

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 5, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 5<sup>th</sup> day of January, 2018.

Commissioner Scalph called the meeting to order at 9:03 a.m. President Wender had not arrived by the start of the meeting.

County Clerk, Kelvin Holliday, appeared to present Early Voting keys to the Commission.

Eddie Young, Assessor, appeared to present a real property exoneration for Melvin E. England, \$46.86. Commissioner Scalph motioned to approve real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve one refund of \$45.68 to Melvin E. England generated by the exonerations. Commissioner Scalph seconded. Unanimous decision.

President Wender arrived at 9:09 a.m.

Debbie Berry, County Administrator, presented an order regarding the Organization of the County for 2018. Ms. Berry read the order. Commissioner Brenemen nominated Matthew D. Wender for president. Commissioner Scalph seconded. Unanimous decision. Commissioner Brenemen nominated Denise A. Scalph for purchasing agent. President Wender seconded. Unanimous decision. Commissioner Brenemen nominated Stephanie Sears as Assistant Purchasing Agent, and motioned to authorize Deborah A. Berry, County Administrator, Renee Harper, Park Director, Joe Crist, Fire Coordinator, and Kevin Walker, OEM Director,

to make purchases up to \$600.00 without prior County Commission approval for the year 2018. Commissioner Scalph seconded. Unanimous decision. Commissioner Scalph motioned to approve the organization order. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release checks on January 12<sup>th</sup>, 2018. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve December 15<sup>th</sup> & 29<sup>th</sup>, 2017 minutes. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Richard Lee Crouch; Richard Lee Crouch, Jr.; Glenmore Sevy Ewing; Robert Lane Kidd; Cynthia Lynn Walker; Helen May Bernath; Johnny N. Johnson; and Darlena Dawn Roop-Shuler. Commissioner Scalph motioned to approve and authorize President Wender to sign the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Gabriel Peña appeared to present a Flex-E grant resolution for the Fayette County Park trail design. Commissioner Scalph motioned to approve the resolution. The total cost is \$9,700.00 with a match of \$1,455.00. Commissioner Brenemen seconded. Unanimous decision.

Ron Robinson, AEP representative, appeared to give an update with George Porter, Courtney Mustard and Craig Pritt. AEP is upgrading two transmission facilities within Fayette County, Carbondale and Meadow Bridge. Mr. Porter presented a slideshow presentation for the Commission to review. The majority of the work is due to aging infrastructure built in the early 1900s, so upgrading is essential.

The Meadow Bridge upgrade is 10 miles in Fayette County and 10 miles in Greenbrier County. The transmission lines will be taller than what are currently there. The Meadow Bridge open house is January 25<sup>th</sup> at the Rainelle Public Library. Carbondale is having two open houses, one on January 31<sup>st</sup> at the YMCA in Montgomery and February 1<sup>st</sup> at the Glen Ferris Inn. Typically the times are set from 5:30 to 7:30 p.m.

Mr. Pritt explained why AEP goes from point A to point B to help the Commission understand better the changes being made to the lines right of ways.

Mr. Porter will send us the information to be put on our website.

Discussion on the shooting range was held. A committee of Sheriff Fridley, Ms. Berry, & Commissioner Brenemen met with the bid proposal companies. The decision was put on hold until bids can be received on the amount the timber will bring in. Sheriff Fridley gave a background on how the shooting range came about. Local property owners spoke with their concerns. Kevin Cogar, Sr. presented the Commission with 3 cases of how shooting ranges decrease property values. Local owners asked if anyone had looked at other properties for the range. It was stated that it needed to be on County owned property.

The next steps are to find out the cost of the timber then the timber would have to be auctioned, then go back to the engineering firms and select one of the two. Then to bid out construction after engineering is complete. President Wender asked for names and addresses of the local property owners so they can stay in the loop and attend discussions regarding the shooting range.

The Commission took a break at 10:53 a.m. and reconvened at 11:05 a.m.

The Commission asked that a letter be sent to Matt Combs, Register Herald Reporter, asking to run an editorial to showcase Park upgrades.

Jonathan Grose appeared to discuss the KFPSD. Mr. Grose presented an update on Boonesborough project. CSX is working with KFPSD and Region 4 for alternatives to boring under the railroad tracks. Vendor debt is \$22,000.00 with a 60 day window. This does not include the previous \$25,000.00 and they haven't had to draw down any of the allocated \$36,000.00. They don't think they will need to borrow this after all. All payroll and benefits are current and new accounts are in place. When payments come in daily, percentages are tabulated and deposited into each account rather than once monthly. Mr. Grose worked with the staff to decrease vendor debt and pay bills correctly. All borrowing is current and they are making monthly payments to the Commission. Engineers for the waterside upgrades have been shortlisted and interviews will be held soon.

President Wender suggested writing a letter to KFPSD customers to detail the changes which have occurred and the vast difference from last year. Discussion was held on the water outage in Glen Ferris over the New Year's holiday. Mr. Grose spoke with Mike Smithson, customer who alerted the Commission of the outage. Procedures for emergency contacts have been changed and implemented this week. When an outage is reported, two additional customers will be contacted in the area to verify the outage. Outages should be reported to the PSD Commissioners or the non-emergency number at 911.

Mr. Grose mentioned consolidating some PSDs and that some discussions have taken place in the past. He stated that Lesley Taylor held discussions with the previous board. President Wender

mentioned having discussions with John Tuggle regarding this issue, and Mr. Tuggle does feel Fayette County has too many PSDs. President Wender asked Ms. Berry to ask Mr. Tuggle to get on the agenda to discuss this issue.

Mr. Grose discussed the Town of Gauley Bridge. He mentioned he is aware the Commission has agreed to pay \$10,000.00 for Gauley Bridge in the economic position in the partnership with Montgomery and Smithers. Mr. Grose does not feel it would be beneficial to Gauley Bridge. The Town has some other projects in the works on their own. He feels that if any allocation is to be made for the Town of Gauley Bridge, it should be for something beneficial for the town. The Commissioners understand that if Mr. Grose does not feel like this is beneficial, they do not want to create a partnership which will not work.

Mike Callahan, attorney, appeared to present the Fayette County Environmental and Public Health Protection Settlement Fund Resolution and order for the Commission to approve and sign. This resolution follows the federal act and authorizes an interest bearing fund to be set up for purposes of any cases. At a later date, the Commission will name a trustee/overseer of the fund and work out the details needed for the fund. Commissioner Scalph motioned to authorize an establishment of an Environmental and Public Health Protection Settlement fund to be set up and at a later meeting the mechanics and trustee will be discussed and decided on. Commissioner Brenemen seconded. Unanimous decision.

President Wender asked Mr. Callahan to return at a later meeting to discuss some other questions raised.

Ms. Berry presented the Public Nuisance Ordinance for signature which was approved on December 15, 2017.

Ms. Berry presented a resolution regarding the New River Gorge Development Authority participation and cooperation. This designates them as our lead Economic Development Authority. Commissioner Brenemen motioned to approve and sign the resolution. Commissioner Scalph seconded. Unanimous decision.

Chad Neal with Chad's Wrecker Service appeared to discuss the rules and regulations of wrecker services. There are two companies vying to be added to the wrecker rotation which are not justifiable. One is a company out of Summersville which wants to be a heavy load wrecker. The other is in Oak Hill that just bought their wrecker two days ago. No official requests have been made from these two companies. Mr. Neal is requesting that no other wrecker service be put on the rotation. The wrecker service companies are starving for work as is. Mr. Neal stated that the rules and regulations says that if there is not a need, no new wrecker service will be added. He asked that the rules and regulations be enforced. The Commission stated that as long as we have coverage, they have no problem not letting any other company on the rotation and enforcing the rules and regulations. James Bennett, 911 Coordinator, was present and stated that county has coverage.

Mr. Neal requested that the wrecker services on rotation along with Mr. Bennett review the policy and update what needs updated, then return to the Commission for final approval. The Commission is in agreement. Mr. Harrah will review first. Mr. Bennett will coordinate the meeting with the wrecker services.

Discussion was held on work boots and jackets for the 7 maintenance employees. Ms. Berry will obtain quotes. The Commission agrees and Ms. Berry will return once quotes are obtained.

Commissioner Scalph motioned to approve an additional \$300.00 regarding the Redden case. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve September 8<sup>th</sup> and 15<sup>th</sup> minutes (held until the Commission received the Court Reporters' portions.) Commissioner Scalph seconded. Unanimous decision

Ms. Berry presented two Combine or Divide and Segregate Land orders for Michael Whisman and Burton Lee Sims, respectively. Commissioner Brenemen motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a quote from GST for Firewall. Commissioner Brenemen motioned to approve the quote from GST for \$3,114.00. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented minutes from the Fayette County Zoning portion of the Commission meetings held on September 8<sup>th</sup>, 15<sup>th</sup> and November 27<sup>th</sup>, 2017 and an order denying the request from Mountain Valley Pipeline, LLC, Zoning case Z-525-17-1 property legally described as Fee 754.56 Meadow Dale, Surf 20.32 Meadow Dale, 16.666 AC, near Springdale, New Haven District, from R-R (Rural Residential District) to H-1 (Heavy Industrial District) for the Fayette County Commission to approve and sign. Commissioner Brenemen will review the minutes before the Commission approves.

Ms. Berry presented a letter from Tabitha Stover, Executive Director of the Fayetteville Convention and Visitor's Bureau requesting to dissolve their leave for the Fayette County Jail and Law

Enforcement Museum. Commissioner Scalph motioned to dissolve the lease early. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a Retention Agreement of Miller & Amos, Attorneys at Law to revise the Fayette County Personnel Manual for approval and signature of President Wender. Prosecuting Attorney Larry Harrah was not in agreement to approve and sign. He claims the agreement is too open ended. Mr. Harrah will send a letter to Miller & Amos.

Ms. Berry presented a Standard Form of Agreement between owner and Architect from J. Dan Snead and Associates, Inc. for the New Mechanical System project at the Fayette County Judicial Annex for approval and signature of President Wender. Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an HVAC Service Agreement from Casto Technical Services for the Courthouse Annex for approval and signature of President Wender. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter for approval and signature to the WV Supreme Court requesting reimbursement of rent for the Family Law Judge for the month of January, 2018. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to John David with SALS regarding a decision to his request for a sprinkler system for the Old Oak Hill Elementary School Building. Commissioner Brenemen motioned to approve the letter that was taken from the minutes of the December 8, 2017



meeting. (attached) Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Joseph Brouse, executive Director with the New River Gorge Regional Development Authority to reappoint Matthew D. Wender to its Board of Directors as the Fayette County Commission representative. Commissioner Brenemen motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented the Terms of Engagement letter for conducting the audit for Fiscal Year ending June 30, 2017 for approval and signature of President Wender. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Randy Heidemann with Royal, an organized corporation with nonprofit exemptions, asking to lease property from the County that is within a floodplain as an extension of camp activities only on old Glen Jean School on Thurmond Road, which they have purchased. President Wender wants to hear more about this and requested that Mr. Heidemann be put on a future agenda. Commissioner Scalph motioned to continue the item until Mr. Heidemann can appear on the agenda. Commissioner Brenemen seconded. Unanimous decision.

President Wender left the meeting at 1:16 p.m.

Ms. Berry presented a request from Circuit Clerk Cathy Jarrett to use the room in their office which housed the voting tabulators, to be used for storage now that the voting machines have been removed. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to the employees regarding their vacation/sick report. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:31 p.m.

---

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
JANUARY 16, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a special session on this 16<sup>th</sup> day of January, 2018.

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

The Commission held a discussion on precincts 9 and 13 which are usually held at the Scout Cabin in Oak Hill. The Scout Cabin is booked with a previous engagement that could not be changed. Deborah Berry, County Administrator, spoke with Bill Hannabass, City Manager of Oak Hill, and he told Ms. Berry we could use City Hall for this election. Ami Dangerfield, County Commission Assistant, spoke with the Secretary of State's office and they informed the Commission of the steps that need to be taken. Proper signage needs to be put at each place and someone needs to be present at the old polling place at 6:30 to announce that the polling has moved. Commissioner Scalph motioned to approve the polling place change for precincts 9 and 13 from Scout Cabin to Oak Hill City Hall and to properly mark the old precinct and the new precinct and someone will be present at 6:30 a.m.

to announce the change. Commissioner Brenemen seconded. Unanimous decision.

The meeting was adjourned at 9:35 a.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 26, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a canvass special session on this 26<sup>th</sup> day of January, 2018.

President Wender called the meeting to order at 9:03 a.m.

Eddie Young, Assessor, appeared to present a real property exonerations for Betty Moyer \$845.86. Commissioner Scalph motioned to approve the real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented personal property exonerations for David Blethen \$7.66; Gary Carl & Deborah G. Neely \$308.02; Arvella A. Daniels \$166.38; Steven L. Yarber, Jr. & Amanda McNeely \$725.90; Faren L. (Burnett) Settle \$179.06; Teresa L. Thompson \$30.34; Joanna Kay Wyant \$57.42; and Annetta L. & Kristin G. Sharp \$524.66. Commissioner Brenemen motioned to approve the personal property exonerations. Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on January 30<sup>th</sup>, 2018. Commissioner Brenemen seconded. Unanimous decision.

Estate Settlements were presented for James William Sullivan; Jo Ann Sundstrom; George Edward Amos; Jessica Marie Rhodes; Myrtle Irene McKinney; Ida Virginia Davis (McGuffin); Emma D. Radford; Esther Mae Thacker; Raymond Joe Menei; Alma Madge Pritt; David Patrick Parker; David Howard Wagner; Paul Barnard Dobbins, Jr.; Halley Harvey Hamrick; Roy Gene Crist; John Houston Myles; and George D. Smith. Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Deborah Berry, County Administrator, presented a Combine or Divide and Segregate Land Order for Gertie Frances McMillion. Commissioner Brenemen motioned to approve order and sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented the Fayette County Commission Minutes Zoning Portion of meeting for September 8<sup>th</sup> and 15<sup>th</sup>, 2017 and November 27, 2017 and an order denying the request from Mountain Valley Pipeline, LLC, Zoning Case Z-525-17-1 property legally described as Dee 754.56 Meadow Dale, Surf 20.32 Meadow Dale, 16.66 AC, near Springdale, New Haven District, from R-R (Rural Residential District) to H-1 (Heavy Industrial District) for the Fayette County Commission to approve and sign. Commissioner Brenemen motioned to approve and sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from White Oak PSD requesting to appoint Mike Whisman to replace Tom Dragan, who resigned and to reappoint Eddie Chornobay. Commissioner Brenemen motioned to approve the requests. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an Environmental and Public Health Protection Matters in and affecting Fayette County for signature of President Wender. This order was approved on October 13, 2017.

Ms. Berry presented a letter to the Commission from Mountain State Justice regarding the conclusion of the litigation related to the Fayette County Schools that transpired in 2016-17 and an invoice in the amount of \$27,536.93. Mountain State Justice is actually only asking for \$10,000.00 from the Commission; another \$10,000.00 came from a donation. President Wender will talk to Sam Petsonk, MSJ Attorney.

Ms. Berry presented a drawdown request for the Community Corrections Grant for the month of December, 2017 in the amount of \$11,456.65 for approval and signature of President Wender. Commissioner Brenemen motioned to authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision Ms. Berry also presented an 2<sup>nd</sup> copy of the approved September 2017 drawdown to be signed - original was lost in the mail.

Ms. Berry presented a request from the County Clerk's office to use space on the 3<sup>rd</sup> floor of the courthouse to store older probate records. The Commission will table this until they can review the area.

Ms. Berry presented a quote from Casto Technical Services to replace two valves for two steam radiators in the Voters' Registration office. The quote is for \$1,104.71. Commissioner Brenemen motioned to approve the quote. Commissioner Scalph seconded. Unanimous decision.

Kelvin Holliday, County Clerk, administered the oath to all canvass workers at 9:05 a.m.

Canvass was conducted.

Precinct 12 had an absentee ballot that was sent to the precinct on Election Day and it did initially appear to have been counted. Ms. Berry pulled the statement of ballots used and found that it was counted.

Mr. Holliday informed the Commission that there was a packaging error with the poll books. One box did not have any poll slips so no signature was received from any early voters. Mr. Holliday stated that everything else was properly done. The ballots were counted at the precinct on Election Day and every individual was identified through the new I.D. law. Prosecuting Attorney, Larry Harrah, stated that the ballots should be counted. Commission agreed.

Precinct 68 had one provisional where a voter was cancelled in another county in error. Mr. Holliday recommended counting the vote. The voter was Jerry Meadows, 3746 Patterson Road, Meadow Bridge, WV 25916. Commissioner Scalph motioned to approve the recommendation of Mr. Holliday and count the vote. Commissioner Brenemen seconded. Unanimous decision.

Precinct 67 provisional had missing poll slips. The ballots were still counted.

Canvass was concluded at 11:25 a.m.

The Commission entered into regular session at 11:30 a.m.

James Bennett and Kevin Walker appear to discuss snow removal at the 911 Center. A 911 employee fell in the parking lot on a Sunday morning. This issue needs to be fixed because the 911 Center works all weekend long and the area needs to be cleared. Mr. Bennett suggested either having maintenance come out for shift change or hire a contracted service to come in. The commissioners requested getting

quotes. The 911 Center wants someone at 6:00 am and 6:00 pm for shift changes. Discussion to be continued on January 31<sup>st</sup>, 2018 at 1:00 p.m.

Mr. Young reappeared to have a brief discussion on a legislative issue regarding phasing out industrial equipment. The proposal is over the next 6 years, the growth of WV is expected to be about 3 and 3.5% a year. Statewide will lose 140 million dollars. With the growth, State will guarantee to pay Fayette County their portion of 140 Million every year.

Stormy Parsons, Community Corrections, appeared to discuss Drug Court and how Community Corrections received their reimbursed amount. The amount we receive is \$19.50 a day. In the last two months, we have lost roughly \$247.00 offering Drug Court services. Drug Court is moving to FMRS but they will want DRC to provide transportation. This discussion will take place later once Ms. Parsons learns more.

Mayor Bonnie Hicks appeared to discuss water issues in Meadow Bridge. She is requesting financial assistance as well as ideas on how to fix issues. They had to have water hauled for \$4,200.00 & 10hp pump of \$2,000.00. The town has 50% water loss. This is due to unidentified leaks and they need a leak identifier. Total cost they need for all mentioned is roughly \$20,000.00. Service is cutoff to customers for seven hours a day so the tank can be filled.

Tom Oxley with Thrasher, engineering firm that the town hired, appeared to give his update. The firm was just hired and they are still doing assessments. The 50% water loss is a big issue. The town needs some temporary financial assistance now.

Lesley Taylor, Region 4 Planning & Development, spoke about the early stages of the project and anything given now can be included in the project for reimbursement.

Mr. Wender asked if Danese PSD would be willing to be contracted out to help with their leak finder. A Danese PSD representative spoke saying that it would be rough on their end because they need to take care of their lines and the two people that can operate it are not readily available outside of work hours. If a leak detector is purchased, the company will send someone to train employees. Total cost the town needs is \$19,700.00. The Town of Meadow Bridge can contribute \$5,000.00. Commissioner Wender suggested the State give \$7,500.00 and the Commission will contribute \$7,500.00. President Wender has some calls in to legislators and he is awaiting the State's answer. Ms. Taylor stated that John Tuggle spoke with Ron Miller and he doesn't feel that they can come up with the money. Infrastructural Council has an emergency repair fund. Ms. Taylor stated that the Commission would have to write a letter stating they gave a grant to the Town of Meadow Bridge. She also stated the Infrastructural Council will not meet until the end of February. She asked that the Commission approve the \$7,500.00 today then regroup after the IC meets on Feb 27<sup>th</sup>, 2018 then March 7<sup>th</sup>, 2018. A decision for the IC won't be until at least after March 7<sup>th</sup>. Commissioner Scalph motioned to approve the request for monies in the amount of a \$7,500.00 grant out of Coal Severance to start addressing the water issues in this area. Commissioner Brenemen seconded. Unanimous decision.

Discussion was held on the shooting range. The engineering firm of Terradon was picked to complete all the assessments. Priority one will be to decide which area will be best. Second will be to identify the number of acres to be timbered. A concerned neighbor asked if the County has looked at other areas within the county for the range. Sheriff Fridley stated he has researched and has found a couple



properties but the legalities would need to be worked out if that option has to be discussed after the engineering report. The scope of work is to identify the best area and complete a sound analysis, then return to the Commission with a report. Commissioner Scalph motioned to approve the amended contract not to exceed \$7,000.00 and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Sheriff Fridley appeared to discuss the Morton Property. Detective Willis got a price list for the Sheriff's office completing the work and a quote to have a contractor complete the work. Bottom line amount is \$16,500.00. A quote was received from a contractor and estimated \$30,000.00 with materials. The Commission did set aside \$25,000.00 in the General County budget for the Morton Building. Commissioner Brenemen motioned to release \$18,000.00 to the Sheriff's office to start the work at Morton's Building.

President Wender received a letter from Tom Syner requesting the Commission to write a letter to the DNR asking to allow him to lease land to place a tower on that sight. Commissioner Brenemen motioned to approve the letter to the DNR on behalf of The Syner Foundation and the Commission will sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to the Commission to sign to all Elected Officials and Department Heads requesting each to submit their detailed request for appropriations for FY 2018/19 Budget by March 1, 2018. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a discussion about an order from the Fayette County Commission regarding an Election Overtime Policy. The

Commission decided to revoke the order. Commissioner Brenemen motioned to revoke the previous order from October 2004 given that it is out of alignment from our manual and non-compliant with wage laws.

Commissioner Scalph seconded. Unanimous decision.

The Commission discussed the scheduled April 27<sup>th</sup> meeting. They agreed to move this meeting to April 30<sup>th</sup>.

Allen Ballard, Building Safety Department, appeared to present about the Community Ratings System and an approval letter for the Commission to sign. Mr. Ballard stated that they are also working to update the floodplain ordinance. 263 people in the county have floodplain insurance. CRS will give a 15% discount on the insurance. Starting in October a 5% discount will go into effect, and by May, with additional buyout paperwork, Fayette County can become a class 7, and the discount could raise to 15%. This is a graduated program and the discount can escalate yearly with additional paperwork completed. Fayette County will be the 8<sup>th</sup> community and one of 2 counties to qualify for the CRS discount. Communities must recertify each May and that is when the discount is reevaluated. This is through FEMA and the ISO.

President Wender mentioned a call from a voter from the Danese Community Center polling place. He claims there is black mold in the ceiling and a frozen and busted waterline. The mold in the ceiling is most likely due to a moisture and ventilation issue. Mr. Ballard will assess the issues. Ms. Berry stated that all of our precincts need to be reevaluated.

Commissioner Brenemen motioned to submit the certification for CRS and authorize President Wender to sign the letter. Commissioner Scalph seconded. Unanimous decision. Mr. Ballard stated they might

try to begin the application as a class 7 for May of 2018 rather than waiting for 2019.

President Wender discussed other places with dropping ISO ratings. Primarily fire departments. Ms. Berry will work with Joe Crist, Fire Coordinator, on a press release about this issue.

Angela Gerald appeared to discuss dilapidated buildings. 155 buildings have been taken down. Two more houses in Smithers are willing to allow the county to demo the house and then place a lien for property owner to make payment arrangements with the county. It is now up to the Town of Smithers to contact the Commission.

140 properties are still standing and only a few are on main roads. President Wender asked about getting those 140 properties in before the Commission at a meeting. Ms. Gerald will return on February 13<sup>th</sup> to give a list to the Commission to start bringing in property owners before the Commission. The County Line Bar property will be discussed on the last agenda in March. There are two openings on the Beautification Committee - the Commission would like recommendations.

Discussion is held on Building Permit fees. Mr. Ballard and Ms. Gerald prepared a report that included three years of permits issued.

Commissioner Brenemen motioned to enter an executive session at 2:11 p.m. to discuss a personnel matter. Commissioner Scalph seconded. Unanimous decision.

The Commission reconvened at 3:56 p.m. The Commission will ask the Auditor's Office for some guidance on a situation.

Commission adjourned meeting at 3:57 p.m.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 31, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met as the Board of Equalization and Review on this 31<sup>st</sup> day of January, 2018.

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

No appointments were made.

The Commission recessed as the Board of Equalization & Review at 9:01 am until 9:00 a.m. February 5<sup>th</sup>, 2018.

The Fayette County Commission met in a regular session on this 31<sup>st</sup> day of January, 2018.

President Wender called the meeting to order at 9:01 a.m.

The Commission certified the results of the Board of Education Special Levy Election held on January 20<sup>th</sup>, 2018.

Commissioner Brenemen motioned to certify the election.

Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present real property exonerations for Neal A. Portzen \$209.06; and Don Byers \$167.54.

Commissioner Scalph motioned to approve real property exonerations.

Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented 5 Correction of Assessments for Revelation energy totaling \$1,500.00. Commissioner Brenemen motioned to approve.

Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from January 5<sup>th</sup>, and January 16<sup>th</sup>, 2018. Commissioner Scalph seconded. Unanimous decision.

Deborah Berry, County Administrator appeared to presented a request from Active Southern WV to use the Fayette County Soldier and Sailors Memorial Building on October 19<sup>th</sup> and 20<sup>th</sup>, 2018, for the ASWV Bridge Day 5K even. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter from EnAct Community Action requesting the Commission to appoint a new board member to replace Judson Wallace. President Wender asked Ms. Berry who serves from Fayette County and what seat Mr. Wallace fills.

Lesley Taylor, Region 4 Planning & Development, appeared to present resolution #32 for Kanawha Falls PSD Small Cities Block Grant. The SCBG portion of this resolution is \$725.00. Commissioner Scalph motioned to approve Resolution #32 and authorize President Wender to sign for Kanawha Falls PSD SCBG. Commissioner Brenemen seconded. Unanimous decision.

Angela Gerald appeared for Tim Richardson to present an amendment to the UDC Floodplain Ordinance.(attached) This is required by the State. Commissioner Scalph motioned to accept the recommendation of the Planning Commission to adopt the amendment to the UDC siting the significance changes of the 1:1. Commissioner Brenemen seconded. Unanimous decision.

Sheriff Mike Fridley appeared to discuss HB 2065, which would consolidate all special elections into primary or general elections. Sheriff Fridley is very much against this and he has spoken with several others who are also against it. He requests the Commission write a letter letting the House know how this would greatly affect our Law Enforcement, Fire and Library Levies.

Sheriff Fridley then discussed vehicles for his department and the Maintenance Department. He has a truck that Maintenance can use. Sheriff Fridley also requested the purchase of two new vehicles for him and his Chief Deputy. King Coal Chevrolet is giving \$11,000.00 trade in for two other vehicles. The truck he is going to give to Maintenance is currently being driven by the Chief Deputy. \$52,692.00 is total for the new vehicles. The Commission will let him know their decision at their next meeting on February 5<sup>th</sup>, 2018.

Jim Campbell appeared to discuss the Spartan Race at the Summit Bechtel Reserve. He presented a power point presentation with a briefing of the race. The race cost \$200,000.00. They have a \$30,000.00 shortfall and requested the Commission to consider an allocation in March for the 18/19 budget.

Steve Rawlings with WVCORP appeared to give an update on our insurance. Mike Rezaick was present as well. He presented the commission with some information about the program and the coverage they have added.

John Tuggle, Region 4 Planning & Development, appeared to discuss consolidation of Public Service Commissions. President Wender asked if the Public Service Commission could conduct a review to see if consolidation would be best for any of our PSDs. Mr. Tuggle said the most important step would be to evaluate the challenges to make rates equitable. President Wender asked if we could start with Armstrong-Deepwater and Kanawha Falls PSDs. Mr. Tuggle stated it could be reviewed. President Wender wanted the discussions and reviews to start.

James Blankenship appeared to discuss the Kanawha Falls abandoned road issue. The commissioners reviewed the map. Citizens that own

the property adjoining the questioned property were present. This alley is used to reach the back side of their property. If the road is abandoned, they would lose the best way to the back of their property. They would not be able to get their trailer to make a 90 degree angle, which they would have to do make 2 90 degree angles in different places. The Commission did visit the site since their last discussion. The Commission feels that this is not the only way to reach the back of their property, even though it may be the most convenient at this time. President Wender motioned that the certain alleyway that separates 56 & 57, lot 54, be abandoned and the ownership goes half to the owner of 56 and half of the owner of 57. Commissioner Scalph seconded. Unanimous decision. It was noted that there was no visible proof of usage of the alleyway when Commissioners visited.

Randy Heideman, Camp Royal, appeared to discuss the Glen Jean Property. Camp Royal is a kid's camp which started in 2004. They would like to build a day camp for WV children 8-18. They have purchased an old school and have been working with all the correct authorities to do what is required. Mr. Heideman feels that with more property, more kids can be reached. Camp Royal would like to lease some properties that the County owns in the Dunloup Creek area which were purchased in the FEMA buyout. He provided the Commission with a list of the properties he would like to lease. No permanent structures would be built on the properties; they would be used for outdoor activities. The only available lots to be leased are 11, 13, 14 and 34 & 56. Mr. Heideman has marked other lots that he is interested in, which are already leased. Ms. Berry informed Mr. Heideman that he should speak with Kevin Walker to see who leases

those properties to see if they would let him take over the leases. He definitely would like to lease lots 11, 13, 14. Commission will discuss and continue the discussion and decision on February 8<sup>th</sup>.

