fayette County Solid Waste Authority expired

on June 30, 2012. Ms. Berry asked the Commissioners if they were going to reappoint Ms. Strunk.

Commissioner Scalph offered a motion to reappoint, Carri Strunk, a member of the Fayette County Solid Waste Authority, term to expire June 30, 2016. Commissioner Wender seconded. Unanimous. An Order and an Appointment to Serve letter were signed.

The Commissioners signed a letter to Region 4 Planning and Development Council appointing Howard "Sonny" Berry a private sector of the Region 4 Planning and Development Council to fill vacancy due to the resignation of Paul Gonzalez.

The Commissioners received and reviewed a letter from Carl Harris, Prosecuting Attorney regarding Vacation Reallocation, Amending UDC and Existing facilities.

The Commissioners received and reviewed a letter from the Fayette-Nicholas Chapter of the American Red Cross requesting a check for \$5,000.00 for the summer storm of 2012 expenses.

The Commissioners received and reviewed a letter from Just for Kids, Inc. thanking the Commission for their allocation and requesting the \$4,000.00 allocated for this Fiscal Year 2012-2013.

The Commissioners received and reviewed a letter from the Fayette County historical Society requesting funding in the amount of \$5,000.00 for Fiscal Year 2012-2013 for the operation and maintenance of the Contentment Complex.

The Commissioners received and reviewed a letter from the New River Gorge Regional Development Authority requesting their First Quarter 2012-2013 Contribution, amount \$12,489.50.

The Commissioners received and reviewed a notice that the National Committee for the New River Annual Celebration is being held Sunday, July 29, 2012 from 2:00 p.m. to 5:00 p.m., the meeting site is off Highway 58, between Mouth of Wilson and Independence.

The Commissioners received and reviewed a Pledge Statement from the SunTrust Bank listing the securities pledged as of June 29, 2012.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the period April 1, 2012 to June 30, 2012.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statement and Asset List as of June 30, 2012.

The Commissioners received and reviewed a Detailed Report of Building Permits Collections for July 2011 through June 29, 2012.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of June

15 to June 21, 2012, amount \$180.00 and the week of June 22 to June 28, 2012, amount \$265.00.

The Commissioners received and reviewed a notice informing of the death of Spurgeon "Jinks" Hinkle former Nicholas County Commissioner on Friday, July 6, 2012.

The Commissioners received and reviewed a check from the Circuit Court regarding restitution in Case #09-F-171 State of WV v. Thomas Eugene Woodrum, amount \$150.00.

The meeting was adjourned at 2:20 p.m. The next scheduled meeting is July 27, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JULY 27, 2012
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: John H. Lopez, Denise A. Scalph

The Fayette County Commission met in a regular session on this 27th day of July 2012.

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

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

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

Commissioner Scalph offered a motion to approve and sign real property tax tickets (See attached list). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land for Daniel R. and Amy Calloway, Stacy M. and Kenneth A. Spade, Charles J. and Cora Rogers, Linda G. Richmond and Jon Martin Miraglia. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of June 15, 2012. Commissioner Lopez seconded. Unanimous.

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

Ms. Berry presented a Grant Application for the Purdue Pharma Asset Forfeiture Funds from the West Virginia Division of Justice and Community Services in the amount of \$20,000.00 for the Community Corrections Day Report Center.

Commissioner Scalph offered a motion to approve and sign Grant Application from the West Virginia Division of Justice and Community Services for the Purdue Pharma Asset Forfeiture Funds Grant in the amount of \$20,000.00 for the Community Corrections Day Report Center. Commissioner Lopez seconded.

Ms. Berry presented a Request for Reimbursement to the West Virginia Division of Justice and Community Services for expenditures from December 1, 2011 to June 30, 2012 in the amount of \$10,929.25 for the Community Corrections Day Report Center to the Commissioners.

Commissioner Scalph offered a motion to approve the Request for Reimbursement to the West Virginia Division of Justice and Community for \$10,929.25 for the Community Corrections Day Report Center and authorize Commissioner Wender to sign request. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Governor's Community Participation Grant Contract Agreement for the Dog Warden/Vehicle amount \$4,000.00 to the Commissioners.

Commissioner Scalph offered a motion to approve Contract Agreement with the Governor's Community Participation Grant for the Dog Warden/Vehicle amount \$4,000.00 and authorize Commissioner Wender to sign the Agreement. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Inspections Agreements for Appalachian Inspection Services, LLC and the Stone Inspection Service for the period beginning July 13, 2012 to June 30, 2013 to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Inspections Agreements for Appalachian Inspection Services, LLC and the Stone Inspection Service for the period beginning July 13, 2012 to June 30, 2013 and authorize Commissioner Wender to sign Inspection Agreements. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented an ACH Origination Agreement from the Fayette County National Bank regarding our Direct Deposits.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the ACH Origination Agreement regarding our Direct Deposits. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Danese Public Service District recommending that Lawrence R. Boley be reappointed to serve as a Commissioner on the Danese Public Service District.

Commissioner Lopez offered a motion to reappoint, Lawrence R. Boley, a member on the Danese Public Service District Board, term to expire March 30, 2018. Commissioner Scalph seconded. An Order and an appointment to serve letter signed.

The Commissioners received and reviewed a letter from the Fayette County Planning and Zoning Commission informing that due to the resignation of Dr. Bobby Green a vacancy exists on the Fayette County Planning and Zoning Commission the Commission is recommending that Bobby Kirby be appointed to fill the unexpired term of Dr. Bobby Green.

Commissioner Lopez offered a motion to appoint Bobby Kirby to fill the unexpired term of Dr. Bobby Green on the Fayette County Planning and Zoning Commission, term to expire August 3, 2014. Commissioner Scalph seconded. Unanimous. An Order and an appointment to serve letter signed.

Commissioner Lopez offered a motion to reappoint Van M. Burks, Dianna Smallwood Russell and Doug Maddy members on the Fayette County Planning and Zoning Commission, terms expire August 3, 2015.

Commissioner Scalph seconded. Unanimous. Orders and appointment to serve letters were signed.

Ms. Berry presented a Budget Revision for the General County Fund Fiscal Year 2012-2013 to the Commissioners.

Commissioner Lopez offered a motion to approve Budget Revision #1 for Fiscal Year 2012-2013. Commissioner Scalph seconded. Unanimous.

The Commissioners signed a letter to West Virginia American Water Company informing the Commission applauds West Virginia American Water Company announcement that they are seeking a reduction in rates for citizens in dire need.

Ms. Berry informed the Commissioners she received from the West Virginia Development Office an Annual Program Income (PI) Activity Reporting Forms for the Fayette County Commission-Dormitory Annex Project, Project #03SCBG0102 that has to be completed and returned by July 31, 2012.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Annual Program Income (PI) Activity Report Form. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed an invoice from the Fayette County Board of Education informing that based on the data and the previous agreement between the Fayette County Board of Education and the Fayette County Commission their (50%) share for the Recycling Program is \$1,350.00.

Commissioner Lopez offered a motion to approve the invoice from the Fayette County Board of Education for the Commission's share of

the recycling in school's project, amount \$1,350.00. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from the Public Service Commission regarding their request for an explanation of the difference in rates to haul recyclables from various school sites in Fayette County.

Mr. Steven Kaz, Utilities Analyst Supervisor informed the Commission that he cannot give a specific answer, reasons for the difference in charges are based on a number of factors.

Ms. Berry informed the Commissioners she received a request from Levi Rose for \$3,000.00 approved in September 2011 from the Commission for engineering cost for a stream restoration project on Wolf Creek.

Ms. Berry told the Commissioners that this was approved contingent that they provide proof of other funding for the projects.

Mr. Rose provided a letter from the West Virginia American Water Company granting a \$1,000.00 for the project and the Department of Environmental Protection has verbally committed the funding estimated around \$150,000 to \$180,000.

Ms. Berry told the Commissioners that Plateau Action Network has already covered an engineering service invoice in the amount of \$8,500.00.

Commissioner Scalph offered a motion to approve the request from Levi Rose for \$3,000.00 for engineering cost for a stream restoration project on Wolf Creek. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Resolution to support the creation of a Mineral Future Fund that ensures that West Virginia will always benefit from its rich and abundant natural resources.

Ms. Berry told the Commissioners that Paul Miller, Policy Outreach Director at the West Virginia Center on Budget Policy presented a presentation on June 29, 2012.

Commissioner Scalph offered a motion to approve Resolution to support the creation of a Mineral Future Fund that ensures that West Virginia will always benefit from its rich and abundant natural resources. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Fire Levy Pumper/Ladder Replacement Agreement for the City of Oak Hill and a Fire Levy Pumper Replacement Agreement for the Armstrong Creek Volunteer Fire Department.

Commissioner Lopez offered a motion to approve and sign Fire Levy Pumper/Ladder Replacement Agreement for the City of Oak Hill, amount \$133,000.00 for the period of July 1, 2012 to June 30, 2013 and Fire Levy Pumper Replacement Agreement for the Armstrong Creek Volunteer Fire Department, amount \$49,000.00 for the period of July 1, 2012 to June 30, 2013. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding Deputy Steven K. Neal request to use the Fayette County Memorial Building for a Boxing Event October 13, 2012.

Ms. Berry told the Commissioners she had talked with Deputy Neal and he told her that the West Virginia Athletic Commission charges each to participate (\$15.00). After the cost from last year he estimates a \$500.00 profit.

After a brief discussion, the Commissioners decided that the rental fee for the event will be \$500.00 or half of the proceeds. The custodial and trash service fees and insurance requirements will not be waived; all other rules are applicable.

The Commissioners received and reviewed a letter from Alice May informing that the Beckwith 4-H Camp has declined to allow them to move their planned family reunion (originally set for July 8, 2012) to a future date. They also refused to provide a refund.

Discussion was held, the Commission approved to give credit for next year.

The Commissioners received and reviewed a complaint from Sandra Grose informing their family reunion was supposed to be the weekend when no power. Ms. Grose informed she was told no refund was allowed although they could not cook anything. Also dates have been switched the past few years and were told the computer did it.

The Commissioners received and reviewed a letter from Beverly Campbell on behalf of Stephen Ross requesting that the Fayette County Commission review the information and reimburse Mr. Ross for all expenses incurred as a result of damage caused to his vehicle after hitting a pothole at the Fayette County Park on July 14, 2012.

The Commissioners received and reviewed a Request for Payment to the West Virginia Development Office for the Governor's Community Participation Grant for the African American Arts and Heritage, amount \$3,000.00.

Commissioner Scalph offered a motion to approve Request for Payment for the Governor's Community Participation Grant for the

African American Arts and Heritage (\$3,000.00) and authorize Commissioner Wender to sign the request. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a Certificate of Approval by Stephen Cruikshank, County Fire Coordinator of Fayette County, pursuant to the Internal Revenue Code of 1986, as amended (the "Code") hereby approve and authorize the entering into by The Montgomery Volunteer Fire Department, Incorporated, of the Volunteer Fire Department Lease and Option Agreement between it as Lessee and Republic First 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, West Virginia 25136.

The Commissioners received and reviewed a letter from the West Virginia Courthouse Facilities Improvement Authority announcing that the new Statewide Courthouse Assessment project will soon be underway. This assessment will provide each of our fifty-five counties with a comprehensive report detailing the courthouse's existing condition, improvement needs, project recommendations and prioritizations, and estimates for project costs for each improvement recommendation.

The Commissioners received and reviewed a letter from CODA Mountain Academy of Music informing that due to an unexpected move, they have incurred an extra expense of \$1,000.00. CODA Mountain Academy is requesting a \$1,000.00 from the Fayette County Commission to assist with this move. The Commission approved.

The Commissioners received and reviewed a letter from the Foster Grandparent Program thanking the Commission for their contribution of \$500.00 and requesting the funds for the Senior Corps Foster Grandparent Program.

The Commissioners received and reviewed a letter from WesBanco Trust and Investment Services informing that in accordance with the instructions in Requisition #8 received July 17, 2012, they have issued a check to Radford and Radford, Inc. in the amount of \$337,508.00

The Commissioners received and reviewed a letter from WorkForce West Virginia informing that the West Virginia Legislature passed House Bills 4542, 4549 and 4007 which amended the West Virginia Unemployment Compensation Law.

The Commissioners received and reviewed a letter from the Office of the State Auditor informing that this years In-Service Training Seminar for County Commissioners and their staff is set for Tuesday and Wednesday, August 7 and 8, 2012.

The Commissioners received and reviewed a letter from the Workers' Compensation Office of Judges regarding an Order Submitting Protest at Expiration of Time Frame.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing that the funds due for the June 2012, Greenbrier Table Games Tax will be directly deposited on July 16, 2012, amount \$129.71, the funds due for the June Limited Video Lottery will be directly deposited on July 26, 2012, amount \$6,216.00 and the

funds due for Wine, Liquor and Private Club Taxes will be directly deposit on July 20, 2012, amount \$4.39.

The Commissioners received and reviewed a letter from the Women's Resource Center requesting release of the \$1,000.00 the Commission approved for their organization.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of July 13 to July 19, 2012, amount \$120.00 and the week of July 20 to July 26, 2012, amount \$210.00.

The Commissioners received and reviewed checks for 911 Fees from IDT Corporation, amount \$10.50, AT&T Communications of West Virginia, amount \$262.50, Verizon, amount \$2.00 Compliance Solutions, Inc. amount \$308.00, Frontier, amount \$29,607.15, Vonage Tax Account, amount \$287.00 and Mountain Communications, LLC, amount \$48.02; Alarm Fees from the Fayette County Chamber of Commerce, amount \$300.00; Jail Fees from the City of Mount Hope, amount \$97.60; check from the WV Department of Health and Human Resources, Drug Screening Community Corrections, amount \$4,953.00; Division of Justice and Community Services, Community Corrections, amount \$21,895.86; Division of Motor Vehicles, DUI Patrols reimbursement, amount \$39.00 and the West Virginia Development Office State Grant, Minden Kwanzaa, amount \$1,883.85.

The County Commission meeting was adjourned at 10:45 a.m.

The County Commission reconvened at 10:50 a.m. for an informational meeting for Theresa White, OES Director to give an FEMA

Public Assistance Applicant Briefing. Attached is a list of the agencies representatives who attended the briefing.

Ms. White informed they will have a video and telephone briefing in Plateau, New Haven and Valley Districts on Tuesday, July 31, 2012 at 10:00 a.m.

The meeting was adjourned at 11:50 a.m. The next scheduled meeting is August 3, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
AUGUST 3, 2012
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 3rd day of August 2012.

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

The Commissioners received/reviewed and opened three (3) computer bids for the County Clerk's.

Bids were received from Software Systems, Inc., Cott Systems and Computer Software System, Inc. (CSSI).

After a brief discussion, Commissioner Scalph offered a motion to turn bids over to the County Clerk's Office to review and make sure

they are in compliance and make recommendation to the Commission on August 24, 2012. Commissioner Lopez seconded. Unanimous.

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

Commissioner Lopez offered a motion to approve and sign real property tax tickets for Frederick L. and Sandy Bonham, Tim Wilson, Rose L. Wilson, Teresa Petit, Southern Appalachian Labor School, James A. Boner, Frederick and Russell Petry, Barry Blackburn, Franklin Withrow, Joan M. Dickerson, Christopher Lee Perry, Sr., Thomas Ray Gulley and Steve, Stacy and Nancy J. Wickline. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign refund for Hibert L. and Alma Graham (\$6.00). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1st half payrolls, checks to be released on August 15, 2012. Commissioner Scalph seconded. Unanimous.