The Commission held discussion regarding polling place changes. Precincts 9 & 13 which are currently at the Scout Cabin were moved to the City Hall in Oak Hill for the Special School Levy Election and moving forward, the Scout Cabin will not be available. The Commission is not sure City Hall can handle the traffic of 2 precincts during a normal election. President Wender asked that Ms. Berry check the SALS building. Ms. Berry stated that John David was contacted with no immediate response. President Wender and Commissioner Scalph received an email from Mr. David stating that he would be willing to discuss it. The Commission requested that Clerk Kelvin Holliday and Ms. Berry go to oak Hill City Hall and SALS to see if either would be possible. Ms. Berry mentioned the Church of God on Jones Ave and will call them as well. President Wender suggested combining the two precincts into one and Ms. Berry will see if this possible. Ms. Berry mentioned Precinct 32 at Bell Creek Baptist church. A citizen wants it to go back to Dixie Elementary School, which is officially in Nicholas County. There have been no other complaints and the current building is in Fayette County, so the Commission wants to keep it there. Ms. Berry mentioned Cannelton Local Union Hall. Pollworkers are not happy there; they say there is no heat and no water. Ms. Berry mentioned that the pollworkers told them of a church in the area. President Wender suggested Ms. Berry call Charlie Treadway to see if anything could be done at the Union Hall, and if not, look into the church. Ms. Berry mentioned Loup Creek Fire Department which will be closing next year. Ms. Berry will research look other buildings, Page Fire



Department or head start. Ms. Berry mentioned Danese Community Building. Allen Ballard will to look at the building. Discussion will take place if repairs are needed.

Discussion is held for Early Voting places. Ms. Berry asked if the Commission would want 3 Early Voting places and they do. Commissioner Brenemen motioned to authorize 3 early voting polling places, Fayette County Soldiers and Sailors Memorial Building, Danese Community Center & Montgomery City Hall. Commissioner Scalph seconded. Unanimous decision. Ms. Berry will advertise.

James Bennett, 911 Coordinator, appeared to discuss 911 Center snow removal. Mr. Bennett contacted 3 companies for quotes. Only two would give quotes. Roy Neal said between \$100.00 - \$150.00 plus the cost of salt. David Dickson quoted \$185.00 - \$250.00 plus the cost of salt. The Commission requested this quote from Roy Neal in writing. Commissioner motioned to approve Roy Neal for no more than \$150 plus salt and authorize Mr. Bennett to complete the deal. Commissioner seconded. Unanimous decision.

Ms. Berry presented a quote for boots and jacket for the Maintenance Department for \$630.86. Commissioner Scalph motioned to approve the purchase. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a quote for lighting at the Fayette County Memorial Building for \$2,200.00. Ms. Berry will speak with Okey Skidmore regarding the priority of this purchase. The Commission tabled this issue.

Ms. Berry presented that the Dog Tax Fund does not have money to pay their invoice. Staff Accountant Stephanie Sears has paid invoiced

for the Dog Tax Fund totaling \$3,633.60 as of this date. The Commission will review.

Ms. Berry presented a request from the Fayetteville z to continue their lease for the Fayette County Jail Museum. Commissioner Scalph requested that they show how often and how much they have used the facility. The Commission would like a description of how it is used.

Ms. Berry presented for discussion and abandoned trailer containing bags of asbestos on Meadow River Rail Trail property. This discussion will be continued.

Commission adjourned meeting at 1:45 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
FEBRUARY 5, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 5<sup>th</sup> day of February, 2018.

President Wender called the meeting to order at 9:07 a.m.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve January 26<sup>th</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Estate Settlements were presented for William Kelly Sr.; Harvey Joe Yancey; Louis A. Rahall; Frank Johnson, Jr.; Elmer Leroy Harrell; Inge Antoine Elisabeth Harrell; and Calvin E. Sharpe, respectively.

Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Sheriff Fridley appeared to discuss the fleet vehicles he requested last meeting. Commissioner Brenemen motioned to approve the purchase of the vehicles and trade in of the Tahoe and Trailblazer, net total \$52,692.00. A Silverado will be given from the Sheriff's Department to the Maintenance Department for their use. Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present real property exonerations for Randy L. Saunders \$43.04 & \$461.16; John M. Brown \$342.80, \$190.62, & \$522.64; Robert Scott Payne & Deb Irwin \$332.04; Haron Akhtar \$67.64; Patricia A. & William Niday \$22.68; and John H. & Mary Lopez \$195.74. Commissioner Scalph motioned to approve real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve a refund to Mr. Lopez in the amount of \$109.94 for the current tax year.

Ms. Berry presented a letter from Mr. Young requesting a refund be issued to John & Mary Lopez for incorrect tax assessment since 2011. Ms. Berry will prepare the order for next meeting.

Ms. Berry presented a Combine or Divide and Segregate Land order for Frank Dana & Andrea Mae Cafego. Commissioner Brenemen motioned to approve the order. Commissioner Scalph seconded. Unanimous decision.

The Commission recessed their regular meeting at 9:28 a.m.

The Commission reconvened as the Board of Equalization and Review at 9:28 a.m. The Commission did have one application to review and a conference call was set to discuss the request to decrease an assessment. Connor Morrow, with Lowe's Home Center Inc. Property

attended the meeting via conference call. President Wender swore Mr. Morrow in. Mr. Morrow is concerned that the Lowe's property is assessed at about \$260,000.00/acre. The Walmart property is assessed at \$120,000.00/acre and the retail strip at \$121,000.00/acre. He feels since Lowe's has more property than both those businesses, more than double the acres, that Lowe's amount should be closer to Walmart or the retail strip. He requested a review be done on the property. President Wender swore in Harvey E. Young, Assessor. The floor is given to Mr. Young. He asked if the firm Mr. Morrow worked for gets paid based off the amount the taxes are decreased. Mr. Morrow stated that was confidential. Mr. Young presented a map to the Commission. Walmart has 10.39 of unusable acres making their acreage amount \$191,000.00/acre which is very close to Lowe's. In regards to the Retail Strip area, the acreage is divided by how the acreage is used. 1 acre is prime site and the rest is residual and secondary. So this will make their per acreage value less, based off of their prime site. Lowe's property has been previously reduced. Mr. Young also presented facts on the area restaurants' acreages. Mr. Young feels the county is being fair with the Lowe's properties. He sticks with the Assessor's office review. Mr. Morrow stated that his concern is the prime acreage. Mr. Young feels the adjustment that was made from the Assessor's office is an adequate enough adjustment. President Wender asked Mr. Young to send the information to Mr. Morrow. President Wender stated that if after Mr. Morrow received the info he still disagrees or has questions, he can contact Ms. Berry so we can discuss this further.

The Commission recessed as Board of Equalization & Review at 9:48 a.m. having no other appointments, and will reconvene on February 8<sup>th</sup>, at 9:00 a.m.

The Commission reconvened their regular meeting at 9:50 a.m.

Ms. Berry presented minutes from the Fayette County Planning Commission for approval from January 31, 2018. Commissioner Brenemen motioned to approve and sign the minutes. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for signatures to the WV Supreme Court of Appeals requesting reimbursement for rent for the Family Law Judge. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Renee Harper to pay a student from WVU Department of Landscape Architecture for travel when he is working with the park this semester for design and assessment work at the Park. Ms. Harper is willing to take from the Park budget. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Circuit Clerk Cathy Jarrett to paint the room where the voting tabulator was previously stored, remove the door and install floor to ceiling shelving for files. The Commission request that Ms. Berry speak with Ms. Jarrett about free-standing shelves. The Commission decided to have maintenance take it to our storage area. Commissioner Brenemen motioned to approve the painting and remove the doors and for Ms. Berry to discuss shelving options with Ms. Jarrett. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a tabled request from the County Clerk's office to use an area of the 3<sup>rd</sup> floor for storage. The Commission visited the area for review along with the basement. They also reviewed the items needing to be stored in the County Clerk's office and it was agreed that the items will be stored in a basement room.

Ms. Berry presented a tabled request from EnAct Community Action for a new Board Member to replace Judson Wallace. Ms. Berry will speak with Brent Pauley for a recommendation.

James Bennett and Chad Neal with Chad's Wrecker Service appeared to discuss the wrecker service rules and regulations. Mr. Bennett met with all the wrecker services that appeared at two meetings to go over the rules and regulations. Not many changes were made. They requested having 45 minutes to arrive on scene instead of 30 minutes. Another change was the original contract said the wrecker would take care of the entire accident. They've requested having more wreckers to help clean up the area faster; each company would send just one wrecker. The old policy stated that 911 dispatchers could send a wrecker before anyone else arrives on scene. Mr. Bennett stated that the dispatchers never do that; they wait for someone to assess the situation before a wrecker is sent. They would like that part removed from the policy since the 911 dispatchers have never done it anyway. Number 11 was added - Any Agency that wants a specific wrecker service will be responsible for contacting the wrecker service themselves and the request will not go through 911. Discussion was held on this. President Wender asked Mr. Bennett to give a breakdown of the companies' call outs. Change was made regarding grounds for removal or Suspension in Number 2. There will be one warning, and with the second offence, the wrecker is removed from rotation. Commissioner

Brenemen requested that a review is made to set a high and low number on the amount of wrecker service on rotation list, Numbers 3 & 4 on general guidelines. The committee will review and work with Mr. Harrah on necessary language. President Wender made sure that all companies on the Wrecker Service were aware of the changes. Mr. Neal and Mr. Bennett stated that all knew and were in agreement. Mr. Bennett will return on Feb 8<sup>th</sup>, 2018 to present finalized rules and regulations for the Commission to review and approve.

Mr. Bennett presented an application for the wrecker service rotation for Kevin Willis, Oak Hill. President Wender requested that the application be held until the next meeting on the February 8<sup>th</sup>. The Commission asked how long Mr. Willis has been in business. Mr. Bennett stated only about a year. The policy and procedures stated that they have to have been in business for at least a year.

Mike Fox, Bud Fox Body Shop, requested that at a later date, the hours of the dispatchers be reviewed. Mr. Fox claims productivity decreases after 8 hours. The Commission stated they appreciate the request.

Les Thomas appeared to request funding for the Fayette County Historical Society. His request is for the Contentment House in Ansted. They are wanting to complete some maintenance within the one room school building. There is a center beam that has fallen over and they want to right it. They asked that the Commission provide supplies, wood and paint. He also requested any additional funding that the Commission could provide. President Wender requested a detailed written letter regarding the work they are doing and that estimates be submitted for the Commission to review during budget session.

The Commission entered into an Executive Session regarding a personnel matter at 11:02 a.m. The Commission reconvened at 11:14 a.m.

The Commission adjourned the meeting at 11:14 a.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
FEBRUARY 8, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met as the Board of Equalization and Review on this 8<sup>th</sup> day of February, 2018.

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

No appointments were made.

The Commission recessed as the Board of Equalization & Review at 9:11 am until 9:00 a.m. February 13<sup>th</sup>, 2018.

Commissioner Brenemen motioned to approve January 31<sup>st</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present real property exonerations for Haroon Akhtar \$65.96. Commissioner Brenemen motioned to approve real property exonerations. Commissioner Scalph seconded. Unanimous decision.

Allen Ballard, Building Safety Department, appeared to discuss issues at the Danese Community Center which is an Early Voting Location and polling place. Mr. Ballard stated the building has a moisture issue and condensation is falling from the ceiling. This will cause mold, electrical, fire and safety issues. The drop ceiling



needs to be removed and Sky Foam Insulation can spray insulation on the ceiling for around \$7,000.00. If the county provides the demolition, the price will be \$5,500.00. There is an additional cost of \$972.00 (before Lowe's discount) to replace the drop ceiling. Damaged light fixtures will need to also be replaced, but it might be possible for the Community Center to cover that cost. Sarah Crook is the owner of the building.

Early Voting begins in late April and County Clerk Kelvin Holliday, stated that if the repairs cannot be accomplished in time, he would like to remove the Early Voting location in Danese for this election.

Ms. Berry will contact Community Corrections about using their clients for the demolition of the ceiling. Ms. Berry will ask Ms. Crook to attend a future Commission meeting for discussion and will also explore other options for polling places in Danese.

The Commission request that Mr. Ballard try to obtain a few more quotes. Mr. Holliday requested that Early Voting proceed as planned unless he receives something in writing from the Commission.

Randy Heideman, Royal Company, and Kevin Walker, OEM Director, appeared to discuss county owned property in Glen Jean which Mr. Heidmen would like to lease for a children's camp. Prosecuting Attorney Larry Harrah will review.

James Bennett, 911 Coordinator appeared to discuss the Wrecker Rotation Rules and Regulations. Out of 1,800 calls for a wrecker, 800 were customer requests. The other 1,000 were divided to about 100 calls per each of the 9 services. There is a problem with 911 dispatchers not marking who requests the wrecker. Mr. Bennett will

conduct another 3 month study after making it clear with the dispatchers that they must mark who requests the call.

Mr. Bennett presented the new rules and regulations, marked with the changes.

Kevin Willis, DTE Repair, LLC, was also present with an application to be put on the rotation. Mr. Willis has fulfilled the requirements and has been established in the county for 2 years. Mr. Harrah and Mr. Bennett met previously about this application. Mr. Harrah stated that other companies on the rotation will push back against this application but we need to be fair. Mr. Bennett stated that the more resources, the better. The easy fix is to change the stipulations to allow 8 services for the plateau area.

Discussion was held on Number 11; it will be removed from the regulations. Mr. Harrah agrees.

Mr. Bennett asked that the Commission adopt the regulations as amended: increasing call time from 30 to 45 minutes; 2 wreckers can now be called out for better response time. President Wender asked Mr. Bennett to add amended as of February 8, 2018. (attached)

Commissioner Scalph motioned to approve the policy as amended. Section 4.11 will be eliminated. General guidelines will increase to no fewer than 5 and no more than 8 services per February 8, 2018. Commissioner Brenemen seconded. Unanimous decision.

Mr. Neal stated he spoke with the Public Service Commission regarding Mr. Willis' application and he is not following its rules. Mr. Walker stated that Mr. Willis is actually overqualified. He's been public with the PSC for 1 month, has a fenced yard and has worked for 2 years to become qualified. Now that he's put in the time and effort, the rules have changed. Mr. Harrah stated that they cannot

prohibit his application because it predates the adoption of the rules. Mr. Harrah stated that the rules are always at the discretion of the County Commission and they can change the regulations if there is a greater need.

Mike Fox, Bud Fox's Auto Body & Towing, LLC appeared to state that there are already too many services, that you can only divide the pie so many times. Sheriff Fridley asked about inside storage for evidence. Fox, Glen's Chad's and Danny's all have inside storage. Chad's service can handle 18 wheelers if they are separated and Glen's and Hutch's can handle large loads.

President Wender restated that the new policy has been adopted allowing space for 1 more service on the plateau. The new application will be heard on February 13 at 11:15 a.m.

Discussion was held regarding vacancies on the Board of Zoning Appeals. There has been a vacancy for 3 months and they anticipate another soon. 2 names were put forward: William Hughes, Valley and Jeff Atha, Plateau. President Wender suggests appointing Mr. Hughes today to fill Gary Davis' vacancy. Commissioner Brenemen motioned to appoint William Hughes to fill the unexpired term (2020) left by the resignation of Gary Davis. Commissioner Brenemen seconded. Unanimous decision.

Mr. Harrah reviewed the information for the Royal Company/Glen Jean property lease. The Commission can move forward on it. The Royal Company will insure the property with the County Commission as additional insured. Commissioner Scalph motioned to approve the land lease for the County owned Hazard Mitigation property in Glen Jean to the Royal Company. Commissioner Brenemen seconded. Unanimous decision.

An order finding that all statutory, and regulatory requirements related to the dissolution of Arbuckle PSD have been met was tabled until the Board of Arbuckle PSD has executed the Settlement Agreement with Triad, the City, and the Sanitary Board.

Ms. Berry presented an order for a refund in the amount of \$461.71 for John H. Lopez for taxes paid due to a clerical error in the Assessor's office. Commissioner Brenemen motioned to approve to refund. Commissioner Scalph seconded. Unanimous Decision.

Ms. Berry presented the tabled request from EnAct Community Action for a new Board Member to replace Judson Wallace who resigned. Commissioner Brenemen motioned to appoint Les Thomas to the EnAct Board. Commissioner Scalph seconded. Unanimous Decision.

Ms. Berry presented a letter to the municipalities requesting an allocation for Dog Warden services. The letter does not ask for a specific allocation and figures have not yet been collected on how many animals are collected in each municipality. Commissioner Brenemen motioned to approve and sign the letters. Commissioner Scalph seconded. Unanimous Decision.

Ms. Berry presented a letter from Carol Vickers, UKVEDC, asking the Commission to become a contributing member for a \$100.00 membership fee. Commissioner Brenemen motioned to approve the request and become a member for the UKVEDC for a \$100.00 membership fee. Commissioner Scalph seconded. Unanimous Decision.

Ms. Berry presented a letter from Montgomery Mayor Greg Ingram, the Strategic Planning Council. The council would like to hire 2 directors, one for Kanawha and one for Fayette, and have asked the Commission for a 3 year commitment for \$20,000.00. The initial discussion was 1 director and \$10,000.00 and the Commission questions

why this has changed. Kanawha County Commission Kent Carpenter has agreed to match our contribution penny for penny, but has the same questions as our Commission. This discussion was tabled until Anne Cavalier and Greg Ingram can appear on February 13<sup>th</sup> or 16<sup>th</sup>.

Ms. Berry presented a form from the State Investment Pool for President Wender to sign.

Ms. Berry presented a letter to Stormy Parsons, Community Corrections Director, regarding the dramatic decrease in people being sentenced to the Day Report Center. Commissioner Brenemen will revise the letter. Discussion continued regarding the DRC with no decision made.

Ms. Berry presented a letter for signatures of the Commission to the Browns in response to the shooting range complaints.

Sheriff Fridley presented to the Commission a collection of \$80,000.00 on delinquent taxes. 209 people attended his church security event. And he suggested Hawks Nest Golf Course as a potential site for the shooting range.

Commissioner Brenemen motioned to enter into an executive session at 11:20 a.m. for a personnel matter.

Commissioner Brenemen motioned to return to regular session at 11:52 a.m.

President Wender stated that he sent an email to Mayor Bonnie Hicks of Meadow Bridge and she responded saying things have gone from bad to worse. The town's work crew was unable to address the issue and the only firm available for the job is in Charleston and charges \$350.00 per hour. Ed Shuck, engineer for New Haven PSD, contacted President Wender and stated that a consolidation with Danese PSD and Meadow Bridge would be a good idea. Danese PSD has good and reliable

water. John Tuggle, Region 4 Planning & Development will be contacted regarding a survey and emergency funding. County funds could be used but would need to be repaid. Mr. Tuggle will make sure Infrastructure Council protocol is followed. Another potential consolidation could be Armstrong Creek, Gauley Bridge and Kanawha Falls with WV American Water through Montgomery as the supplier. Gauley River PSD is supplied by Summersville and has good water. Discussion was held about a consolidation of Gauley River PSD and Wilderness PSD in Nicholas County.

Discussion was held regarding a Community Development Block Grant priority list. Current priority is with Armstrong Creek PSD but they are not moving forward. New Haven PSD is aggressive and has a project to get water to 70 families. Commissioner Brenemen will attend the Kanawha Falls and Armstrong Creek meetings soon. Kenny Hayes, NHPSD, will be invited to a future Commission meeting.

Discussion was held on Meadow Bridge Town Hall which is owned by Meadow Bridge Fire Department. The floor of the Town Hall side is sinking and there is a disagreement over the repairs.

Discussion was held regarding the Animal Shelter and how well Russell Parker and the new director Amanda Withrow are working together.

The meeting was adjourned at 12:18 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
FEBRUARY 13, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission reconvened as the Board of Equalization and Review on this 13<sup>th</sup> day of February, 2018.

President Wender called the meeting to order at 9:01 a.m.

No appointments were made.

The Commission recessed as the Board of Equalization & Review at 9:02 am until 9:00 a.m. February 16<sup>th</sup>, 2018.

The Fayette County Commission met in a regular session on this 13<sup>th</sup> day of February, 2018.

President Wender called the meeting to order at 9:02 a.m.

Deborah Berry, County Administrator, presented a report of claims for the Commission to approve and sign regarding the Estate of Donald L. Withrow, prepared by James Blankenship. Commissioner Scalph motioned to approve the report of claims. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve a letter sent to Stormy Parsons, Community Corrections Director. (attached) Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release checks on 15<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented letters to the Democratic and Republican Executive Committees regarding the election boards. Commissioner Brenemen motioned to approve and send letters. Commissioner Scalph seconded. Unanimous decision.

Adam Hodges appeared to present the Commission with a report on his County activities in 2017. Mr. Hodges presented the Commission with a handout. Mr. Hodges discussed a trail that could potentially come to Fayette County. President Wender asked Mr. Hodges to draft a

letter for the Commission with bullet points as to why the House Bill regarding the Hatfield and McCoy Trail is a good idea. President Wender asked that Mr. Hodges get an enlarged copy of the map he presented showing the potential trail. The Commission will send this letter to all five delegates.

Sarah Crook and Allen Ballard appeared to discuss the Danese Community Center. There are some moisture issues within the building. Drop ceiling needs to be torn out. It is owned by the Danese Community Committee. The Day Report clients and park employees (if available) can work on tearing out the drop ceiling. Ms. Berry is going to check with Renee about getting some workers there as early as tomorrow. Ms. Berry to ask Tommy Harris to bring SWA dump truck over to load it and dump it.

Ms. Berry presented a proclamation declaring Fayette County as a Purple Heart County. Commissioner Brenemen motioned to accept the Purple Heart declaration. Commissioner Scalph seconded. Unanimous decision.

Discussion is held on the consolidation of Armstrong PSD and Kanawha Falls PSD. An agreement will need to be drawn up between boards then the 1<sup>st</sup> step is to decide how to mesh the two accounting situations. Mr. Tuggle said he's not sure of the debts on either side. Michael Griffith, CPA, will be asked to do an analysis of the accounting. After analysis, they will approach Public Service Commission and have a discussion about this. If the PSC is on board, then the work would be back to the accountant and the funding agencies that are owed. The mechanical issues will be discussed with the accountant. A cost of analysis would be completed to decide that. President Wender asked if one of the agencies will be the inquired and



the other be the inquiring, or should they be on equal footing? Mr. Tuggle stated inquired/inquiring is usually the smoothest. Mr. Tuggle suggested starting a discussing with Mr. Griffith. Ms. Berry will contact him.

Discussion was held on the Community Development Block grant and the Commission's backing of the Armstrong Creek project. It was brought to the Commission's attention that no progress is being made on the project. President Wender asked if the Commission is backing a project that is going nowhere. Other funding sources need to be acquired before Community Development Block Grant will be awarded. The Commission feels they should let Armstrong Creek know they are considering pulling their prioritization. Discussion will be held on February 22<sup>nd</sup> regarding the enthusiasm of Armstrong Creek and this project. Discussion will then be held regarding a new prioritization.

Bonnie Hicks, Mayor of Meadow Bridge, appeared to discuss their water issue. They believe they found the main water leak. The next step for the town is to establish a rate increase; the leak finder is no longer necessary. There is a \$4,200.00 water cost and 2 pump options: \$4,200.00 for a pump and \$6,900.00 for a high water pump. The Commission discussed loaning \$10,000 until the project could be funded through a grant. Ms. Hicks is going to talk with her board to see if they're interested and let Ms. Berry know the board's decision. Ms. Berry will add to agenda if needed at later date.

James Bennett, 911 Coordinator, appeared to discuss the wording issue in the rules and regulation of wrecker service. He did not find stated anywhere that a wrecker service has to be established for one year. It is included in the one that was adopted last meeting. The Commission stands by the adoption from last meeting.

Discussion was held on an application from Kevin Willis Wrecker Service. Mr. Willis will need to provide a copy of his paid business taxes. He needs to follow the 150 ruling in PSC State Code. He needs to provide confirmation that he's been in business for one year. He was issued the DOT number in April 2017.

Chad Neal spoke about Mr. Willis not getting his Tow for Hire permit until January 2018.

Mr. Harrah reminded the Commission Mr. Willis submitted his application before the new rules and regulations were adopted.

Mr. Bennett stated that it would be a good resource for the 911 center to have another contact.

President Wender motioned to deny adding Mr. Willis to the rotation list because of sufficient coverage in the county.

Commissioner Brenemen seconded. Unanimous decision.

Angela Gerald appeared to discuss dilapidated buildings. Ms. Gerald presented a map marking the dilapidated buildings within Fayette County. She prioritized them based on their proximity to a main road. 20 properties are on main roads. Ms. Gerald will give a list to Prosecuting Attorney's office and they will review as time allows.

Discussion was held to contest the "proceed to construction" order from FERC. This contest must be filed by February 28<sup>th</sup>, 2018. President Wender asked Ms. Berry to let Attorney Wendy Greve know that she is to not practice law beyond what our insurance company will pay. Mr. Wender asked Ms. Berry to find out the status of the building permit issue.

The Commission entered into an executive session at 12:35 pm to discuss a personnel matter.

The Commission reconvenes at 12:59 pm.

Discussion was held with Gabriel Peña regarding looking into starting a day care with the county being the "sponsor". The Commission would like him to look for funding. Commissioner Scalph asked this issue to be put on the listserv. Mr. Peña will contact the Board of Education and will return to the Commission when he has received some information.

Commission adjourned meeting at 1:25 p.m.

---

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
FEBRUARY 16, 2018  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G.  
BRENNEMEN-ABSENT

The Fayette County Commission reconvened as the Board of Equalization and Review on this 16<sup>th</sup> day of February, 2018.

President Wender called the meeting to order at 9:13 a.m.

No appointments were made.

The Commission recessed as the Board of Equalization & Review at 9:15 am until 9:00 a.m. February 22<sup>nd</sup>, 2018.

The Fayette County Commission met in a regular session on this 16<sup>th</sup> day of February, 2018.

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

Mike Bone from the Assessor's Office, appeared to present real property exonerations for Ernestine Phillips \$306.20; John H. Lopez \$473.26; Linda Light \$256.20; and Clinton S. Ridenour \$284.38.

Commissioner Scalph motioned to approve real property exons.

President Wender seconded. Unanimous decision.

Mr. Bone presented a personal property exoneration for Henry J. Nichols \$69.87. Commissioner Scalph motioned to approve personal property exoneration. President Wender seconded. Unanimous decision.

Mr. Bone presented 2 refunds for Henry J. Nichols \$69.87 and John H. Lopez \$461.44, respectively. Commissioner Scalph motioned to approve refunds. President Wender seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. President Wender seconded. Unanimous decision.

Deborah Berry, County Administrator, presented a Combine or Divide and Segregate Order for Nancy C. & Tim & Sandra Bragg. Commissioner Scalph motioned to approve and authorize President Wender to sign. President Wender seconded. Unanimous decision.

Ms. Berry presented an invoice for the Fayette County board of Education for the Special School Levy Election held January 20, 2018 for approval and signatures. Commissioner Scalph motioned to approve and sign the invoice. President Wender seconded. Unanimous decision.

Ms. Berry presented a request from the Fayette County Public Library Board of Directors to appoint Donna Smith to the Fayette County Public Library Board due to the resignation of Ann Folger. Commissioner Scalph motioned to approve the appointment. President Wender seconded. Unanimous decision.

Ms. Berry presented a Memorandum of Understanding between the Fayette County Commission and Fayette County Day Report Center for the Commission to approve and sign. This was tabled.

Ms. Berry presented for discussion an Animal Cruelty & Canine Tethering Ordinance. This was given to the Sheriff for review.

Ms. Berry presented for discussion a request from Ron Eagle for a Barking Dog Ordinance. Sheriff Fridley has reviewed an ordinance from

Morgan County that he thinks can work for Fayette County. Prosecuting Attorney Larry Harrah will review.

James Bennett appeared to present an out of county tow service, Ryderz. He has supplied all documents required minus the business tax because he is out of county. The rules and regulations state that all out of county applicants are at the discretion of the County Commission. The representative from Ryderz is only offering large wrecker tow. James Bennett stated that we have good coverage. Commissioner Scalph motioned to deny the request of the application from Ryderz due to sufficient coverage having been established at this time. The request will be kept on file in the event the status changes. President Wender seconded. Unanimous decision.

Mr. Bennett presented a violation of the wrecker service agreement. Mr. Bennett received a compliant on February 9<sup>th</sup> that Prudence Towing Service was towing using a vehicle with dealer tags, which is illegal. Mr. Bennett spoke with DOT and confirmed that it was running on dealer tags. Representative from Prudence spoke and said that it was a mistake on his driver's part. He has no excuses, his driver just messed up. DOT has already removed the tag so it could not be used and the driver was reprimanded. According to the rules and regulations, it is a first offense warning and a letter will be written and put in the file. Second offense is removal from rotation. Commissioner Scalph motioned to follow the rules and regulations. This is a first offense for Prudence and a letter will be sent and recorded in his file. Second offense will be removal from the rotation. President Wender seconded. Unanimous decision.

Greg Ingram and Anne Cavalier appeared to discuss the UKV Planning Commission request. President Wender received a letter on

behalf of the Commission and Kent Carpenter received a letter on behalf of Kanawha County Commission for funding requests. Smithers and Montgomery does have money from WVU and they have asked the Commission to allocate \$20,000 to help hire a person for economic development. Commissioner Carpenter spoke with President Wender and stated that Kanawha County feels this is a Fayette County issue and KCC will match the Fayette County allocation. President Wender asked the UKV Planning Commission to give a run-down of the positions they are wanting to hire so the Commission knows what this request is for. There are a lot of plans out there for economic development and the WVU Law Clinic offered to help pool and organize all the plans. Both City of Smithers and Montgomery have worked well together. A Strategic Initiative Council was created comprised of two mayors, two city council members and two business at large members. They started interviews and had two individuals that were very well qualified and can do a lot of the things for the area. These individuals will get federal monies to help with all these plans. Both cities feel that this will help their areas. They feel this will make initiate action in the Valley and the alleviate concerns for the County Commission from that area. They feel this funding request will improve the area. They are willing to give progress, monthly and financial reports. President Wender asked if this is an immediate need or something that can be discussed in March for Fiscal Year 2018/2019 budget. Ms. Cavalier and Mr. Ingram would have to look into that. Over the next three years, WVU contributions will be \$75,000 to the City of Smithers, and \$150,000 to the City of Montgomery. President Wender stated that the Commission could not allocate \$20,000.00. He feels \$10,000.00 would be the top amount but the Commission would need to

hold discussions after a County financial update. Commissioner Scalph mentioned that maybe they could just hire one individual in the first phase. Ms. Cavalier and Mr. Ingram said that is something they can review. Commissioner Scalph motioned to approve the request of \$10,000.00 for Fiscal Year 2018/2019 and indicated that other municipalities will be able to participate in this initiative. President Wender seconded. Unanimous decision.