Gloria King, Carrie Carr and Tara Kincaid members of the New River Humane Society appeared before the Commissioners to discuss the new animal shelter.

Melvin Withrow told the Commissioners they will be pouring the concrete today and he would be laying the blocks in about 2 weeks. He would start on the blocks Thursday or Friday.

Ms. Carr presented their Emergency Plan from the New River Humane Society to the Commissioners.

Ms. King presented pictures of the new cat cages to the Commissioners.

The Commissioners signed Order designating the total number and type of election boards for the various precincts for the Presidential General Election.

Ms. Berry informed the Commissioners they had tabled the recommendation of the Fayette County Planning and Zoning Commission to reappoint Gary Harding and Miles Dean to the Fayette County Planning and Zoning Commission. Ms. Berry asked the Commission if they were ready to reappoint.

Commissioner Scalph offered a motion to approve the recommendation of the Fayette County Planning and Zoning Commission to reappoint, Miles Dean, a member of the Fayette County Planning and Zoning Commission. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to table the Fayette County Planning and Zoning Commission recommendation to reappoint Gary Harding until August 17, 2012. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented an invoice from Hali, LLC for a 2-month Lease Extension from July 23, 2012 to September 22, 2012, cost \$10,000.00.

Commissioner Wender informed the Commission that he votes against paying the lease on the Hali, LLC property. Commissioner Wender informed we will only review the lease if payment goes toward the purchase of the property.

Commissioner Wender offered a motion that Fayette County Commission declines to enter into a 2-month Lease Extension with Hali,

LLC unless considers this an offset against the purchase of the property, the Fayette County Commission will reconsider this matter if the Lease Extension payment would be considered as a payment.

Commissioner Scalph seconded. Unanimous.

Commissioner Wender called the Public Hearing to order at 10:00 a. m. to change the Polling Places of Precinct 72 and Precinct 74.

George Campbell was present for the hearing.

Commissioner Wender informed the change would be that Precinct 72-Danese/Layland/Prince be moved from the Danese Elementary School to the Danese Community Building and that Precinct 74-Clifftop/Nallen/Corliss be moved from the Babcock Community Building to the Corliss Community Center.

Commissioner Lopez offered a motion to approve changing the Polling Places of Precinct 72 from the Danese Elementary School to the Danese Community Building and Precinct 74 from the Babcock Community Building to the Corliss Community Center. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she has prepared a letter to Steven Neal approving the request to hold a boxing event at the Memorial Building, the rental fee for the event will be \$500.00 or ½ of the proceeds.

Commissioner Lopez offered a motion to approve the request of Steven Neal to hold a boxing event at the Memorial Building. The rental fee for the event will be \$500.00 or ½ of the proceeds. The custodial and trash service fees and insurance requirements will not

be waived; all other rules are applicable. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez informed the Commissioners that the Immaculate Conception Catholic Church had helped them so much doing the storm that he would like to contribute a \$1,000.00 to their Youth Work Camp Program.

Commissioner Scalph offered a motion that Fayette County Commission approves allocation of \$1,000.00 to the Youth Work Camp Program through the Immaculate Conception Catholic Church. Commissioner Lopez seconded.

Commissioner Lopez informed the Commissioners he would get the correct name of the Organization.

The Commissioners received/reviewed and signed Program Income Report for the period July 1, 2011 to June 30, 2012 for Small Cities Block Grant Funds (SCBG) from Region 4 Planning and Development Council.

Tyler Bragg appeared before the Commission to give an update on the West Virginia Broadband Mapping Program grant.

After the brief update, Mr. Bragg presented the Application for the West Virginia Broadband Mapping Program Grant to the Commissioners to be signed.

Commissioner Lopez informed the Commissioners he would like to rescind his motion to table the recommendation of the Fayette County Planning and Zoning Commission to reappoint Gary Harding.

Commissioner Lopez offered a motion to approve the recommendation of the Fayette County Planning and Zoning Commission to reappoint,

Gary Harding, a member of the Fayette County Planning and Zoning Commission. Commissioner Scalph seconded. Commissioner Wender voted no. Vote passed 2-1.

T. J. Meadows representative for the Appalachian Power Company appeared before the Commission to give them an update on the storms and the restoration process.

The Commissioners approved and signed Petition to Combine or Divide and Segregate Land for Ronald L. and Flora J. Whitmore.

Ms. Berry presented a proposal from the Cincinnati Floor Company to sand the existing floor at the Fayette County Memorial Building, cost \$21,500.00 to the Commissioners.

The Commissioners asked Ms. Berry to advertise for bids.

The Commissioners called for an Executive Session at 11:55 a.m.

The Commissioners reconvened the County Commission meeting at 12:55 p.m.

The Commissioners signed Proclamation for the DuBois High School.

The Commissioners signed an Order and an appointment to serve letter reappointing Gary Harding, a member of the Fayette County Planning and Zoning Commission.

Commissioner Wender offered a motion that Fayette County Commission will delete the position of deputy fire coordinator. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from the Mount Hope Jubilee Committee requesting the funds approved for Fiscal Year 2012-2013, amount \$500.00

The Commissioners received and reviewed a letter from Brookfield Renewable Energy Group regarding Hawks Nest-Glen Ferris Hydroelectric Project FERC Project No. 2512; Filing of Pre-Application Document.

The Commissioners received and reviewed a letter from the Office of the Attorney General regarding a complaint they received from Bruce Gower concerning a traffic ticket he received in the City of Mount Hope.

The Commissioners received and reviewed an invoice from Mountain Resource Conservation and Development Area, Inc. requesting their contribution from the Commission for Fiscal Year 2012-2013, amount \$1,000.00.

The Commissioners received and reviewed a letter from the Upper Paint Creek Watershed Association requesting their contribution from the Commission for Fiscal Year 2012-2013, amount \$2,000.00.

The Commissioners received and reviewed a letter from the Municipality of Pax requesting their contribution from the Commission for Fiscal Year 2012-2013, amount \$1,000.00 for the Municipality of Pax Flood Control.

The Commissioners received and reviewed a letter from the Centers for Medicare and Medicaid Services informing they have implemented the IRS/SSA/CMS Data Match Secure Website to be used as the primary method for employers to submit responses to the Data Match Questionnaire.

The Commissioners received and reviewed from Buckskin Council their Annual Report for 2011.

The Commissioners received and reviewed a letter from the West Virginia Department of Environmental Protection informing that the

"2012 Application for Certificate to Operate," dated July 13, 2012, Permit R13-0023, approved on August 1, 1973, for an incinerator, has been placed as inactive. The facility has been placed as Status 90-permanently shutdown.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that a Premium Audit for the period July 1, 2011 through July 1, 2012 will be conducted.

The Commissioners received and reviewed a letter from BrickStreet Insurance informing that Cathy L. Jarrett claim for workers' compensation benefits is approved.

The Commissioners received and reviewed several letters from BrickStreet Insurance regarding Loralie N. Hissam claim.

The Commissioners received and reviewed several checks for Franchise Fee from Cedbridge Acquisition, LLC d/b/a Suddenlink Communications, amount \$50,931.55.

The meeting was adjourned at 1:25 p. m. The next scheduled meeting is August 17, 2012.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 17, 2012

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 17th day of August 2012.

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

Commissioner Lopez offered a motion to approve 2nd half payrolls, checks to be released August 30, 2012. Commissioner Scalph seconded. Unanimous.

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

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

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

Commissioner Scalph offered a motion to approve and sign real property tickets (See attached list). Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign four (4) refunds for Harrison W. and Margaret Rose, amount \$1,517.50. Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to approve minutes of May 18, 2012. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of June 29, July 13, July 27, and August 3, 2012. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Fire Levy Protection Agreements from Ansted Certified Fire Department, Boomer Volunteer Fire Department, Danese Volunteer Fire Department, Gauley Bridge Volunteer Fire Department, Gauley River Volunteer Fire Department, Loup Creek Volunteer Fire Department and Meadow Bridge Volunteer Fire Department to be signed and approved to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Fire Levy Protection Agreements for Ansted Certified Fire Department, Boomer Volunteer Fire Department, Danese Volunteer Fire Department, Gauley Bridge Volunteer Fire Department, Gauley River Volunteer Fire Department, Loup Creek Volunteer Fire Department and Meadow Bridge Volunteer Fire Department. Commissioner Scalph seconded. Unanimous.

The Commissioners called the hearing of the Arbuckle Public Service District to order at 9:30 a. m.

Attached is a copy of the Sign-in Sheet.

Commissioner Wender informed they are here today to discuss issues with the Public Service Commission, Resolution and rates.

H. Wyatt Hanna, III, Attorney for the Arbuckle Public Service District gave an update to the Commissioners on the issues with the Public Service Commission.

Mr. Hanna told the Commissioners that things have improved.

Mr. Hanna told the Commissioners that the Engineer from the Public Service Commission issued a recommendation that the receivership is not a good idea right now.

Mr. Hanna told the Commissioners they are still waiting final order on the receivership.

Mr. Hanna told the Commissioners they were issued a fine by the Department of Environmental Protection regarding a Consent Order amount \$362,000.00.

Mr. Hanna told the Commissioners they have scheduled a meeting with the Department of Environmental Protection on August 29, 2012 to discuss the Consent Order.

Mr. Hanna told the Commissioners of their Compliance Schedule:

- Started Facility Planning Study (April 2012) in process now.
- Completion of Facility Planning Study (October 2012).
- Submit Application to the WV Infrastructure (receive approval in December 2012).
- Initiation of Project Design Work (January 2013).
- Submit Project to the Public Service Commission (December 2013).
- The project goes out to Bid (January 2014).
- Project Completion date (2015).

Jack Ramsey with Triad Engineering, Inc. gave an update on the Planning Study.

W. D. Smith, Executive Director with Region 4 Planning and Development Council gave an update.

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 laws to the Commissioners (See attached Complaints).

Carl Harris, Prosecuting Attorney presented pictures of the property.

Nancy Howerton, property is located at 432 Hilltop Loop, Hilltop WV 25855.

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.

Jesse Wright etux, property is located at 148 Clifftop Loop, Danse, WV 25831.

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.

Danny Davis, property is located at 4548 Armstrong Creek, Powellton, WV 25161.

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.

Janet Zamiela , Fayette County Senior Program and Joyce Arthur, Director Putnam County Committee on Aging appeared before the Commission to discuss the Town of Meadow Bridge Agreement and utility bills.

Ms. Zamiela gave a brief update on the Agreement with the Town of Meadow Bridge.

Discussion was held regarding the utility bill. Commissioner Wender asked Ms. Berry to get an analysis of the history of sixteen months of their power bill and ask the Town of Meadow Bridge to be present at the August 31st meeting.

Commissioner Wender called for the discussion regarding the storm on June 29, 2012.

Commissioner Wender gave his overview of happenings since the June 29, 2012 storm.

Commissioner Wender opens the floor to the public for comments.

Theresa White, OES Director gives an overview from the OES Office. Ms. White presented to the Commissioners Issues and Possible Solutions regarding the Disaster Response and Recovery Comments. (See attached)

Ms. White told the Commissioners that due to the size of the storm, Fayette County had no resources because most of the surrounding states were in the same position.

Pete Hobbs, Mayor of the Town of Ansted talked about assumptions that were made.

People made assumptions to rely on hard wire telephones, this is not an option anymore, most people have voice over IP.

Mr. Hobbs told the Commissioners they had other issues such as making ice, people not being able to get cash and contact information needs updated at the Office of Emergency Services (OES).

Bill Lanham, Town Superintendent for the Town of Fayetteville told the Commissioners that issues need to be addressed regarding stop

lights in Fayetteville, should it be solar powered or have battery back-up.

Mr. Lanham told the Commissioners they need more communication with the gas stations and Wal-Mart, need to get permanent generators and put in the gas stations and Wal-Mart, need to update signage boards along interstate 19 to warn motorists of our situation, need communication with our utilities.

Mr. Lanham told the Commissioners that one person from each municipality should be included in conference calls.

Marshall Murry with the West Virginia America Water gave an update about the water the County went through, did not get the generator from promised facility had to go to Florida, did not issue boil water advisory.

Mr. Murry told the Commissioners they need better communication. Sunoco gas station in Hico refused to give fuel for generators because water is not considered critical.

Mr. Murry told the Commissioners they are trying to get on their critical list.

Mr. Murry told the Commissioners so far the bill for the storm is \$250,000 for the West Virginia Water Company. They are looking into getting solar powered equipment put on the generators.

Bill Hannabass, City Manager for the City o Oak Hill told the Commissioners that the Office of Emergency Services (OES) could not supply what the City of Oak Hill needed because it was not properly staffed.

Mr. Hannabass told the Commissioners he is going to take on the small things himself. Oak Hill will be better prepared next time. Mr. Hannabass told the Commissioners that he is going to start a local OES.

Mr. Hannabass told the Commissioners the County needs to pull other employees from other offices to help in the OES.

Roseanne Michaels, Director, Fayette County Board of Health gave an overview of the Fayette County Board of Health time during the storm.

Ron Cantley, Fayette County Board of Education informed the Commissioners that the schools generators can only handle emergency lighting.

Mr. Cantley told the Commissioners an Agenda is being set-up to come up with what to be done for future storms.

Sheriff Steve Kessler suggested a fuel off site for emergency services only and suggested getting an off site for stocking of food and water supply.

A representative from the Danese Public Service District informed the Commissioners they need contact information of who to call in a disaster.

Bart Jackson, Page Kincaid Public Service District told the Commissioners they had communication issues, had to rent generator no fuel was sent, mines supplied generators, need to have ensured generators in waiting, along with fuel trucks.

Kathryn Moore, Reporter for the Beckley Newspaper was present for the discussion. Ms. Moore told the Commissioners that communication needs updated.

The Commissioners reported that ACE has 6,000 gallons of fuel on-site available to Emergency Services.

T. J. Meadows representative for Appalachian Electric Power reported to the Commissioners that - 573,000 customers initially were without power, Sunday, July 1, 30,000, Wednesday, July 4, 6,000 during that time another storm, Friday, July 6, 40,000, Sunday, July 8th 30,000. There were 90% of customers back up after 10 days. All customer had power on the 14th day.

Theresa White, OES Director gives suggestions from OES prospective. Told the Commissioners the next LEPC is meeting September 12, 2012 they will discuss what common needs to do write-up and attend another County Commission meeting after the September 12 LEPC meeting.

The Commissioners received and reviewed a letter from Fayette County National Bank informing of the need to substitute certain securities pledged by the Fayette County Bank.

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

The Commissioners received and reviewed a letter from Dave Pollard, County Resource Coordinator requesting that James Criniti and

Michael Smith be reappointed to serve on the Fayette County Urban Renewal Authority.

Commissioner Lopez offered a motion to reappoint James Criniti and Michael Smith members of the Fayette County Urban Renewal Authority. Commissioner Scalph seconded. Unanimous. Orders and appointment to serve letters were signed.

The Commissioners received and reviewed a letter from Allen Ballard, Chairman of the Fayette County Dilapidated Building and Beautification Committee requesting that Allen Ballard, Tim Richardson, Phillip Perone, Tommy Harris and Joseph Carelli be reappointed to serve on the Fayette County Dilapidated Building and Beautification Committee.