The Commission recessed at 10:30 a.m. to attend a conference call.

The Commission reconvened at 11:25 a.m.

Andy Austin appeared to discuss the New River Transit Authority (NRTA) and presented a handout to the Commission. NRTA is starting a night run from 5:00 p.m. to 1:00 a.m. Ridership is increasing.

Mayor Bonnie Hicks of Meadow Bridge appeared to request funding from the County Commission on behalf of the Meadow Bridge Sanitary Board. She presented the Commission with a breakdown of what they had to pay out of pocket which was \$33,000.00. The Town of Meadow Bridge contributed \$5,000.00 and the Commission has already allocated \$7,500.00. Meadow Bridge is going to increase their contribution to \$5,000.00. The Commission has discussed treating the next allocation from the County Commission as a loan. \$16,000.00 is the short fall. It would be paid back by way of an application for a project just as was done on New Haven PSD and Arbuckle PSD. Lesley Taylor, region 4 Planning & Development, asked that any money used by The Town of Meadow Bridge, copies of receipt and check copies be kept to be included in the application for approval. The Commission's monies would go directly to The Town of Meadow Bridge but the Commission asked that the town submit copies to the County as proof of how the

money was spent. Commissioner Scalph motioned to lend \$16,900.00 to The Town of Meadow Bridge. \$8,500.00 for a well pump, \$8,400.00 for high lift pump repairs, which will be paid back to the County at the time the project is implemented by Region 4. Meadow Bridge will then pay vendors and provide proof to the County that invoices were paid with Town of Meadow Bridge funds, and the County will stand to collect its loan upon the funding for the application that Town will put forth. President Wender seconded. Unanimous decision.

The Commission recessed at 12:11 p.m.

The Commission reconvened at 1:50 p.m.

A proclamation was read in support of Fayette County Teachers and Service Personnel. Commissioner Scalph motioned to accept and approve the proclamation and sign and send to the legislature in Charleston. President Wender seconded. Unanimous decision.

The Commission signed proclamation in support of County Teachers and Service Personnel. (attached)

The meeting was adjourned at 2:15 p.m.

---

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
FEBRUARY 22, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission reconvened as the Board of Equalization and Review on this 22<sup>nd</sup> day of February, 2018.

President Wender called the meeting to order at 9:04 a.m.

James Blankenship appeared to represent Taylor Company. Eddie Young, Assessor, was sworn in. Mr. Blankenship spoke on behalf of



Taylor Company who has asked the Commission to review the assessment of property on Mill Creek which Taylor Company owns. The Reserve Coal value increased 10 times. In discussions with the state and the Assessor's office, the value has been decreased.

The Commission recessed as the Board of Equalization & Review at 9:16 am. Commission will reconvene this afternoon with recommendations from Mr. Young. The Commission will make decisions then.

The Fayette County Commission met in a regular session on this 22<sup>nd</sup> day of February, 2018.

President Wender called the meeting to order at 9:13 a.m.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on February 28<sup>th</sup>, 2018. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve February 5<sup>th</sup>, 8<sup>th</sup> and 13<sup>th</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve and authorize President Wender to sign estate settlements for Mary Frances Swartz; Louise R. Rosiek; Roger K. Bess; Peggy Selvey Gherke; Henry Melvin Bailess; Clarence James Crist; Hazel May Conner; Janice Marie Criss; Loretta Fox Hagen; Patricia Ann Persinger; Susan Marie Moore; and James Prather, Sr., respectively. Commissioner Brenemen seconded. Unanimous decision.

Deborah Berry, County Administrator, appeared to discuss polling place changes for precinct numbers 9, 13 & 42. Precincts 9 & 13

previously voted at the Oak Hill Scout Cabin and they will move to SALS Historic Oak Hill School. Precinct 42 used to vote at the Loup Creek Volunteer Fire Department and they will move to the Christian Revival Center. Commissioner Brenemen motioned to accept the polling place changes. Commissioner Scalph seconded. Unanimous decision.

Discussion was held on Armstrong PSD. The Armstrong PSD Commissioners are aware that they have a problem; however, they are not receptive to changing to WV American water or to consolidation. They are more receptive about consolidation than WV American Water. Commissioner Brenemen will continue to work with Lesley Taylor and Armstrong PSD to develop a resolution.

Discussion was held regarding the Commission's priority for the Community Development Block Grant. President Wender asked if the Commission should change their priority to New Haven PSD from Armstrong PSD. Commissioner Brenemen said the system will fail in the next two years. This discussion is tabled until 10:00 a.m.

The Commission entered into an executive session at 9:36 a.m.

The Commission reconvened at 10:12 a.m.

Discussion was continued on Armstrong PSD with Lesley Taylor, Region 4 Planning & Development. The Commission asked Ms. Taylor her thoughts on the Commission's priority for the Community Development Block Grant. At the PSD meeting yesterday they talked about other funding sources for Armstrong PSD. Ms. Taylor scheduled a work group for next week so the PSD can prioritize how they want to proceed. President Wender asked how long the Commission had until they need to decide the priority of the CDBG. Ms. Taylor stated 3 weeks from when the grant is released by the state. Ms. Taylor will let the PSD know that the Commission would like a good plan in order to keep their CDBG

priority with Armstrong. Armstrong PSD needs to increase their rates 1.5% which would increase payments to roughly \$43.00. Ms. Taylor does not think they will increase to what they need and she will need to have a very frank conversation with them, or they will not get any funding. They are losing over half their water. President Wender wants this on the agenda for March 2<sup>nd</sup>. He feels if we wait then the Commission will be too close to having to make their decision. Ms. Taylor stated that she recommended leaving them as priority for now. President Wender wants to hear from them before he agrees with that. Ms. Taylor would like to talk with them at the work session and let the Commission know. President Wender is still against it; he wants a plan presented to the Commission before he agrees to keep the County priority with Armstrong PSD. Ms. Taylor will let us know if everyone is available March 2<sup>nd</sup>.

Discussion was held regarding the Meadow River Rail Trail bridge. Kevin Walker, OEM Director, spoke about this being a very large scale project and all expenses will need to be watched closely. No funds have been received as of this morning. Large scale projects can receive funds up front. If the county removes some debris before money is received, the County runs the risk of not being reimbursed. Department of Highways (DOH) will be a party to bidding out the new bridge. Once the County receives the bid, the money will be written to DOH. All invoices will be paid by DOH. Doug Hylton spoke regarding a time line. His timeline factors in Greenbrier County as well as Fayette County. Chapman will be the engineering firm working on the design of the bridge. Mr. Hylton said this project will start within weeks.

Mr. Hylton gives an update on the 6.2 miles that goes towards Rainelle. They have purchased the property and are waiting on the deed from CSX. Mr. Hylton received a recreational grant.

Mr. Walker appeared to discuss the Dunloup Creek inspection. In August, there was inspection done on all properties. This inspection is done every year. Nothing was found. In November, the state office had them do it again for the fiscal year. The FY 2018 inspection is complete, and things have fallen apart: new tenants have moved in but they are not leasing the property; 5 infractions were found on 3 parcels; there is a camper that is squatting; vehicles parked on another with gravel - gravel is not allowed; bundle of railroad ties sitting on our easement. Most of these infractions have been corrected. Mr. Walker showed the Commission some pictures of what is on the County property. They did remove vehicles off the property and Tommy Harris, Solid Waste Authority, with DRC workers are cleaning up site. The private property owner adjacent to the County owned property is in violation of zoning because they do not have a special use permit and they have a privacy fence put up on the county property. Mr. Walker is working to gather everything, then he will address it with a Deputy Sheriff present. Everything that is on an easement has been evaluated.

Gabriel Peña, Deputy Resource Coordinator, presented a letter of support for Recovery Point. The Commission signed.

Alicia Treadway, Voters' Registration, appeared to give update on new voting equipment and training. Everything is ready to go. Ms. Treadway spoke with the Secretary of State's Office and they informed her since our tabulations and machines are at the Memorial Building, we can conduct election night and canvass at the Memorial Building.

The Commission entered into an executive session at 12:13 p.m.

The Commission recessed at 12:30 p.m. for lunch.

The Commission reconvened at 1:03 p.m.

James Bennett, 911 Director and Kevin White, Addressing, appeared to present information regarding EMP Solutions Lightning Suppression. A power point is presented. President Wender asked about the insurance policy. The Company will cover \$500,000.00 of a strike. The device cannot be altered or moved and they won't protect against outside sources. Insurance on the device is good for 10 years and an annual inspection is required. Grounding system is covered for 5 years because copper and wiring will start degrading. President Wender asked if we pay for insurance and annual inspection. Annual inspection cost will be minimal. \$400.00 is the average cost per year. President Wender asked that they provide us with the policy, warranty, and options beyond 10 years for warranty and insurance coverage and leasing options.

Mr. Bennett presented a quote for an outbuilding at the 911 Center. 44x52 with 14 foot ceiling. The cost is \$29,000.00 from Eastern Builders. He knows he needs to advertise and get bids but this is a starting point. He has \$15,000.00 in this current budget and he wants \$15,000.00 out of next budget. This will be discussed during budget session.

Eric Pories and Adam Stephens appeared to discuss the Fayetteville CVB jail lease. The tenant would be the CVB and revenue sharing would be between the CVB and Eric Pories' company. President Wender stated that the Auditor's office would have to sign off on this partnership on County property. The Commission will also let Prosecuting Attorney Larry Harrah review everything. Mr. Pories asked

if the Commission could show their support in any way with the Auditor's office. Commissioner Scalph stated that most things are in state code and the Auditor's office's previous response was based on two other WV court hearings. Commissioner Scalph read the state code that if Commission does not want to oversee the control of the property, the Commission can appoint a 3-5 member board. The lease with the CVB will have to be renewed since it was recently dissolved.

Stephanie Sears, Staff Accountant, gave a financial update.

The Commission reconvened as Board of Equalization and Review at 2:41 p.m. to decide on the cases presented for review during the month of February.

On the matter with the Lowe's property, Mr. Young recommended no change. Commissioner Brenemen motioned to accept Mr. Young's recommendation and the Commission will not change the Lowe's Companies' assessment. Commissioner Scalph seconded. Unanimous decision.

On the matter of Taylor Company, Commissioner Brenemen motioned to change the assessed value per the State's recommendation. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to adjourn as Board of Equalization and Review sine die at 2:45 p.m. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 2:55 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 2, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 2<sup>nd</sup> day of March, 2018.

President Wender called meeting to order at 9:01 a.m.

Commissioner Scalph motioned to approve February 16<sup>th</sup>, 2018 minutes. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve February 22<sup>nd</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present real property exonerations for Bobby L. & Pearle Elaine Payne for \$391.24. Commissioner Scalph motioned to approve real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented 2 refunds for Ernestine Phillips \$149.27, and Linda Light \$255.88, respectively. Commissioner Brenemen motioned to approve the refunds. Commissioner Scalph seconded. Unanimous decision.

President Wender asked Mr. Young what was the reason for Fayette County being moved back to class one. Mr. Young stated that there were several factors, new structures being the main driver.

Amanda Smarr, Region 4 Planning & Development, appeared to present a Community Development Block Grant Agreement and Evidentiary Materials. Commissioner Scalph motioned to approve the agreement and evidentiary materials and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Deborah Berry, County Administrator, presented an Order Appointing Election Officials for approval. Commissioner Brenemen

motioned to approve the order. Commissioner Scalph seconded.

Unanimous decision.

Ms. Berry told the Commission that a request from the Fayetteville CVB to use the Courthouse lawn for an Easter Egg Hunt event was withdrawn since they will be using Fayetteville Town Park.

Ms. Berry presented a support letter request for approval and signatures of the Commission from Brent Pauley, CEO of EnAct, for a Community Economic Development Project grant with the U.S. Department of Health and Human Services. The employment program would seek to hire low-income individuals for a program called Sparkle Squad Maid Service. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a Casto Technical Service Maintenance Agreement for the boiler and pump at the Courthouse. \$8,200.00 yearly or \$2,050.00 per quarter, same as last year. Commissioner Brenemen motioned to approve and sign the agreement. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a Final Dissolution Order for Arbuckle PSD. Commissioner Scalph motioned to approve the final dissolution of Arbuckle PSD and sign the order presented. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a Settlement Agreement and Release of Claims document for the Commission to authorize President Wender to sign for Redden vs. Fayette County Commission. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Kelly Jo Drey, Resource Coordinator, appeared to present her office's 2018/2019 Budget Request. There are no major changes from



her prior year's request. Ms. Drey included monies to set up another work station for a grant funded employee.

A bid opening was held at 10:00 a.m. for the HVAC system at the Courthouse Annex. 5 bids were received from:

Casto Technical - \$383,000.00

Childers Enterprises - \$384,675.00

Dan Hill Construction - \$338,724.00

Tri-State Roofing & Metal- \$322,840.00

Pennington - \$299,000.00

Commissioner Scalph motioned to supply the bids to Dan Snead for review for technical efficiency and, unless Mr. Snead informs the Commission otherwise, we will accept the low bid. Commissioner Brenemen seconded. Unanimous decision.

Renee Harper, Park Director, appeared to present the park and garage budget. Bottom line item of each is the same request as last year. Ms. Harper discussed the current budget and the park survey being taken out of her budget. She felt it should be taken out of County Commission budget. The Commission wanted it taken out of Commission line item.

Ms. Harper discussed the Fayette County Memorial Building budget. The park and rec board is starting to look at the Memorial Building and some projects that need completed. Ms. Harper had a list to present to the Commission.

Sheriff Fridley appeared to present his 2018/2019 Budget Request. Additionally requested items are broken down in his request. Sheriff Fridley requested 7 new police cruisers.

Discussion regarding the Armstrong PSD Community Development Block Grant was held. Tuesday, there was a workgroup to prioritize

the issues. Ray Tilley with E.L. Robinson gave a recap of the work group meeting. Primary issues are replacing the water tank and water lines in Powellton. The project first asked \$1.5 mil from SCBG and \$1 mil from RUS. Now the request is \$400,000.00 from the RUS grant and roughly \$600,000.00 of loan and \$1.5 mil from SCBG. Rates will have to be raised to pay for the loan. The Commissioners of the PSD are working on a rate increase. Their customer base is a senior citizen age and the PSD Commissioners are working to be fair. There is 50% water loss system wide. The PSD figures if the Powellton tank and lines are fixed, then it would fix most of their 50% water loss issues. All other area lines are newer lines. Mr. Tilley does believe that the PSD can pull this all together to receive the funding needed to complete this project. They are looking at drinking water funding. Commissioner Brenemen motioned to name Armstrong Deepwater PSD as their priority for the SCBG/CDBG. Commissioner Scalph seconded. Unanimous decision.

Discussion is held on PSD consolidation. President Wender would like to see that consolidation discussion move forward. The County Commission by no means is suggesting that WV American Water take over the system. The County Commissioners are very supportive of PSDs.

Larry Harrah, Prosecuting Attorney, appeared to present the Prosecuting Attorney's office 2018/2019 budget request. Mr. Harrah requested a new Assistant Prosecuting Attorney.

The Commission recessed for lunch at 12:45 p.m.

The Commission reconvened at 1:50 p.m.

Tyler Bragg, Assessor's Office, appeared to discuss Global Science & Technology contract for Commission to sign. Commissioner

Brenemen motioned to Authorize President Wender to sign contract.  
Commissioner Scalph seconded. Unanimous decision.

Mr. Bragg also presented the Commission with a contract with Suddenlink to increase our MBPS internet. Commissioner Brenemen motioned to authorize President Wender to sign the contract.  
Commissioner Scalph seconded. Unanimous decision.

Mr. Bragg presented a quote from Eagleview for our Pictometry Connect renewal. This amount gets paid by each department that has a user. Commissioner Scalph motioned to approve the Pictometry Connect renewal for the County Commission, not to exceed \$388.00.  
Commissioner Brenemen seconded. Unanimous decision.

Mr. Bragg presented a quote from Eagleview for a flyover of the county. This will update the aerial photography used in Pictometry. This plan is to be flown in April 2019. In 2013 Assessor, Fire Association, Sheriff, 911 Center & Emergency Services split the price.

Eddie Young presented 2 refunds for Landquest \$146.62 and \$129.25. Commissioner Brenemen motioned to approve the refunds.  
Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor, appeared to present his 2018/2019 Budget Request. No changes were requested from last year except a pay increase for his employees.

Joe Crist, Fire Coordinator, appeared to present a Budget Request for the Fire Levy. No changes were made from last year.

Kevin Walker, OES Director, appeared to present a Budget Request for the OES department. He included the Pictometry fee and an increase in emergency council dues. He also requested two new computers and software.

James Bennett, 911 Director, appeared to present the 911 Center 2018/2019 Budget Request. He requested different capital outlay items.

The Commission entered into an executive session at 3:00 p.m. regarding a personnel matter.

The Commission reconvened at 3:45 p.m.

The Commission entered into a budget work session at 3:46 p.m.

The meeting was adjourned at 4:54 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 9, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 9<sup>th</sup> day of March, 2018.

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

Mike Bone, Assessor's Office, appeared to present personal property exonerations for Charles Edward & Deborah Bryant \$172.53; Charles L. Jr. & Jane Hardy \$379.92 & 382.68; Mary D. Neal \$234.26; John A. Middleton \$260.54; Rex A. & Christina Thomas \$526.58; Kevin Adkins \$33.80; Brandon Mathis \$41.12; Thomas r. Carpenter \$7.64; Barbara F. McKinney \$271.30; Sara Willis \$74.32; Shannon R. & Stacey L. Morris \$522.74; Billy Dunfee \$49.94; Wayne Jackson Yarber \$401.44; Linda Walker \$108.00; Dennis M. III & Tara McGraw \$521.08; Nathan H. Coleman \$521.30; Dale L. & Tera L. Chappell \$712.44; Curtis L. II or Danielle Dixon \$754.60; Priscilla A. & Matthew S. Griffith \$255.82; Wayne A. (Helper) Hepler \$30.98; George Jr. or Elsie Sodder \$84.00;

Charles Jr. & Belj Jacobowski \$197.90; Rebecca R. & Mark E. Hurd \$177.64; and Janet Johnson \$309.36. Commissioner Brenemen motioned to approve personal property exonerations. Commissioner Scalph seconded. Unanimous decision.

Mr. Bone presented a Correction of Assessment for Marvelene C. & Charles Heltman for \$366.52. Commissioner Scalph motioned to approve the Correction of Assessment. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release the checks on the 15<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers & invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve March 2<sup>nd</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Bonnie Sue Parker; James Lee Bragg; Charles Coles; Pamela E. Zickafoose/AKA Pamela E. Dixon; Daisy Marie Fitzwater; Kenneth Edward Sigmon; Alice Sizemore Clonch; Lena Louise McNeely; James Ray Ellison, Sr.; Clarence Lee Vaughn; Teddy H. Thomas; Charles Bernard Perry; Betty Jean Vickers/AKA Betty B. Vickers; Lorena Jane Legg; Patsy Sue Perry; Linda Lou Butler; William Roger Markham; and Edna Gayle Thomas, respectively.

Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented the Tenth 3-Year Cycle Calculation Plan Outline for review from Fayette County Assessor Eddie Young. The Commission acknowledged receiving the valuation.

Ms. Berry presented a request from Phil Samples, Coach/Organizer with AAU to use the Fayette County Memorial Building from April 1, 2018 to March 31, 2019 for team and individual workouts. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented support letters for the Commission to approve and sign for YouthBuild and Adult ABC POWER for John David with SALS. Commissioner Scalph motioned to approve and sign the letters. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from John Hoffman, Chairman of the Fayette County Board of Zoning Appeals to appoint Jeff Atha to replace Scott Pugh who resigned. Commissioner Brenemen motioned to appoint Jeff Atha to the Board of Zoning Appeals for an unexpired term. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request for reappointments to the New River Gorge Bridge Day Commission for K. E. Tawes, Dennis Hanson, Philip Peelish, Benji Simpson, Marcus Ellison and Duane Michael. Commissioner Scalph motioned to reappoint said six members of the New River Gorge Bridge Day Commission. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter for approval and signatures to the WV Supreme Court requesting reimbursement for rent for the Family law Judge for the month of April 2018. Commissioner Scalph motioned to approve and sign the letter. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a support letter for the application of Adventures on the Gorge (AOTG) to extend the footprint of their liquor license for the Brewgrass Reunion to be held on June 9, 2018.

Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for approval and signatures to WV Attorney General Patrick Morrissey requesting his opinion of leasing county owned property to the Fayetteville CVB and allowing them to partner with Epic Escape Game New River Gorge for a percentage of fees charged for each escape game participant. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Christina Cowley, United Way of Southern West Virginia, appeared to present about 2-1-1. Ms. Cowley presented a PowerPoint and handouts to the Commission for review. 2-1-1 is a phone service and website where a resident can call or search to receive information regarding the area such as utility assistance, help paying for medication, senior services, etc... The funding request is for \$963.61 per year. President Wender stated that he would like to see the Commission allocate to this program in this current budget and then consider it in 2018/2019 budget. Commissioner Brenemen motioned to approve the request of \$963.61 out of the current 2017/2018 budget contingent on other counties contributing. Commissioner Scalph seconded. Unanimous decision.

Will Thornton, Terradon, appeared to discuss the Fayette County Sheriff's Department shooting range. Mr. Thornton presented a handout for the Commission to review. It is a draft proposal totaling \$1,635,900.00. President Wender requested the cost be put into 3 phases and asked what we would need to do to begin Phase 1. President Wender asked for that a report be kept here and some copies available for pick up for the surrounding citizens to review and to let them

know when we are meeting again. Ms. Berry stated a meeting with Terradon for the citizens might be beneficial. They will return on an April agenda.

Sheriff Mike Fridley appeared to present and discuss the Community Correction budget and Memorandum of Understanding for the Commission to sign. The Board of DRC met and named Jeri Sarafin as the interim director. They will run an ad to hire a new director. The Board will meet to review the resumes after the ad ends and present a recommendation to the Commission for hire. The director should be, and will be, a Commission employee according to the state office.

Ms. Berry presented a Memorandum of Understanding with The Fayette County Criminal Justice Board for the Commission to review and sign. Commissioner Scalph motioned to approve the MOU and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Amanda Withrow and Kathy Gerancer with the New River Humane Society appeared to present their budget request for 2018/2019. They requested an increase in pay for all workers. They also presented a list for capital improvements. President Wender stated that most of these capital improvements need to be completed now as this list has been presented to the Commission several times before.

Stephanie Sears, Staff Accountant and Eddie Young, Assessor, appeared to discuss the upcoming budgeted revenues.

The Commission met with the office holders to explain the tough budget situation that the Commission has to work with this year , and how they arrived at the numbers.



Ms. Berry presented a letter opposing HB 2843 Re: TIF districts for municipalities, for the Commission to review and sign. Commissioner Brenemen motioned to approve and sign letter. Commissioner Scalph seconded. Unanimous decision.

Commission entered into a budget work session at 1:40 p.m.

The meeting was adjourned at 4:30 p.m.

---

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MARCH 14, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a special session on this 14<sup>th</sup> day of March, 2018.

President Wender called the meeting to order at 9:07 a.m.

The Commission entered into a budget work session.

The meeting was adjourned at 12:45 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 16, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 16<sup>th</sup> day of March, 2018.

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

Commissioner Brenemen motioned to approve March 9<sup>th</sup> & March 14<sup>th</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Allen Ballard, Building Safety, appeared to discuss the insulation work at the Danese Community Center. The Commission asked that Mr. Ballard let them know the warranty that comes with the spray insulation.

Tim Richardson, Zoning, and Kevin Walker, OEM Director, appeared to discuss the property leased to an individual in Kilsyth. The Commission is concerned that a business is being operated in a residential area. Mr. Walker stated that he did not believe the business is being operated there, they are just parking their equipment there. Mr. Richardson stated that it is in violation of zoning. The individual needs to come to the Zoning office with a business plan so Mr. Richardson can review to make sure the zoning is correct. The Commission requested a letter be sent to the individual stating that if he does not present a business plan for review to Zoning, the Commission is not interested in renewing the lease in November.

Debbie Berry, County Administrator, presented a letter to the Sheriff regarding conservatorship fees and the Commission's full support of collecting 5% fees from conservators. Commissioner Brenemen motioned to approve the letter and for the Sheriff to make every effort to collect 5% on each conservator. Commissioner Scalph seconded. Unanimous decision.

Discussion is held on Mountain State Justice invoice. President Wender spoke with them and they agreed to accept \$10,000.00. \$5,000.00 will be paid out of FY 2018 and \$5,000.00 out of FY 2019.

Commissioner Scalph motioned to approve the payment and adjustment of the budget. Commissioner Brenemen seconded. Unanimous decision.

A Public Hearing was held for Early Voting sites for the Primary Election to be held on May 8<sup>th</sup>, 2018. Early Voting sites will be Danese Community Center, Fayette County Memorial Building, & Montgomery Town Hall. Commissioner Brenemen motioned to approve the order naming the early voting sites April 25 - May 5, 2018 8:00 a.m. - 4:00 p.m. during the week and 9:00 a.m. - 5:00 p.m. on Saturdays. Commissioner Scalph seconded. Unanimous decision.

The Commission entered into a budget work session at 10:30 a.m.

Commissioner Scalph motioned to approve adopting the 2018/2019 General County Fund of \$9,780,975.00 as presented. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve adopting the 2018/2019 Coal Severance Fund of \$573,550.00 as presented. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter regarding the central purchasing agent being set as the Fayette County Commission for the Commission to approve and sign. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph left the meeting at 11:15 a.m.

Discussions were held regarding the decreases in the budgeted revenues.

Discussion was held on the Division of Rehabilitation Services moving out of Fayette County. Bill Laird called in by phone to discuss a possible resolution. Commissioner Brenemen motioned to approve the County Administrator to draft a resolution and prepare

cover letters to the Director of Rehabilitation Services, Governor Justice and Fayette County mayors, requesting they also adopt the resolution. President Wender seconded. Unanimous decision.

The meeting was adjourned at 12:55 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
MARCH 23, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 23<sup>rd</sup> day of March, 2018.

President Wender called the meeting to order at 9:11 a.m.

The Commission entered into an executive session at 9:12 a.m.

Then Commission reconvened at 9:30 a.m.

Estate settlements were presented for Larry Edwards Short; Joyce Leola McPhail; Frederick Lee Tolley; and Wanda Jane Pino, respectively. Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Renee Harper, Parks Director, appeared to discuss Boomer Ballfield. Larry Villarreal with UKV YMCA appeared to request use of the Boomer Ballfield for the YMCA. He would like a 25 year lease for \$1.00 a year. Mr. Villarreal stated the YMCA would be responsible for all maintenance of the field. Mr. Villarreal then requested that the Commission help with the cost for repairs to the field and that the Commission continue to pay electric and water for the field.

President Wender requested that Mr. Villarreal obtain costs for the repairs. Commissioner Brenemen asked how many hours the park and other employees spend at the Ballfield. Ms. Harper stated that Park employees go down every 7-9 days for 2-3 hours at a time. Solid Waste Authority Litter Control Officer Tommy Harris and Courthouse maintenance staff also take care of things at the field. President Wender suggested that a Memorandum of Understanding and lease be drafted and sent to the Prosecuting Attorney's office for review and both parties will work together to finalize the MOU/lease.

Andrea Mender, Parks and Recreation Authority Board Chair, appeared to discuss the FCMB with Renee Harper. A handout was presented for a new fee schedule. The Commission is in favor of a fee schedule and requested the Prosecuting Attorney's office to review. The Commission asked for the rental agreement to be updated to suit the new fee schedule and add some different rules. Ms. Harper and Ms. Mender will return for a meeting in April. Commissioner Brenemen requested that an article be written letting the public know that the fees are being reduced from \$1,000.00.

Ms. Harper mentioned a leaking hot water tank at the FCMB. It has been mentioned several times before and the water is running down the hall according to Okey Skidmore.

A bid opening took place regarding the 911 Center storage building. One bid was received from Eastern Building in the amount of \$29,348.00. \$14,674.00 would be due up front and the remaining at the completion of the project. President Wender requested that the URA sign off on this project before we start construction. The URA meets Monday and President Wender requested Mr. Bennett get on the agenda to present to the board. Commissioner Brenemen motioned to authorize Mr.

Bennett and Mr. Ballard to review the bid and to present to the URA to get their approval. If the bid meets the required specs and the URA approves, then the Commission accepts the bid. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to approve this expense out of the current fiscal year budget and to be paid out of the 911 fund. Commissioner Scalph seconded. Unanimous decision.

Mr. Bennett appeared to present information for the lightening suppression system and to clarify questions that President Wender had asked. Commissioner Scalph motioned to approve the purchase of the lightening suppression grounding system in the amount of \$14,935.00 pending approval from the Prosecuting Attorney's office review of the warranty. Commissioner Brenemen seconded. Unanimous decision.

Geary Weir appeared to present information regarding the Hardwood Alliance Zone. For the Commission to become a member it would cost \$3,500.00 per year for the first two years then \$500.00 thereafter. The Commission will revisit the request on April 17<sup>th</sup>, 2018.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on March 30<sup>th</sup>, 2018. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve March 16<sup>th</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Estate Settlements were presented. Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Mike Callaghan, Attorney, appeared to present a resolution approving co-counsel and a fee agreement. President Wender suggested letting Mr. Harrah review and approve, and the Commission will revisit on the next agenda.