Commissioner Lopez offered a motion to reappoint Allen Ballard, Tim Richardson, Phillip Perone, Tommy Harris and Joseph Carelli to serve on the Fayette County Dilapidated Building and Beautification Committee. Commissioner Scalph seconded. Unanimous. Orders and appointment to serve letters were 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.

Ms. Berry presented two (2) Request for Reimbursement to the West Virginia Division of Justice and Community Services \$56,599.54 for the month of June and \$19,749.37 for the month of July for the Community Correction Day Report Center.

Commissioner Lopez offered a motion to approve Request for Reimbursement to the West Virginia Division of Justice and Community

Services for the Community Corrections Day Report Center for the month of June \$56,599.54 and for the month of July \$19,749.37. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented Requisition for Construction Drawdown for the Radford and Radford, Inc., amount \$67,922.00 for the new 911 Center to the Commissioners.

Commissioner Lopez offered a motion to approve Requisition for Construction Drawdown for Radford and Radford, Inc., amount \$67,922.00 for the new 911 Center. Commissioner Scalph seconded. Unanimous.

The Commissioners approved to move September 14th County Commission meeting to September 13th, 2012.

Commissioner Lopez offered a motion to sign Resolution of Participation and Cooperation requiring the existence or formation of a local economic development organization in which Fayette County Commission designates the New River Gorge Regional Development Authority as representing Fayette County. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a letter from Saints Peter and Paul Catholic School requesting use of the Fayette County Memorial Building for their upcoming basketball games and practice season to the Commissioners.

Commissioner Lopez offered a motion to approve the request of the SS Peter and Paul Catholic School to use the Memorial Building for the upcoming basketball games and practice season pending no conflict of schedule, the \$1,000.00 rental fee will be waived, the custodial and trash service fees requirement will not be waived on game day. All

other rules are applicable including insurance. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a letter from the Fayetteville Family Worship Center requesting use of the Fayette County Memorial Building for the purpose of having a Youth Worship Service on Friday, August 31, 2012 to the Commissioners.

Commissioner Scalph offered a motion to approve the request of the Fayetteville Family Worship Center to use the Memorial Building for the purpose of having a Youth Worship Service on Friday, August 31, 2012, the \$1,000.00 rental fee will be waived. All other rules are applicable, including insurance, garbage, and custodian. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve purchase of a window air unit for the Dubois Museum with a cap of no more than \$600.00. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve payment to the St. Therse Society for \$1,000.00 for cost during the June 29, 2012 storm in regards to nutritional and work camps. Commissioner Lopez seconded. Unanimous.

The Commission received and reviewed a letter from the Fayette County Chamber of Commerce requesting that Cindy Dragan be reappointed to serve as the Chamber's representative to the Fayette County New River Gorge Bridge Day Commission, term to expire August 8, 2016.

The Commission received and reviewed a letter from Sheriff Steve Kessler requesting that Chief Deputy Michael Fridley be reappointed to

serve as the Sheriff's representative to the Fayette County New River Gorge Bridge Day Commission, term to expire August 8, 2016.

The Commission received and reviewed a letter from the Town of Fayetteville requesting that Lieutenant David Kinser be appointed to fill the expired term of Samuel Parsons as a representative of the Town of Fayetteville to the Fayette County New River Gorge Bridge Day Commission, term to expire August 8, 2016.

Commissioner Scalph offered a motion to reappoint Cindy Dragan and Chief Deputy Michael Fridley and appoint Lieutenant David Kinser to fill the expired term of Samuel Parsons as members of the Fayette County New River Gorge Bridge Day Commission. Commissioner Lopez seconded. Unanimous. Orders and appointment to serve letters signed.

Ms. Berry presented a proposal from Tri-State Roofing and Sheet Metal Company for the Courthouse Bell Tower to repair a damaged hip cap, cost \$2,215.00 to the Commissioner.

Commissioner signed Equal Employment Opportunity Plan Certification Form for Purdue Pharma Asset Forfeiture Fund Grant.

The Commission received and reviewed a letter from Carl Harris, Prosecuting Attorney regarding the removal of Members of the Planning Commission.

The Commissioners approved request from the Fayette-Nicholas Chapter American Red Cross for \$2,000.00 to help offset some of the costs incurred during the recent June 29, 2012 Summer Storm.

The Commissioners approved quote from Superior Painting and Roofing for \$1,800.00 to paint the first and second floor stairway ceilings and the hallway ceiling of the second floor.

Commissioner Scalph and Commissioner Wender made reservations to attend the County Commissioners' Association of WV's Fall Board and Legislative Committee meeting scheduled for September 16-17, 2012, at The Inn at Charles Town, Charleston, West Virginia.

The Commissioners received and reviewed a letter from the West Virginia Development Office regarding Interim Closeout for Fiscal Year 2007 Appalachian Regional Commission Grant, Fayette County Commission-Danese Public Service District Wastewater Extension, Project #07ARCP15639.

The Commissioners received and reviewed a letter from the Town of Gauley Bridge thanking individuals and organizations for giving of themselves diligently throughout the recent 7 day power outages.

The Commissioners received and reviewed a letter from the Fayetteville Convention and Visitors Bureau requesting the disbursement of the \$1,500.00 in funds budgeted for support of the Fayette County Law Enforcement Museum (Jail Museum).

The Commissioners received and reviewed a letter from Oak Leaf Festival requesting the \$500.00 funds approved for Fiscal Year 2012-2013.

The Commissioners received and reviewed a copy of a letter from the United States Department of Justice to the Public Service Commission regarding the Arbuckle Public Service District (General Investigations) Case #07-1101-PSWD-GI.

The Commissioners received and reviewed a letter from the City of Montgomery Historical Committee requesting a donation in the amount of

\$2,500.00 to be used for preservation and presentation of historical documents and artifacts.

The Commissioners received and reviewed a letter from the West Virginia Department of Transportation requesting assistance in making available (to anyone who wishes to review them) the planned Federal Highway Administration (FTA) expenditures for federal fiscal years 2012-2017, the listing of proposed amendment to the approved 2012-2017 STIP.

The Commissioners received and reviewed a Petition to request an access road to Glen Jean Cemetery.

The Commissioners received and reviewed a thank-you card from the Family of Mitch Canterbury.

The Commissioners received and reviewed a Fayette County Fire Levy Pumper/Ladder Replacement Agreement for the City of Oak Hill.

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the funds due for the July 2012 Table Games will be directly deposited on August 16, 2012, amount \$8,051.83 and the funds due for the July 2012 Greenbrier Table Games will be directly deposited on August 16, 2012, amount \$172.71.

The Commission received and reviewed a letter from Branch Banking and Trust Company listing that as of July 31, 2012 the securities held as collateral to secure the deposits of Fayette County Commission.

The Commission received and reviewed a Pledge Statement from SunTrust Bank listings the securities pledged to the Fayette County Commission as of July 31, 2012.

The Commission received and reviewed an Account Statement from Bank of New York Mellon for the period July 1, 2012 through July 31, 2012.

The Commission received and reviewed from the Bank of New York Mellon Cash Statement and Asset List as of July 31, 2012.

The Commission received and reviewed a copy of a letter to the Public Service District from H. Wyatt Hanna, III regarding Case #07-1101-PSWD-GI-Arbuckle Public Service District.

The Commission received and reviewed checks for 911 Fees from Mountain Communications, LLC, amount \$48.02, Frontier, amount \$29,180.59, Vonage Tax Account, amount \$283.50; Alarm Fee from Genesis HealthCare, LLC, amount \$300.00; Jail Fee from City of Smithers, amount \$48.80; Secretary of State reimbursement motor voters, amount \$424.50; WV Development Office-Special Response Team, amount \$8,000.00; WV Courthouse Facilities Improvement Authority, Electrical Upgrade, amount \$9,629.37; Division of Justice & Community Services, Community Corrections, amount \$20,345.42; Supreme Court, Community Corrections reimbursement, amount \$2,504.00; and WV Department of Health and Human Resources, Community Corrections reimbursement, amount \$1,198.00.

The meeting was adjourned at 3:45 p. m. The next scheduled meeting is August 31, 2012.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 31, 2012

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 31st day of August 2012.

Commissioner Wender called the meeting to order at 9:05 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 Patricia Mae Simley (2), William C. Ortiz, Sharon Burford Warren, Brandon Seward and Caterpillar Fin. Ser. Corp. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets (See attached list). Commissioner Lopez seconded. Unanimous.

Commissioner Wender offered a motion to go into an Executive Session at 9:10 a. m. to discuss a personal matter. Commissioner Lopez seconded. Unanimous.

The Commissioners reconvened the County Commission meeting at 10:00 a. m.

Commissioner Wender offered a motion to hire a new employee for four (4) days a week to work for the Commission and other duties one (1) day a week as outlined by Debbie Berry. The Commissioners ask Ms.

Berry to write up job description. Commissioner Scalph seconded.

Unanimous.

Commissioner Wender offered a motion for Carl Harris, Prosecuting Attorney to draft an amendment for the personnel manual to provide for the Commission to pay tuition, books and possible other expenses related to enhanced education. Commissioner Scalph seconded.

Unanimous.

The Commission called the Public Hearing for the early voting sites to order at 10:00 a. m.

Commissioner Wender informed that the purpose of this public hearing is to designate Community Voting Locations for early voting from October 24, 2012 to November 3, 2012 (including all Saturdays from 9:00 a.m. to 5:00 p.m.).

The following list the Community Voting Locations for early voting to be effective with the Presidential General Election to be held on November 6, 2012:

Danese Community Building

Montgomery Town Hall

Fayette County Soldiers and
Sailors Memorial Building

The Democrat Executive Committee and the Republican Executive Committee approved of the locations.

Commissioner Scalph offered a motion to approve Early Voting Locations (Danese Community Building, Montgomery Town Hall, and the Fayette County Soldiers and Sailors Memorial Building) for the upcoming Presidential General Election being held November 6, 2012.

Commissioner Lopez seconded. Unanimous. There was no public in attendance.

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

Ms. Berry told the Commissioners she only received one (1) bid for the Fayette County Memorial Building Floor. Ms. Berry presented the bid from Cincinnati Floor Company, \$28,500.00 to the Commissioners.

Ms. Berry told the Commissioners this would be paid by FEMA reimbursements.

The Commissioners reviewed the Bid, Commissioner Wender asked not to paint the American Flag on the floor, but to come up with something else. Commission to review and approve new painting. Bid approved with the two (2) request.

Carl Harris, Prosecuting Attorney read over the Bid and approved.

The Commissioners signed the Quote Agreement for approval.

Commissioner Lopez offered a motion to approve and sign Bid Contract. Commissioner Scalph seconded. Unanimous.

Okey Skidmore, Manager of the Fayette County Memorial Building told the Commissioners he strongly recommends purchase of a cover for the floor.

Commissioner Lopez offered a motion to approve purchase of a 27 oz. cover for the Fayette County Memorial Building floor. The cost would be \$10,618.00. This would be County's expense. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a request from the Fayette County AAU WV Boys and Girls Hoopsters requesting use of the Fayette County Memorial Building for practice and instructional sessions from September 1 through March 31, 2013.

Commissioner Scalph offered a motion to approve the request of the Fayette County AAU/WV Boys and Girls Hoopsters to use the building for AAU practice and instructional sessions for the coming year pending no conflict of schedules. The \$1,000.00 rental fee will be waived; however, this approval is until March 31, 2013. The requirements of the garbage and the custodial fees are also waived with the understanding that Philip Samples, Coach/Organizer shall be responsible for the clean-up and security of the building and grounds after each practice. All other rules are applicable including insurance. Commissioner Lopez seconded. Unanimous.

Lavanna Thompson appeared before the Commission to request that the Executrix in the Estate of Lillian Harless be removed.

Carl Harris, Prosecuting Attorney asked Ms. Thompson if the Executrix of the Estate had been notified of this hearing. Ms. Thompson replied no.

Carl Harris informed the Commissioners that no action can be taken today because the Executrix was not given notice of the hearing.

The Commissioners asked that this matter be rescheduled for September 13, 2012 at 9:30 a.m.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land from the Assessor's Office that was presented at the last meeting but was not signed. Commissioner Wender signed.

Ms. Berry presented Fire Levy Protection Agreements for the Oak Hill Volunteer Fire Department and the Montgomery Volunteer Fire Department for the Commissioners to approve and sign.

Commissioner Lopez offered a motion to approve and sign Fire Levy Protection Agreements for the Oak Hill Volunteer Fire Department and the Montgomery Volunteer Fire Department. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Contract AIA Document B105 for J. Dan Snead, Architect for Phase II of the Electrical Upgrade for the Fayette County Courthouse to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Contract AIA Document B105 for J. Dan Snead, Architect for Phase II of the Electrical Upgrade for the Fayette County Courthouse. Commissioner Lopez seconded. Unanimous.

Steve Cruikshank, OES Deputy Director appeared before the Commission to ask the Commission to pay lease for August and September for the NARR property. Mr. Cruikshank told the Commission payment will be put toward purchase price.

Commissioner Scalph offered a motion to approve release of two (2) month's payment with restrictions that Carl Harris, Prosecuting Attorney looks over appraisal and make sure it equals to or greater the amount of purchase price. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a WV Homeland Security and Emergency Management Grant Agreement from Theresa White, OES Director for

Commissioner Wender to sign. Commissioner Wender signed the Agreement.

Ms. Berry presented a request from Earl Pauley, Park Superintendent to hire Kristin Valentine as a full time employer.

The Commissioners asked Ms. Berry to write a letter to tell Mr. Pauley that his request was approved but strict orders are to be taken to follow the current budget.

The Commission will make adjustment to the budget for the West Virginia Public Employees Insurance Agency (PEIA) and the West Virginia Public Employees Retirement System (PERS).

Commissioner Lopez offered a motion to approve Earl Pauley's request to hire Kristin Valentine as a full time employee at the Fayette County Park. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent, requesting that a refund be given to the Fayette County 4-H of Fayetteville. They had reserved the Camp for July 9-13, 2012. Due to the unforeseen events they had to cancel the reservation for 2012. Total refund is \$650.00.

Mr. Pauley told the Commissioners the Fayette County 4-H is also requesting a refund of \$39.00 for their hotel/motel taxes. The total amount requesting is \$689.00.

Commissioner Lopez offered a motion to approve the request of Mr. Pauley to pay a refund of \$689.00 to the Fayette County 4-H of Fayetteville. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Rexall M. Stump regarding an overpayment of taxes on his property. A copy of

the letter was forwarded to Eddie Young, Assessor to review and advise.

Mr. Young informed the Commissioners there was a clerical error made on Rexall M. Stump real property assessment.

Mr. Young asked that the Commission approve a tax refund for tax years 2007, 2008, 2009, 2010 and 2011 in the total amount of \$782.45 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid.

Commissioner Lopez offered a motion to approve and sign an Order subject to the approval of the Assessor, Rexall M. Stump be afforded tax relief for tax years 2007, 2008, 2009, 2010 and 2011 in the total amount of \$782.45 in the form of a credit against taxes owing for the following year or years with said tax relief being spread over the year or years until the debt is paid. Commissioner Scalph seconded. Unanimous. Order signed.

The Commissioners signed a letter to the Fayette County Board of Education informing that the Fayette County Commission wholeheartedly supports their efforts to apply for funding under a West Virginia State Historical Preservation Grant to help repair the roof on the Fayetteville Elementary School.