Angela Gerald appeared to discuss dilapidated properties. Ms. Gerald presented the Old County line bar property. Three letters were sent with no response. The Beautification Committee requests the Commission serve the paper to get the structure removed. Commissioner Scalph motioned to approve to continue the process on Mr. Watson's property. Commissioner Brenemen seconded. Unanimous decision.

Ms. Gerald brought a request from the Town of Smithers regarding two more dilapidated properties to be treated like the buildings that the Commission has helped with in the past. The property owners have agreed to a promissory note. The Commission requested that the promissory notes be signed before the demolitions take place. Commissioner Scalph motioned to approve the promissory note discussions to be held on lots 68 & 67 with the Prosecuting Attorney's office. Commissioner Brenemen seconded. Unanimous decision.

Debbie Berry, County Administrator, presented a new funding request application for the Commission to review and approve. President Wender requested that the wording of the funding amount be changed. He is ok with the \$1,000.00 but would like to add wording that additional funding may be considered. Commissioner Scalph motioned to approve the application with the amendment stating additional funds may be requested. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented 2 budget revision resolutions for the Fayette County General Fund and Coal Severance Fund for approval and

signatures. Commissioner Brenemen motioned to approve and sign the resolutions. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a support letter for approval and signatures of the Commission for Jamie Meadows Baker with Region 4 Planning & Development for a grant with ARC and EDA to do GIS mapping of manufacturers that have been impacted by the downturn of the coal industry. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Jeanie Goins to use the Courthouse lawn for a non-denominational community service on Thursday, May 3, 2018 from 12:00 - 1:00 p.m. for the purpose of acknowledging National Day of Prayer. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Benjy Simpson to use the Memorial Building on Friday, October 1, 2018 from 5:30 - 9:30 p.m. for Bridge Day Safety Orientation. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a grant agreement for the Records Management and Preservation Grant for signature of President Wender. Grants - \$17,723.00 to purchase movable track shelving for the Circuit Clerk and \$5,000.00 for County Clerk personnel to index deed books. Commissioner Scalph motioned to approve and authorize President Wender to sign the agreement. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter and order appointing Angela Gerald to the Fayette County Beautification Committee. Commissioner Brenemen



motioned to approve the appointment. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from Michael Brown, Land Agent with the DEP, requesting the Commission to approve and sign an Exploratory Right of Entry so they might cross property of the Commission to undertake a reclamation project near Ansted, WV. The Commission asked to add that the DEP will keep the property in the same condition as when the project begins. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented thank you letters for signatures to Thomas Dragan, White Oak PSD, and Gary Davis and Scott Pugh, Board of Zoning Appeals, who have resigned from their appointments, thanking them for their public service. Commissioner Brenemen motioned to approve and sign the letters. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Sonny Milam, Maintenance Supervisor, to obtain quotes for an aluminum ramp to be placed temporarily over the stairwell on the Library side of the Fayette County Memorial Building from the old 911 Center to ground level to assist with the moving of election equipment during elections. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to approve the hiring of Ruth Lanier at a starting salary of \$38,500.00 with a review after 6 months for the position of Staff Accountant. Commissioner Scalph seconded. Unanimous decision.

The Commission entered into an executive session at 11:40 a.m. with legal counsel. Commission reconvened at 12:08 p.m.

Commissioner Brenemen motioned to approve a \$700.00 quote from Rock Solid Excavating to take care of standing water at the Animal Shelter. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:28 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 6, 2018  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 6<sup>th</sup> day of April, 2018.

President Wender called the meeting to order at 9:02 a.m.

Eddie Young, Assessor, appeared to present real property exonerations for Thomas W. & Virginia Richards; and Muhammad & Ladonna Naheem. Commissioner Scalph motioned to approve real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release the checks on the 13<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve March 23<sup>rd</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Melvin Dolin; Harry Dale Krise; Virginia Tully Bailess; Thomas Joe Edelman; Cora Sue Bird; Della Imogene Caldwell; Herbert Ray Miller, Jr.; Kenneth Anthony Haid,

Jr.; Robert R. Thomas, Jr.; Kencil Lucrail Morton; George Winfred Archibald; Edward Beuford Merritt, Sr.; William Alfred Learmonth; and Calvin Coolidge Lee, respectively. Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Debbie Berry, County Administrator, presented two Combine or Divide and Segregate Land orders for Jonathan Adkins & Susan Lambert, and Thomas W. Dillon, respectively. Commissioner Brenemen motioned to approve and authorize President Wender to sign the orders. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a support letter prepared by Gabe Peña for the Coal Heritage Authority grant application for the Fayette County Park for approval and signatures of the Commission. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a lease agreement for approval and signatures for the Fraternal Order of Police Memorial Lodge No. 118 and the Fayette County Commission for the building used by the Fayette County Community Corrections Program. Ms. Berry will write a letter to ask the status of the repairs that were agreed upon last year. Commissioner Brenemen motioned to approve the lease with the addition of Ms. Berry writing the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Town of Fayetteville to use the parking lot on the south side of the Fayette County Memorial Building to place 2 roll-off dumpsters for their Annual Community Wide Clean-up Appliance recycling Event and Rain Barrel Workshops on Friday, April 20, 2018 and Saturday April 21, 2018. Commissioner

Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from Brent Conley, Team Purpose Coach, requesting permission to use Soldiers and Sailors Memorial Building for AAU Girls Basketball Practice. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a proclamation for April as Fair Housing Month. Commissioner Brenemen motioned to approve and sign the proclamation. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a proclamation request from John David naming April 3<sup>rd</sup>, 2018 as National Service Recognition Day. Commissioner Brenemen motioned to approve and sign the proclamation. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an allocation request from John David for sprinklers at the Historic Oak Hill School. The Commission has not received confirmation that the terms outlined in a previous letter to SALS have been met, so the allocation hasn't been released.

Kevin Walker, OEM Director, appeared to discuss a proposed campground on the Meadow River Rail Trail. Jonathan Smith, owner, wants to complete this campground soon. Mr. Walker has concerns about flooding and the safety and welfare of the individuals that would be staying there. Tim Richardson spoke about the zoning of the property. Mr. Smith would have to apply for a rezoning application. Mr. Richardson requested a plan be submitted and due diligence done in regards of the infrastructure of Health Department codes, as well as the electrical permits needed. He will not accept the application until all criteria are met.

Angela Gerald, Building Safety Department, appeared to present two dilapidated properties. William and Barbara Dixon own a burnt house on Gatewood Road. A letter was sent but returned because Mr. Dixon is deceased and no one knows where Ms. Dixon resides. No property taxes have been paid since 2014. Ms. Gerald has concerns about our lien going away if property goes to land sale. Jeff Mauzy, Assistant Prosecuting Attorney, will research this issue. It has to be published in the paper if Ms. Dixon is not found to be served. Commissioner Scalph motioned to start the process to serve the property owner of 530 Gatewood Road to give them the opportunity to present a plan to the Commission. Commissioner Brenemen seconded. Unanimous decision.

Tom Ewing, Attorney, appeared to discuss the estate of Charles E. Bennett. A claim was filed with Erie Insurance Company for a bond and the bond has been paid. Commissioner Scalph motioned to approve the Release of Settlement Agreement between the Fayette County Commission and Erie Insurance Company in the amount of \$2,000.00. Commissioner Brenemen seconded. Unanimous decision.

Mr. Ewing presented two proposals for the County Commission to hire outside council to work with the Sheriff to obtain unpaid property taxes. The first proposal has hourly fees and the other has a contingent fee. Sheriff Fridley prefers the contingent fee. Mr. Ewing proposed a 15% contingent fee. Mr. Harrah stated that the Commission would have to go through the bidding process for this service. Commissioner Scalph motioned to authorize publishing the request for bid to hire outside council to represent the Sheriff to collect delinquent property taxes for contingent fee only. Commissioner Brenemen seconded. Unanimous decision.

Ms. Gerald reappeared to present another property on Rich Creek that has been removed. Ms. Gerald just wanted to make the Commission aware.

Ms. Berry presented an agreement from Mr. Harrah for the Meadow River Rail Trail FEMA and DOH project. Commissioner Scalph motioned to approve the agreement. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to authorize the transfer of monies to the DOT from the FEMA funding. Commissioner Brenemen seconded. Unanimous decision.

Lita Eskew, Soldiers & Sailors Committee, appeared to request that the Commission have someone take phone calls and emails when a veteran passes so wreath can be placed by the Flame of Freedom. The Commission offers Okey Skidmore, FCMB Manager, to be responsible and Ms. Berry will speak with him.

This committee also wanted to make the Commission aware that they are going to hire Ami Dangerfield to work on grants at no cost to the county and to complete on her own time and not county time. Mr. Harrah requested that a letter be sent to Ms. Dangerfield stating that this will not be paid for by the Commission. Commissioner Brenemen motioned that the Commission is aware that Ms. Dangerfield will be working on these grants on her own time with no compensation from the County and will be paid by the Soldiers and Sailors Memorial Committee. Commissioner Scalph seconded. Unanimous decision.

The Soldiers and Sailors Memorial Committee then requested that they receive the remaining funding set aside for the torch of \$3,000.00. They also request an additional \$3,000.00. The torch was completed so they would like to use this money to do other things

around the Memorial Building. President Wender requested that the projects be taken to the Parks and Recreation Authority Board and then the Board can present the project to the Commission. Commissioner Scalph suggested that maybe someone from the Committee could sit on the Parks and Recreation Authority Board.

Commissioner Brenemen motioned to approve up to \$6,000.00 to benefit the Memorial Building with the understanding that the projects be brought to the Parks and Recreation Board for approval, and reported to the Commission for final approval consistent with the priorities set by the Board and Okey Skidmore. Commissioner Scalph seconded. Unanimous decision.

Amanda Smarr, Region 4, appeared to hold a public hearing for the Armstrong PSD Small Cities Block Grant application. The floor was opened and no public comments were made. Commissioner Scalph motioned to authorize President Wender to sign the SCBG application for Armstrong PSD. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve signatures for the Award Notice, MOU and Budget Amendment regarding the Broadband SCBG application. Commissioner Brenemen seconded. Unanimous decision.

Ms. Smarr presented a letter of support for the Commission to sign. Commissioner Scalph motioned to approve and sign the letter. Commissioner Brenemen seconded. Unanimous decision.

James Bennett, 911 Coordinator, appeared to discuss the 911 Center FY 2018/2019 Budget. Mr. Bennett requested an extra \$5,000.00 in overtime and some additional capital outlay expenditures. Mr. Bennett requested an 8% raises for all employees.

Discussion was held on the current Spillman software. Chief Deputy Rod Perdue requested another employee be put on each shift.

Instead of having just three dispatchers, add one supervisor that will oversee the calls that get put into the system. President Wender requested to see historical data for the last three years of calls.

Discussion was held on an upgrade for the radio infrastructure. 911 currently has an analog system and this would make it digital. Tony Gagliardi, Engineer for Motorola, spoke on behalf of this upgrade. Right now all seven towers each have their own channels and the deputies have to switch to each tower as they travel to a call. This system will link all the towers so one channel can be used and everyone will hear everything. Commissioner Scalph motioned to start the bid process to accomplish an upgrade to radio communications throughout Fayette County. Commissioner Brenemen seconded. Unanimous decision.

Mr. Harrah and Mike Callaghan, Attorney, appeared to discuss the resolution tabled from the March 23, 2018 meeting. Mr. Harrah reviewed this resolution and he approves. Mr. Harrah stated that we will actually pay less money to Callaghan and Associates. Commissioner Brenemen motioned to approve the amendment to the resolution. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from the Greenbrier County Commission concerning the hiring of a project manager to oversee the damage repairs to the Meadow River Rail Trail due to the flood of June, 2016. This contract employee could work for Greenbrier and Fayette Counties and be reimbursable from FEMA if handled properly. This discussion was continued until Doug Hylton can attend a meeting.

Ms. Berry presented a support letter for approval and signatures to the United Way of Southern West Virginia for SALS applications for both Community Impact and Safety Net categories. Commissioner



Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Discussion regarding social media was canceled.

The Commission entered into an executive session regarding a personnel matter at 1:35 p.m.

The Commission reconvened at 1:48 p.m. with no decisions made.

Commissioner Brenemen motioned to approve 80 hours sick time out of the sick bank to Christy Thomas. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to the Fayette County Board of Education regarding the Headstart building on the Boomer Ballfield property for the Commission to sign.

Ms. Berry presented a quote from Casto Technical Services to replace the heat pump motor on Judge Blake's floor for \$1,373.00. Commissioner Scalph motioned to approve the quote. Commissioner Brenemen seconded. Unanimous decision.

The meeting was adjourned at 2:16 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 17, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 17<sup>th</sup> day of April, 2018.

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

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on April 30<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Tyler Bragg, Assessor's Office, and Andrew Parker, Global Science Technologies (GST), appeared to discuss the State Network. The Commission has to keep the 10mb secured internet from the State Network along with the Suddenlink that the Commission recently approved. The County has a 10Mb circuit which must be kept moving forward for IAS traffic. The old state contract is going away so the county has to choose to go with an independent provider (Frontier or Suddenlink) or the new state contract. Mr. Parker presented options for the Commission to review. The Commission must choose which company they prefer. Commissioner Scalph motioned to approve sticking with the Frontier IAS 10mb line that we currently have at \$225.00 per month. Commissioner Brenemen seconded. Unanimous decision. President Wender requested Mr. Bragg to draft a letter to WVNet from the Commission regarding the outstanding repair ticket and to let them know that we are paying for a line that we are unable to use due to this unresolved ticket.

Commissioner Brenemen motioned to approve the April 6<sup>th</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Deborah Berry, County Administrator, presented a request from Mr. Feazell to hang a memorial wreath on the front door of the Courthouse in memory of Betty Feazell. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a consumer sales tax report for the quarter ending March 31, 2018 for signature of President Wender. Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from Carol Zickafoose with the Black Diamond Girl Scout Council requesting an allocation to their camp rental fee for their summer camp at the Fayette County Park June 4 through June 8, 2018. Commissioner Scalph requested that the park board and Renee Harper appear to discuss this request.

Discussion was held regarding the barking dog ordinance. The Commission requested the Prosecuting Attorney's office draft an ordinance for review.

Ms. Berry presented an order for the Commission to sign to lay the levy for the 2018-19 budget. Commissioner Brenemen motioned to approve order laying the levy for the 2018/2019 budget. Commissioner Scalph seconded. Unanimous decision. The Commission signed the letters to the office holders.

Ms. Berry presented an electrical inspection for the Fayette County Health Department. The cost for needed repairs is \$4,800.00. The Commission requested that we obtain more quotes.

Ms. Berry presented a quote for the phone system at the Detective's Bureau for \$11,218.38. The Commission needs to see a total cost including internet and would like Tate Communications to attend a meeting and explain the quote.

Ms. Berry presented a request to use a public address sound system at the National Day of Prayer Service to be held on the Courthouse lawn. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from Lisa Ferrell-Keterson, Event Coordinator, requesting permission to use the Courthouse lawn on Tuesday, May 15, 2018 for the Annual Police Memorial Service. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter for approval and signatures to Ami Dangerfield concerning her work for the Soldiers and sailors Memorial group. Commissioner Brenemen motion to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Randy Blankenship, PE Civil/Environmental engineer with Chapman Technical Group working on the Meadow River Rail Trail Project requesting signatures for permission to do a National Pollutant Discharge Elimination System (NPDES) permit for the project. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Discussion was held on the potential shooting range at the Fayette County Park. Will Thornton with Terradon gave a recap of what was discussed the last meeting. The sound impact, worst case, is 50-60 decibels which relates to normal speech. The new owner of the property that has the right of way stated that he does not think the right of way is still good. Mr. Thornton stated that some research needs to be done for the right of way. The first phase will be \$900,000.00. Citizens are concerned with noise level, property taxes, & traffic. President Wender stated that the noise level problem has not been fixed that he feels would be suitable for citizens and he is also concerned with the cost and how the county would pay for it. The timber was only estimated between \$250,000-400,000.00. Commissioner

Scalph asked Sheriff Fridley if they have researched grants. Sheriff Fridley stated there are some but most require the range to be in a certain phase before funding is allocated. A citizen asked if the Commission could research other properties. President Wender stated that the Commission will review alternative properties and ask the Assessor's office to bring maps to see if there are other property owners. President Wender stated that it still doesn't solve the money issue that the Commission faces. He requested DB to set up meeting with Tyler Bragg at the Assessor's office to bring maps that shows land owners with potential sites along with Will to discuss.

Discussion was held on the Hardwood Alliance Zone membership. The fees are \$3,500.00 for the first year, \$3,500.00 for the second year, then \$500.00 annually thereafter. Commissioner Brenemen motioned to approve the membership for the Hardwood Alliance Zone with the first year and second year dues being \$3,500.00 each, then \$500.00 annually thereafter. Commissioner Scalph seconded. Unanimous decision.

James Blankenship, Attorney, appeared to discuss the Fiduciary Commissioner report for the estate of Kenneth Romeo. Mr. Blankenship's report recommends that the complaint stating that the named administratrix was not fulfilling the estate duties be dismissed because no evidence was shown otherwise. The administratrix did hire an attorney, Tom Ewing, because a will was found. Commissioner Scalph motioned to approve the order presented by Mr. Blankenship dismissing the complaint regarding the will of the estate of Kenneth Romeo and the administratrix will now carry out her duties as executrix as required. Commissioner Brenemen seconded. Unanimous decision.

The Commission entered into an executive session at 11:12 a.m. regarding a personnel matter.

The Commission reconvened at 11:29 p.m. Commissioner Scalph motioned to approve the procedure of the process to collect money within the County of Fayette. Commissioner Brenemen seconded. Unanimous decision.

Mr. Bragg appeared to present the letter to WVNet from the Commission regarding the outstanding ticket. Commissioner Brenemen motioned to approve the letter and sign. Commissioner Scalph seconded. Unanimous decision.

The Commission entered into an executive session at 11:43 a.m.

The Commission reconvened at 12:07 p.m. with no decisions.

Doug Hylton, Greenbrier County, and Kevin Walker, OEM Director, appeared to discuss the Meadow River Rail Trail (MRRT). The letter in the newspaper was upsetting to Kevin Walker; he felt there were some misstatements. Discussion was held regarding the letter from Greenbrier County about hiring a project manager. Mr. Walker spoke with our FEMA rep and he stated that DOH already has a project manager and that if we hire one it would just hurt us. Mr. Hylton stated that some misinformation was given to the Greenbrier County Commission and he straighten it all out. Mr. Walker recommended that the Fayette County Commission write a letter to the Greenbrier County Commission asking to make this project a joint collaboration, but as separate projects with FEMA. Commissioner Scalph motioned to draft a letter to the Greenbrier County Commission stating that both counties are in agreement regarding the MRRT project and are working together to move the project forward. Commissioner Brenemen seconded. Unanimous decision.

Mr. Hylton presented a handout showing the trail line all the way into Rainelle for the Commission to review. This shows the additional 4.2 miles that CSX abandoned.

The meeting was adjourned at 12:27 p.m.

---

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
APRIL 20, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, JOHN G. BRENEMEN

The Fayette County Commission met in a special session on this 20<sup>th</sup> day of April, 2018.

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

Clerk Kelvin Holliday, Alicia Treadway, Traci Johnson, election staff, Larry Dotson and Dave Perry were in attendance.

Mr. Holliday presented the keys for Early Voting.

The Early Voting and Election Day tests were performed. The reports were signed.

The meeting was adjourned at 10:20 a.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
APRIL 30, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 30<sup>th</sup> day of April, 2018.

President Wender called the meeting to order at 9:11 a.m.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release checks on May 15<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve estate settlements for Cleve Ray Legg; Frank Edward Hicks, Jr.; Glenda Jean Stone; Earl Earnest Jenkins; Monica Christine Miller; Mary Alice McCurdy; William Thomas Crawford, Jr.; James E. Thorne; Stevie Robert Gwinn; Elmer Ray Kincaid, Jr.; Lessie Virginia Mae Comer; William Luther Clendenin; Bill Donovan Frasier; Claude Quesenberry; Drema Gail Cummins; Bessie Joanna Hicks; Nancy C. Cashion; William Keith Arbaugh; Mary Ellen Ash Warfield; Eula Mae Neubert; Wanda L. Trepicone; Vernon Alfred Bloxton; Deborah Casto; Edward Eugene Scollick; Damon Edward Workman, Sr. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve April 17<sup>th</sup> and April 20<sup>th</sup> 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Debbie Berry, County Administrator, presented legal service bids for approval for services beginning July 1, 2018 and expiring June 30, 2019. One bid was received from Casto and Chaney. Commissioner Scalph asked for Prosecuting Attorney Larry Harrah to review. Ms. Berry will check with other counties to compare. Commissioner Scalph motioned to accept the bids presented for review of the Sherriff and Prosecuting Attorney and Ms. Berry will check with other counties. Commissioner Brenemen seconded. Unanimous decision.

Kelly Jo Drey, Resource Coordinator, presented information regarding the USDA \$50,000.00 grant to help with farm set-up costs.



Ms. Drey is asking for approval of a resolution authorizing two sources of matching funds in the amount of \$25,000.00 from the Excise Tax fund set aside in October 2017, and the money remaining from the Benedum grant. This will meet the required match. Commissioner Scalph motioned to approve the resolution presented by Ms. Drey for the USDA Regional Development grant and to allow the Excise tax along with the amount remaining from Benedum to be applied as the match.

Commissioner Brenemen seconded. Unanimous decision.

Ms. Drey also requested to open a new account to track the Excise Tax money. The Fayette County URA requested this account to keep funds separate. Commissioner Scalph motioned to approve the request from the URA to open a separate account for the Excise Tax, with monthly distributions for the Whitlock project. Commissioner Brenemen seconded. Unanimous decision.

Lesley Taylor, Region 4 Planning & Development, appeared to present Resolution 33 for the Kanawha Falls PSD Expansion Project. Commissioner Brenemen motioned to accept Resolution 33 for KFPSD in the amount of \$38,436.00. \$10,000.00 will come from a Small Cities Block Grant. Commissioner Scalph seconded. Unanimous decision

John David, Southern Appalachian Labor School, appeared to discuss their sprinkler system funding. The current work meets state code for sprinkler systems and Brewer will ensure any additional work that will be completed. Commissioner Brenemen motioned to release the \$10,000.00 in funds to SALS for their sprinkler project in the Historic Oak Hill School and that all parts of agreement have been met. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request for the City of Montgomery for an allocation of \$1,501.25 to purchase a P25 radio for a vehicle they

recently purchased from the Town of Pratt. Commissioner Brenemen motioned to issue a letter stating they are currently unable to help. The Commission could only assist in the event that funds would be available to the Sheriff's department too for the same requested equipment. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented federal grant forms from Kelly Jo Drey for a USDA Rural Business Development Grant (funding for Whitlock Project). Commissioner Scalph motioned to approve the forms. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented federal grant forms from Kelly Jo Drey for a USDA Local food Promotion Program (funding for Whitlock/Food Hub Project.) Commissioner Scalph motioned to approve the forms. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented for Kelly Jo Drey a request for permission to get monthly disbursements of the excise tax funds that were allocated for the Whitlock Project. The URA will open a new bank account for those funds. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented an application to the WV Hardwood Alliance Zone and letter notifying that the Fayette County Commission has approved to join. The application and letter were signed.

Ms. Berry presented a request from Ss. Peter & Paul Catholic School to use the Fayette County Soldier & Sailors Memorial Building for basketball practices & games from October 29, 2018 through February 23, 2019. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

The Commission recessed at 10:00 a.m.

The Commission reconvened at 10:08 a.m.

Meadow Bridge High School seniors Shauna Harless, Augusta Markley and Karlee Smith appeared to present Senior Projects to the Commission.

Mike Bone, Assessor Chief Deputy, presented personal property exonerations for Jesse J & Nina M & Madeline Wolf \$369.42; Leonard M & Loretta H. Treadway \$774.00; Stephanie Ruger Collins \$51.56; T & C Used Auto & Equipment \$176.94; Stephanie L. King \$30.36; Yvonne J. or David S. Watters \$30.36; Joyce A. Fawcett \$227.34; Ruth E. Hess \$21.12; James Emory & Nora E. Miller \$2,032.86; Charles W. Johnston \$23.04; Richard E. Bryant \$226.34; Lula S. Adkins \$207.14; Matthew Walker \$70.74; Clyde M. or Lisa D. White \$2,077.94; Johnny & Darlene Settle \$652.60; Joshua L. & Mary J. & Tammy Taylor \$413.12; Melvin Goode \$483.64; Paul & Lindsey Williamson \$324.66; James C. & Amber N. Jones \$429.26; Rickey A. or Lori Commissioner Brenemen motioned to approve the personal property exonerations. Commissioner Scalph seconded. Unanimous decision.

Mr. Bone presented a real property exoneration for Teresa Benson \$462.96. Commissioner Brenemen motioned to approve the real property exonerations. Commissioner Scalph seconded. Unanimous decision.

Attorney John Stump, Steptoe & Johnson, appeared regarding the TIF for work at Plateau Medical Center for street-scaping, lighting, and potential property acquisition. The application will be ready by the end of this week. A public hearing has been set for June 22 to meet publication requirements. They must give thirty days' notice to the Board of Education and the City of Oak Hill. Oak Hill has adopted a resolution proposing the TIF district. This will benefit any property owner in downtown Oak Hill, not just the hospital. Commissioner Scalph motioned to approve the resolution request from

the City of Oak Hill regarding the public hearing and proceed with the application regarding a TIF district. Commissioner Brenemen seconded. Unanimous decision.

Bill Burns and Brian Osborne, Tate Communications, appeared to explain their quote for phones and internet at the detective bureau. Commissioner Scalph motioned to approve proceeding with work according to the quote from Tate Communications and the explanation presented. Maintenance for this location will be included at no additional cost. Commissioner Brenemen seconded. Unanimous decision.

Jeff Mauzy, Assistant Prosecuting Attorney, appeared to add to the legal services bid discussion. All questions have been answered.

The meeting was adjourned at 11:37 a.m.

---

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MAY 3, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a special session on this 3<sup>rd</sup> day of May, 2018.

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

Commissioner Scalph offered a motion to go into executive session to discuss a personnel matter. Commissioner Brenemen seconded. Unanimous decision.

The Commission exited executive session at 11:30 a.m.

Commissioner Scalph motioned to send a letter to Sheriff Mike Fridley informing him that it is the authority of the Fayette County

Community Corrections Board to hire a director of the Day Report Center. Once the director is hired, the Fayette County Commission would like to meet to discuss the importance of the program.

Commissioner Brenemen seconded. Unanimous decision.

The meeting was adjourned at 11:30 a.m.

---

FAYETTE COUNTY COMMISSION

REGULAR SESSION

MAY 14, 2018

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session to canvass the Primary Election on this 14<sup>th</sup> day of May, 2018.

President Wender called the meeting to order at 9:03 a.m.

Kelvin Holliday, County Clerk, administered the oath to all canvass workers at 9:05 a.m.

Canvass was conducted.

Precincts 42 and 59 were blindly selected to be hand-counted.

Provisional ballots were considered and counted. No exceptions were found.

Early voting workers were not instructed by the County Clerk to separate ballots into precincts. All were placed together in one box. This should be addressed with the Early Voting workers before the next election.

Canvass was concluded at 12:05 p.m.

The results will be certified at a later date, pending the conclusion of all other counties' canvasses.

Commissioner Scalph motioned to approve estate settlements for Emma Lee Perry; Joseph Ralph Franklin; Mildred Iona Tench; Helen Mildred Deligne; Ellen Ann Kincaid; Roger Thomas Elkins; Marvella Kay Lawhorn; Billy Winford Keeney; James Ray Roop, Jr.; Jerry Allen Smith; and Loretta Charlene Crist. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Deborah Berry, County Administrator, presented 2 Orders to Combine or Divide & Segregate Land for Ronald L. & Mary S. Crosier, and Joseph A. Enright, respectively. Commissioner Brenemen motioned to approve the orders. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a revised letter from Doug Hylton to CSX regarding Abandonment Exemption in Greenbrier County for the Meadow River Rail Trail. Commissioner Scalph motioned to accept the revised letter and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Jamie Bennett, 911 Director, appeared to discuss maintenance personnel for the 911 Center. Mr. Bennett stated that 19 hours a week is not enough time and would prefer 28-30 hours. The Commission stated that they agreed for a part-time employee for 3 days a week. Commissioner Scalph motioned to approve the initial agreed upon part-time position for 3 times a week and no more than 19 hours. Commissioner Brenemen seconded. Unanimous decision.

Ms. Bennett presented a ranking system for personnel at the 911 Center with a pay scale. President Wender asked for information about

budgeted overtime for the Center. Mr. Bennett and Sheriff Fridley will work on a new ranking system for dispatchers and Sheriff Fridley will assist with provisions for an evaluation system.

Mr. Bennett presented figures for hiring 2 more dispatchers. The discussion was tabled until the ranking system is considered.

Anna Frost, Chief Tax Deputy, appeared to request approval to zero out a fund. The amount has been carried over for multiple years and the auditors suggested removing it with the Commission's approval. Commissioner Brenemen motioned to approve removing \$272.03 balance from fund 314 effective June 30, 2018. Commissioner Scalph seconded. Unanimous decision.

Ms. Frost also told the Commission that her office has concerns regarding the inserts in the tax statements which will ask taxpayers to participate in a broadband survey. They feel the inserts will confuse taxpayer who already have issues with their statements, and the office will be overwhelmed with calls about a subject they will know nothing about. The Commission will ask Kelly Jo Drey to stamp the inserts with the correct contact information for the survey.

Ms. Berry presented for discussion a private sector appointment to the Region IV Planning and Development Council due to the resignation of Howard Berry. This discussion was tabled.

Ms. Berry presented a request from Amy Summerford to use the Fayette County Memorial Building (FCMB) as a backup in case of inclement weather for a Community Dinner on June 21, 2018 from 3:00 - 10:30 p.m. The Commission requested asking Ms. Summerford to attend a future meeting to discuss questions the Commission has.