Ms. Berry presented a quote from Superior Painting and Roofing to paint the first floor ceilings and hallways of the main courthouse. The total cost \$13,450.00.

Commissioner Lopez offered a motion to approve quote of \$13,450.00 from Superior Painting and Roofing to paint the first floor

ceilings and hallways of the main courthouse. Commissioner Scalph seconded. Unanimous.

Ms. Berry presents a request to contract out cleaning windows outside the Courthouse and Courthouse Annex.

Ms. Berry told the Commissioners she received a quote from Crystal Clean, LLC, \$500.00 each for the Courthouse and the Courthouse Annex and \$75.00 for Mobilization to the Site. The Commissioners asked to get the approval of the Prosecuting Attorney's Office.

Commissioner Lopez offered a motion to approve Crystal Clean, LLC to cleaning windows outside the Courthouse and the Courthouse Annex total cost \$1,075.00. Commissioner Scalph seconded. Unanimous.

After a brief discussion of the NARR Property, Commissioner Scalph offered a motion to approve release of two (2) month's payment for August and September from the Fire Levy Fund for the lease on the NARR Property. The payments to be applied toward the purchase price. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to authorize Theresa White, OES Director to enter into a Commercial Property Appraisals Contract on behalf of the Fayette County Commission. The Appraisal Review Services is not to exceed \$5,000.00 for each appraisal. There are three (3) appraisals in the current fiscal year. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from Kelvin Holliday stating his recommendation for the County Clerk's new computers to the Commissioners.

Mr. Holliday told the Commissioners after reviewing bids he recommends Complete Systems Support, Incorporated (CSSI).

The Commissioners discussed the bids received for the new computers for the County Clerk's Office.

Kelvin Holliday and Lisa Redden were present for the discussion.

The Commissioners decided to table the discussion until further information is received.

The Commissioner received and reviewed a letter from Kelvin Holliday informing he has hired Melanie Hope McMillan as a Deputy Clerk, effective September 1, 2012, annual salary \$20,800.00 plus benefits.

The Commissioner received and reviewed a copy of an appreciation letter to Sarah Kessler from the Fayette County Office of Emergency Services thanking her for the many hours of hard work, dedication and overall exemplary attitude during the Storm recovery efforts she showed in June-July, 2012.

The Commissioner signed a thank-you letter to Sarah Kessler thanking Ms. Kessler for the help during the Derecho Storm that took place this summer.

The Commissioner received and reviewed a letter to WesBanco Trust and Investment Services regarding their instruction in Requisition #9 received August 24, 2012 to issue a check to Radford and Radford, Inc. in the amount of \$67,22.00.

The Commissioner received and reviewed from Bridgemont Community and Technical College an invitation inviting the Commissioners to

attend the Ribbon-Cutting Ceremony for the Davis Hall Renovation Project, Wednesday, September 12, 2012 at 4:00 p.m.

The Commissioner received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of August 10 to August 16, 2012, amount \$435.00, the week of August 17, to August 23, 2012, amount \$245.00 and the week of August 24 to August 30, 2012, amount \$85.00.

The Commissioners received and reviewed checks for 911 Fees from Lumos Network, amount \$763.21, Lingo, Inc., amount \$7.00, Cebridge Telecom WV, amount \$18,035.50, ACN Digital Phone Service, LLC, amount \$52.50, Grantee Telecommunications, LLC, amount \$504.00; Soldiers and Sailors Fund, amount \$100.00; Supreme Court-Reimbursement, amount \$240.00, Supreme Court-FLM Rent, amount \$2,700.00; Auditors Office-P-Card Rebate, amount \$780.49; Dept. Of Health and Human Resources-Reimbursement, amount \$571.00; Division of Motor Vehicles-Reimbursement, amount \$39.00; Division of Justice and Community Service-JAG, amount \$2,281.55 and Community Corrects Grant, amount \$10,893.00; WV Development Office-African American Heritage, amount \$3,000.00; City of Beckley, amount \$727.53; FCSWA-Reimbursement, amount \$798.15; FC Board of Education-Memorial Building Rent, amount \$5,500.00; BSA, Tax Dept., amount \$183.15

The Commissioners called for an Executive Session with County Clerk, Kelvin Holliday at 1:00 p.m.

The meeting was adjourned at 1:45 p. m. The next scheduled meeting is September 13, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
SEPTEMBER 13, 2012
COURTHOUSE
FAYETTEVILLE, WV 235840

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

The Fayette County Commission met in a regular session on this 13th day September 2012.

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

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1st half payrolls, checks to be released September 14, 2012. Commissioner Scalph seconded.

Okey Skidmore, Manager Fayette County Memorial Building appeared before the Commissioners and presented them drawings of what would be in the middle of the Fayette County Memorial Building gym floor.

Mr. Skidmore told the Commissioners more drawings would be presented later.

Gilbert Raney appeared before the Commissioners with a complaint on the Dog Warden. Mr. Raney presented a dart that was left by the Dog Warden. Mr. Raney told the Commissioners that the dart was to be used to shoot a possible rabid animal. Mr. Raney told the Commissioners he doesn't feel the situation was handled right or professionally. Mr. Raney told the Commissioners the procedure needs to be changed. Mr. Raney told the Commissioners that rabid animals

are becoming a common occurrence where he lives, they have had four (4) in the last month.

Chief Deputy Michael Fridley presented to the Commissioners a letter stating the protocols of the Sheriff's Office, Animal Control and Office of Emergency Services to handle these situations.

Chief Deputy Michael Fridley told the Commissioners the Sheriff's Office and others are not to handle rabid animals unless pets or persons are bitten. The United States Department of Agriculture (USDA) is to handle this otherwise.

Lavanna Thompson appeared before the Commissioners to request that the Executrix in the Estate of Lillian Harless be removed.

Ms. Thompson told the Commissioners that the current Executrix of the Estate was informed of the meeting today and did not show and has not filed the final accounting. Ms. Thompson showed the Commissioners the green certification receipt that was sent.

Carl Harris, Prosecuting Attorney told the Commissioners and Ms. Thompson that the Commissioners needs a copy of the letter that was sent informing Ms. Harless of the meeting today before any decision is made.

The Commissioners decided to write an Order naming son, John Harless, Executor of the Estate of Lillian Harless once they have received the copy of the notice informing the current Executrix of the meeting today.

Commissioner Lopez offered a motion because the Executrix of the Estate of Lillian Harless has failed to file a final settlement and has failed to appear today, the Commissioners approved that John

Harless be named Executor of the Estate upon the presenting of the existing copy of the notice and certification. An Order will be issued by the Commissioners removing the current Executrix and naming John Harless as the new Executor of the Estate of Lillian Harless. Commissioner Scalph seconded. Unanimous.

Ms. Berry informed the Commissioners she had notified the Executive Committee for the Democrat and Republican parties that they needed their list of poll workers for the upcoming Presidential General Election.

Ms. Berry presented the list of poll workers to the Commissioners.

Commissioner Scalph offered a motion that Fayette County Commission approves the Order for the list of Poll Workers for the upcoming Presidential General Election being held November 6, 2012. Commissioner Lopez seconded. Unanimous. Order signed.

Ms. Berry presented Financial Statement for Fiscal Year July 2011 to June 2012. Commissioner Wender signed.

Ms. Berry presented drawdown request to the West Virginia Division of Justice and Criminal Services for the Community Corrections Grant for the month of August, amount \$21,833.91 to the Commissioners.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign drawdown request to the West Virginia Justice and Criminal Services for the Community Correction Grant, amount \$21,833.91. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a request from J. Dan Snead, AIA an Application and Certificate for Payment No. 10 from Radford and Radford, Inc. in the amount of \$47,886.20 for the new Fayette County OES/E911 Center.

Ms. Berry told the Commissioners that \$37,394.53 remaining in the project fund from WesBanco Bank and the \$10,491.67 will come from the 911 Fund.

Commissioner Scalph offered a motion to approve drawdown for an Application and Certificate for payment request from J. Dan Snead to Radford and Radford, Inc., amount \$47,886.20. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from Arbuckle Public Service District requesting that Greg O'Neal be reappointed to serve as a member of the Arbuckle Public Service District to the Commissioners.

Commissioner Lopes offered a motion to approve and reappoint, Greg O'Neal, a member of the Arbuckle Public Service District. Commissioner Scalph seconded. Unanimous. An Order an appointment to serve letter signed.

Ms. Berry presented a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of October for the Commissioners to sign.

Commissioner Scalph offered a motion to approve request for reimbursement for rent in the amount of \$2,700.00 for the month of October.

Ms. Berry presented a certified letter she received from the Town of Meadow Bridge informing that at their last night meeting it was

decided that since they have not received the rent increase for the Meadow Bridge Community Building, effective September 30, 2012 the following will be the final terms for rent:

*The account holder for Appalachian Electric Power (AEP) bill will need to be either Putnam County Committee on Aging or the Fayette County Commission.

*The account holder for Meadow Bridge Sanitary Board Water and Sewer Bill will be changed to Putnam County Committee on Aging or the Fayette County Commission.

*All maintenance will need to be performed by either the Putnam County Committee on Aging or the Fayette County Commission and the property will be subject to inspection.

*The Meadow Bridge Town Council will no longer be renting the building on the weekends.

The Commissioners discussed these issues and how this should be handled.

Commissioner Scalph informed the Commissioners she is going out to Meadow Bridge with Janet Zamelia to discuss with a few people on the Meadow Bridge Town Council about a resolution. The Commission asked Commissioner Scalph to report back with a recommendation.

The Commissioners asked Ms. Berry to send a letter to the Meadow Bridge Town Council and let them know the Commission will be following up with this a week from Monday.

Angela Gerald, Project Director for the Fayette County Dilapidated and Beautification Committee appeared before the Commissioners to give an update on Buren Renick property.

Ms. Gerald reported that notices have been sent out. The first notice was sent out on September 10, 2010.

Ms. Gerald told the Commissioners she received a letter from Mr. Renick saying he was working on it. Ms. Gerald told the Commissioners to this date no improvements have been made.

Mr. Renick states his plans for his property to the Commissioners. Mr. Renick told the Commissioners he does not understand why the building needs to come down. He understands it is his responsibility.

Mr. Renick told the Commissioners he is planning to have the building taken apart and the garage to be put up in its place. Mr. Renick told the Commissioners this plan is to be started in the next 4-6 weeks.

Commissioner Wender recommends to Mr. Renick that he come back in the middle of November to show some improvements, progress and with a plan for the rest, and a completion date.

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

Commissioner Lopez offered a motion to approve and sign personal property tickets for Danny J. and Cynthia Parker (2), William and Michelle Worrell, Gary L. Frasier, Edward or Tamara Myles, John J. Fox, III, Theresa A. Patterson, Ralph S. and Eudora J. Coleman, Sr., Rebecca C. Lewis or Mary C. Rice, Christina (Hundley) Miller. Commissioner Scalph seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign refunds (2) for Gerald Eisenmann (\$115.82) and Carl Suttle (\$1,745.98). Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets for George and Angela Martin, Irma Parrish, Jesse J. and Debra Lynn Bibb, Joseph S. and Aurentz Janiszewski (2), Richard and Shelby Halstead, Stanley Lee Fox. Commissioner Lopez seconded. Unanimous.

Adam Hodges, Extension Agent, WV State University appeared before the Commissioners to give them an update on their Litter Sweep Program.

Mr. Hodges talks about the past litter sweeps and how successful they have been.

After the brief the discussion, Mr. Hodges presented to the Commissioners brochures to show what is going on with current litter sweeps.

The Commissioners proclaimed the last week of September 2012 as "West Virginia Association of Retired School Employees Week."

Mary Alice Casebolt, President of the Fayette County Association of Retired School Employees was present.

Commissioner Scalph read the Proclamation to the public. Theresa White, OES Director gives an update on the Dunloup Creek Buyout.

Ms. White told the Commissioners they have purchased 62 total homes, 47 county owned and 25 Mount Hope owned, 9 are in the process of closing (5 city properties and 4 county properties). There is a total of 198 homes in the project. Ms. White told the Commissioners that offers have been sent out for the 76-86 homes ranked.

Michael "Mike" Shumate and Bill Schonage gives updates on the Dunlop Creek Buyout Program.

Mr. Shumate introduced everyone present in the meeting that has helped or played a big part in the Dunloup Creek Buyout.

Mr. Shumate gave a briefing of how the Dunloup Creek Buyout Program came about. He states how the Dunloup Creek Project is a success story. The total monies provided thus far is close to \$17 million for the Dunloup Creek Buyout Program.

Mr. Schonage gives another briefing of the Dunloup Creek Buyout Program.

Mr. Schonage takes recognition to the people who have helped push this project along. He shows special recognition to Mike Shumate, Ernie and Juanita Wickline and Mary Alice Casebolt.

The Commissioners presented Proclamations to James Michael Shumate and Ernie and Juanita Wickline in recognition of hard work put forth in the Dunloup Creek Watershed Project.

Commissioner Wender read the Proclamation for Mike Shumate to the public present.

Commissioner Scalph read the Proclamation for Ernie and Juanita Wickline to the public present.

Senator William Laird, Delegate David Perry and Kimberly Grose (from the Governor's Office) appeared before the Commissioners to present two (2) Certificates one to Michael Shumate and one to Ernie and Juanita Wickline in recognition for hard work put forth in the Dunloup Creek Watershed Project.

Senator Laird presented and read the distinguished Mountaineer Award presented to Michael Shumate to the public present.

Senator Laird presented and read the distinguished Mountaineer Award presented to Ernie and Juanita Wickline to the public present.

Pam Yost, Watershed Economist with the Natural Resources Conservation Service (NRCS) appeared before the Commission to present two (2) Amended Agreements for the Dunloup Creek buyout.

Mark Ehrnschwender with the North Hill Conservation appeared before the Commission and gave a brief update on North Hill Conservation.

Mr. Ehrnschwender told the Commissioners he is here today to make a request that the Commission take ownership of the land owned by North Hill Conservation.

Carl Harris, Prosecuting Attorney told the Commissioners he would have to review the documents.

Commissioner Scalph offered a motion that the Fayette County Commission accepts ownership of the land owned by North Hill Conservation 4 acres to be described in a deed being prepared. Plateau Action Network (PAN) will have obligation of maintenance of the property and upon approval of the Prosecuting Attorney will the Commission take ownership of the property. Commissioner Wender seconded. Unanimous.

Ms. Berry presented a letter from Louis Tabit requesting funding for the Montgomery Wayside Park to the Commissioners.

Commissioner Wender asked that this be tabled.

Discussion was held regarding the new computer system for the

County Clerk's Office from Complete Systems Support, Inc. (CSSI).

Commissioner Wender asked if there could be a cap on the maintenance fee at a cap at 3% each year.

Commissioner Scalph offered a motion to approve purchase of Complete Systems Support, Inc. (CSSI) for the County Clerk's Office by using Option 1, purchasing all without financing. Also, a condition to our purchase is a cap has been put on the maintenance fee of 3%. Purchase is approved upon the approval of the Order Agreement by Carl Harris, Prosecuting Attorney. Commissioner Wender seconded. Unanimous.

Commissioner Scalph offered a motion to approve purchase of four (4) scanners through CSSI. Commissioner Wender seconded. Unanimous. Theresa White, OES Director appeared before the Commission to discuss the NARR property lease. Ms. White told the Commissioners the extension on the lease ends this week.

Commissioner Scalph offered a motion to approve the extension of the lease for another month under the same stipulation as the last agreement, and money will be applied toward purchase price. Commissioner Lopez seconded. Unanimous.

The Commissioners asked Ms. Berry to send a letter to Louis Tabit explaining that he can present his request during the next budget session.

Ms. Berry presented Petitions to Combine or Divide and Segregate Land to be approved and signed by the Commissioners.

Commissioner Scalph offered a motion to approve and sign Petitions to Combine or Divide and Segregate Land as presented by the Assessor's Office. Commissioner Lopez seconded. Unanimous. Discussion was held regarding the upcoming County Commission meetings.

Ms. Berry told the Commissioners they would have to schedule a meeting on October 19th to test for early voting and schedule a meeting for October 30th for a voting test for the election.

The Commissioners approved to cancel their October 26th and November 2nd County Commission meetings and schedule meetings for October 19th and October 30th.

The Commissioners received and reviewed a letter from Kelvin Holliday, County Clerk informing of his Staff realignment pay, Traci Sutphin, Chief Deputy salary is \$2,750 a month, Gail Withrow, Deputy salary is \$2,160 a month and Alicia Treadway, Registrar salary is \$2,385 a month.

The Commissioners received and reviewed a letter of introduction from Land and Mineral Management of Appalachia, LLC (LMMA).

The Commissioners received and reviewed a letter from Miles Dean, a member of the Planning and Zoning Commission and Transition Team informing the Commission that it has come to his attention that we do not have specific guidelines for individual family horses and cows, and sheep etc. in our Development Code. Mr. Dean told the Commissioners that it would be a good idea to have such guidelines in our practices and in our Code.

The Commissioners received and reviewed a letter from Judge John W. Hatcher, Jr. thanking the Commission for approving the Courtroom Painting Project.

The Commissioners received and reviewed a letter from Earl Pauley, Park Superintendent thanking Stephanie Sears for helping him adjust his fiscal year budget to accommodate Kristin Valentine King as a full time employee and would like to use monies from his Capital Outlay and Overtime Expenditures to revise his full time salaries to make sure he comply with the WV Code.

The Commissioners received and reviewed a copy of a remittance by the County Assessor to the State Treasurer's Office for \$159.00 for the Courthouse Facilities Improvement Fund for the month of August.

The Commissioners received and reviewed a letter J. Dan Snead, AIA attaching a final Change Order No. 6 for the new Fayette County OES/E911 Center relating to additional costs to the contractor for fuel and generators because temporary commercial power was not installed. Also, the Change Order includes a credit of \$3,013.00 for not providing 18' of pavement at the driveway entrance and a credit of \$869.00 for not providing a temporary power meter.

The Commissioners received and reviewed a copy of an e-mail from Commissioner Wender to Debbie Britt with the WV Rural Water Association requesting the assistance of a wastewater technician from the WV Rural Water Association to work with the Arbuckle Public Service District to assess and address technical and managerial needs.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of September 1 to September 6, 2012, amount \$105.00.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the August 1, 2012 through August 31, 2012.

The Commissioners received and reviewed checks from the Division of Human Services for FRN Grant, amount 48,000.00; a check from Char-Rose Community Park contribution, amount \$1,000.00; Alarm Fees, amount \$1,710.00; Women's Resource Center, STOP Grant, amount \$10,200.00; Soldiers and Sailors, amount \$25.00; Circuit Clerk, Restitution Thomas E. Woodrum, amount \$150.00; Fayette Co. Board of Education contribution WVU Extension Office, amount \$6.059.25.

The meeting was adjourned at 1:45 p. m. the next scheduled meeting is September 28, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
OCTOBER 12, 2012
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 12th day of October 2012.

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 for Robert D. and Alice Faye Harmon, Ronnie D. Burdette etal, James and Renee Harper, Janice Elaine Morgan, Charles H. Basham, Evelyn G. Roop, and James and Shelia Ann Pritt. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign a refund for Bobby J. and Ada Allman (\$167.32). Commissioner Scalph seconded. Unanimous.

Carol Smith presented keys to the ballot boxes for Early Voting to the Commissioners.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1st half payrolls, checks to be released October 15, 2012. Commissioner Scalph seconded. Unanimous.

Allen Ballard, Building Inspector appeared before the Commission to discuss the Animal Shelter.

Mr. Ballard told the Commissioners he received three (3) quotes for the heating and cooling system at the Animal Shelter (Economy Heating, Camco Heating and Cooling and J. R. Heating). All three (3) quotes were \$5,500.00.

Commissioner Wender offered a motion that Allen Ballard approves which quote to choose based on who is available first given the time needed to get done. Commissioner Scalph seconded. Unanimous.

Mr. Ballard told the Commissioners he received three (3) quotes for the poxy and block filler (Sherwin-William Co., Glidden Professional Paint Center and Lowe's). The lowest bid was from Glidden Professional Paint Center at \$4,338.00.

Commissioner Scalph offered a motion to approve the lowest bid of Glidden Professional Paint Center (\$4,338.00). Commissioner Lopez seconded. Unanimous.

Mr. Ballard made a request to the Commissioners to bidding out the labor to spray paint, the Animal Shelter.

Commissioner Wender offered a motion to authorize Mr. Ballard to receive and approve bids to spray paint and enter into a contract with a cap of \$12,000.00. Commissioner Scalph seconded. Unanimous.

Mr. Ballard made a request to the Commissioners to get aluminum doors from Steelcon for \$20,951.00.

Discussion was held regarding advertising for bids.

Carl Harris, Prosecuting Attorney told the Commissioners he would review the Code and make recommendation on how this situation to be handled.

Bobby Bower, WV Professional Rivers Outfitters appeared before the Commissioners to present a letter of support for an Informational Study to be done for the Hawks Nest Hydroelectric Project.

Discussion was held regarding the effect of this study on Brookfield Power and Alloy Plant. This study would not affect these businesses.

Commissioner Scalph offered a motion to approve the letter of support for an Informational Study and authorize the Commission to sign the letter. Commissioner Lopez seconded. Unanimous. A copy of the letter is attached.

Eddie Young, Assessor appeared before the Commission to discuss the letter he received from H3LLC requesting a refund for taxes collected and paid between 2009 through 2012.

Mr. Young told the Commissioners he feels that since the letter was not received during the Board of Equalization and Review hearings in February this should not go through.

Commissioner Scalph offered a motion that after reviewing the letter and talking with the State the request for a refund be denied and send a letter to H3LLC informing of their decision. Commissioner Lopez seconded. Unanimous.

Earl Pauley, Park Superintendent and Deputy Shannon Morris appeared before the Commission

Mr. Morris told the Commissioners he is requesting to use the Fayette County Park for the Statewide K-9 Training.

There was a discussion on the requirements needed to make this possible.

Commissioner Scalph offered a motion to authorize the use of the Fayette County Park for the Statewide K-9 Training on April 22-26, 2013 provided letters be submitted by other Agencies stating they are

insured and the county is not liable. Commissioner Lopez seconded.
Unanimous.

Mr. Pauley presented a copy of a letter from the Division of Highways stating that the bridge going to the Animal Shelter needs to be rebuilt.

Commissioner Lopez informed he would call the Division of Highways to discuss recommendations.

Discussion was held regarding the Christmas lights at the Fayette County Park.

Commissioner Wender suggested talking with the insurance company about the possibility of having a horse and buggy during Christmas light display.

Discussion was held regarding the CSSI contract.

Per another discussion with Doug Herrington, Owner of CSSI via the telephone CSSI agrees with 5% annual license fee starting the 2nd year with a 3% not to exceed an increase over the next 8 years. After 8 years an increase of the lessor 3% or the annual increase charged to other customers and not to exceed 5%.

CSSI and the Commissioners agree to the above restrictions.

John David appeared before the Commissioners to discuss the FEMA Corp.

Mr. David told the Commissioners that the FEMA Corp. is coming in and they need housing, they had contacted Southern Appalachian Labor School (SALS).

Mr. David told the Commissioners the FEMA Corp. is coming to help with the individual disasters from the June storm.

Mr. David representing SALS is requesting money to help with cost of housing the FEMA Corp. (\$31.00 a day, one person, approximately \$1,500.00).

The Fayette County Commission suggested writing a letter of request to Raleigh County Commission to request half of the \$1,500.00 to help cover the cost.

Commissioner Scalph offered a motion to approve request of John David for \$1,500.00 to help with the cost of housing FEMA Corp. and send a letter of request to Raleigh County Commission to reimburse Fayette County Commission half of the cost since FEMA Corp. would be working in both Counties. Commissioner Lopez seconded. Unanimous.

Bill Sohonage appeared before the Commission to discuss a Juvenile Justice Grant request.

Mr. Sohonage told the Commissioners the Grant works on delinquencies prevention.

Mr. Sohonage told the Commissioners the Grant needs to be signed by Fayette County Commission as a pass through Grant.

Mr. Sohonage describes the Grant to the Commissioners.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Juvenile Justice Grant, recognizing Fayette County Commission is acting as the Administrator and has no financial obligation. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign final order agreement and contract for purchase of CSSI software. Commissioner Lopez seconded. Unanimous.

The Commissioners signed the CSSI Agreement and Contract. See attached.

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 Jesse Hill Treadway, Brian E. and Melissa M. Bigelow, Lisa M. and Chadrick Leshner and Robert Bohn etux. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Fire Levy Protection Agreement for Armstrong Creek Volunteer Fire Department for the period July 1, 23012 to June 30, 2013 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Fire Levy Protection Agreement for Armstrong Creek Volunteer Fire Department for the period July 1, 2012 to June 30, 2013. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a drawdown request to the West Virginia Development Office for Minden Kwanzaa Community Association, Inc., amount \$1,572.19 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign drawdown request to the West Virginia Development Office for the Minden Kwanzaa Community Association, Inc., amount \$1572.19. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Grant Agreement and Resolution for the Community Participation Program for the Bridge Day Chili Cook-Off, amount \$3,000.00 to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Grant Agreement and Resolution for the Community Participation Program for the Bridge Day Chili Cook-Off, amount \$3,000.00. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented the West Virginia Sales and Use Tax Return for the Fayette County Park for the quarter ending September 30, 2012 for Commissioner Wender to sign.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the West Virginia Sales and Use Tax Return for the Fayette County Park for the quarter ending September 30, 2012. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented letters and Community Participation Program Grant Applications to Historic Fayette Theater/Performance and Workshop (\$2,500), Midland Trail Little League Ball Park (\$6,500), Appalachian Heritage Educational Museum (\$5,000) for roof repairs, CODA Mountain Music Academy (\$5,000) equipment, Gauneka Ruritan Club (\$5,000) for the Community Center, African American Heritage Family Tree Museum (\$2,000), Friends of the Lewis House (\$4,000) for cooling and capital improvements, Fayette-Nicholas Chapter American Red Cross (\$2,500) for equipment and curriculum and technical updates to the Commissioners.

Ms. Berry told the Commissioners the application's needs to be returned to this office no later than December 14, 2012.

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the letters and Community Participation Program Grant applications for Historic Fayette Theater/Performance and Workshop

(\$2,500), Midland Trail Little League Ball Park (\$6,500), Appalachian Heritage Educational Museum (\$5,000) for roof repairs, CODA Mountain Music Academy (\$5,000) equipment, Gauneka Ruritan Club (\$5,000) for the Community Center, African American Heritage Family Tree Museum (\$2,000), Friends of the Lewis House (\$4,000) for cooling and capital improvements, Fayette-Nicholas Chapter American Red Cross (\$2,500) for equipment and curriculum and technical updates. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from the Fayette County Health Department informing that due to a vacancy created by the death of Dr. Thomas Morgan, D.D.S. they are recommending that Jack Tamplin be appointed to fill the unexpired term.

Commissioner asked that this request be tabled for further review.

Ms. Berry presented a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of November 2012 for the Commissioners to sign.

Commissioner Scalph offered a motion to approve and sign a letter to Janis Kitzmiller, Family Law Judge requesting reimbursement for rent in the amount of \$2,700.00 for the month of November 2012. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from Susan Hanson with the Fayetteville Women's Club requesting use of the Memorial Building for a Craft Show and for a meet and greet with Santa on December 8, 2012 to the Commissioners.

Commissioner Lopez offered a motion to approve the request of the Fayetteville Women's Club to use the Memorial Building for their Craft Show and Santa and Mrs. Clause Visit as part of their 2nd Annual Craft Show and Christmas Parade. The rental fee and custodial and trash service fees will be waived. All other rules are applicable including the insurance requirement. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a drawdown request for the Community Corrections Grant in the amount of \$18,164.18 for the month of September 2012 to the Commissioners.

Commissioner Lopez offered a motion to approve drawdown request for the Community Corrections Grant in the amount of \$18,164.18 for the month of September 2012. Commissioner Scalph seconded. Unanimous.

The Commissioners approved and signed letters to members of the Fayette County Enhanced Emergency Telephone System Advisory Board asking that they confirm their desire to serve on the Board and if not send a representative in their place.

Ms. Berry presented a request from Suddenlink to adopt a Resolution to consent to the change of control of the franchise with Suddenlink with Nespresso Acquisition Corp. to the Commissioners.

Commissioner Scalph offered a motion to approve and sign Resolution from Suddenlink to consent to the change of control of the franchise with Suddenlink with Nespresso Acquisition Corp. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign the Records Management and Preservation Grant

Application from the County Clerk for personnel costs and equipment in the amount of \$20,000.00. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding an Agreement for Advanced Education for County Employees.

The Commissioners approved adding November 9, 2012 to be a regular County Commission meeting and cancel the November 16th schedule Commission meeting.

The Commissioners asked to contact Buren Renick of the change.

The Commissioners received and reviewed a letter from The Bell Law Firm PLLC regarding County of Wyoming, West Virginia v. US Bank National.

The Commissioners received and reviewed a letter from the Kanawha County Commission enclosing an Order proposing the enlargement of the Water Service Territory of the Regional Development Authority of Charleston-Kanawha County, West Virginia.

The Commissioners received and reviewed a letter from Marshall University Center for Environmental, Geotechnical, and Applied Sciences regarding WV Brownfield Assistance Center (WVBAC) at Marshall University 2012 Spring/Summer Newsletter.

The Commissioners received and reviewed a letter from the West Virginia Culture and History informing that Fayette County Jail Museum has been awarded a grant to assist in the rehabilitation or restoration of the building.

The Commissioners received and reviewed a notice from the County Commissioners' Association of West Virginia asking the Commission to

join them to tackle the Regional Jail Issue on October 14 and 15 in Clarksburg, WV.

The Commissioners received and reviewed a letter from Judge John W. Hatcher informing he greatly appreciates all of the hard work which went into the juror/witness room's due to last week's repainting, cleaning, waxing and floor polishing.

The Commissioners received and reviewed a letter from the Office of the State Treasurer informing that funds due for the coalbed methane severance tax will be directly deposited on or before October 4, 2012, amount \$8,276.31.

The Commissioners received and reviewed from the Federal Energy Regulatory Commission a Notice of Intent to File License Application for a New License and Commencing Pre-filing Process submitted by Hawks Nest Hydro, LLC.

The Commissioners received and reviewed a several correspondences from BrickStreet Insurance.