Ms. Berry presented a request from Brian Banks with Joe Aiello Basketball League to use the FCMB on June 16, 2018 for their Annual

Summer Slam Shootout Basketball Tournament from 7:30 a.m. to 9:00 p.m. This benefits the Joe Aiello Basketball Program which is a non-profit organization. There will be an \$8.00 all-day pass or \$3.00 per game. \$1.00 per child. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Lila Thomas with New River Yoga to have a courthouse lawn hula-hoop class on May 25, 2018 from 6:00 to 7:15 p.m. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Jeffrey S. Beane with the Department of the Army requesting to use the FCMB from July 15 through August 9, 2019 for a training area for the 2019 World Scout Jamboree. This was tabled to obtain more information.

Ms. Berry presented a request from Sheriff Mike Fridley to have IT Maintenance for his office, the Danese Detachment, Day report Center and the Prosecutor's office to be paid for by the Fayette County Commission. The cost is \$600.00 per month or \$7,200.00 per year to Mountaineer Computer Group. The Commission asks to review the Sheriff's budget to see if a budget revision will be necessary.

Ms. Berry presented a letter from Lt. T.N. Mooney, K9 officer, regarding his concerns and thoughts about firearm training for Fayette County Deputies. He does not feel they have adequate training in firearms and if an incident should occur, it should be documented for his personal and professional assurance along with the Fayette County Commission.

Ms. Berry presented a request from Circuit Clerk Cathy Jarret to purchase a new server for her office at the cost of \$4,492.50.



Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an agreement with the City of Oak Hill for approval and signature to allow the County Commission's Code Official and Building Inspector perform its inspections and enforcement for a person of one year beginning July 1, 2018 and expiring June 30, 2018. Commissioner Brenemen motioned to approve upon the approval of the Inspector and Prosecuting Attorney. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to the Supreme Court of Appeals requesting reimbursement for rent for the Family Law Judge for the months of May and June 2018 in the amount of \$3,375.00 for each month. Commissioner Scalph motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Jerry Cook from ACE to lease 3 lots in Minden that are deeded to the Fayette County Commission for \$10.00 per year for a 10 year term. The Commission cannot enter into agreements for more than 1 year at a time. Commissioner Scalph motioned to approve the request for a 1 year lease and ACE will maintain the lots. Commissioner Brenemen seconded. Unanimous decision.

The Commission entered into an executive session at 2:16 for a personnel matter.

The Commission reconvened at 2:18 p.m. with no action taken.

The meeting was adjourned at 2:20 p.m.

REGULAR SESSION

MAY 25, 2018

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 25<sup>th</sup> day of May, 2018.

President Wender called the meeting to order at 9:09 a.m.

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on May 30<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve estate settlements for Judith Ann Terry Brown; Jack Manning; William P. Bragg; Billy Wayne Frye; Joseph Dale Ellison; Melbourne Francis Carr; John Andrew Wylie; J.C. Prather; Robert Wolfe; Julian (J.C.) Blume; Inge Antonie Elisabeth Harrell; and Doretta Mae Runion. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve April 30<sup>th</sup>, May 3<sup>rd</sup>, and May 14<sup>th</sup>, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Lesley Taylor, Region 4, presented Resolution #34 for KFPSD \$11,442.00 total. For reimbursement for Commissioner Scalph moves to approved Resolution #34 for KFPSD. Commissioner Brenemen seconded. Unanimous decision.

Kevin Walker, OEM Director, requested the Commission sign a resolution agreeing to the terms and conditions of *Project 1152875*

*U313-MEA replacing Meadow River Bridge.* Mr. Walker presented a resolution for Commission's approval and signatures. The Department of Highways oversees the funds. The balance will be received from FEMA once the project is completed. Commissioner Scalph motioned to approve the resolution presented for the rail trail and for President Wender to sign Commissioner Brenemen second. Unanimous decision.

Mr. Walker presented a hazard mitigation property lease for approval with ACE Adventure Resort for 1 year, May 17, 2018 - May 17, 2019 for approval and signature of President Wender. Lots 254, Block 4 Minden SD 9-58L-16; Lot 244, Block 4, Minden SD 9-58L-11; Lot 208, Block 4, Minden SD 9-58M-52. Commissioner Scalph motioned to approve the lease. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter from Mr. Walker and James Bennett regarding the recommendation of hiring Jason Plogger for 19 hours a week at \$10.00 an hour with a 6 month probationary period, part-time permanent. Mr. Plogger will start May 29<sup>th</sup>. Commissioner Scalph motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Sharon Cruikshank, New River Gorge Convention and Visitors Bureau, and Lisa Strader, Southern West Virginia Convention and Visitors Bureau, appeared to present their annual reports and updates. The CVBs spend 69% of funds for marketing.

Commissioner Scalph motioned to approve an allocation of funds to be used on the Spartan Games in amount of \$1,500.00 from the Commission in addition to what is currently contributed financially. Commissioner Brenemen seconded. Unanimous decision.

Bids for the Courthouse masonry repair were opened. The advertised pre-bid was conducted. Bids were given to architect Dan

Sneed for review and recommendation. Received one bid from Arch masonry out of Pittsburgh: \$131,400.00 base cost with a \$28,9000.00 alternate. Commissioner Brenemen motioned to accept the bid and give to Mr. Sneed for review. Commissioner Scalph seconded. Unanimous decision.

Amy Summerford, Fayetteville Merchants Association, appeared to discuss the Gorge Grown Event. They plan to sell sixty tickets and close Court Street in front of the Courthouse for a catered dinner. They would like to use the Memorial Building for a weather contingency location. All food is catered in, not cooked on site. Commissioner Scalph motioned to approve subject to providing insurance with the County as additional insured. The Fayetteville Merchant's Association and Gorge Grown will be responsible for clean-up, and since this is a fund-raiser for non-profit group, the fee will be waived. Commissioner Brenemen seconded. Unanimous decision.

The Commission took a break at 10:56

The Commission reconvened at 11:07

Kevin Willis, DTE Towing, appeared for a presentation of facts from the tow rotation. Presented numbers and rules of the rotation. Discussion was held regarding rotation rules and regulations. After general discussion, Mr. Willis was instructed to run issues by James Bennett and Kevin Walker for discussion with the Advisory Board.

Renee Harper, Fayette County Park Director, appeared with requests. Three staff members reached the end of their probationary period and requested raises. The Commission denied this request. The park received grant funding for assessment and design. They will need different transportation options for getting down trails. Quotes are for \$9,964.00 and \$9,468.00 for side by sides for park work to

come from Capital Equipment and Outlay. Commissioner Brenemen motioned to approve up to \$9,500.00 on a UTV providing it meets the requirements. Commissioner Scalph seconded. Unanimous decision. Ms. Harper requested to purchase new computers for the office. The current computers are not adequate. Commissioner Brenemen motioned to approve the purchase of three computers, not more than \$1,000.00 each for the park office. Commissioner Scalph seconded. Unanimous decision. Ms. Harper requested money remaining in this budget to be carried over to next year. Potential use for park upgrades. The Commission requested waiting to see what remains for discussion closer to first of July.

Commissioner Brenemen motioned to have President Wender sign the agreement for the Flexi grant which was awarded. Commissioner Scalph seconded. Unanimous decision.

Ms. Harper presented a request from a church group which is holding a camp at the park in July. They have requested to rent the pool for one day. This would require closing the pool to the public for that Thursday. Other camps only get privacy in the evening hours. The request was denied.

Ms. Berry presented documents for the Commission to sign to Certify the Primary Election. Commissioner Brenemen motioned to certify the Primary Election held on May 8, 2018. Commissioner Scalph seconded. Unanimous decision.

The Commission entered into an executive session 12:14 p.m. concerning a legal matter.

The Commission exited the executive session at 12:53 p.m. No decisions were made.

The Commission discussed their ordinance to ban fracking waste from 2016. Attorney Michael Callaghan presented resolution to withdraw the ordinance due to lawsuit overriding. Commissioner Scalph motioned to approve Resolution Number 2018-3 presented by Mr. Callaghan. Commissioner Brenemen seconds. Unanimous decision.

Sheriff Mike Fridley appeared to present the delinquent tax list. Commissioner Brenemen motioned to accept receipt of the delinquent tax list. Commissioner Scalph seconded. Unanimous decision.

John David, SALS, appeared regarding the Standard of Habitability code. Commissioner Brenemen motioned to approve a letter to SALS stating Fayette County follows the International Residential Code rules. Commissioner Scalph seconded. Unanimous decision

Ms. Berry presented a letter for approval and signature of President Wender for SALS expressing support for the Southern Appalachian Labor School application to continue home rehabilitation work within Fayette County. Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

The Commission received a letter from John David notifying them that they propose to develop Helen M. Powell Apartments using HOME Investment Partnership funds, through the HOME Community Housing Development Organization Program. The Commission received the letter with no action taken.

Mr. David then appeared regarding Page-Kincaid PSD. PKPSD received a write up from the DEP for a malfunctioning grinder pump. This pump failure resulted in waste spilling into a citizen's yard. Without rectifying the problem, the DEP will issue a Notice of Violation which will result in fines. PKPSD is requesting funding in

the amount of \$25,000.00 to replace the pump. Commissioner Brenemen motioned to make a loan to PKPSD in the amount of \$22,440.00 with the expectation of payments of \$1,000.00 will be made to pay off the loan within 23 months, contingent on their board approval. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to receive a letter from John David, PKPSD at a later date requesting a public hearing regarding Frasure Creek and Ms. Berry will stamp and send the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a lease for Boomer Ballfield for signatures. This lease was approved in a previous meeting.

Ms. Berry presented letters and orders for the Commission to sign designating the following incorporated banking institutions in the County to be named as depositories of public monies: Fayette County national Banks; Chase; Bank of Mount Hope, Inc.; Branch Banking & Trust (BB&T); United Bank; and City National Bank. Commissioner Brenemen motioned to approve and sign the letters encouraging banks to submit the information and the orders naming the institutions. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from Fayette County National Bank informing of the need to substitute securities pledged to the Fayette County Commission. Commissioner Scalph motioned to approve the substitution and sign the order. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Sean Maguire and Peter Murphy for a letter from the Fayette County Commission notifying the WV Alcohol Beverage Control Administration that they are aware of the Spartan Race Event taking place 8/24- 26/2018 to enable them to apply

for a beer permit. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a funding allocation from CODA for their summer camp. Commissioner Scalph motioned to approve \$2,500.00. Commissioner Brenemen seconded. Unanimous decision. Ms. Berry will send a letter to CODA that the Commission fully supports the camp and it needs to become fully financially sustainable.

Ms. Berry presented a request from Michael Pilato, Secretary of the Fayetteville Lions Club, to use the county parking lot on Wiseman Avenue adjacent to the Courthouse as well as the Courthouse Lawn for the Fourth of July Festival from July 3-4, 2018. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from Danese PSD requesting the reappointment of Lawrence Boley to the Danese PSD. Commissioner Brenemen motioned to approve the reappointment. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from Joe Crist informing the Commission he intends to hire three or four individuals from various Fire Departments to assist with county wide ladder and hose testing May 29 - June 6, 2018.

Ms. Berry presented a Fayette County Fire Levy Pumper Replacement Agreement for signatures from the Commission for Smithers Volunteer Fire Department. Commissioner Brenemen motioned to approve and sign the agreement. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a recommendation and request from Sonny Milam to hire Allen Kowalsky as a fulltime maintenance worker with a 6 month probationary period for \$10.00 an hour to replace John Pemberton, who



resigned due to health reasons. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve a resolution presented today in expression of Fayette County regarding continued services with Cardinal. Commissioner Brenemen seconded. Unanimous decision.

The meeting was adjourned at 2:35 p.m.

---

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

JUNE 5, 2018

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a special session on this 5<sup>th</sup> day of June, 2018.

President Wender called the meeting to order at 8:00 a.m.

Commissioner Scalph motioned to enter an executive session. Commissioner Brenemen seconded. The Commission entered into an executive session at 8:01 a.m.

Commissioner Brenemen motioned to return to regular session at 9:22 a.m.

Commissioner Brenemen motioned to terminate the employment of Charles "Chuck" Bennett immediately as the 911 Dispatch Supervisor. Commissioner Scalph seconded. Unanimous decision.

President Wender requested that the Prosecuting Attorney's Office look into other matters at the Office of Emergency Services and report back to the Commission.

The meeting was adjourned at 9:50 a.m.

---

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 8, 2018

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 8<sup>th</sup> day of June, 2018.

President Wender called the meeting to order at 10:06 a.m.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release checks on June 15<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve estate settlements for Glenn Leon Parsons; Charlotte Harkins Parson; John Lawrence Creed; Romanza Esther Hamilton; Elizabeth Belle Bryant; Edith Mae Cousins; Frank Junior Mullins; James Jackson Smith; Harold Vernon Estep; Clayton Franklin Sheaves; Deborah Brooks Cox; and Eugene Carrington Foster. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve personal property exonerations for Kimberly Wilson \$181.88; Joshua & Sarah D. Pugh \$77.48; Tim Pack \$813.18; Gary W. & Sharon Pennington \$416.40; Candace Lewis & Chapman Stover \$39.88, \$63.38, \$54.60; Timothy Myers \$548.24; Mark or Pamela & Seth Hurley \$1,023.90; Tracey K. Morris \$358.70; John W. & Sandra Pyatt \$719.76; Terry L. & Kathy J. Whittington \$975.02; Andrea & Bryan K. Anderson \$275.78; Cynthia J. Dixon McClung \$496.02;

and Misty A. Gill \$291.64. Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve signing the land book clarifications for personal and real property. Commissioner Brenemen seconded. Unanimous decision.

Debbie Berry, County Administrator, presented a support letter for the Commission to sign for Kelly Jo Drey, Resource Coordinator, to the WV Department of Agriculture regarding Whitlock Farm. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an agreement for the Commission to sign with the Coal Heritage Authority for the grant at the Fayette County Park. Commissioner Scalph motioned to approve and sign the agreement. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter for the Commission to sign to the WV Supreme Court of Appeals requesting reimbursements for rent for the Family Law Judge for the month of July, 2018 in the amount of \$3,375.00. Commissioner Scalph motioned to approve and sign the letter. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Gauley River PSD to reappoint Mr. Russell Deering as a Commissioner on the Gauley River PSD Board. Commissioner Scalph motioned to approve the reappointment. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter from Dan Snead related to the Stone Masonry Repair for the Courthouse. Mr. Snead recommends awarding the contract to Arch Masonry for the second phase of the Fayette County Courthouse Masonry Repair. The Commission previously approved the bid in a meeting, subject to Mr. Snead's approval.

Ms. Berry presented a letter from County Clerk Kelvin Holliday regarding his budget. He requested to transfer money from the Record Book Line Item to Travel to cover his expenses for the NACO Conference. Commissioner Scalph motioned to approve this request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Sarah Coffey, Executive Promoter of the Captain Thurmond's Challenge to use the Courthouse lawn, parking lots and main entrance for the event on August 4, 2018. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter to Judge Hatcher for the Commission to sign.

Ms. Berry presented a budget revision for the general fund. Commissioner Brenemen motioned to approve the revision. Commissioner Scalph seconded. Unanimous decision.

Assessor Eddie Young appeared and the Commission congratulated him on being named Assessor's Association of WV's Assessor of the Year, and thanked him for a job well done.

Ms. Berry presented Orders to Combine or Divide and Segregate Land for Hank & Rhonda Seay; Holly Clark; Dolores L. Violet; and Thomas Anthony & Aimee Larue Rist, respectively. Commissioner Brenemen motioned to approve the orders. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from the Friends of the Flame of Freedom to temporarily place the flags of the branches of the Armed Forces on the front left side of the Memorial Building around the American flag pole before the 4<sup>th</sup> of July. The Committee is planning to permanently renovate the display at a later date, but they would

like to have the flags displayed again since the flag poles on the building façade failed. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Jeff Mauzy, Assistant Prosecuting Attorney, presented a letter regarding a \$5,000.00 budget change for Prosecuting Attorney line items to support expenditures for office renovation for a newly hired Assistant Prosecuting Attorney's office. Commissioner Brenemen motioned to approve the budget change. Commissioner Scalph seconded. Unanimous decision.

Mr. Mauzy presented a letter regarding adjusting other line items in the Prosecuting Attorney budgets. Commissioner Brenemen motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Jamie Bennett, 911 Coordinator, appeared to present an RFP for Microwave Radio Bids. This necessary equipment will use microwaves to lock all towers together instead of having individual tower networks. There are three towers that need to be updated to digital. Commissioner Brenemen requested a step by step proposal that shows what we need to do to become current for the entire system. Shawn Campbell, James Pack, Kevin Walker and Mr. Bennett will meet and discuss our options. They will present this at a future meeting.

Mr. Bennett held discussion regarding site prep invoices. Mr. Bennett presented information regarding a proposal and initial bid for site preparation. Discussion was held regarding additional costs and invoices. After building inspector review, additional site prep will need to include a concrete pad or footers for the building to be structurally sound and meet wind specifications, etc... Commissioner Brenemen motioned to approve paying the invoice from Bays for initial

work in the amount of \$4,250.00 and an additional invoice for \$4,100.00. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to authorize the 911 Center to take bids for pads based on recommendations and specified requirements which meet the code of the building inspector. Commissioner Scalph seconded. Unanimous decision.

Discussion of pay grades and tiers was tabled for a later meeting.

Kevin Walker, OEM Director, presented a FEMA update. Paperwork is complete and approximately \$350,000.00 to \$450,000.00 was reimbursed from flood recovery.

Sheriff Mike Fridley requested the remainder of funds for the Detective's Bureau renovation to be released. Initially \$25,000.00 was approved. \$18,000.00 was released previously. Sheriff Fridley would like the remainder of the \$7,000.00 to be released to complete siding, finish counters, cabinets, and fix drainage issues to make the building move in ready by July 1, 2018. Commissioner Scalph motioned to release the \$7,000.00 per Sheriff Fridley's request to complete building renovations for move in. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter from Carl Harris, Kanawha Falls PSD. The request is for \$15,000.00 in funds to get a pump fixed to ensure they are in compliance. They ask that this be added to the end of the current loan. Commissioner Brenemen motioned to approve the \$15,000.00 loan to KFPSD, which will be added to a previous loan and continue to make payments at the current rates. Commissioner Scalph seconded. Unanimous decision.

Personnel manual update discussion was held. No elected officers were present with questions. The manual will be sent out one more time for comments and then finalized at the June 22<sup>nd</sup> meeting, if no comments are sent forth. All employees will receive the new manual and must sign that they have received and reviewed the new manual effective July 1, 2018.

The Commission recessed at 11:39 a.m.

The Commission reconvened at 11:50 p.m.

Sonny Milam, Maintenance Supervisor, appeared to present a bid for electrical work at the Fayette County Health Department. 3 quotes were obtained. Mr. Milam recommends RDP \$3,473.59 for the work. Commissioner Scalph motioned to approve the quote. Commissioner Brenemen seconded. Unanimous decision.

Mr. Milam presented bids for the replacement of the WVU Extension Office roof. The Commission requested that Mr. Milam obtain more bids.

Mr. Milam presented bids for review to repair the sewer line at the Courthouse Annex. Mr. Milam recommended Giannini for the work. Commissioner Brenemen motioned to approve the bid. Commissioner Scalph seconded. Unanimous decision.

Mr. Milam presented a quote to replace the wallpaper in Judge Blake's courtroom. This was tabled pending wallpaper cost.

Ms. Berry presented for discussion returning the July 20<sup>th</sup> meeting to July 27<sup>th</sup>. Commissioner Brenemen motioned to approve moving the 20<sup>th</sup> meeting to the 27<sup>th</sup>. Commissioner Scalph seconded. Unanimous decision.

The Commission entered into an executive session at 12:50 p.m.

The Commission returned to regular session at 12:55 p.m.

In regard to the legal matter discussed, Commissioner Brenemen motioned to go forth and sign a document to obtain Attorney Jason Long to represent the Fayette County Commission with the collection of educational expenses, paid for by the County, from former employee Stormy Parsons, per the signed agreement. President Wender seconded. Unanimous decision.

The meeting was adjourned 1:00 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JUNE 22, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 22<sup>nd</sup> day of June, 2018.

President Wender called the meeting to order at 9:03 a.m.

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on June 29<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve estate settlements for Randy Lee Dangerfield; Elizabeth Janet Redden; Lon William Miller; Mary Louise Miller; Shirley Colleene Aliff; Joe Thomas Belcher, Jr.; Alberta Tincher; Kenneth Alfred Bowling; Dairlea Danberry; Lois Ann Conner; Charles Edward Fout; Pauline M. Emberson; and Mary Ann Morgan. Commissioner Brenemen seconded. Unanimous decision.



Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from May 25<sup>th</sup>, June 5<sup>th</sup> and June 8<sup>th</sup>, 2018. Commissioner Scalph seconded. Unanimous decision.

Ami Dangerfield, County Commission Assistant, presented items for County Administrator, Debbie Berry, who was unable to attend the meeting.

Ms. Dangerfield presented three transfer orders for the end of Fiscal Year 2018, transferring funds to the General Fund from the following funds:

Magistrate Court	-	\$24,405.85
General School	-	\$108,395.71
Worthless Check	-	\$2,325.58

Commissioner Brenemen motioned to approve and sign the orders. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented Election Levy Transfers for Fiscal Year 2018 transferring funds to the General Fund to offset the cost of running the election for each of the following levy funds:

Library Levy	-	\$3,200.00
Law Enforcement Levy	-	\$6,800.00
Fire Levy	-	\$10,000.00

Commissioner Brenemen motioned to approve and sign the orders. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented the Budget Statement for the Fiscal Year beginning July 1, 2018 for the Commission to approve and sign.

Commissioner Brenemen motioned to approve and sign the Budget Statement. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented an order approving the banking institutions of Fayette County National and Bank of Mount Hope as depositories of public monies for Fayette County. Commissioner Brenemen motioned to approve and sign the order. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented an order allowing Fayette County National Bank to substitute securities pledged to the Fayette County Commission. Commissioner Brenemen motioned to approve and sign the order. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented a Building Code Agreement for the City of Oak Hill. City Council needed to approve the agreement before it was sent to the Commission for signatures. Commissioner Brenemen motioned to approve and sign the agreement dated June 11, 2018. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented a letter to Mac Warner, Secretary of State, for approval and signatures updating the public service districts and their current board members. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented Fire Levy Contracts for all fire departments for approval and signatures for Fiscal Year 2018/2019. Commissioner Brenemen motioned to approve and sign the contracts. Commissioners Scalph seconded. Unanimous decision.

John Stump, Attorney, appeared for a public hearing on District No. 2 TIF, Oak Hill. The floor was opened for public comments regarding the TIF at 9:21 am. No one from the public appeared for

comment. Mr. Stump presented the resolution for submitting the TIF application. Upon submission they have 60 days to approve. One question posed was whether the TIF will be created this year or next year. Mr. Stump stated that this process is approving the plan only; the date will be established later. Commissioner Scalph motioned to approve submitting the project plan to the Development Office for TIF District No. 2 in the City of Oak Hill. Commissioner Brenemen seconded. Unanimous decision.

Jamie Baker, Region 4 Planning and Development, appeared to present Resolution 35 for Welding Services for Kanawha Falls PSD. Commissioner Scalph motioned to approve the drawdown Resolution 35 for Kanawha Falls PSD for President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Ms. Dangerfield presented a letter for approval and signature appointing Eric Autenreith to the Region 4 Planning and Development Council to replace Howard "Sonny" Berry, who resigned. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented a support letter to Region 4 Planning and Development for the Regional Broadband Initiative for approval and signature of President Wender. Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented a memo to the Farmland Protection Board regarding their request to direct deposit their Excise Tax Funds to avoid issues with their audit. The Commission agreed to send the memo and asked that Ms. Berry put the issue on the listserv to see if other counties have had this issue.

Ms. Dangerfield presented letters to outgoing Parks and Recreation Board members Tug Chamberlin, Kristi Atha-Rader, and Curstin Manley, thanking them for their service. Commissioner Brenemen motioned to approve and sign the letters. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented documents for the Brownsfield Grant for approval and signatures. Commissioner Brenemen motioned to approve and authorize President Wender to sign the documents. Commissioner Scalph seconded. Unanimous decision.

Ms. Dangerfield presented for discussion the Boomer Ballfield Lease. The Commission was concerned about the lease stating a length of 25 years. Assistant Prosecuting Attorney Chris Burdick sent a memo stating that the lease contains a clause allowing the Commission to end the lease at any time. Mr. Harrah agreed with this memo. Ms. Dangerfield told the Commission that the original lease had not yet been returned by Larry Villareal.

Ms. Dangerfield presented for discussion the need to renew the Commission's appointment to the Solid Waste Authority. The Commission will discuss again at their July 6<sup>th</sup> meeting.

The Commission discussed an appointment to the Fayette County planning Commission. President Wender stated that Joe Re is willing to serve. The Planning Commission is scheduled to meet and discuss and appointment on June 25<sup>th</sup>. The Commission will discuss again at their July 6<sup>th</sup> meeting.

Discussion was held regarding the new personnel manual. Larry Harrah, Prosecuting Attorney, believes it is fine to approve as is. This is a living document and can be amended at any time. Anna Frost, Chief Tax Deputy, appeared and presented concerns regarding the policy

on jury duty pay and mileage for county employees. The Commission agreed to review the jury duty policy and revisit the manual at the July 6<sup>th</sup> meeting. The effective date will still remain as July 1<sup>st</sup>.

The Commission entered into an executive session at 10:10 am.

The Commission exited the executive session at 10:23 a.m. No decision was made in the session.

The Commission discussed the debt of a former employee. Further action must be taken by Attorney Jason Long. Commissioner Scalph motioned to proceed with the process to collect monies owed to the County from a former employee. Commissioner Brenemen seconded the next collection efforts of Mr. Long. Unanimous decision.

The meeting was adjourned at 10:25 a.m.

---

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 6, 2018

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 6<sup>th</sup> day of July, 2018.

President Wender called the meeting to order at 9:01 a.m.

Mike Bone, Assessor Chief Deputy, presented exonerations for real property for Bonnie Alvarran and John Bobbitt \$553.46; Landquest \$432.66; Clarence L. & Emily Hoffman \$7.70; Matthew & Roxanna Ballard \$302.82 & 203.90; Thomas & Virginia Richards \$565.86; Hilda M. Roberts & Sophia Cogar \$156.00; Richards C. Jr. & Jessica Pennington \$256.20; Sherrie Kaye Ford-Tyler \$333.86; John D. Joines \$821.68; Andrew E. &

Amanda Worthington \$106.32; James P. & Tina D. Bell \$372.78; Land Recovery Management \$404.92 & 855.68; and Jon Paul & Brenda Blankenship \$777.14. Commissioner Scalph motioned to approved. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release checks on July 13<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve estate settlements for Lewis Earl Lattanzi; Margaret Anne Lattanzi; Alma Madge Morton; Hermie William Martin; Ruth Eva White; Reva Emogene Fox; Timothy L. White; Allen John Thomas; Katherine NMN Boardwine; Betty Lou Henson; Kenneth Nicholas; Thomas Dale Crawford; Gary Wayne Reed, Sr. and Thomas Carvel Crawford. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from June 22, 2018. Commissioner Scalph seconded. Unanimous decision.

Debbie Berry, County Administrator, appeared to present a Consumer Sales Tax report for approval and signature of President Wender for the quarter ending June 30, 2018. Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a contract agreement for approval and signature of President Wender for Arch Masonry for Phase 11 of the Courthouse Masonry Repair for the WV Courthouse Facilities Improvement Authority Grant. Commissioner Brenemen motioned to approve and

authorize President Wender to sign. Commissioner Scalph seconded.  
Unanimous decision.

Carla Atha, Probate, appeared to assign a Fiduciary Commissioner to the Freddie Dennler Estate. Tom Ewing is the recommended Fiduciary Commissioner. Commissioner Scalph motioned to approve Tom Ewing as Special Fiduciary Commissioner in the estate of Freddie Dennler. Commissioner Brenemen seconded. Unanimous decision.

Ms. Atha presented the Phillip Todd Ridenour Estate, regarding dismissing a claim from Cindy Ridenour filed in 2014 as recommended by the Fiduciary Commissioner. All parties were notified with no response. This was presented in 2014 with recommendation for dismissal. In 2015, the person filing did not present a bond and did not follow through. Minutes show no further discussion. Prosecuting Attorney Larry Harrah reviewed and has no issue with dismissal. The Commission may sign the order to dismiss. Commissioner Scalph motioned to approve the dismissal of claims by Cynthia Ridenour against the Phillip Ridenour Estate effective today. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented an order approving Branch Banking & Trust (BB&T) as a depository of Public Money. Commissioner Brenemen motioned to approve and sign the order. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an order and letter appointing Marion Tanner as the Board of Education representative on the FC Parks & Recreation Board for approval. Commissioner Brenemen motioned to approve the appointment, term ending June 30 2018, and sign the order. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an order and letter reappointing Adam Hodges to the FC Solid Waste Authority. Commissioner Brenemen motioned to approve the appointment with term ending June 30, 2022. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an order and letter appointing Jo Re to the Fayette County Planning & Zoning Board. Commissioner Brenemen motioned to approve the appointment, term ending August 30, 2020, and sign the order. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented Inspection Agreements for the Fayette County Building Code Enforcement Office for approval and signature of President Wender for Leonard Price, Jr., Michael T. Rose and Jason Davis. Commissioner Brenemen motioned to approve and sign the agreements. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an agreement with the Fayette County Commission and the Town of Fayetteville to use Allen Ballard, Fayette County Commission's Code Official to perform inspections for the Town of Fayetteville. Commissioner Brenemen motioned to approve and authorize President Wender to sign the agreement. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Erin Reid, Active Southern West Virginia, to use the Fayette County Memorial Building for Pickle Ball lessons, dates to be determined with Okey Skidmore. The goal is to get groups playing weekly. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to the Supreme Court requesting reimbursement of rent for the Family Law Judge for the month of August, 2018, for the Commission to sign. Commissioner Brenemen



motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented quotes for the roof at the WVU Extension Building:

B & K Construction -	Shingles -	\$6,400.00
	Metal -	\$6,900.00
Clay's Roofing -	Shingles -	\$10,490.00
	Metal -	\$10,690.00
JC Construction -	Shingles -	\$9,200.00
Master Roofing -	Shingles -	\$12,500.00
	Metal -	\$11,000.00

Sonny Milam, Maintenance Supervisor, recommended using B & K Construction for shingles, \$6,400.00. Commissioner Scalph motioned to approve the quote from B & K Construction. Commissioner Brenemen seconded. Mr. Harrah will review the contact and verify all requirements are met. Unanimous decision.

Kelly Jo Drey, Resource Coordinator, presented a job description for the Whitlock Farm Manager. This position will manage the Whitlock Farm property and help meet goals. Salary and benefits package will be covered by grants and funds from the URA; the Commission has no financial obligation. The full time benefits eligible position will be for a one year term. Continued employment is contingent on continued fund raising and development of farm program revenue. The individual will be an employee of Fayette County Commission with payroll processed through the County. Commissioner Brenemen motioned to approve the job description for Whitlock Farm manager. Employment

will be via contract or letter of understanding regarding terms of employment and funding, with Mr. Harrah's approval. Benefits will be paid by remaining Benedum Grant money and transferred to the General County fund. Commissioner Scalph seconded. Unanimous decision.

Ms. Drey gave an update on the farm progress and status of the land. The URA received a \$50,000.00 grant from the USDA for \$25,000.00 of fencing, money for marketing, staff and soil amendments.

Tim Richardson, Zoning, appeared for a zoning application for the Jonathan Smith Campground. Case Z526181 requesting to change from rural farm to business district. During the June 25<sup>th</sup> planning meeting there was unanimous recommendation to approve this request. Mr. Smith presented information. There will be a ten spot RV campground on the area in question. The property adjoins the Meadow River Rail Trail north of the bridge, legally described as 1.84 AC Surf Meadow River, Nallen, New Haven District. Mr. Smith has made provisions for flooding such as power 17 feet above ground with individual disconnects, an evacuation plan, and his lawyer is drafting rules for the campground to be agreed to by campers. Ms. Drey suggested allowing single night stays and changing the name. Mr. Smith stated this will be a long term lease RV park. There will also be a Board of Zoning Appeals meeting to discuss case. Discussion was held regarding metal removal from the river and danger to the septic system. The project has been reviewed by Building Code Officials, the Health Department, and Zoning. Mr. Smith has complied with all regulations. Commissioner Brenemen motioned to approve the rezoning request of Jonathan Smith for a change in land classification from R-A (Rural-Agricultural District) to B-3 (Business, Tourism District) on property legally described as 1.84 AC Surf Meadow River, Nallen, New Haven

District. Commissioner Scalph seconded. This project was recommended by all involved offices and parties. Unanimous decision.

The Commission entered into an executive session at 10:30 a.m. for a personnel matter.

The Commission exited the executive session at 11:25 a.m. There was no action to take at that time.

The Commission discussed the recommendation of Tom Ewing and Jimmy Lively for appointment to the Community Corrections Board. Both will be members at large. State code does not dictate term lengths. Commissioner Brenemen motioned to accept both appointments to the Community Corrections Board with no expiration date. Commissioner Scalph seconded. Unanimous decision

Renee Harper, Parks Director, appeared with updates. This is their busy season, and potentially had a record revenue day on July 4<sup>th</sup>. Ms. Harper is asking to carry over budget money from 2018 to 2019. Ms. Harper requested to have \$50,000.00 of remaining budget carried over that was not spent. Potential ideas for park upgrades are replacing swing sets and grills, adding handicap dock at the pond, fence at the basketball court, ongoing maintenance for culvert, shelter roof replacement and events such as a trout derby. The Commission asked for amounts in broad category details for the next meeting.

Gabe Peña, Deputy Resource Coordinator, appeared to discuss the Flex-E Grant for trail planning and design. Mr. Pena collected RFPs and hopes to have a contract for signature soon. Six miles of trails will be mapped and connected to trails in the area. The Coal Heritage Grant will be used to design a natural play space with elements of

early mining days. This will be the first park in the area to have this type of play space.

The Commission entered into an executive session at 12:02 p.m.

The Commission exited the executive session at 12:26 p.m. No action was taken following discussion.

Attorney Mike Callahan appeared to discuss a resolution regarding the Introduction of Fayette County Comprehensive Public Nuisance Abatement Ordinance. Mr. Callaghan doesn't think a resolution is necessary and has an ordinance to propose. The Commission will need to schedule the dates of July 27<sup>th</sup> for introduction of ordinance, and August 3<sup>rd</sup> and August 17<sup>th</sup> for public hearings. A decision on the ordinance would be delayed until the final adoption.

Two statutes enacted give authority to contemplate a code enforcement agency. Part of the action code enforcement agency required by statute says that a board must include county engineer, county health officer or designee, a fire chief, Litter Control Officer, and director of Solid Waste Authority and two at large positions. They would meet once a month initially, not as often thereafter. The County can decide to shut down sites that are an issue and send a representative from the board with the correct experience and knowledge as dictated by the statute. There will be no legal liabilities to board members; they will only give specialized knowledge.

Discussion on the personnel manual discussion was held. Jury duty pay was discussed. Employees will turn in the jury check to the county. Commissioner Scalph motioned to approve the personnel manual. Commissioner Brenemen seconded.

President Wender called for discussion.

Sheriff Fridley brought forth requesting vacation hours for days off. Employees need to mark eight hours vacation or sick time when taking time off. The handbook specifies that vacation says five days or forty hours vacation. Vacation is based on eight hour work days. Unanimous decision to approve based on jury duty pay revision. Unanimous decision.

Ms. Berry presented an Insurance Coverage Intent Form for President Wender to sign for WVCoRP for Property & Casualty Insurance for 2018-2019. Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a United States Court of Federal Claims Documents for signature of President Wender to sign to participate in a lawsuit to recover sums of money for Payments in Lieu of Taxes (PILT) for fiscal years 2015, 2016, and 2017. The lawsuit seeks to recover monies that the Court has determined the Federal Government owes each Class Member for the underpayment. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to accept the Zoning meeting minutes presented by Tim Richardson. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:05 p.m.

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 27th day of July, 2018.

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

Commissioner Scalph motioned to approve 2nd half payroll and release checks July 30<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve estate settlements for Margaret E. Evans; Callie Susan Crawford; Carmelita Truman Nichols; Johnny J. Lorea; Bonnie Jean Fury; Anetta Blanche Massey; Beverly Jan Law; Christina dawn Schneider; Jack Delano Pennington, Sr.; Aline Shrewsberry; John Valentine Frame; Richard Wayne McNeely; Carolyn Coleman Pascocciello; Fannie Annette Lerose; Jennie Figiel; Dortha Maxine Childress; Hilda Lee Critchley; Leroy Frederick Houchins; Elizabeth Dell Goodwin; Junior Lee Bird; and Iona M. Bird.

Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Renee Harper, Parks Director, appeared to present two requests. Ms. Harper's first request was to carry over roughly \$120,000.00 from last year's budget. Asking for approximately \$60,000.00 to transfer. \$30,000.00 to capital outlay for swing sets, slides etc...; \$15,000.300 under maintenance and repairs of park grounds for paving, shelter repair and tree removal; \$10,000.00 under events to continue and expand park events; and \$5,000.00 under materials and supplies.

Much of the money returned was due to salaries. Commissioner Brenemen motioned to approve the \$60,000.00 transfer for the Park Budget. Commissioner Scalph seconded. Before it is finalized, President Wender requests that budget revisions be completed to put funds into specific categories. Unanimous decisions.

Ms. Harper's second request is to move forward with hiring Zachary Barber. Currently, Mr. Barber works part-time as a seasonal employee and has been dependable and trustworthy. He will move from part time seasonal to full time. Commissioner Scalph motioned to move Mr. Barber to full time at the current pay rate which is \$10.00 per hour, starting August 1<sup>st</sup>. Commissioner Brenemen seconded. Unanimous decision.

Amanda Smarr, Region 4, presented a contract extension for the Small Cities Block Grant for Kanawha Falls PSD. The project is almost complete and they are only extending the time frame, not expenditures. Commissioner Scalph motioned to approve Grant Amendment 5 that extends the time frame to June 30, 2019. Commissioner Brenemen seconded. Unanimous decision.

Eddie Young, Assessor, presented exonerations for real property for Wilmington Savings Fund \$319.74; Tom Swift Gwinn \$346.44; John D. Joines \$6.14; Julian L. & Neta Hamm \$53.28; James William Hamm \$45.94; Joanne Lewis, etal \$263.14; James Gregory Martin \$200.22, \$150.26; \$190.74, and \$143.60; Cecil B. & Vickie Byers \$256.20; Barker Family Revocable Trust \$1,417.70; Doshia & Stephen Siemore \$\$30.74; Lee Sawyers \$1.54, \$9.24, \$23.08, \$20.00; Eddie Lee Sawyers \$116.32, 49.20, and \$56.88; and Sue Sigler Mayers \$531.86. Commissioner Scalph motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented exonerations for personal property for John W. & Lisa D. Adkins \$121.80; Johny Earl & Aneitia Tonie Jackson \$646.64; Alexandra (Hernandez) Plass \$154.48; Byron Dean & Linda Winwbrenner \$228.64; John Dean Joines \$345.32; Johnny B. Osborne \$518.22; David M. & Sherri R. Kidd \$766.08; Elizabeth J. & Carla Boos \$2,785.64; Amanda J. Dooley \$67.50; Shane F. & Lindsey (Preston) Milam \$1,107.16; Tamara L. Pittman \$57.62; Lenda H. Limerick \$3.84; Thomas J. Young \$227.80; Freddie E. McGee \$6.40; Anita Jo Castello \$47.42; Michael F. Bailey \$39.48; Michael W. & Mary Harrah \$366.12; John M. or Sheila E. Dorsey \$287.26; Surtis Lee & Sarah L. Adkins \$776.36; William R. II & Bridgett Hammontree \$1,112.80; Susan J. Worthington \$36.74; Delores G. Hall \$48.42; Aaron Keith Wriston \$97.04; Edith M (Simms) & Effie L. Messick \$151.14; Page S. Jr. & Naomi S. Humphrey \$396.44; James D. or Christina D. Bowyer \$1,234.38; David G. & Jean Marie Cavalier \$472.96; Matthew D. & Sara E. Parcell \$941.16; Anita R. (Sayer) & Samuel Stewart \$1,174.20; Robert W. Jr. & Donette L. McNeil \$131.36; and Cynthia J. Fannin \$159.10. Commissioner Brenemen motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Sheriff Mike Fridley introduced Kelly McClintic as a new deputy. Sheriff Fridley also noted back tax letters from Attorney Tom Ewing have brought in about \$22,000.00 for outstanding tax tickets.

Debbie Berry, County Administrator, presented Orders to Combine or Divide and Segregate from Mr. Young for Christopher M. & Tiffany Robinson; James Dye; Larry & Dolly Brown; Lois Jean Matthews; North Hill Coal Co.; Phyllis Sue Calvert; Henry J. & Latoma J. Miller; Lena Hudson; and Colleen Laffey, respectively. Commissioner Brenemen



motioned to approve and sign the orders. Commissioner Scalph seconded. Unanimous decision

Chief Deputy Rod Perdue discussed two vehicles getting totaled in collisions. The County will only get \$11,000.00 combined from insurance. Chief Perdue is asking the County to match half of the cost which is roughly \$34,000.00 per vehicle. Chief Perdue has estimated there will be \$23,000.00 to be split. Commissioner Brenemen motioned to match what the Sheriff can pay. Commissioner Scalph seconded. This will need to come from the General Fund. Unanimous decision.

Chief Perdue mentioned another issue which is the Valley detachment. The air conditioner is 22 years old and not repairable.

Ms. Berry presented two quotes for the Smithers Detachment:

Roof - \$4,300.00

Heating & AC Unit - \$4,850.00

Discussion regarding quotes and potential for other contractors was held. President Wender recommended delaying the roof decision. The Commission will approve no more than \$4,850.00 for the air conditioning at the Smithers Detachment with the condition of getting two more quotes to ensure the lowest price. The Commission will leave the decision open for Ms. Berry to approve other contractors if lower. Commissioner Scalph motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Allen Ballard, Building Safety Official, presented permit information showing an increase in building permits and that commercial is up. A report from Mountaineer Gas Company found leaks in system while replacing the meter at the Fayette County Memorial Building. Ms. Berry presented a list of leaks that must be fixed.

The Commission discussed what can be done in house. Sonny Milam, Courthouse Maintenance Supervisor, said a contractor must be hired. There will need to be asbestos removal where the pipes go through roof; there are five of these vents. Commissioner Scalph suggested contacting Phil Davis from Alleghany Restoration to work with our maintenance employees to develop an estimate. Currently there is no gas or hot water in the building. There will be a contractor coming today to review and see the approximate cost. No action to take today.

Ms. Berry presented a request from Rick Forren, Chair of the Fayette County Planning & Zoning Commission, to reappoint Gary Harding Van Burks, Richard Forren Jesse Bibb & Doug Maddy to the County Planning & Zoning Board, each for 3 year terms to expire August 3, 2021. Commissioner Scalph motioned to approve the reappointments. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from the Parks and Recreation Board to reappoint Andrea Mender and Lauren Weatherford, expiring June 30, 2020, Aletha Stolar, expiring June 30, 2021, and to appoint and Zoë Walberg as student representative, expiring June 30, 2019, and Kathryn Johnston to replace Kristi Atha Rader, expiring June 30, 2021. Commissioner Scalph motioned to approve the reappointments and appointments. Commissioner Brenemen seconded. Unanimous decision.

Phil Tissue, Library Board Chairman, appeared to introduce the new Fayette County Library Director, Samantha Hale. Ms. Hale has an M.S. in Library Science from the University of South Carolina. She will be running Fayette County Library branches in all municipalities in the County. Ms. Hale presented information regarding their annual report and detailed who is served by the libraries.

Ms. Berry presented a request from Samantha Hale, Director of the Fayette County Public Libraries, to appoint Ann Nunnery of Cannelton to fill a vacant position on the Board due to the resignation of Catherine Marshall. Commissioner Brenemen motioned to approve the appointment. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from John David, SALS, for support letters for Housing Preservation Grant funds, Housing Counseling Assistance, and an Open Doors Homeownership Grant. Commissioner Brenemen motioned to approve and sign the letters. Commissioner Scalph seconded. Unanimous decision.

John David, SALS, appeared to introduce Julie Costas with Global Volunteers, a group of 19,500 total volunteers based in Minnesota, with 1-3 week volunteer opportunities for teams of 5-25 people at a time. The groups can only go where invited and local people control the projects. They are working with Youth Build and on literacy and nutrition with Energy Express. The group searched specifically for volunteer opportunities in WV. Ms. Costas presented ideas from the Energy Express kids. Their number one request was a part time music teacher for the Energy Express program. They would also like a real slip and slide to use, books and lined paper.

The Commission recessed for break at 10:38 a.m.

The Commission reconvened at 10:53 a.m.

Mike Callaghan, Attorney, introduced the Fayette County Comprehensive Public Nuisance Abatement Ordinance. President Wender made a statement regarding how the County introduced an order two years ago to prohibit the disposal of fracking waste. The ordinance went to Federal District Court overruling our ordinance. The appeals court in Richmond agreed that the Fayette County Commission cannot

regulate the gas industry. The County is very concerned that this disposal continues and about the detrimental effect it can have on our water supplies. The Commission retained Mr. Callaghan through the Prosecuting Attorney's Office to introduce this new ordinance. His legal team reviewed the history and current laws and regulations. Everything is compiled into one WV Code 713ff - 713KK to give Counties the authority to address nuisances and Endangerments to public health in the county. It is the obligation of the County to protect the public health of the citizens based on the codes indicated above. The general concept is to look at the authority of the Commission to address these issues and develop a Code Enforcement Agency to address environmental clean-up and regulation. This is geared to allow the Commission to exercise the authority to abate nuisances. Penalties noted in the ordinance are for those who fail to comply with the Commission's abatement orders, and only for failure to comply or cooperate with the Commission. This is not an attempt to regulate the industry. Those who cause the pollution should be responsible for clean-up, not the citizens. This ordinance allows the enforcement agency to look at the sites. Mr. Callaghan has a one-page summary prepared of the original 86 page ordinance and presented a copy to the Commission. This was presented to Ms. Berry for publication on web site and a newspaper ad will run this week. Public hearings will be held on August 3<sup>rd</sup> at 10:00 and August 17<sup>th</sup> at 10:00 a.m. during Commission meetings. Copies of the ordinance are available in the County Administrator's office. Today is the official introduction of the ordinance.

Commissioner Scalph motioned to accept the Fayette County Comprehensive Public Nuisance Abatement Ordinance as presented today

and set the time for public hearings as August 3<sup>rd</sup> at 10:00 a.m. and August 17<sup>th</sup> at 10:00 a.m., at which time the summary of the ordinance will be read. Commissioner Brenemen seconded. No questions were presented specific to the motion. Unanimous decision.

Alicia Treadway, Voters' Registration, Deak Kersey and David Gilpin, WV Secretary of State's Office and Andrew Parker from GST appeared to discuss Elections equipment, polling places and security.

Ms. Treadway presented information for an ADA grant to make precincts ADA compliant and gave an overview of locations needing help. The application is considered on first come first serve basis and the County Commission is the grant applicant. Commissioner Scalph motioned to approve proceeding with the grant application for precincts 29, 19, and 18 for ADA compliant improvements. Commissioner Brenemen seconded. Unanimous decision.

Ms. Treadway presented HAVA grant information to purchase the remaining 13 DS 200s and thumb drives for precincts and security updates. First section of grant addresses security presented security estimates for the Fayette County Soldiers and Sailors Memorial Building to protect voting equipment including cameras and keyless entries. The County would be required to match 15%, and the State will pay the remaining 85%. The match can be less if the County request exceeds the total available. Commissioner Scalph motioned to approve the presentation from KTS for the grant that would be 85/15 for security at the FCMB, with the maximum match from county at \$3,000.00 for this portion. Commissioner Brenemen seconded. Unanimous decision.

The second part of the grant application addresses Election Day equipment for eleven precincts to prevent ballot issues. The cost to

the County is approximately \$37,000.00. This will prevent incorrect ballots and will also eliminate problems with the voting process. Federal grant money is available and the vendor is offering interest free payments. Commissioner Scalph motioned to approve the request on for the second part of the grant to purchase additional Election Day equipment at a 50/50 split and four years with no interest, to ensure further voter confidence and integrity. Commissioner Brenemen seconded pending state matches at 50% match. Unanimous decision. Ms. Treadway also presented information about the dehumidifier for the storage area and a security check list.

Mr. Kersey presented information regarding cyber security. The Department of Homeland Security will perform a cyber-resilience review for free. The State is providing a two-factor authentication and asking to give the Clerk the leniency to look at security to review the system. Grants are available to offset costs that may be associated with upgrading system. Commissioner Brenemen motioned to allow DHS to check our computer system with no cost assessment. Commissioner Scalph seconded. Unanimous decision.

Brent Pauley, EnAct Executive Director, appeared to give a program update. EnAct recently completed a community action needs assessment and are actively working with organizations that provide community help. They are working on a partnership to better help the community. They have also worked with the DHHR for potential space to see clients in the Plateau area.

Lita Eskew, Flame of Freedom Committee, appeared with a request. The committee would like to put a monument on the lawn of the Memorial Building opposite the flame. The monument would be made of stone and would serve as a memorial for veterans. Flag poles to display the

flags of the 5 branches of the Armed Forces would be behind the monument in a semi-circle. Ms. Eskew presented a proposal for the cost of the stone at \$9,000.00. They are requesting the \$6,000.00 originally allocated to the committee to be used for this project. Commissioner Brenemen motioned to approve the \$6,000.00 as long as they have the funding to complete the project, working with Miss Utility of WV, and the Commission would like to see a sketch of the final project before construction begins. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from Cathy L. Jarrett, Circuit Clerk, requesting to reserve a room in the basement of the Memorial Building to use as storage space for her office. The Commission would like to review the basement area in the FCMB before the commit to letting anyone else use the area for storage. The Commission will visit the space during their next meeting for review.

Ms. Berry presented the property lease agreement for Boomer Ball Field. Larry Villarreal and Monty Warner insist the YMCA of Kanawha Valley (the tenant) have first option for the terms of the lease. This item was tabled.

Ms. Berry presented a request from Zenda L. Vance requesting permission to decorate the trees on the Courthouse lawn in green lights for the Town to Go Green to observe the closing of Fayetteville High School, starting August 2, 2018. Commissioner Scalph motioned to approve through October 19<sup>th</sup>, then consideration will be given to extend the decorations for special events through written request. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve the use of the Courthouse lawn on August 2<sup>nd</sup> as indicated provided all criteria are met.

Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a coversheet to the member agreement for WV Association of Counties Group Self Insurance Risk Pool for President Wender to sign. Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:24 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 3, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 3<sup>rd</sup> day of August, 2018.

President Wender called the meeting to order at 9:03 a.m.

Commissioner Scalph motioned to approve 1st half payroll and release checks August 15<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve estate settlements for Georgia Evelyn Wallace; Hilda Marine Patterson; Bert C. Gregory, Jr.; and Douglas Edward Midkiff. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from July 6<sup>th</sup> and 27<sup>th</sup>. Commissioner Scalph seconded. Unanimous decision.



Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Eddie Young, Assessor, presented real property tax for Heather P. Boussy \$176.00; John D. Miller \$47.66; Hester J. Trent \$465.42; Johnathan A. Fowler \$1,011.82; Robert C. & Terry Horrocks \$256.20; Judith Ann Mitchell \$7.70 & \$7.70; Charles Sanford \$53.80; Theresa Annette Les \$256.20; and Robert & Coleen Rogers \$148.34. Commissioner Scalph motioned to approve the real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented Orders to Combine or Divide and Segregate Land for Yvonne Washburn; and James W. & Carol Ward, respectively. Commissioner Brenemen motioned to approve and sign the orders. Commissioner Scalph seconded. Unanimous decision.

Debbie Berry, County Administrator, appeared to present an order for approval and signatures of the Commission notifying the Democratic and Republican Executive Committees of the number of poll workers needed for the November 6, 2018 General Election. Commissioner Brenemen motioned to approve the order asking the Executive Committees to return their poll worker lists by September 7, 2018. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented the publication of Early Voting locations for the General Election: Fayette County Memorial Building, Danese Community Center and Montgomery City Hall. Commissioner Brenemen motioned to approve the publication of the locations. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request for reappointments to the New River Gorge Bridge Day Commission for Denise Scalph expiring August 8, 2020;

Dennis Hanson expiring August 8, 2020; Sharon Cruikshank expiring August 8, 2024; Sheriff Mike Fridley expiring August 8, 2020; and Mike Harper, expiring August 8, 2024. Commissioner Brenemen motioned to approve the reappointments. Commissioner Scalph seconded. Unanimous decision.

Sheriff Mike Fridley appeared to introduce a new deputy, Jacob Rice.

The Commission discussed a Resolution Opposing WV American Water (WVAW) proposed rate increase. The proposed rate increase is excessive, as is the tax benefits to be received by WVAW. Ms. Berry read the resolution. (attached) Commissioner Scalph motioned to approve the resolution opposing the rate increase and for the County Administrator to send a copy to the Public Service Commission. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Samantha Hale, Director of the Fayette County Public Libraries, to reappoint Bernice Clayton to the Fayette County Library Board, term expiring June 30, 2023. Commissioner Scalph motioned to approve the appointment. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented letters for approval and signature to Senator Joe Manchin and Senator Shelly Moore Capito, supporting the future Land and Water Conservation Fund. Commissioner Brenemen motioned to approve and sign the letters. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented the property lease agreement for Boomer Ball Field. Larry Villarreal and Monty Warner insist the YMCA of Kanawha Valley (the tenant) have first option for the terms of the lease.

"With approval of the Commission in regards to renewal" will be added as an addendum. Signatures still pending.

Ms. Berry presented a lease agreement for the Fayette County Family Law Court Space for approval. The property now belongs to Joe Re. Commissioner Brenemen motioned to approve and sign the lease. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a contract for consultant services with SC Resources LLC for mapping of existing trails at Fayette County Park. Commissioner Brenemen motioned to approve subject to ensuring that more than one quote was received and recorded. This will be paid by the Flex-E Grant. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented quotes for the roof at the Smithers Detachment:

B & K Construction	
Roof -	\$4,300.00
New Soffit around perimeter of building -	\$1,700.00
Total:	\$7,000.00

JC Construction	
Total:	\$8,800.00

Commissioner Brenemen motioned to accept the bid from B & K Construction and they must start work by October 1<sup>st</sup>, 2018. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a quote for heating and AC unit for the Smithers Detachment.

Miller & Sons -	\$4,850.00
Frazier -	\$5,150.50

Commissioner Brenemen motioned to approve the quote from Miller & Sons, with a start date before October 1<sup>st</sup>, 2018. Commissioner Scalph seconded. Unanimous decision.

Paul Clay, Attorney, appeared regarding a Petition for Probate for Reva D. Smith in solemn form. Code provides in section 45.5 for solemn form for anyone with reason to object. The objection results from issues with will not being found. The will was found several years later and was properly acknowledged and witnessed by the County Clerk's office. The petition gives notice as today's date, and all parties have been notified. Today's request is to probate the will with Edgar Smith, Jr. as Executor. Commissioner Scalph motioned to approve Mr. Clay's request approving the admission of this will to Probate in regards to the estate of Reva D. Smith. Commissioner Brenemen seconded. Unanimous decision.

Discussion was held regarding buying a memorial bench for Larry Dotson. The Commission asked Prosecuting Attorney Larry Harrah to look into buying a bench with County funds and to ensure that it is not a violation. Mr. Harrah will check with the Ethics Commission.

Ms. Berry presented a barking dog ordinance for discussion and decision. The Commission, Prosecuting Attorney and Sheriff have reviewed ordinances from other counties. Discussion was held on how this would be enforced, what type of tickets would be issued, and how to handle payment, etc... Mr. Harrah stated that this can be handled by a civil course of action. A letter will be sent to the complainant, Mr. Ron Eagle, explaining this has been considered, however the parties involved are concerned about enforcement.

Michael Callaghan, Attorney, appeared to hold a Public Hearing for the Fayette County Comprehensive Public Nuisance Abatement Ordinance. Mr. Harrah approved reading a one page summary as opposed to the entire ordinance. Mr. Callaghan and the Commission introduced the ordinance on July 27<sup>th</sup>. Public hearings were set for August 3<sup>rd</sup> and

17<sup>th</sup>. All of the proper postings and notifications have been followed, and copies are available free of charge in the County Clerk's office. Mr. Callaghan read the summary of the ordinance.(attached) Additions: this does not provide any private cause of action for anyone this is only geared towards the Commission's ability to respond to hazardous situations in the County. There is no authority for private cause of action under WV Codes Sections 7-1-3f and 7-1-3kk. These statutes are only for government action. The public can bring notice to the Commission for any hazardous issues. The floor was opened for comment.

A question was posed about ongoing regulation in paragraph 6. Can we stop things that are already occurring? Mr. Callaghan stated we can look at any issue, whether new or old once brought to the Commission's attention.

President Wender asked when they should appoint the board members. Mr. Callaghan stated this will be set up after adoption. Most of the positions are dictated by statute. Mr. Callaghan will work with Prosecuting Attorney to fill the other seats. A resolution with interim appointment will be used initially. The Commission can come back with permanent appointments later.

There were several in attendance for the Public Hearing. There were no comments for or against the ordinance. The Commission heard a summary of the ordinance, and also made available full content of ordinance as drafted. The next Public Hearing is scheduled for August 17<sup>th</sup> at 10:00 am.

Anthony Ciliberti, Attorney and Mayor Anne Cavalier appeared regarding the Annexation by City of Smithers. The City is asking for annexation for properties to the east of town. Properties have

owners, but there are no business or homes in the area. Points to be addressed: This is from the city limits of Smithers to Boomer; approximately one mile. There are no objections so far from the public. This would give the City the ability to develop the area for tourism. Mayor Cavalier stated there are approximately 546 acres from the existing City boundary to the top of the mountain, including the opposite side of Rt. 60 to the river, including the islands and other side of the river. The Commission reviewed the supplied map of current and proposed boundaries. There were questions regarding the size of tract. Mr. Harrah confirmed this is not an issue, and was already addressed through a Supreme Court case. There is no impact on public service, such as street maintenance or law enforcement since no residents or businesses are located in the area. There is no impact on a PSD or utilities and should not affect fire protection or fire insurance for the same reasons. This annexation is with an eye for future economic development in the area related to tourism, potential river access, for example. Another aspect is conservation and land management. There are seven required factors according to state code. They have met those and have also addressed additional considerations for the County Commission. Commissioner Scalph motioned to accept as this annexation meets the threshold and criteria for the application. Commissioner Brenemen seconded. A discussion will follow and a Public Hearing will be set at a later date. Unanimous decision.

Kathy Gerancer, New River Humane Society (NRHS), appeared to and introduction of Brett Kees, new Director of the NRHS. Ms. Gerancer gave a shelter update. Presented statistics for the year to date intake and outcomes. Ms. Gerancer gave an overview of the rescue process and adoptions as well as volunteer assistance.