The Commissioners received and reviewed from the Bank of New York Mellon Cash Statement and Asset List as of September 30, 2012.

The Commissioners received and reviewed from the Bank of New York Mellon Account Statement for the Period September 1, 2012 through September 30, 2012.

The Commissioners received and reviewed from Branch Banking and Trust Company a list of the securities held as collateral to secure the deposits of Fayette County Commission as of September 30, 2012.

The Commissioners received and reviewed a Pledge Statement from SunTrust Bank listing the securities pledged to the Fayette County Commission as of September 28, 2012.

The Commissioners received and reviewed a copy of an Order to Petition for Return of Firearms in the case of Connie Bowen and Lat Bowen v. Fayette County Sheriff's Office and Fayette County.

THE Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of October 5 to October 11, 2012, amount \$140.00.

The Commissioners received and reviewed a letter from the Workers' Compensation Board of Review regarding a Notice of Appeal from Tommy Jackson.

The Commissioners received and reviewed checks for 911 Fees from Interface Security Systems, Inc., amount \$48.00, Frontier Communications, amount \$28,683.02; reimbursement check from the Fayette County Solid Waste Authority, amount \$798.15.

The Commissioners received and reviewed an e-mail from Brandon Gray expressing his interest in serving on any Boards in Fayette County.

The Commissioners received and reviewed an e-mail from the County Commissioners' Association informing the expected PERS employer's contribution rate for July 1, 2013 will be 14.5%.

The meeting was adjourned at 1:40 p.m. The next scheduled meeting is October 19, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
OCTOBER 19, 2012
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 19th day of October 2012.

Commissioner Wender called the meeting to order at 9:05 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 Larry L. or Kathy M. Lilly, James C. Blankenship, Crystal L. or James P. Tolbert, Deanna L. Albury-Pugh, Stephanie J. Jones, Lori Dilley, Jerry W. and Mary A. Criss, Brenda C. Kirby, The Ponderson Lodge LLC, Barry W. and Terrie F. Grimmett and Greg Hurley Construction, Inc. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets for James and Renee Harper, Tabit Reality, Inc., Rexall M. Stump and Karen S. Elder. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign three (3) refunds for Rexall M. Stump (\$145.76), Rexall M. Stump (\$121.44) and Rexall M. Stump (\$106.52). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 2nd half payrolls for October, checks to be released October 30, 2012, Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve August 31st minutes. Commissioner Lopez seconded. Unanimous.

Ms. Berry informed the Commissioners that testing of the equipment for Early Voting has to be put on hold because the M650 needs to be fixed.

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

Commissioner Lopez offered a motion to approve Petition to Combine or Divide and Segregate Land for Clifton P. Neal, Jr. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a request from the Fayette County Board of Health recommending that Jack Tamplin be appointed to serve as the appointee on the Fayette County Board of Health due to the death of Dr. Thomas Morgan, term to expire June 30, 2014.

The Commissioners asked that this request be tabled.

Carl Harris, Prosecuting Attorney appeared before the Commissioners to discuss the conveyance of property from North Hills Group.

Mr. Harris gave an update on the process and informed the Commissioners that everything is going smoothly.

David Pollard, County Resource Coordinator gave an update on the utilities at the new 911 Center.

Mr. Pollard told the Commissioners the water and gas are in the ground and the water needs to be tested. Frontier to be there next week to finish up all and the 911 Center will be ready utility wise. David Pollard and Carri Strunk appeared before the Commissioners regarding the Fayette County Solid Waste Authority.

The Commissioners was told they have issues on the employee for the Fayette County Solid Waste Authority and the requirements needed by the Fayette County Solid Waste Authority to be met to fulfill the Law.

The Commissioners asked Dave and Carri to return on December 7th to give an update on how things are going.

Ryan Morris a representative from Casto and Harris appeared before the Commissioners to discuss the issues with the M650 equipment.

He told the Commissioners that the machine is not feeding the ballots through.

He told the Commissioners he is waiting on Election System and Software (ES&S) Technician to call back and walk through the process to fix it.

Ms. Berry presented a letter to the Raleigh County Commission requesting a match of \$750.00 (half) of the request from Southern Appalachian Labor School (SALS) for reimbursement for housing FEMA

Workers who are living there for a month assisting with disaster relief activities in Fayette and Raleigh Counties. The Commissioners signed the letter.

Ms. Berry presented a letter from the Town of Meadow Bridge regarding Putnam County Committee on Aging and the use of the Meadow Bridge Community Building.

The Commissioners asked Ms. Berry to send a letter to the Town of Meadow Bridge and inform them that the Commission cannot enter into a contract with the Town of Meadow Bridge. The contract is between Putnam County Committee on Aging and the Town of Meadow Bridge.

Ms. Berry presented Bank Forms for Commissioner Wender to sign for the opening of a new account, Fayette County Coal County Reallocated Severance Tax Fund.

Commissioner Scalph offered a motion to approve the opening of the account at Fayette County National Bank and authorize Commissioner Wender to sign. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from Greenbrier County Commission informing that Fayette County Commission and Greenbrier County Commission and CSX Transportation, Inc. have negotiated a Rail Banking/Interim Trail Use Agreement for the 16.7-mile rail line ON CSXT's Southern Region, Huntington-East Division, Sewell Subdivision between Rainelle, milepost CAF 27.0, and near Nallen, Milepost CAF 43.7, in Greenbrier and Fayette Counties, WV (the "Line").

Commissioner Scalph offered a motion to authorize Commissioner Wender to sign the Rail Banking/ interim Trail Use Agreement for the Meadow River Rail Trail. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented the audit engagement letter for Commissioner Wender to sign to the Commissioners.

Commissioner Lopez offered a motion to authorize Commissioner Wender to sign an engagement letter and authorize the State to perform the audit. Commissioner Scalph seconded. Unanimous.

Discussion was held regarding an approval of a self pumping toilet for the 1st floor restroom.

Ms. Berry presented a quotation from Pettit and Pettit Plumbing and Heating, Inc. for the removal of the existing toilet and installation of a self pumping toilet on the 1st floor restroom of the Courthouse Building.

The Commissioners asked that this quote be tabled until the next meeting.

Ms. Berry presented Lease Agreement for the Fayette County Memorial Building for the Fayette County Board of Education to the Commissioners.

Discussion was held regarding the current Lease Agreement.

The Commissioners approved to keep the Lease Agreement as is.

Ms. Berry presented a recommendation from the Fayette County Farmland Protection Board recommending that Russell Hypes be appointed to fill the vacancy due to the resignation of Randall Patterson to the Commissioners.

Commissioner Scalph offered a motion to appoint Russell Hypes a member of the Fayette County Farmland Protection Board due to the resignation of Randall Patterson. Commissioner Lopez seconded. Unanimous.

Kelvin Holliday, County Clerk presented a letter from the Secretary of State Office stating the M650 does not need to be tested till the next public test.

Ms. Berry presented a letter from Judge John Hatcher, Jr. requesting that canvass be moved due to a trial going on the 2nd floor.

The Commissioners had a discussion with Janet Zamelia, Director of the Fayette County Senior Program regarding the Town of Meadow Bridge and the Putnam County Committee on Aging Program.

The Commissioners signed the results of the public test certifying the inspection of the electronic poll books, the ballots, vote recording devices and the test deck to be used during Early Voting and in the General Election.

The Commissioners received and reviewed an invoice from Pentree, Inc. for engineering fees for Stormwater recommendations, cost \$5,000.00.

The Commissioners received and reviewed an invitation from Woodland Oaks Garden Club inviting the Commissioners to attend the dedication of a Blue Star Memorial honoring military on November 12, 2012 at 11:00 a.m. along the White Oak Rail Trail near the Oak Hill Fire Department.

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

The Commissioners received and reviewed letters from the Office of the State Treasurer informing the September 2012 Greenbrier Table Games Tax will be deposited on October 16, 2012, amount \$202.05, the

Wine, Liquor, and Private Club Taxes will be deposited on July 19, 2012, amount \$884.04, the September 2012 Table Games will be directly deposited on October 16, 2012, amount \$7,245.34, the 25% of the coal severance tax will be directly deposited on+ October 17, 2012, amount \$27,169.06 and the 75% of the coal severance tax will be directly deposited on October July 2012, amount \$175,222.23.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of October 12 to October 18, 2012, amount \$90.00.

The Commissioners received and reviewed checks for 911 Fees from Mountain Communications, LLC, amount \$48.02, Frontier Communications, Inc., amount \$78.08, Compliance Solutions, Inc., amount \$283.50; a check from the Department of Health and Human Resources, Community Corrections reimbursement, amount \$2,069.00 and a check from the Circuit Clerk for Restitution for State of WV v. Thomas Eugene Woodrum, amount \$150.00.

The meeting was adjourned at 1:00 p. m. The next scheduled meeting is October 30, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 9, 2012

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 9th day of November 2012.

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

Gary Redden, District Conservationist with the USDA-Natural Resources Conservation Service (NRCS) appeared before the Commission to inform that two (2) properties in the Dunloup Property Project were sold in the land sale on October 26, 2012.

Carl Harris, Prosecuting Attorney suggested to the Commissioners and Mr. Redden to wait until closings. The closing attorney will redeem the property.

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

Commissioner Lopez offered a motion to approve and sign refund for Blain A. and Rita McClanahan (\$17.98). Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tax tickets for Blain A. and Rita McClanahan, Emory Taylor, Jenevefta Avancini, Gary E. and Cynthia Y. Moore, Judith Brown, Shirley A. White, Thomas R. and Tammy D. Koontz, Tekoah H. and Myra S. Hall and Julian K. and Jaqueline E. Smith. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approved 1st half payrolls, checks to be released November 15, 2012. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve minutes of September 13 and September 28, 2012. Commissioner Lopez seconded. Unanimous.

Carl Harris, Prosecuting Attorney appeared before the Commissioners regarding the Estate of Frances Williams Johnston. Mr. Harris asked that this hearing be recorded.

Mr. Harris told the Commissioners that the reason he scheduled this and sent notices to Mr. Herman Johnston was that Mr. Johnston appeared before Stephanie Harrah, Clerk who handles the Estate matters in Fayette County. On October 3, 2012, Mr. Johnston appeared before Ms. Harrah to be appointed as the Administrator of the Estate of Frances Williams Johnston, she died on September 22, 2012.

Mr. Johnston was appointed saying he was Frances Williams Johnston husband and later on retracted and said they were never legally married after he was appointed.

After the brief discussion, Mr. Harris told the Commissioners he had filed a motion to vacate the matter because the appointment was not justified.

Commissioner Scalph offered a motion to vacate the appointment of Herman Johnston in the Estate of Frances Williams Johnston and appoint an Administrator at a later date. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a letter from the State Auditor's Office to Carl Harris, Prosecuting Attorney regarding pending or threatened litigations, claims, and assessment while they are conducting an audit

of our financial statements as of June 30, 2012 for Commissioner Wender to sign.

Ms. Berry presented an Order to the Commissioners regarding the Estate of Lillian Faye Harless.

Present for the hearing of September 13, 2012 were Lavana Thompson, John Harless and Lanora Harless, Lisa Lizotte failing to appear in person or by counsel.

Based thereon, it is the Order of the Commission that the said Lisa Lizotte file an accounting with the Clerk of the Commission an accounting for the Estate of Lillian Faye Harless within ten days.

It is further Ordered by the Commission that John Harless be appointed as the alternate Executor of the Estate of Lillian Faye Harless and that his appointment be effective upon his posting of an appropriate bond, if required by the Last Will and Testament of Lillian Faye Harless, and upon taking the oath required by law.

The Commission Ordered that Lisa Lizotte deliver to John Harless within ten days of his qualification as Executor of the Estate of Lillian Faye Harless all of the documents necessary for him to perform his duties as Executor of said estate.

The Commissioners received and reviewed a letter from Eddie Young, Assessor requesting that the Commission consider replacing the appliances in their lunchroom at the Courthouse Annex.

Commissioner Scalph offered a motion to approve purchase of a full size refrigerator, stove and sink not to exceed \$1,500.00 for the lunchroom at the Courthouse Annex. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Budget Revision for the General County Fund (Budget) for Fiscal Year 2012-2013 to the Commissioners.

Commissioner Scalph offered a motion to approve and sign, Budget Revision fo the General County Fund for Fiscal Year 2012-2013. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented and Commissioner Wender signed a WV-48 Form for Technical Assistance Grant for Online Building Permits and Zoning application tools.

Ms. Berry asked the Commissioners if they approved the request of the Fayette County Health Department to appoint Jack Tamplin a member of the Fayette County Board of Health.

Commissioner Wender asked that this be tabled again.

Ms. Berry presented the Lease Agreement from the Fayette County Board of Education for the Fayette County Memorial Building and the Fayette County Board of Education to be signed to the Commissioners.

Discussion was held on hunting at the Wolf Creek Park. The Commissioners informed that people have been hunting for years and property is not posted.

The issue came up when David Pollard, County Resource Coordinator had people working on property and he asked them not to hunt due to the people working. The person that was hunting wants clarification if it is allowed.

Commissioner Wender states that this is a Fayette County Urban Renewal Authority matter and this is their decision.

Commissioner Scalph offered a motion to approve purchase of a new computer for Rachel Davis to use on the third floor while working for

the Fayette County Solid Waste Authority, not to exceed \$900.00.

Commissioner Lopez seconded. Unanimous.

The Commissioners opened bids for the 2nd phase of the Electrical Upgrade for the Fayette County Courthouse.

The Commissioners asked that the bids be forwarded to Dan Snead.

Commissioner Scalph offered a motion to turn over bids to Dan Snead and he can review and make recommendation. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented a Resolution from Todd Swanson regarding a Water Project with Kanawha County Commission (Standard Paint Creek Collinsdale Project) for Commissioner Wender to sign.

Commissioner Scalph offered a motion to approve Commissioner Wender to sign Resolution regarding a Water Project with Kanawha County Commission (Standard Paint Creek Collinsdale Project). Commissioner Lopez seconded. Unanimous.

David Neal, 911 Coordinator appeared before the Commissioners to give an update on the Tower.

Mr. Neal told the Commissioners he received a letter from the West Virginia Guard in great support, waiting on a letter of support from AT&T. Mr. Neal told the Commissioners he is still waiting to hear from Tower Committee.

Mr. Neal to send application with a letter of support to the Grant Committee for approval.

Commissioner Wender asked Mr. Neal to copy Ms. Berry, on e-mail a copy of the application, also Commissioner Wender asked Mr. Neal to come back on November 30th to give another update.

Commissioner Lopez offered a motion to take a five minute break before preceding with the 10:30 a.m. appointment.

Daniel Young with Danny's Body Shop and Towing appeared before the Commissioners to discuss the rotation list issue. Mr. Young told the Commissioners that the rotation list is not followed.

The Commissioners told Mr. Young they are going to hold off on the appointment until all parties are present.

The Commissioners signed the Holiday's List for 2013.

Commissioner Scalph offered a motion to approve Commissioner Wender to sign the Community Participation Grant for the Fayette-Nicholas Chapter American Red Cross. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Ben Argento Basketball League requesting permission to use the Soldiers and Sailors Memorial Building for the upcoming 2012-2013 Basketball Season.

Commissioner Lopez offered a motion to approve the request of the Ben Argento Basketball League to use the soldiers and Sailors Memorial Building for the upcoming 2012-2013 Basketball Season pending no conflict of schedule. The \$1,000.00 rental fee will be waived; however, the custodial and trash service fees requirements will not be waived on game days. All other rules are applicable including insurance. Commissioner Scalph seconded. Unanimous.

Meeting with Danny's Body Shop resumed (See attached list).

There was a discussion on how the rotation list is handled.

Mike Fridley and David Neal to give copies of the procedures to Ms. Berry.

The Commissioners asked Ms. Berry to mail the last 12 month statistics and procedures to all wrecker services on the rotation list.

Dickie Smith, Maintenance Supervisor appeared before the Commission to discuss a self pumping toilet for the bathroom on the first floor of the courthouse.

Mr. Smith told the Commissioners the current commode sewer pipes are collapsing, can't dig up the floor so the only solution that Pettit and Pettit Plumbing and Heating, Inc. can recommend is a self pumping toilet.

The Commissioners approved as long as Dan Snead is contacted about this matter.

Commissioner Scalph offered a motion to approve self pumping toilet as long as Dan Snead is contacted to see if he has another solution. Commissioner Wender seconded. Unanimous.

Steve Cruikshank, Deputy OEMS appeared before the Commissioners to discuss the Smithers Fire Department issues.

Mr. Cruikshank told the Commissioners that Smithers Fire Department is not in very good standings with the Fire Marshal's Office or the State Auditor's Office.

Mr. Cruikshank told the Commissioners that Smithers Fire Department is no longer turning in fire reports and they are no longer a corporation since 2005.

Mr. Cruikshank told the Commissioners that fire protection is needed in that area.

Mr. Cruikshank told the Commissioners of the two (2) options- Smithers correcting all the issues or have another Department cover that area.

Mr. Cruikshank informed the Fire Department could be reformed if taken under another department's wing (Sub-Station).

Mr. Cruikshank suggested getting the qualified volunteers that have left Smithers to come back.

Tom Skaggs, Mayor of Smithers recommends they become a sub station of Montgomery for a specified time period. Let a committee be formed to get Smithers Fire Department back in good standings.

The Commissioners received and reviewed a letter from Armstrong Deepwater Public Service District requesting a change in the money that was approved for a sewer project. The Board would like to use the \$10,000.00 to help purchase a new generator for the water plant.

Commissioner Lopez offered a motion to approve request of the Armstrong Deepwater Public Service District to change the approved \$10,000.00 for a sewer project to help purchase a new generator for the water plant. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from the Southern Appalachian Labor School informing they would appreciate if the Fayette County Commission would consider the \$20,000.00 to continue the rehabilitation of the Historic Oak Hill School, formerly Oak Hill Elementary.

The Commissioners received and reviewed from Theresa White, OES Director, an update on the Funds spent on the Dunloup Creek Project.

The Commissioners received and reviewed a request from Kelvin Holliday, County Clerk to go into the ballot room to retrieve two (2) missing envelopes.

The Commissioners approved to go up and unlock ballot room to retrieve the missing envelopes.

The Commissioners received and reviewed a letter from Trileaf Corporation regarding a Tower within the Boy Scouts Summit.

The Commissioners received and reviewed a letter from the WV Courthouse Facilities Improvement Authority informing that the request for the 2nd Phase of the Electrical Upgrade for the courthouse improvements has been approved, amount \$96,000.00.

The Commissioners received and reviewed the WV County Records Management and Preservation Board Grant Application.

The Commissioners received and reviewed a Newsletter from the Fayette Nicholas Chapter American Red Cross.

The Commissioners received and reviewed from the West Virginia Association of Counties a copy of a newspaper article regarding the jail rate cut.

The Commissioners received and reviewed a letter from write-in candidate Keith Judd for President 2012 regarding his opinion on the First Amendment.

The Commissioners received and reviewed a Bank Statement from the Fayette County National Bank regarding the Fayette County Financial Stabilization Fund.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of October 19 to October 25, 2012, amount \$190.00 and allotment to the New River Humane Society, amount \$16,738.00 for the month of October.

The Commissioners received and reviewed checks for 911 Fund from Interface Security Systems, Inc., amount \$30.00, Level 3 Communications, LLC, amount \$49.00, ACN Digital Phone Service, LLC, amount \$3.50, AT&T Communications of WV, amount \$245.00, Granite Telecommunications, LLC, amount \$504.00, Shentel Telecommunications Co., amount \$1,988.00 and IDT Corporation, amount \$10.50; Franchise Fees from Shentel Telecommunications Co., amount \$1,317.88 and Suddenlink Communications, amount \$47,449.67; check from Tax Division -Coal Severance Tax, amount \$13,525.44; check from the WV Development Office for Gauneka Ruritan, amount \$1,585.00; check from Steve Neal rent for the Memorial Building, amount \$500.00; reimbursement Seminole Equipment, Inc., amount \$2,902.50; reimbursement from Regional 4 Planning and Development Council for the EECBG Grant, \$1,134.00.

The Commissioners entered into an Executive Session with Steve Cruikshank, Deputy Fire Coordinator at 11:45 a.m. The Executive Session was adjourned at 1:45 p. m.

The meeting was adjourned at 1:45 p. m.. The next scheduled meeting is November 13, 2012.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION
NOVEMBER 13, 2012
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 13th day of November 2012 to canvass the votes cast in the Presidential General Election held on November 6, 2012.

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

Commissioner Lopez pulled Precinct 31 and Precinct 59 to be hand counted for the Canvass.

Dr. Serena Starcher with the Fayette County Board of Education appeared before the Commission with Kelvin Holliday, County Clerk to make a request to have the County Clerk conduct their Special Election on February 9, 2013 for their School Bond Levy. The cost of the Special Election would be the responsibility of the Fayette County Board of Education.

Commissioner Scalph offered a motion to approve for the County Clerk to conduct the Fayette County Board of Education Special Election on February 9, 2012 for their School Levy Bond. The Fayette County Board of Education will bear all the cost, including their responsibility to advertising. Commissioner Lopez seconded. Unanimous.

The Commissioners signed Order removing Executive and appointing Subsequent Executive to the Estate of Lillian Faye Harless.

The Commissioners signed Letter of Support for the proposed Kanawha Falls/Boonesborough Water Extension Project.

The Commissioners signed Letter of Support for the Circuit Clerk's and County Clerk's grant application for the 2013-2014 grant

cycle to the West Virginia Records Management and Preservation Board(WVRMPB).

The Commissioners received and reviewed from Kelvin Holliday, County Clerk, a quote from Computer System Support, Inc. (CSSI) for four (4) PCs for his office.

The Commissioners received and reviewed an e-mail from Deputy M. T. Kessler to Chief Deputy M. A. Fridley regarding the cost to build one shelter to cover a 10'x 10' dog kennel.

The Commissioners received/reviewed and approved Fayette County Sheriff's Department cost while under State of Emergency October 30 to November 1, 2012 for FEMA to reimburse.

The Canvass was adjourned at 5:30 p.m. The next scheduled meeting is November 20, 2012.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
NOVEMBER 20, 2012
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on this 20th day of November 2012.

Commissioner Lopez called the meeting to order at 2:30 p.m.

Commissioner Lopez announced that the Commission is here today to certify the canvass of the Presidential 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 Lopez offered a motion that the 2012 Presidential General Election be certified and all documents are signed. Commissioner Scalph seconded. Unanimous.

The Commissioners signed the Order certifying the results of the canvass for the 2012 Presidential General Election. A letter and an Order were forwarded to the Secretary of State and the County Clerk giving the results of the canvass.

Ms. Berry presented 2011 Distribution from the Sheriff's Department.

Commissioner Lopez offered a motion to acknowledge the 2011 Distribution received from Sheriff Kessler. Commissioner Scalph seconded. Unanimous.

The meeting was adjourned at 3:30 p.m. The next scheduled meeting is November 30, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
NOVEMBER 30, 2012
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 30th day November 2012.

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

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

Commissioner Scalph offered a motion to approve and sign real property tickets for Gary L. and Sharon A. Acord, Brian and Christina Szuch, Bonita Thompson, Sharla K. James, Ragena G. Wickline, Janet M. Tolliver, Michael and Dawn Whisman, Judith Brown, Charles D. and Arbutus Vance. Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve and sign a refund for Sharla K. James, amount \$46.31. Commissioner Scalph seconded. Unanimous.

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

Carl Harris, Prosecuting Attorney appeared before the Commission to discuss the County of Wyoming, WV v. U. S. Bank lawsuit against Fannie Mae and Freddie Max.

Fannie Mae and Freddie Max not paying transfer tax because they say they are a government agency.

The lawsuit is to have them pay transfer tax because they are not a government agency.

The Fayette County Clerk is asked to join the lawsuit.

Mr. Harris told the Commissioners he recommends finding out how much the County has actually lost. He suggested to the Commission that they become a part of the lawsuit.

The Commissioners support's lawsuit and encourages the County Clerk to take part.

The Commissioners signed a letter of support on behalf of the West Virginia University Extension Service for the application of grant funds to form a diabetes coalition in Fayette County for the Appalachian Diabetes Control and Translation Project.

Lee Aslanian appeared before the Commissioners to discuss water on Cavendish Road in Danese.

Mr. Aslanian questioned when water will be brought to Cavendish Road 16 families lives on this road. All other areas around have water and Cavendish Road is not on the list to get it anytime soon.

Dave Pollard, County Resource Coordinator, gave an update on what's going on with the project.

Mr. Pollard told the Commissioners the Abandon Mine Land does not believe Cavendish Road is affected by 1970 mine land condition, so they will not be included. The next phase will get water closer to Cavendish Road which opens up other avenues for funding fo Cavendish Road.

Mr. Pollard recommends asking the Danese Public Service District to start looking now to add on extension.

Commissioner Wender asked Mr. Pollard to draft a letter to the Danese Public Service District asking to explore options for water for Cavendish Road.

Tim Richardson, Zoning Officer and Greg Hylton from the Division of Highways appeared before the Commissioners to give them an update on a highway report with the Boy Scout Project.

Mr. Hylton reported that 7 areas/sections of roads that needs attention to get the Jamboree up and running, 2 areas in Raleigh

County, 5 in Fayette County, Milroy Creek Road is the biggest section, 15% done the project total cost is 8 million dollars, no improvements to the Glen Jean intersection are set to be done.

Attorney James Blankenship appeared before the Commissioners as Fiduciary Commissioner in the Estate of Aniceta Maminta.

Mr. Blankenship presented an Order to remove Manola Maminta as Executor and the appointment of Melina Maminta as Administratrix, CTA/DBN to the Commissioners.

Mr. Blankenship request that the Executor of the Manola Maminta be dismissed and a \$5,000.00 bond be issued to appoint Melina Maminta as Administratrix, CTA/DBN.

Mr. Blankenship presented Finding of Fact and Recommendation Report to the Commissioners.

Commissioner Scalph offered a motion to accept the Report given by the Fiduciary Commissioner that notice was given and no appearance of the Executor of the Estate and no objections to the Fiduciary Commissioners Report. Commissioner Lopez seconded. Unanimous.

Rex Stewart with the WV Mental Health Consumers Association appeared before the Commissioners to request funding for a Veteran's Station.

Mr. Stewart presented a Budget for the WV Mental Health Consumer Association.

Commissioner Wender asked that this request be resubmitted in March during the Budget Session for the next Fiscal Year.

Commissioner Wender asked Ms. Berry to prepare a letter of support for the WV Mental Health Consumers Association for their

efforts to establish two (2) Operation Firewalker Sites for veterans who are in need and have experienced trauma and poverty.

Ms. Berry asked the Commissioners about John David's request for funding for the Historic Oak Hill School.

Commissioner Wender asked that this request be resubmitted in March during the Budget Session for the next Fiscal Year.

Tristan Cleveland, VISTA worker for the New River Regional Development Authority appeared before the Commission to give updates on VISTA Report.

Ms. Cleveland gave an update on the Boy Scout Project and her role in the project to the Commissioners.

Ms. Cleveland also gave updates on other projects she is involved in.

Ms. Cleveland told the Commissioners that Spring Clean-Up is set for April 28, 2013.

Nancy McKowan appeared before the Commission to give a follow-up on the Huse Memorial Park. Also, present was Elmer Pritt representative of the American Legion LaFayette Post 149 to give further updates on the Veteran's Memorial.

Mr. Pritt is requesting funding for the Veteran's Memorial.

Commissioner Wender asked that they return on December 7th for further discussion.

David Neal, e-911 Coordinator appeared before the Commission to give an update on the Tower at the new 911 Center.

Mr. Neal told the Commissioners the Tower Grant was approved for \$425,300.00.

The Commissioners approved to sign Resolution authorizing Commissioners Wender to sign all documents that come in pertaining to the Tower Grant.

Ms. Berry presented the Courthouse Electrical Upgrade Phase 2 contract awarding Eastern Electric (\$125,358.00) with the bid to the Commissioners.

Commissioner Scalph offered a motion to accept Dan Snead's recommendation awarding contract to Eastern Electric (\$125,358.00) for the Courthouse Electrical Upgrade Phase 2. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Orders appointing Michael Martin to Census Tract 205 and appointing John David to Census Tract 206 representatives to the Central Appalachian Empowerment Zone of West Virginia Corporation Board of Directors to the Commissioners. The Commissioners approved and signed Orders.

The Commissioner signed Request for Reimbursement to the West Virginia Division of Justice and Community Services for the Community Correction Grant for the month of October 2012 in the amount of \$20,770.21.

Ms. Berry presented West Virginia Development Office Community Participation Grant Applications and Resolutions for the African American Heritage Family Tree Museum for traveling exhibits in the amount of \$2,000.00, Gauneka Ruritan Club -Falls View Community Center for necessary upgrades to restrooms and replace existing restroom fixtures in the amount of \$5,000.00, and Fayette-Nicholas Chapter

American Red Cross for equipment, curriculum and technical updates in the amount of \$2,500.00 for the Commissioners to sign.

Commissioner Lopez offered a motion that Commissioner Wender sign Applications and Resolutions for the African American Heritage Family Tree Museum (\$2,000.00), Gauneka Ruritan Club-Falls View Community Center (\$5,000.00), and the Fayette-Nicholas Chapter American Red Cross (\$2,500.00). Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a letter from the Fayetteville Convention and Visitors Bureau requesting a drawdown from the West Virginia Development Office Community Participation Grant for the Bridge Day Chili Cook-off Event in the amount of \$2,511.54.

The Commissioners approved. Commissioner Wender signed the request.

The Commissioners received and reviewed a letter from the African American Heritage Family Tree Museum requesting \$1,400.00 funding to purchase 300 gallons of No. 2 heating oil, and to pay for their annual furnace service.

Commissioner Scalph offered a motion to approve the request of \$1,400.00 for the African American Heritage Family Tree Museum. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve purchase of a copier for the Prosecuting Attorney Office and the County Commission Office. Commissioner Lopez seconded. Unanimous.

The Commissioners signed letters to Jeff McIntyre, President West Virginia Water Company, Paul Thurban, Mountaineer Gas Company, and Scott Buchanan, PE, Frontier Communications on behalf of the Fayette

County Commission and the Fayette County Urban Renewal Authority thanking the organizations for their cooperation and assistance they provided in the extension of utilities to the new E-911 Facility at Wolf Creek Park.