NRHS applied for a grant for a dog play park from Dogs Playing for Life through the Animal Farm Foundation. It provides up to \$10,000.00 to construct play yards for dogs. Requirements include open intake, can't discriminate based on breeds, and willingness to facilitate play groups. A letter of intent has been accepted. The next step in the application process is to get quotes and information on what is needed. NRHS does not own the property so the Commission must grant permission for the play yards to be built on the property. They are looking at locations and have two sites to propose. Commissioner Scalph asked what the criteria is and what the grant will pay for; stated there are no additional monies available. Ms. Gerancer will draft the letter and send to The Commission for Ms. Berry to send for review. Prosecuting Attorney will also review. They will also need a contractor and suggestions for fencing.

Discussion was held on reimbursement fees due to the County.

Commissioner Brenemen motioned to allow the NRHS to choose the parcel and use the funding from the grant to fund the fence and a letter of approval will be submitted to the County Administrator. Commissioner Scalph seconded. Unanimous decision.

Kevin Walker, OEM Director and James Bennett, 911 Coordinator, appeared to discuss the 911 budget. The ranking system has been put on hold; the budget does not include that information. The Commission asked that last year's numbers and this year's be compared.

A proposal for hiring a new dispatcher at \$9.00 per hour with a six month probationary period was presented. He is a retired fireman from Baltimore. Commissioner Scalph motioned to accept proposal to hire Gary Metzbower for 911 telecommunicator. Six month probation at

\$9.00 per hour beginning August 15. Commissioner Brenemen seconded.

Unanimous decision.

The Commission entered an executive session at 12:10 p.m.

The Commission exited the executive session at 1:05 p.m.

Sonny Milam, Maintenance Supervisor and Allen Ballard, Building Safety, presented information about the Memorial Building gas line. They've contacted ten contractors; three have come to look: WV Heating and Plumbing, Pennington's and Modley. No bids can be prepared until they have specs. There are multiple units that need to be removed and/or replaced.

Commissioner Brenemen motioned to authorize Commissioner Scalph to work with Mr. Ballard, Mr. Milam and an engineer to assess the FCMB specs and to allow Commissioner Scalph to authorize up to \$2,500.00 for the engineer to draw up two sets up specs: One for repair, and one for replacement of items for the FCMB. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:33 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 17, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 17<sup>th</sup> day of August 2018.

President Wender called the meeting to order at 9:04 a.m.



Eddie Young, Assessor, presented real property exonerations for North Hill Coal Co. \$323.26; BB&T \$571.84; Michael Jared Whisman \$914.24; Mi Yang Walton \$315.14 & \$305.90; Edward Lee Sawyers \$26.90, \$5.38, \$8.46, \$72.50, \$5.38 & 117.60; Ed Sawyers \$16.26 & \$4.62; Bonnie Hicks \$306.20 & 306.20; Lee Sawyers \$113.74; George Bumgarner \$256.20; and Kathryn Jean Powers \$511.88. Commissioner Scalph motioned to approve the real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented personal property exonerations for Ricky R. Richmond \$197.26 & 360.30; Shawndale F. Syner \$148.34; Christopher R. Toler \$133.92; Layne F. Boggess, II & Heather Tolley \$76.48; Lemon & Judith Perdue \$537.08; Jesse James Jr. & Penny R. Dick \$537.08 & \$506.32; Lydia Hilda Smith \$72.48; Priscilla A. (Estep) \$ Billie J. Pritt \$363.64; Calvin Swafford \$36.72; Andrew L. Miller \$51.26; Christopher D. Lego \$244.78; Frank W. Oliver, Jr. \$6.40; Arnold or Tammy R. Branstetter \$578.88; Dwayne Morton \$134.48; Etta Wyant-Jones \$36.06; Melvin R. Hanshaw \$145.28; Jesser Law Firm PLLC \$11.18, 10.70, and 10.48; Wayne D. Workman \$117.48; George Smithy III c/o April \$791.84; Katie Morton \$67.24; and Jeffrey L. Sr. & Stacy M. Jones \$311.42. Commissioner Brenemen motioned to approve the personal property exonerations. Commissioner Scalph seconded. Unanimous decision.

Mr. Young presented refunds for Bonnie Hicks \$298.54 and Mi Yang Walton \$315.05, respectively. Commissioner Brenemen motioned to approve the refund. Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approved 2<sup>nd</sup> half payroll and release checks on 30<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve the August 3, 2018 minutes. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Benjamin Colagrosso AKA Ben Colagrosso; Sandra S. Winebrenner; Nancy J. Rickards; Jerry Lee White; John Edward Davis; Clarice L. Sodder; Margaret Janney Vargo; and James Burton Shieler, respectively. Commissioner Scalph motioned to approve and authorize the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

James Blankenship, Attorney, presented an application to close an unused road. Mr. Blankenship presented the history of the property in question. The property is located on Rt. 16 and has been subdivided. The owners of the property, The Woods, would like to seek an abandonment of the lots that did not sell. Mr. Blankenship presented a map of the property in question. This does not affect any access to the homeowners in question. A hearing has been set for September 14<sup>th</sup>, 2018. Publication will be in the Register-Herald. Commissioner Brenemen motioned to approve proceeding with the elimination of streets presented today by Mr. Blankenship. Commissioner Scalph seconded. Unanimous decision.

Alicia Treadway, Voters' Registration, appeared to give an update on the election grants. The grant will help pay for security updates and necessary ADA upgrades. The deadline is August 24, 2018. Grants

will also pay for ADA access at Falls View School and the Fairview Church locations. Ms. Treadway presented the applications to the Commissioners for signature. Commissioner Scalph motioned to approve proceeding with the HAVA Grant application that will pay for security equipment upgrades and authorized President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve the 2<sup>nd</sup> HAVA grant application for the precinct upgrades and authorized President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Discussion was held regarding sealing ballots and the associated cost. Due to an unforeseen process with the new elections system and state code, the County will have to reorder 80% of ballots needed. The ballots will not be precinct specific so those not used can be held and used in the next election. Ms. Treadway will order in batches of 100 rather than voter totals to alleviate this issue. Commissioner Brenemen thinks the company should be responsible for some of the cost associated with replacing the ballots that were opened but unused, due to their suggestion with the order. President Wender asked Ms. Treadway to draft a letter to Casto & Harris and Election Systems & Software regarding reimbursement for these ballots and include costs to replace the unusable ballots. If no response, the Commission will deduct said amounts from the equipment lease with Election System & Software, since the cost will be due to their advice when ordering. Ms. Treadway will review with Ms. Berry to ensure the letter meets the Commission's instructions.

Mike Callaghan, Attorney, presented a resolution withdrawing the Fayette County Commission from their Memorandum of Understanding dated December 3, 2001 between Plateau Action network and Various Federal,

State and Local; Government Entities, which has run its course.  
Commissioner Brenemen motioned to approve and sign the resolution.  
Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an Order to Combine or Divide and Segregate Land for Randolph and Jennifer Boyd. Commissioner Brenemen motioned to approve and authorize President Wender to sign the order.  
Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a clerical error for Mia Yang Walton from the Assessor's office. Ms. Walton has requested a refund. Commissioner Brenemen motioned to approve the refund to Mia Yang Walton in the amount of \$307.17. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Susan Hanson, Fayetteville Women's Club, to use the Fayette County Soldiers and Sailors Memorial Building for their Annual Christmas Craft Show and Visit from Santa and Ms. Claus on Saturday December 1<sup>st</sup>, 2018 from 7:30 a.m. to 3:00 p.m. Commissioner Scalph motioned to approve the request with the stipulations that the Women's Club is responsible for cleanup and the protective mats will be placed on the floor. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented congratulatory letters regarding advancement in rank for Corporal Steve K. Neal and Sergeant William R. Callison. Commissioner Brenemen motioned to approve and sign the letters.  
Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a Fayette County Fire Levy Pumper Replacement Agreement for Pax Volunteer Fire Department for the Commission to approve and sign. Commissioner Brenemen motioned to approve and sign the agreement. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a support letter for the Commission to approve and sign for an Architectural/Historical survey for the Glen Jean Union Church to employ a historian to evaluate the structure for preservation validity. This was tabled for future discussion due to incomplete information from the requesting party.

Ms. Berry presented an order for the Estate of Reva D. Smith. Prosecuting Attorney Larry Harrah stated that no motion is needed since this was approved in a prior meeting; signature only. The Commission signed.

Ms. Berry presented a letter to Ron Eagle concerning a proposed Barking Dog Ordinance for the Commission to approve and sign. Ms. Berry read the letter. The Commission approved and signed the letter.

Attorney Mike Callaghan appeared at 10:00 a.m. for a Public Hearing regarding the Fayette County Comprehensive Public Nuisance Abatement Ordinance. Mr. Callaghan presented the summary of the ordinance and gave a history. July 21, 2018 the Commission presented the Notice of Ordinance; July 24<sup>th</sup> the ordinance had its first reading; the Commission set public hearing dates of August 3<sup>rd</sup> and 17<sup>th</sup>. No comments were presented at the August 3<sup>rd</sup> hearing. At the conclusion of today's meeting the Commission can vote to approve or deny the ordinance. President Wender opened the floor for comments. One comment was presented: Jean Evansmore: "Thanks to the Commission for working for the future of Fayette County." No other comments. The floor was closed for public comment. Amendments to the ordinance were presented to the Commission. No private citizen can use this ordinance, it is intended for the county to alleviate nuisances, and does not limit what the Prosecuting Offices can do. This is a technical amendment that clarifies the ordinance. Commissioner Scalph

motioned to accept the proposed amendment to the Fayette County Public Nuisance Ordinance in regards to the remedies and restrictions thereof. Commissioner Brenemen seconded. One additional comment from Mr. Harrah: this does not create a private right of action; action can only be taken through the Prosecuting Attorney's office and the Code Enforcement Agency. There is no authority to try to enforce this ordinance. The amendment only clarifies what is dictated by the state. Gene Kistler asked "What is the enforcement action?" Mr. Callaghan stated that the Code Enforcement Agency can serve notice for cleanup. If the accused does not follow the orders, Mr. Callaghan will go to court for the County. There will also be fines associated with the enforcement. This does give the Agency authority to stop unwanted actions, and will be enforced by the County Sheriff after court case is held. Criminal statues can apply. Unanimous decision to pass amendment.

Commissioner Brenemen motioned to approve the Resolution that furthers all amendments are technical in nature. This does not change the meaning, only clarifies. Commissioner Scalph seconded. Unanimous decision

Commissioner Scalph motioned to approve the Fayette County Comprehensive Public Nuisance Abatement Ordinance and Authority in regards to WV Code Section 7-1-3-ff and kk, and authorize President Wender to sign. Commissioner Brenemen seconded. President Wender asked for any additional comments. None were presented. Unanimous decision and the ordinance was passed.

Discussion was held regarding steps to use ordinance. Mr. Callaghan stated that he can act on the Commission's behalf under certain circumstances. The Code Enforcement Agency is a technical

board that will review orders and problems for consideration. Once approved by board and Mr. Callaghan, the orders can be issued to the offending party. This is a public process. Everything will be available to the public. Any legal proceedings must be approved by the Commission.

Mr. Callaghan presented appointing of temporary members to the Fayette County Code Enforcement Agency, so designated according to state law. This is a temporary measure to get the board started; the public can apply at later date. Temporary appointments are: County Administrator Chair: Deborah Berry; County Engineer Designee: Kate Candillo; County Health Officer: Dr. Anita Stewart; Fire Chief: Shannon Estep; County Litter Control Officer: Tommy Harris; Director of Fayette County Solid Waste Authority: Aletha Stolar; At Large Member 1: Gene Kistler; At Large Member 2: Jeffrey Proctor. A fire chief is requested for the board, cannot be a County employee and cannot be required. Commissioner Brenemen motioned to adopt the Code Enforcement Agency (CEA) and appoint the temporary members. Commissioner Scalph seconded. Unanimous decision.

The Commissioners thanked Mr. Callaghan and the Prosecuting Attorney's Office for help in finding legal ways to deal with the pollution problems in the County. Also to Mr. Proctor and Mr. Kistler for their assistance in moving forward.

Ms. Berry presented a resolution for approval and signature to change the wording of New River Gorge National River to New River Gorge National Park. Jeff Proctor gave a background on this request. National Park status has a tendency to attract about 25% more business initially and long term. This park has been run for 40 years as a

National River with certain usage and management allowances. The only way we would move forward is to keep the same management practices. Nothing will change in the process. The resolution specifies no changes in authorization for hunting, fishing, rafting, and current uses, as well as eminent domain. Ms. Berry read the resolution. Commissioner Scalph motioned to approve resolution in support of National Park designation. Commissioner Brenemen seconded. Unanimous decision.

Kevin Walker, OEM Director and Jamie Bennett, 911 Coordinator, appeared for budget discussions. During this discussion, necessary upgrades to towers and working radios which ensure our first responders and deputies can communicate, was mentioned. This will require further discussion. The Commission requested a history of the problem, definition of the problem, why it has not been fixed, and to send that information to Motorola for comment. The Commission requested setting up a meeting with engineering and establish a plan to take care of the issue and an exact dollar amount. This report will be sent to all involved via email. Ms. Berry will determine who Motorola recommends and ask them to come prepared to discuss fixing problem at a future meeting.

Commissioner Scalph motioned to approve the budget presented for the 911 center. Commissioner Brenemen stipulated money for capital outlay regarding the radio upgrade cannot be used without further approval from the Commission. Commissioner Brenemen seconded. Unanimous decision.

Kelly Jo Drey, County Resource Coordinator, appeared to discuss the Broadband Consultant Decision. Ms. Drey gave some background



information- \$30,000.00 was received through a Community Development Block Grant to help improve broadband access. Region IV prepared the application and Fayette County received the grant to perform a countywide feasibility study. Three serious responses were received and the fourth company withdrew their application. The four proposals were reviewed and ranked by a selection committee and they interviewed the three consultants. Two were very well qualified and Design Nine based out of Blacksburg, VA, received the highest score. No WV based companies applied. The selection committee would like to move forward with Design Nine. The study can be finished in four months. Commissioner Brenemen motioned to enter into negotiations with Design Nine using grant funding. Commissioner Scalph seconded. Unanimous decision.

Discussion was held about the issues at the Memorial Building with Okey Skidmore, FCMB Manager, Sonny Milam, Maintenance Supervisor, Allen Ballard, Building Code Official, and Grant Spencer from Darnold & Lyons, Heating & Cooling in Charleston. The report on the Memorial Building repair needs was presented. The main focus of the report was to address getting the building back in operation, as well as some upgrades that are necessary. Total upgrade is something to consider. Some repairs can be easily completed to at least get the building back online. They will not know the extent of total repairs until technicians can come in and run tests, etc.. They would start this process with hourly billing. The best step is to quote two new units instead of putting money into the old units.

Commissioner Brenemen motioned to enter into a contract with Darnold & Lyons with a cap of \$14,000.00 to repair any gas leaks up to

the point where it enters the furnace room downstairs. Commissioner Scalph seconded. Unanimous decision.

Mr. Spencer will provide to Ms. Berry with the minimum required BTUS to replace furnaces in the basement.

Ms. Berry presented a grant application for WV Courthouse Facilities Improvement Authority (WVCFIA) funding for HVAC replacement at the Courthouse Annex. The Commission requested that Architect Dan Snead appear at the next meeting. Commissioner Scalph motioned to proceed with the WVCFIA grant and prioritize the Annex building with the HVAC system possibly dividing into two phases over 2 years. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a WV Motor Fuel Tax Refund application for approval and signature. Commissioner Brenemen motioned to approve and authorizer President Wender to sign the refund application form and also the Power of Attorney form for the P-card to prepare refunds in the future. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter of support for an ATV trail initiative application for the Hatfield-McCoy Trail System. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Discussion was held regarding the requirement that PSDs have reserve accounts in place in order to apply for grants. Ms. Berry will check with the PSDs to ensure they have these accounts established.

Commissioner Scalph asked for the Resource Coordinator's Office to look at grant funding to help pay for the repairs at the FCMB. Gabe Peña stated he will look, however the timeline of the project may cause an issue.

A tentative Special meeting was set for August 24<sup>th</sup> at 9:00.

The meeting was adjourned at 2:30 p.m.

---

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

AUGUST 24, 2018

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

Also present:

Deborah Berry, County Administrator

Larry Harrah, Prosecuting Attorney

James Bennet 911

Kevin Walker

Joe Crist, Fire Coordinator

Shane Wheeler: Fire??

Benny Filiaggi, President of Fire Association

Rodney Perdue, Chief Deputy

Captain Shawn Campbell, Deputy

Mike Fridley, Sheriff

The Fayette County Commission met in a special session on this 24<sup>th</sup> day of August 2018. This meeting is to discuss concerns about the 911 Center Communications and Systems, and gain resolution. In a prior discussion the Commission asked Tim Richardson, County Zoning Official and Oak Hill Fire Chief, to speak with Benny Filiaggi, President of the Fire Association and Chief Deputy Rodney Perdue. Mr. Richardson was to ask them to speak with their respective employees and members to comprise a list of problems regarding the 911 Center and Communications. Since the concerns involve Kevin Walker, OEM Director, and James Bennett, 911 Coordinator, they have been asked to be present for these discussions.

The meeting will be held in two parts. First, the Commission will ask Law Enforcement to step out of the meeting and the Fire Association members will remain for discussions. Once this part is concluded, the Commission will ask the Fire Association members to

step out of the meeting and Law Enforcement will return for their discussion. The Commission will keep both discussions separate to avoid back and forth discussions between the parties and keep the meeting in order. The Commission's goal is to improve the 911 Center and Communications collaboration with Law Enforcement and First Responders.

President Wender called the meeting to order at 9:28 a.m. Commissioner Brenemen motioned to enter into an executive session. Commissioner Scalph seconded. Unanimous decision.

The Commission exited the executive session at 11:55 a.m.

No decision or actions were taken. The Commission noted that a 911 Advisory Board is already in place. They will be meeting to discuss better operations and procedures for Dispatch, Law Enforcement, Fire, and Office of Emergency Services. The Commission also authorized Mr. Walker to activate SIREN for Law Enforcement as of September 1, 2018 for a trial period, with the potential for the Fire Department to activate as of September 15, 2018.

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

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
AUGUST 31, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 31<sup>st</sup> day of August 2018.

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

Eddie Young, Assessor, appeared to present exonerations for Mi Yang Walton \$298.22; John H. Lilly \$158.98; Lloyd Gilkey \$248.94; James & Brenda Prather \$306.20; Allen Davis \$77.16 & \$88.18; Cleon W. Vosler Family Trust \$991.60; Arless E. & Emma Lou Smith \$219.9; Federal Home Loan Mortgage \$414.28; and Edward L. Sawyers \$88.42. Commissioner Scalph motioned to approve real property tax exonerations presented by Eddie Young. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented two personal property tax refunds for Bonnie Hicks \$622.25; and Mi Yang Walton \$447.81. Commissioner Brenemen motioned to approve the refunds. Commissioner Scalph seconded. Unanimous decision.

Mr. Young presented an Application for Correction of Assessment for Donald R. Reynolds; parcel was erroneously left off books. Commissioner Scalph motioned to approve the application. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approved 1st half payroll releasing checks on September 14<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented estate settlements for Robert A. Burnside, Jr.; Letha Mae Flanagan AKA Letha M. Osborne/Letha Osborne; Leonard Lowell Thomas; Kenneth Harvey Cottle, Sr.; Donald Wayne Hurst; Carol Lea Hess; Herbert Eugene Bowyer; Katie Jo Smith; Ramona Frances Cuthbertson; Freddie Adam Moses Davenport, Sr.; and James Robert Thomas. Commissioner Scalph motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from August 17<sup>th</sup> and August 24<sup>th</sup>, 2018. Commissioner Scalph seconded. Unanimous decision.

Deborah Berry, County Administrator, presented Orders to Combine or Divide and Segregate for Patricia Bennett; Shirley D. and Audrey Love, Trustees of the Love Family Trust; Colleen Laffey; and Jennifer Bunner, respectively. Commissioner Brenemen motioned to approve and sign the orders. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented the Community Corrections Grant Agreement for \$130,000.00 for approval and signature by President Wender. Commissioner Scalph motioned to approve and authorize President Wender to sign the grant agreement. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Brian Smith, Farmland Protection Board Program Coordinator, to appoint Steve Wheeler to fill the unexpired term of John Gilkerson who resigned, said term expiring May 16, 2019. Commissioner Brenemen motioned to approve the appointment. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a congratulatory letter to Brian Sparks for the Distinguished Service Award he received at the NACAA conference. Ms. Berry read the letter. The Commission signed.

Ms. Berry presented a letter in support letter of the New River Humane Society's application for an animal play yard grant through the Animal Farm Foundation. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Sharon Cruikshank, New River Gorge CVB, to use the parking lot as a vendor staging area the morning of Bridge Day on October 20<sup>th</sup> from 4:00 a.m. to 7:30 a.m. Commissioner Scalph motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Circuit Clerk Cathy Jarrett for storage space at the Fayette County Soldiers and Sailors Memorial Building. The Commission advised that they are not ready to make a decision at this point due to pending issues with the building.

Ms. Berry presented a storage building quote for the WVU Extension Office. A quote from Backyard Builders was received for a 12 x 20 building for \$4,455.00. The Commission tabled this for discussion and instructed Maintenance Supervisor Sonny Milam to obtain more quotes.

Ms. Berry presented invoices from Kelly Jo Drey, Resource Coordinator, for approval for the Fayette County Unified Development Code documents to be typed and formatted. The available PDF document is not able to be reformatted. The Commission tabled this discussion to determine if an electronic and editable copy already exists. The Commission will pay Shellie Oden \$250.00 for her initial work. Commissioner Scalph motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Steve Slockett, VP of Fayette County Board of Education (FCBOE) appeared to give a schools update. Mr. Slockett first gave an update on Construction Phase 1. In August 2016, the School Building Authority (SBA) presented a plan to the FCBOE and state BOE, which the SBA approved for funding. The SBA funded \$23 million of a \$43 million project, which is ongoing. The project is currently 30 days behind

due to weather and inability to get steel delivered. The plan is to have both structures under roofs by December 1, 2018. The new schools will be called Oak Hill Middle School, New River Primary School and New River Intermediate, all based on grade level. In June of 2016 the SBA awarded money to work on Midland Trail High School and this project is complete. The Midland Trail complex is now a 6-12<sup>th</sup> grade school. Multiple improvements were made inside and out, including computer rooms, bathroom remodels, new doors, and general maintenance. In June of 2017, the FCBOE received a \$1 million grant for safe school interest at Oak Hill High School. This should be finished by October 1<sup>st</sup>. In June of 2018, the FCBOE was awarded one million grant to add six classrooms and bathrooms at to Fayetteville High School to turn that building into a Pre K - 8<sup>th</sup> grade facility. That project was awarded to Dan Hill Construction with completion scheduled by next school year. President Wender asked about the current plan for the Valley district. Mr. Slockett said some time in next 30 days, Anna Kincaid Cline and Margaret Pennington, Assistant Superintendents, will meet with 6-11<sup>th</sup> grade parents to explain options based on where they live. Students will have the option to be transported to Riverside in Kanawha County. Gauley Bridge area students will be sent to Midland Trail High School. Valley High School students will be sent to Oak Hill. There is an MOU with Kanawha County to accept all students that wish to attend Riverside instead of Oak Hill.

Commissioner Scalph asked about new facility names. Mr. Slockett stated that Oak Hill High School is not being consolidated and is considered a merger school. Commissioner Scalph stated that many people think the school should be renamed to make students feel included, with potential input from high school students. Mr.



Slockett stated this was part of the personnel meeting discussion. The superintendent said county BOE has the authority to change the name; no one else has the authority. This is a low priority for the BOE. If it does happen, it will be announced publically and discussed in an open meeting. Education takes precedence. Commissioner Scalph suggested it would be a good thing to do, to allow students to have input and would act as a unifying gesture for the county. Mr. Slockett stated other priorities take precedence. This must be addressed later.

James Kincaid, Chairman, of Page-Kincaid PSD appeared to give an update on their water situation. John David, PKPSD member, and Bart Jackson, PSD manager, were also present. President Wender asked when the public demand will be met for safe water. Thanks were given to Kevin Walker, Office of Emergency Service Director, for finding water buffalos from Cabell County, and also tanks from the Boy Scouts. Water is located at the Loup Creek Volunteer Fire Department.

Mr. Kincaid explained the system and how wells are affected by mining activity. The Fayette County Health Department has verified that the water only contains iron causing the brown color, and is safe for consumption. Filters have been completed are being backwashed the required three times to eliminate any chemicals that may be present. The potable water should be ready within the next few days. The PSD plans to contact adjacent coal companies regarding their contribution to the problem. Mr. David believes it would be difficult to determine where the problem starts. The PSD might need to talk with attorney Mike Callahan regarding covering this through the bonds that mining companies are required to hold.

President Wender asked if their intent that day was to ask for funding. Mr. David stated it was. Commissioner Brenemen asked how much is in their capital improvements fund. Mr. Kincaid stated nothing is currently there; the PSD has not had the money to contribute to that fund. They can purchase chemicals and pay employees, or fund the capital improvement account; they can't do both. Commissioner Brenemen stated that there are rules and regulations required through a Senate bill. This account is required to receive grant money. Mr. Kincaid reiterated there is not money available to deposit in the fund and that everyone is in the same situation.

Mr. David would like the current bonds to be refinanced to help with high interest rates. President Wender asked about consolidating all of their debt into one account. But that presents issues with addressing various terms, etc... Mr. David stated the bond council can answer those questions.

Discussion was held on rates currently charged and the Commission reviewed information given and difficulty in receiving funding. The USDA does not consider this an emergency situation.

President Wender asked how the PSD will pay for needed filtration media and asked Leslie Taylor, Region 4 Planning & Development, her opinion on consolidating debts. Ms. Taylor suggested talking to John Stump at Steptoe & Johnson regarding bond requirements. President Wender asked Ms. Berry to contact John Stump and ask him to come speak with the Commission and PSD regarding options, potentially in a special meeting.

Fayette County is currently below the required rate of 1.5% from funding agents; you are not grant eligible below this. Fayette County

is an average of 1.46%. Mr. Kincaid asked would the Commission entertain the idea of drafting a letter to the mine operators to let them know what is happening and ask for their response to helping rectify the issues. Prosecuting Attorney Larry Harrah will speak with Mike Callahan and will contact Mr. David for discussion.

President Wender thanked Kevin Walker again for finding water and Jake Johnson, Loup Creek Fire Chief, for fire department manpower in distributing water. Mr. Walker thanked Jane Hardy and Libby Lucas for helping the citizens and delivering meals to the residents in the area. Ms. Lucas praised Loup Creek Volunteer Fire Department stating they have been incredibly helpful working from 10:00 a.m. to 10:00 p.m. and working 12 hour days.

Andrea Mender, Parks & Recreation Board Authority (PRAB) Chairman, appeared to give an update. Renee Harper, Parks Director, and Gabe Pena, Deputy Resource Coordinator, were also present. President Wender sated his disappointed that Ms. Mender will be leaving the county for Florida; she has been a great asset.

Ms. Mender introduced Katie Johnson, new PRAB board member. Last spring, PRAB worked with WVU student to do a master plan from park. Ms. Mender presented the report to the Commission. They used community surveys and information from the Park on what to include. Potential ideas were fire pits, amphitheater, more defined space around pond area, a community building, an archery range, and educational pavilions. There are two grants in the works for trail design for \$8,245.00 with a matching contribution from Commission. \$1,425.00 will come from the Park. This is aimed at mapping existing trail locations and making them usable. There is the potential to

connect to other area trails. PRAB also held a community meeting to discuss ideas and thoughts on trails.

The second grant is from the National Coal Heritage Foundation. Received \$7,500.00 with a \$7,500.00 in-kind match to build a natural coal themed play area. Ms. Mender has a contract from Three Trees Design, Charleston, for the Commission to sign. They are the only company in WV that has the certification in natural play spaces. Design cost is \$4,400.00, which is covered by the grant. President Wender would like to proceed with the initial \$2,200.00 design phase to ensure we approve before moving forward. Commissioner Scalph asked if we do not move forward with the 2<sup>nd</sup> and 3<sup>rd</sup> phase, can we re-designate and use the grant for materials to build. Ms. Harper stated the company provides the design, the board reviews and has an opportunity to change, weigh-in or approve. Commissioner Scalph stated she approves of this as long as they have an opportunity to approve or make changes. Commissioner Scalph motioned to approve the plan presented from Three Trees Design upon approval from Prosecuting Attorney Larry Harrah. Commissioner Brenemen seconded. Unanimous decision.

John Shumate, Attorney, appeared regarding Mt. Hope's Application for Annexation by Minor Boundary Adjustment. Mr. Shumate presented the initial information - Five parcels between Garden Ground area and Rt. 16. This annexation will adjoin the bypass and Mt. Hope municipal property. Mt. Hope already provides fire and other services to this area. However, the police have no jurisdiction to address any issues on the parcels. Solid waste is available. Tentative second hearing will be held on September 28<sup>th</sup> at 10:00 a.m.

After a review of the information, Commissioner Scalph motioned to approve the application with a second hearing to be set for September 28<sup>th</sup> at 10:00 a.m. and proceed with advertising for the public hearing. Mt. Hope is responsible for the cost of legal advertising. Commissioner Brenemen seconded. Unanimous decision.

Denise Smith, from Montgomery appeared to be introduced to the Commission. Ms. Smith is kicking off her campaign in Fayette County for WV Supreme Court.

Concerned Citizens Committee from Pax and Surrounding Areas appeared regarding grants assistance and issues in the area. Present were: William Hughes, Mayor; Steve Holstein, Pax area resident; Martha Wines, resident; Shirley Roberts, resident; Anna Davis, area resident; and Scott and Ray Dickenson.

Mr. Holstein presented a request for funds to the Commission. Speaking in regards to criminal issues, people are arrested and back in the communities within a few hours. Mr. Holstein asked why this happens. Mr. Harrah stated the initial arrest and released back in community process is due to arraignment and posting bond. The only instance bond cannot be set is in murder and kidnapping cases. If they meet the bond, they are released until trial. The judge has the ultimate decision to put in jail or not.