The Commissioners received and reviewed a letter from Okey Skidmore, Manager of the Fayette County Memorial Building requesting that Jake Holland be hired as part time help during the basketball season. The Commissioners approved the request.

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 December 2012.

The Commissioners received and reviewed a letter from Tim Richardson, Zoning Officer informing that the Fayette County Board of Zoning has sought a recommendation to replace Shirley Love as he requests to not be reappointed.

Mr. Richardson informed that Dan Hill of Glen Ferris has expressed an interest in the appointment.

The Fayette County Board of Zoning Appeals unanimously recommends appointing Dan Hill a member of their Board.

Also, Mr. Richardson informed the Commissioners that the term of Dean Kincaid will expire on January 1, 2013 and the Board recommends reappointing Mr. Kincaid to serve for a three (3) year term on the Board.

The Commissioners approved of the Fayette County Board of Zoning Appeals recommendations and asked that the Orders be prepared to

appoint Dan Hill and reappoint Dean Kincaid members of the Fayette County Board of Zoning Appeals.

The Commissioners received and reviewed a quote from Lee's Carpet and Floor Covering for carpet for the Circuit Clerk's Office, amount \$7,445.00.

The Commissioners received and reviewed a letter from the Fayette County Health Department requesting that a panic button directly connected to the Sheriff's Office be installed.

The Commissioners asked Ms. Berry to have Chief Deputy Mike Fridley to check.

Commissioner Wender signed Application for a Permit to Operate the Swimming Pool at the Fayette County Park.

Commissioner Wender signed the Agreement for the Division of Highways Motor Fuel Sales.

The Commissioners signed an Agreement with Stephanie Sears, Staff Account, regarding assisting employees with the expenses of obtaining advanced education or training.

Theresa White submitted to the Commissioners a

Commissioner Wender signed a for Theresa White, OES Director

The Commissioners received and reviewed a note from Dickie Smith, Maintenance Supervisor, informing that David Laudig, Plant Specialist, will replace small trees on Courthouse lawn. There will be no charge to the Commission Mr. Laudig works for the Town of Fayetteville.

The Commissioners received and reviewed a letter from Mountain State Company informing that their client, Kanawha Energy Company, is

applying for Phase I, II and III Release Application for Permit #O-3066-87.

The Commissioners received and reviewed a letter from Suddenlink Communications announcing that the sale of Cequel Communications Holdings, LLC the parent of Cebridge Acquisition, LLC d/b/a Suddenlink Communications and the holder of the cable franchise to Nespresso Acquisition Corporation has been completed.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of November 9 to November 15, 2012, amount \$355.00.

The Commissioners received and reviewed checks for 911 Fees from Vonage Tax Account, amount \$294.00, Procom, amount \$48.02, Frontier Communications, Inc., amount \$28,566.67, Frontier Communications, Inc., amount \$74.69, Lingo, Inc., amount \$10.50, AT&T Communications of WV, amount \$409.50, Level 3 Communications LLC, amount \$49.00, ACN Digital Phone Service, LLC, amount \$3.50, IDT Corporation, amount \$10.50, Cebridge Telecom WV, amount \$17, 920.00 and Granite Telecommunications LLC, amount \$507.50; check from the City of Beckley reimbursement, amount \$94.08; Soldiers and Sailors Fund, amount \$75.00; Alarm Fees, amount \$370.00 and Reimbursement from Seminole Equipment, Inc., amount \$2,700.00.

The meeting was adjourned at 1:00 p. m. The next scheduled meeting is December 7, 2012.

FAYETTE COUNTY COMMISSION
REGULAR SESSION

DECEMBER 7, 2012
COURTHOUSE
FAYETTEVILLE, WV 25840
MEMBERS Present: Matthew D. Wender, John H. Lopez, Denise A. Scalph

The Fayette Commission met in a regular session on this 7th day of December 2012.

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

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

Commissioner Scalph offered a motion to approve minutes of October 12, 2012. Commissioner Lopez seconded. Unanimous.

Ms. Berry presented Orders and letters for approval appointing Robert Dan Hill and Dean Kincaid to the Fayette County Board of Zoning Appeals Board to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Orders and Appointment to Serve Letters appointing Robert Dan Hill and Dean Kincaid members of the Fayette County Board of Zoning Appeals Board. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a letter prepared by Dave Pollard, County Resource Coordinator, for signatures to the Danese Public Service District concerning extension of service for many unserved residents within the Danese Public Service District to the Commissioners.

Ms. Berry presented a West Virginia Courthouse Facilities Improvement Authority contract for Phase 3 of the electrical upgrade for the Fayette County Courthouse, the grant amount \$96,000.00 to the Commissioners.

Ms. Berry presented an AIA Standard Contract Agreement with Eastern Electric, LLC for Phase 2 work for the Courthouse Electrical upgrade in the amount \$125,358.00 for the Commissioners' signature.

Ms. Berry presented a letter of support for the West Virginia Health Consumers Association for funding assistance for their Veteran's Operation Firewalker Project for the Commissioners' signature.

W. D. Smith, Executive Director, Region 4 Planning and Development Council appeared before the Commissioners to discuss the Metropolitan Planning Organization (MPO).

Mr. Smith gave a brief overview of what the Metropolitan Planning Organization is.

Mr. Smith told the Commissioners that with a Metropolitan Planning Organization, the Division of Highway cannot go through with projects without the approval of the Metropolitan Planning Organization, gives the public a voice.

Mr. Smith told the Commissioners the Metropolitan Planning Organization is classified as a new unit of government.

Roseann Michaels, Administrator for the Fayette County Board of Health appeared before the Commissioners to give an update on the Fayette County Board of Health.

Ms. Michaels gave a description of what the Board consists of and what each department does within the Board of Health.

Levi Rose appeared before the Commission to give them an update on the septic tank database project.

Mr. Rose told the Commissioners that he is still working with the Fayette County Health Department on this project.

Mr. Rose passed out hand outs to the Commissioners.

Elmer Pritt appeared before the Commission to request funding for the Veteran's Memorial Project.

After a brief discussion, the Commissioners approves to contribute \$2,000.00 today and revisit the issue again in March for additional funding.

Commissioner Scalph offered a motion to approve \$2,000.00 for the Veteran's Memorial Project and readdress in March. Commissioner Lopez seconded. Unanimous.

Earl Smith, Director Mountain Heart Community Services, Inc. appeared before the Commissioners to give an update on the Fayette County Weatherization Program.

Mr. Smith presented a copy of the Budget to the Commissioners. See attached.

The Commissioners recessed the County Commission meeting and entered into an Executive Session with Dave Pollard, County Resource Coordinator at 12:30 p. m.

The Commissioners reconvened the County Commission meeting at 1:40 p. m.

Ms. Berry presented an Order from Carl Harris, Prosecuting Attorney, to Remove Administrator and Appointment of new Administrator in the Estate of Frances E. Williams Johnson, AKA Frances E. Williams for the Commissioners' signatures.

Ms. Berry presented Order Agreements for the new copiers for the County Administrator's Office and the Prosecuting Attorney's Office for Commissioner Wender to sign.

The Commissioners received and reviewed a request from David Neal, E-911 Coordinator requesting a Recycle Box Style Dumpster for the new 911 Center, cost \$5,200.00.

The Commissioners signed the Final Project Report requesting \$9,918.00 to close out the 2011-2012 County Records Management Grant Program for the Circuit Clerk's Office.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of November 16 to November 22, 2012, amount \$55.00 and the week of November 23 to November 29, 2012, amount \$180.00 and the New River Humane Society allotment for the month of November, amount \$17,229.36.

The Commissioners received and reviewed check from the Division of Justice and Community Services for the Community Correction Day Report Center, amount \$52,005.33.

The Commissioners held a discussion regarding the current budget amounts.

The meeting was adjourned at 2:25 p. m. The next scheduled meeting is December 14, 2012.

REGULAR SESSION
DECEMBER 14, 2012
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 14th day of December 2012.

Commissioner Wender called the meeting to order at 9:30 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 Pamela T. and Robert Wilson, Dennis or Jennifer Chaffins, Tracy D. Atha, Trudie L. Lucas, Derek or Kayla Tilley, Arthur S. Reynolds, Harlon L. Good, Ace Whitewater, Ace Whitewater, Patty Ann Tygrett, Christopher M. or Allison Lokant, Eric A. W. Pack, Mark A. Tincher and Christopher M. or Allison Lokant. Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign real property tickets for Nancy M. and Quinten G. Bragg and Ronald E. Preast. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign refund for Michael and Dawn Whisman (\$301.38). Commissioner Lopez seconded. Unanimous.

Commissioner Lopez offered a motion to approve vouchers and invoices, checks to be released today and approve 1st and 2nd half payrolls, 1st half checks to be released today, 2nd half checks to be released December 28, 2012, Commissioner Scalph seconded. Unanimous.

Larry Harrah, Assistant Prosecuting appeared before the Commissioners to discuss the 911 Tower Grant Agreement Contract.

Commissioner Scalph offered a motion to approve for Commissioner Wender to sign the 911 Tower Grant Agreement Contract. Contract to be held until legal review is complete of Exhibit A of project description and the Prosecuting Attorney approval. Commissioner Lopez seconded. Unanimous.

Larry Harrah made a request to the Commissioners for the Fayetteville Lion Club to use the Memorial Building for a Bluegrass Concert being held March 16, 2013.

Mr. Harrah told the Commissioners that the Fayetteville Lion Club has insurance.

Commissioner Lopez offered a motion to approve Fayetteville Lion Club use of the Memorial Building to host their Bluegrass Concert on March 16, 2013, the \$1,000.00 rental fee will be waived. All other rules are applicable, including insurance, garbage, and custodian. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented a Fire Levy Protection Agreement for Smithers Volunteer Fire Department to the Commissioners.

Commissioner Lopez offered a motion to approve and sign Smithers Volunteer Fire Department Fire Levy Protection Agreement for the period July 1, 2012 to June 30, 2013. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented Community Participation Grants Program Applications and Resolutions for signatures for the Friends of the Lewis House (\$4,000.00) for heating and cooling for 3rd floor to the

building to enable utilization for larger functions and Historic Fayette Theater (\$2,500.00) for performances and workshops to the Commissioners.

Commissioner Lopez offered a motion to approve and sign the Community Participation Grants Application and Resolution for the Friends of the Lewis House (\$4,000.00). Commissioner Scalph seconded. Unanimous.

Commissioner Scalph offered a motion to approve and sign the Community Participation Grants Application and Resolution for the Historic Fayette Theater (\$2,500.00). Commissioner Lopez seconded. Unanimous.

Tim Richardson, Zoning Officer appeared before the Commission to discuss the Fayette County Unified Development Code, Section 6 - Article 6000 Special Events/ Mass Gatherings Ordinance.

Ms. Berry presented a Grant Agreement and an invoice from the Department of Health and Human Resources for Commissioner Wender signature. The Grant is for \$4,500.00 for supplies and materials for County-wide Live Fire Training.

Commissioner Lopez offered a motion that Commissioner Wender sign the Department of Health and Human Resources Grant Agreement and invoice (\$4,500.00) for supplies and materials for the County-wide Live Fire Training. Commissioner Scalph seconded. Unanimous.

The Commissioners received and reviewed a letter from Connie Jones, President of the West Virginia State Council Associates of Vietnam Veterans of America requesting use of the Fayette County Memorial Building on March 17, 2013 for a seminar and open forum on

Agent Orange and other herbicides that continue to have devastating health effects on veterans and families.

Commissioner Lopez offered a motion to approve the request of the West Virginia State Council Associates of Vietnam Veterans of America to use the Fayette County Memorial Building on March 17, 2013 for a seminar and open forum on Agent Orange. The \$1,000.00 rental fee will be waived. All other rules are applicable, including insurance, garbage, and custodian. Commissioner Scalph seconded. Unanimous.

Ms. Berry presented Fuel Tax Exemption Certificate for Wright Express Financial Services Corporation for Commissioner Wender to sign.

Ms. Berry presented a letter to the Commissioners for their signature to the Fayette County Solid Waste Authority Members expressing their pleasure that the members are working with David Pollard, County Resource Coordinator and Rachel Davis on the Fayette County Solid Waste Management and Litter Control Plan.

Ms. Berry informed the Commissioners that the Governor has declared a half day Monday, December 24, 2012 as additional time off for State employees.

Ms. Berry presented a Memo to the Commissioners to all Elected Officials and Fayette County Employees declaring a half day Monday, December 24, 2012, as additional time off for County employees for Christmas.

Commissioner Lopez offered a motion to approve declaring a half day Monday, December 24, 2012, as additional time off for County employees for Christmas. 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 January 2013.

Ms. Berry presented an AIA Agreement for Eastern Electric, LLC for Phase 2 of the Courthouse Electrical Upgrade for President Commissioner Wender signature.

Ms. Berry presented a West Virginia Courthouse Facilities Improvement Authority check off list for Phase 3 of the Courthouse Facilities Improvement Authority Grant for the electrical upgrade that needs President Commissioner Wender signature.

The Commissioners signed an Order transferring funds from the Fayette County General School Fund to the Fayette County General Fund for cost of feeding prisoners, amount \$99,568.09.

Ms. Berry presented an invoice from Steve Cruikshank, Deputy OES from Hali, Inc. for 3-month lease extension from September 23, 2012 to December 22, 2012 in the amount of \$15,000.00 for NARR Base Camp.

The Commissioners approved invoice, but asked to hold check until it is confirmed in writing that this payment goes toward purchase price.

Ms. Berry presented Continuity of Operations (COOP) Grant information draft for Theresa White for the Commissioners to review.

Ms. Berry presented a Hazard Mitigation Property Lease between the Fayette County Commission and Annette Treadway for the Commissioners to sign.

Commissioner Scalph offered a motion to approve the Hazard Mitigation Property Lease Agreement between Fayette County Commission and Annette Treadway. Commissioner Lopez seconded. Unanimous.

Commissioner Scalph offered a motion that the Fayette County Commission allocates \$500.00 to the New Haven Christmas Toy Drive. Commissioner Lopez seconded. Unanimous.

The Commissioners received and reviewed a letter from the Governor's Office awarding Fayette County Commission \$700,000.00 from the Fiscal Year 2012 Small Cities Block Grant Funds for the Boonesborough Water Extension Project.

The Commissioners received and reviewed a letter from Page-Kincaid Public Service District enclosing copies of their November minutes.

The Commissioners received and reviewed a letter from the Office of the Treasurer informing that the funds for the November 2012 Table Games will be directly deposited on December 17, 2012, amount \$7,437.33.

The Commissioners received and reviewed a letter from Branch Banking and Trust Company informing of the securities held by Branch Banking and Trust Company as collateral to secure the deposits of Fayette County Commission as of November 30, 2012.

The Commissioners received and reviewed a letter from SunTrust Bank giving a list of the securities pledged as of November 30, 2012

The Commissioners received and reviewed a letter from the Bank of New York Mellon giving a Cash Statement and Asset List as of November 30, 2012.

The Commissioners received and reviewed from the Fayette County Animal Control Center/NRHS Weekly Fees Collected for the week of December 1 to December 6, 2012, amount \$300.00 and the week of December 7 to December 13, 2012, amount \$225.00.

The Commissioners recessed the Commission meeting at 11:15 a.m. until 1:00 p. m. for the Regional County Commission Meeting.

The meeting was adjourned. The next scheduled meeting is January 4, 2013.