Mr. Holstein asked what they can do as a community. Mr. Harrah stated information sharing is critical. Mr. Holstein said that they receive threats when they share what they've seen. Older people are afraid to say anything.

Another issue is dilapidated housing. Mr. Holstein asked what happens with houses they turn into dilapidate housing department. The Commission explained that they have a small fund that operates on

a point system. If a dilapidated property is on an active highway there are greater chances of recovering money invested in the demolition due to things such as available water services, driveway etc.. The county has had to tear down very few at our own expense. The Commission suggested meeting with Angela Gerald in the Building Safety Department and bring people in and inform them.

Discussion was held regarding ordinances. The question was asked, if there is no ordinance present, does the county take precedence? Mayor Hughes stated that Pax has some ordinances, however they have no way to enforce them - they do not have law enforcement. Discussion was held regarding setting up an ordinance and code enforcement ordinance: how to address, penalize, and remedy the situation.

Discussion was held on possible grant application assistance. This idea started the initiative to form a group to clean up the Town of Pax. The group would like to request money to help clean up state owned properties, such as the streams, etc.. and work on cleaning up creek banks, etc.. Their major vision is to clean up their community and bring in businesses.

Typically these applications are reviewed, especially when they are presented outside of budget sessions. President Wender asked if they are registered as a non-profit. The group is not yet registered. President Wender stated that they must be registered as a non-profit before grants can be considered.

Grant application assistance will be tabled until the non-profit has been set up.

The Commission entered into an executive session at 12:57 p.m. for discussion with legal council

The Commission exited the executive session at 1:10 p.m.

Commissioner Brenemen motioned to authorize Mr. Harrah to negotiate and make a confidential settlement in a legal matter. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:11 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 14, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 14<sup>th</sup> day of September, 2018.

President Wender called the meeting to order at 9:06 a.m. Assessor Eddie Young appeared to presented real property estate exonerations for James F. Bailes, Jr. \$108.68; Melissa L. Fleshman \$536.48; Joy G. Bressler \$170.64; Dorothy Fry Birt \$7.70; Dorothy Callison \$7.70; and Trustees of the Glen Ferris A C \$1,944.56. Commissioner Scalph motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented a refund for Dorothy Fry Birt for \$7.60. Commissioner Brenemen motioned to approve the refund. Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve second half payroll and release checks on September 28<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve prior minutes from August 31, 2018. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Mary Elizabeth Ratliff; Charles Edwin Smailes; Adam Floyd Hanshew, Sr.; Larry Bertram Canterbury, Sr.; Glenn Ray Richards; Harrison Claude Williams; Josephine Pigg; Raymond N. Hinzman; George Matthew Edwards; Roy Lee Tinchler; Ruth H. Carson; Lon B. Wilson, Jr.; Lake Thomas Shoemaker, Jr.; Joe Hill; Mildred Louise Muir; and Judy Ann Middleton.

Commissioner Scalph motioned to approve and authorize President Wender to sign the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Debbie Berry, County Administrator, presented a property lease agreement with the YMCA of Kanawha Valley for Boomer Baseball Field Property for approval and signatures. The Renewal Terms now read: The Tenant, at its option, may renew this lease each year per renewal term by providing the Landlord with written notice of renewals no later than thirty (30) days prior to the end of the term of the renewals term. The lease terms during any such renewal shall be the same as contained in this lease. Should the Tenant fail to renew the lease within the thirty (30) days as required, the Tenant may give notice to the landlord within sixty (60) days after the expiration of the lease of its intent to lease the property, *with permission of the Fayette County Commission* (italicized section added in revision.) Commissioner Brenemen motioned to approve the lease. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to Thomas J. Smith, P.E., WV Department of Transportation, to request that as part of the



replacement bridge project that the current area used for rid-share parking be upgraded allowing safer ingress and egress from the highway as well as lighting, allowing individuals to feel safer in the evening hours, for the Commission to approve and sign. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for approval and signatures to John David with SALS thanking him for his involvement with the Feed and Read program this summer. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Kelly Jo Drey & Tim Richardson, Planning Commission representatives, appeared regarding the Unified Development Code (UDC) electronic version discussion. Ms. Drey and Mr. Richardson discussed the difficulty with previous digital versions of the document and the ability to edit. Efforts at conversion from current format have failed. It must be re-typed from scratch. Discussion was held regarding plans and how it will be updated in the future. Commissioner Scalph motioned to approve the request for an electronic version to be prepared for a total of \$1,269.00 with initial deposit of \$317.25 to Edna Van Baulen. Commissioner Brenemen seconded. Unanimous decision.

The Commission presented a Certificate of Honor to Russell Deering for his years of service to the Gauley River PSD and Central Appalachian Empowerment Zone boards. Kenny Bowles from GRPSD was present to accept. Mr. Deering has been the driving force behind the Gauley River PSD from the start. President Wender read letters from CAEZ, the USDA, Amy Swan and Sammy Gee. Commissioner Scalph read the

Fayette County Certificate of Honor to be presented to Mr. Deering, thanking him for his service and dedication. Mr. Bowles will deliver the award to Mr. Deering at home.

Lesley Taylor, Region 4 Planning & Development appeared regarding the Final Performance Report for Kanawha Falls PSD Boonesborough-Kanawha Falls Waterline Extension and Final Drawdown. KFPSD Resolution #36 final drawdown is for \$8,461.61. They will be returning some money. Ms. Taylor thanked the Commission for their assistance during this project. Commissioner Brenemen motioned to approve completing the KFPSD water upgrade. Commissioner Scalph seconded. Unanimous decision.

Ms. Taylor presented the final performance report and summary of the project. Commissioner Brenemen motioned to approve the final performance report for the Boonsboro-Kanawha Falls water line extension. Commissioner Brenemen seconded. Unanimous decision.

Ms. Taylor presented Resolution #1 and drawdown of \$1,394.97 for the Broadband Project. This represents half of the fees. Commissioner Scalph motioned to approve the request for the first resolution and to release the check for Region IV Planning and Development Council. Commissioner Brenemen seconded. Unanimous decision.

Ms. Taylor presented a professional contract for Design 9 which will be providing the services for Broadband. Commissioner Brenemen motioned to approve the professional contract for Design 9 for broadband extension process. Commissioner Scalph seconded. Unanimous decision.

A Public Hearing was held for Early Voting location designations. This public hearing is to approve sites at the Soldiers and Sailors

Memorial Building, Danese Community Center and Montgomery City Hall. The locations were advertised in the paper; no comments made. Commissioner Brenemen motioned to approve the 3 locations for Early Voting. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented the lists of poll workers submitted by the executive committees for signature. Commissioner Brenemen motioned to approve the Democratic and Republican poll workers. Commissioner Scalph seconded. Unanimous decision.

Alicia Treadway, Voters' registration, appeared with an update on the HAVA grant. Fayette County was awarded grant money in the amount of \$52,000.00 to purchase the remaining 13 DS200s, 8 extra thumb drives, and security including cameras and keyless entries to storage room. The Commission's portion will be specified in a letter to be received from the Secretary of State. Delivery will be after the General Election. In 2016 with the old system, ballots cost \$43,462.00. For the 2018 Primary with the new system, we spent \$15,000.00 for ballots and saved \$28,000.00. General 2016 cost \$25,063.00. 2018 general election will be another \$15,000.00 saving another \$9,000.00.

Ms. Berry presented bids for the Furnace and AC for the Fayette County Soldiers and Sailors Memorial Building. Only one bid was received from the advertised request for bids. Commissioner Scalph motioned to approve the bid of \$13,970.00 to replace two HVAC systems. Commissioner Brenemen seconded. Unanimous decision.

James Blankenship, Attorney, appeared regarding a street abandonment. Notifications were sent by certified letter and no one responded or had issue. The abandonment was published as required by statute. Prosecuting Attorney Larry Harrah has reviewed and approves.

Commissioner Scalph motioned to approve the closure of an unnamed and unused street in the north Fayetteville subdivision No. 1, New Haven District, per the will of Charles E. Mahan, IV, Charles R. Wood, Executor. Others involved are Thomas B. Wood, Hank Seay and Rhonda Seay. Order sets forth that publication was made, certificate of publication was filed. All adjacent property owners were provided notice by certified mail, no appearances made. No roads have been built. Property owners fronting the highway have clear and unobstructed access. The Town of Fayetteville has approved their portion. Commissioner Brenemen seconded. Unanimous decision.

Grant Spencer from Darnold Lyons appeared to give an update on the Memorial Building gas line issue. Commissioner Scalph motioned to authorize work to continue and trace the lines up to the second floor as long as the work remains under the \$14,000.00 cap. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to bid for two furnaces and flue for the Memorial Building so work can continue on next phase. Commissioner Brenemen seconded. Unanimous decision.

Angela Gerald, Beautification Committee, appeared to update the Commission on dilapidated complaints and Smithers. The first complaint is Susan Worrell - 67 Office Street off of Summerlee, Oak Hill. Ms. Gerald has sent several notices to the owner. Commissioner Scalph motioned to proceed with serving Ms. Worrell with paperwork to start the dilapidated property procedure. Commissioner Brenemen seconded. Unanimous decision.

The second property is owned by Eric Pack - 181 Booth Street, Oak Hill, off Prudence Road. This house burned. Commissioner Scalph

motioned to approve serving complaint in regards to the property owned by Eric Pack. Commissioner Brenemen seconded. Unanimous decision.

Discussion was held regarding dilapidated properties in Smithers. Attorney Anthony Ciliberti gave updates and plans for proceeding.

Mr. Ciliberti then appeared for a Public Hearing for Annexation by Minor Boundary Adjustment in Smithers. The City of Smithers met the advertising requirements, address services, published as a Class II legal advertisement and has posted the mandatory five notices; completed all necessary steps. Mr. Harrah reminds that the Commission must verify the City has met the seven factors requirements as specified in Code 865-f. Mr. Ciliberti updated the application to meet these requirements and they have been added in paragraphs 10-16: contiguous nature, DOH right away, parties subject to annexation oppose or support, consists of street or highway with a free holder, consists of a street or highway which does not include a freeholder; if another municipality has made application and if in the best interest as a whole for the county. The number one factor is if it is a minor boundary adjustment and meets the seven factors.

Commissioner Scalph motioned to approve the annexation based on considering the seven factors, findings and fact and conclusions of law do meet the factors sufficiently, it is to be a minor boundary adjustment, and it is in the best interest of the county. No public opposition was made at the public hearing. Commissioner Brenemen seconded. No further discussion held or comments were made. The Commission acknowledges the order will be signed at a later date. Unanimous decision.

Ron Eagle appeared for a Barking Dog Ordinance discussion. This problem started when Steve Kessler was Sheriff. The current Sheriff

and deputies have also visited. However, without a law to enforce, this problem can't be eliminated. Commissioner Scalph motioned to have the Prosecuting Attorney's Office develop an ordinance regarding noise and public nuisances in the county. Potential hearing dates are October 12<sup>th</sup> and October 19<sup>th</sup> to allow room for proper publication. Commissioner Scalph motioned. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a resolution requested by the Rail Passengers Association petitioning Amtrak leadership to reconsider altering or discontinuing The Cardinal Run through WV. Commissioner Brenemen motioned to adopt and sign the resolution. Commissioner Scalph seconded. Unanimous decision.

Discussion was held regarding a letter from Page Kincaid PSD concerning a request for \$20,000.00 for their water filtration crisis. Ms. Berry will draft a letter reminding the PSD of discussions from prior meetings pertaining to similar requests and criteria set by the Commission for funding assistance. No response was received from the PKPSD Board regarding the previous discussion.

Ms. Berry presented for discussion possible meeting date for John Stump regarding PSD debt consolidation. No decision was made.

Ms. Berry presented quotes for the storage building at the WVU Extension Office. Two quotes were received:

Backyard Builders - \$4,455.00

Premier Structures - \$4,695.00

Sonny Milam, Maintenance Supervisor, will look at products and decide which is best suited for their needs. Commissioner Brenemen motioned to approve Sonny Milam to look over the quotes and make the best

decision up to \$4,695.00. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Tabitha Stover, Fayetteville Convention and Visitor's Bureau, to use the courthouse lawn on Saturday, October 20, 2018 from 12:00 p.m. to 6:00 p.m. for the annual Bridge Day Chili Cook Off. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a Greater Kanawha Valley Foundation grant support letter for approval and signature of the Commission. The YMCA of Kanawha Valley is applying for the grant to assist with roof repairs to the Baisi Athletic Center in Montgomery. Commissioner Brenemen motioned to sign the grant support letter for the YMCA of Kanawha Valley. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen presented for discussion a request from Oak Hill City Council to prepare a resolution in response to the EPA proposing that Minden be included on the National Priorities List of Superfund Sites. Commissioner Brenemen motioned to authorize Ms. Berry to draft a resolution to support Minden citizens with the superfund. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:26 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
SEPTEMBER 28, 2018  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 28<sup>th</sup> day of September, 2018.

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

Eddie Young, Assessor, appeared to present personal property exonerations for The Hannon Company \$1,32.24; Penny D. Wilson \$71.46; Ellen K. & Glenn E. Deel \$7.64 & \$9.18; Pamela Jean Smith \$53.86; Tara L. Williams \$31.12; Billy G. Simms, Jr. \$260.64; Christopher S. Rinehart \$258.30; Jeffrey A. & Diana Lockman \$746.18; John J., Jr. & Belinda K. Armstrong \$293.20 & \$277.44; William R. or Carol Bennett \$327.82; and Jared Lipscomb \$302.04. Commissioner Scalph motioned to approve the exonerations. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented real property exonerations for New Haven PSD \$7.70 & \$7.70. Commissioner Brenemen motioned to approve the exonerations. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from September 14<sup>th</sup>. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for David Curtis Lester; Arnold Lee Whitlow; Irene Harris; Paul Clinton Reynolds; Joseph Earl Cuthbertson; Edward Lee Jones; Lylia J. Holliday; Wade Clinton Skaggs; David Leon Sullivan; Jennifer Mary Nugen; Peggy Dorsey; Anna Frances Romine; Michael Lynn Belmont; Manuel Davis; Norma Faye Fox; Jessie Malada Leigh Fox; Florence Bethel Colagrosso; Frank I. Blankenship, Jr.; and Shirley Maxine Radford Taylor. Commissioner Scalph motioned to approve the state settlements. Commissioner Brenemen seconded. Unanimous decision.



Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Angela Gerald, Building Safety Departments, appeared to give dilapidated property updates. Fifteen structures have been taken down. There are 157 that were voluntary take downs. 130 remain on the list of identified properties. There are two buildings that will be decided on October 19<sup>th</sup>. Violation notices are being sent to start the process with mobile homes recently discussed. Discussion was held regarding dilapidated properties in Pax and the need for an ordinance as well as the lack of funding. President Wender suggested speaking with the City of Oak Hill regarding their high grass ordinance as a way to combat some of the issues. Pax plans to adopt a vacant property registration similar to the City of Oak Hill.

Commissioner Brenemen motioned to enter into an executive session for legal counsel consultation at 9:40 a.m. Commissioner Scalph seconded. Unanimous decision.

The executive session ended at 10:00 a.m.

Commissioner Scalph exited the meeting for an offsite presentation at 10:00 a.m.

John Shumate, Attorney for City of Mount Hope, appeared with a request for annexation by minor boundary adjustment. The application was filed, notices posted, and the paperwork is in order. Mr. Shumate had an updated map in regards to the boundaries. The Commissioners and Prosecuting Attorney Larry Harrah reviewed the map. The city's interest of this annexation is that they provide police, fire, water and sewer to these properties outside the limits without receiving property taxes, as well as B&O taxes from those businesses involved.

The City provides those services and must expand boundaries. Comments and discussion were held regarding citizens that are affected as small business owners. President Wender asked a question regarding spot zoning and if that is an issue. Mr. Shumate said this has been considered and should not be an issue since all are the same classification. Mr. Harrah asked what the thinking was which prompted the selection of these properties. Mr. Shumate stated that there are several residential properties and this is only looking at commercial annexation. The Commission asked if the seven factors within Chapter 8 have been addressed and if the City of Mount Hope is in compliance. Mr. Shumate stated the factors have been addressed and answered.

Commissioner Brenemen motioned to approve the annexation of proposed properties by way of minor boundary adjustment. President Wender seconded. Unanimous decision.

Mayor Kalispel "Bippy" Holcomb, Ansted, appeared to present information regarding their sewer extensions. They have been working on a sewer project since 2014 and wanted to update the Commission on the phases of the project. It will cost \$7.5 million for Ansted to upgrade. A total sewer system extension will cost \$19 million when complete. They are looking at a federal green grant to help with the smaller communities. Turkey Creek would be the second phase of the project.

Mayor Holcomb also has an issue to report. The DEP issued a fine of \$228,000.00 because of bypasses. President Wender suggested that the Commission write a letter in support of the town and the expansion project to potentially help lower the fine. Resource Coordinator Kelly Jo Drey will assist with writing the letter and ensuring the

proper parties are involved in potentially helping move the project forward.

Mike Rezac, WV Counties Risk Pool (WVCoRP), appeared to give an update on membership, etc... WV CoRP will be holding blood borne pathogen training for maintenance in October.

Ms. Berry presented a WVCFIA Grant application for the first phase of replacing the HVAC at the Courthouse Annex. Commissioner Brenemen motions to approve. President Wender seconded. Unanimous decision.

Ms. Berry presented a request from Brett Kees, Director of the New River Humane Society for a decision about paving at the Animal Shelter. Jane Lee Enterprises, Inc. sent four quotes:

- \$19,772.00 - millout and patch 6,574 square feet
- \$37,821.00 - millout and patch with 2" overlay on entire parking lot and road
- \$4,200.00 - Extra Parking Lot on left of building 45' x 20' - Remove grass, put down 2" gravel and 4" asphalt
- \$42,021.00 - Complete patch, pave and enlarge lot

The Commission recommended patching work to be completed by Wayne Workman from the park.

Ms. Berry presented a State of WV Purchasing Agreement for approval and signature of President Wender for the WV Broadband Grant for cost of mailing the speed test cards with the Tax Statements - \$646.60. Commissioner Brenemen motioned to approve signature of purchasing agreement. President Wender seconded. Unanimous decision.

Ms. Berry presented a request from Bill Sohonage, chairman of the Democratic Executive Committee, for the Fayette County Democrats to use the Soldiers and Sailors Memorial Building on Saturday October 27, 2018 for their 8<sup>th</sup> Annual Democratic Dinner. The Commission will approve with the typical fee associated for this type of event.

President Wender motioned to approve with use of floor covering. Commissioner Scalph seconded. The Committee must pay the entire rental fee and take care of clean up and custodial services; must be responsible for any damages. President Wender accepted the amendment to the motion. Unanimous decision.

Ms. Berry presented letters to Page Kincaid PSD and the Public Service Commission for approval. The Commission signed. These letters were approved in a prior meeting.

Ms. Berry presented a letter for approval and signature of President Wander to modify the terms of the Purchase-Sale Agreement dated and accepted August 29, 2016 between CSX Transportation, Inc., and The Greenbrier County Commission and The Fayette County Commission, covering 52.03 acres of land located in Greenbrier and Fayette Counties, WV. The modified terms would be to extend the Closing Date to on or before October 26, 2018. Commissioner Scalph motioned to approve and authorize President Wender to sign the agreement. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a discussion about the Personnel Manual related to Jury Duty Pay and Smoking. Chief Judge John Hatcher sent a letter informing he felt county employees should be paid for their service for jury duty. Currently, the Personnel Manual states if an employee is called to serve as a juror, the County will pay the difference between the amount paid for jury duty and his or her own regular rate of pay, up to thirty (30) days. The Ethics Commission has forwarded an opinion that stated that a public employee may accept his or her jury duty pay and also be paid by his or her public employer if there is personnel policy authorizing paid time-off for jury duty. They also inform that if there are questions regarding the

legality of the County Commission's policy, then you should question the County Attorney. The Commission is currently reviewing policies for the Jury Duty Pay. This was tabled for further discussion.

Discussion was then held on the Smoking policy. The County is a non-smoking facility. Those wishing to smoke may do so outside and away from building entrances. A request was presented to include e-cigarettes and vaping into this section. The Personnel Manual will be amended to include the use of e-cigarettes and vaping and personnel will not be allowed to use open containers for spitting smokeless tobacco. Ms. Berry will have the changes made and will send out a memo. Commissioner Brenemen motioned to approve these changes. President Wender seconded. Unanimous decision.

Ms. Berry presented a request from Maintenance Supervisor Sonny Milam to rent a pressure washer to wash the outside of the Courthouse, starting where the Arch Masonry project will stop, working their way around. Commissioner Brenemen motioned to approve this request. President Wender seconded. Unanimous decision.

A bid opening was held for the FCMB HVAC system. Only one bid was received from Darnold Lyons. This will be paid from the Building Improvement fund. Commissioner Brenemen motioned to accept bid from Darnold Lyons of \$11,685.00 to install two furnaces at FCMB. President Wender seconded. Unanimous decision.

The meeting was adjourned at 1:10 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 12, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENEMEN

The Fayette County Commission met in a regular session on this 12<sup>th</sup> day of October, 2018.

President Wender called the meeting to order at 9:11 a.m.

Assessor Eddie Young appeared to present exonerations for real property for CitiFinancial Inc. \$95.42 & \$105.18; and Clarence & Emily Hoffman \$6.42 & \$7.70. Commissioner Scalph motioned to approve, Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented personal property exonerations for Sue Peggy \$54.86 & 54.22; Taylor N. Auxier \$20.74 & \$20.74; Franklin Jr. & Leonora Tuck \$226.28 & \$195.36; Tommie or Sheila G. Keith \$574.74; Earl N. Hollister II \$475.62; Tommy L. & Angela N. Proskin \$226.58; and Stephen Perry \$38.36 & \$33.20. Commissioner Brenemen motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from September 28, 2018. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Louise Rita Morrison; Harlon Lloyd Good; Mary Kathryn Wood; Beatrice Page; Glenna Geraldine Legg; Clarence William Wright, Sr.; Mildred S. Bragg Harmon; Paul Michael McGraw; Jilly Lee Shumate; Geneva Aide; Reaford Thacker; Donnie Eugene Pethtel; and Margaret Loraine Pethtel. Commissioner Scalph motioned to approve the settlements. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll and release on the 15<sup>th</sup>. Commissioner Brenemen 2<sup>nd</sup>. Unanimous decision.

Mr. Young presented two personal property refunds for Franklin and Leona.... Commissioner Brenemen motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

James Blankenship, Attorney, appeared to present an Order Appointing Report of Claims in the Estate of Martha Akers. Mr. Blankenship had a report and claim on an estate from 2005 that had not been closed. All proper steps have been taken according to statute and he recommends that the outstanding claim be dismissed. Commissioner Brenemen motioned to confirm Mr. Blankenship's report in the estate of Martha Akers. Commissioner Scalph seconded. Unanimous decision.

The Commission entered into executive session at 9:22 a.m.

The Commission exited the executive session at 9:55 a.m. No decision.

Commissioner Wender signed a sub grant award for program 2017 EMPG.

Kevin Walker, OEM Director, and Army National Guard spokesperson Sgt. Richard Rader appeared regarding the Slum and Blight Project. They are working toward demolition of slum and blighted buildings due to illegal activities occurring in these buildings. Properties must be affected by flood and under ownership of the original owners, who must also be low income, to participate in this program. The county will be providing another list of properties that are affected for review. Is a free service for low to mid income homeowners. The Commission will only need to supply the list of affected properties.

Funding is from a Community Development Block Grant through HUD. Letters will be sent to the owners in question and they will be requested to attend a meeting. There will be a hold harmless agreement, with a right of entry agreement for National Guard members. Work will begin with Angela Gerald, Building Safety, today to provide the list. The Commission will sign a letter of support.

A Public Hearing was held for a Barking Dog Ordinance.

County Administrator Debbie Berry read the ordinance and described Excessive noise as noise that effects at least two households. President Wender opened the floor for comment.

After further discussion of issues with the ordinance, the ordinance was not passed. Commissioner Scalph motioned to deny the passing of the ordinance as presented. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to cancel the 2<sup>nd</sup> hearing on October 19<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

The Commission asked Prosecuting Attorney Larry Harrah to draft another ordinance. Commissioner Scalph motioned to set the date for the 1<sup>st</sup> public hearing for the revised barking dog ordinance on November 13<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph also motion to have a hearing to include an ordinance for excessively loud music, on November 13<sup>th</sup>, given the Prosecutor has ample time to develop the ordinance. Commissioner Brenemen seconded. Unanimous decision.

Jamie Bennett, 911 Coordinator, appeared regarding estimates for the storage building gutters. Discussion was held regarding gutter sizes. Mr. Bennett will ask for another quote from Fayette Awning for 6 inch gutters and will also get one additional quote.



Robert Harris appeared regarding an abandoned road. He has been taking care of the property for three years. The Commission explained the next steps for declaring the property an abandoned road. He will need to move forward with an attorney and return on a future agenda.

Kenny Hayes, New Haven PSD appeared to give water project updates for Contract 18 and Contract 19. The County Commission made a prior commitment to provide funding for this project on November 13, 2015. Ms. Berry read excerpts from the minutes. The Commission would like for this to be a loan; Mr. Hayes agreed. The amount would be used over the next several months in drawdowns. Commissioner Scalph motioned to approve the request of \$50,000.00 as a loan over the next six months to be repaid upon their receipt of loans and grants. Amounts will be given as drawdowns for soft costs associated with the project. Commissioner Brenemen seconded. Unanimous decision.

The Commission entered into an executive session at 11:55 a.m. for a personnel matter.

The Commission exited at 12:40 p.m. No decision was taken.

John David appeared to discuss Page Kincaid PSD. President Wender asked about the Senate bill compliance and the required reserve account and questioned why it has not been remedied. Mr. David believes there is a window of time to allow for compliance with the bill. He also stated that compliance would result in higher bills for the customers. Lesley Taylor, Region 4 Planning & Development, explained you must have a renew and replace account, a bond reserve account, as well as a Bill 234 reserve account. Mr. David stated that the renew and replace account is in place, but has been depleted. Discussion was held regarding reserves, rate increases, and loan potential.

President Wender wants Page Kincaid PSD to go to the Public Service Commission and request an audit of their books to see if rates are sufficient and potential for increase. The county cannot continue to subsidize.

The Commission will discuss a loan of \$25,000.00 for filter media, with discussion that the loan will be repaid and potentially defer the first payment.

Regarding the bond issue, it cannot be a consolidation of debt without a consolidation of assets for the county wide PSDs.

The Commission entered into an executive session regarding a personnel matter at 2:00 p.m. No decision was made.

The Commission exited the executive session at 2:45 p.m.

Ms. Berry presented a request from Belinda Hopkins, Women's Resource Center to use the Fayette County Memorial Building on October 24, 2018 from 12:00 noon to 1:00 p.m. to conduct the WRC Domestic Violence Fayette County Candle Light Vigil in memory of victims who have died due to Domestic Violence and an Awards ceremony honoring Assistant Prosecuting Jeff Mauzy and Deputy Stan Casey for their services to the Fayette County victims and communities.

Discussion was held regarding Gauley River PSD commissioners. Commissioner Brenemen motioned to approve Charles Kincaid to replaced Russell Deering. Commissioner Scalph seconded. Unanimous decision.

Mr. Harrah presented that Sheriff Mike Fridley needs equipment for his deputies. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

The meeting was adjourned at 3:15 p.m.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 19, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 19<sup>th</sup> day of October 2018.

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

The Early Voting election test was conducted at the Fayette County Memorial Building. Keys were presented to the ballot commissioners.

Present: Carla Atha, Alicia Treadway, Traci Johnson, County Clerk Kelvin Holliday, Ballot Commissioners Edna Wriston and Richard Meadows, County Administrator Debbie Berry.

All machines show zero counts.

Commissioners Scalph and Brenemen observed the presentation of early voting keys and locking of ballot boxes.

The rest of the meeting was held at the Fayette County Courthouse:

Estate settlements were presented for Martha Akers; John William Taylor; Billy Burke Dotson; Gaylord Keith Lane; Barbara Allen McGuffin; Ronald Macon Dorsey; Beulah Fleshman; Ernest Fleshman; Leo M. Lawhorn, Sr.; and Judy Vera Hill, respectively. Commissioner Scalph motioned to approve the settlements. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 2nd half payroll release on 31<sup>st</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices. Commissioner Brenemen seconded. Unanimous decision.

Jamie Blankenship, Attorney, was listed on the agenda but did not need to appear.

Mike Smith, URA Chairman, appeared to request to hire Susanna Wheeler as Farm Manger. This position will report to Kelly Jo Drey, Resource Coordinator, and will be eligible for full time benefits and the position is fully funded by grants. Starting salary is \$38,000.00 with a 6 month probation period. This is a one year position. If more funding is obtained, renewal will be addressed regarding continuing the position. Commissioner Scalph motioned to approve to hire for a period of one year as Farm manager for Whitlock at \$38,000.00/year; full package with benefits equaling \$51,662. This position is fully funding by WV Department of Agriculture, USDA Rural Business Development, and USD Local Food Promotion Program grants, with a review at 6 months and no raise. Commissioner Brenemen seconded. Unanimous decision.

Tyler Bragg, GIS Specialist, appeared to discuss alternative shooting range locations. Mr. Bragg conducted a review of approximately 243 county owned properties. Very few properties meet the needs of the proposed range. The county may begin looking at selling timber from some properties to put money into an account for potential cost coverage of the shooting range. This will be determined in further discussions. All involved parties will need to be notified. The Commission will begin with a timber cruise of the 300 acre lot next to Fayette County Park. Ms. Berry will contact the prior contractor regarding cost of cruising entire lot before moving

forward and will also contact Kanawha County regarding how they handled a similar project.

Sheriff Fridley appeared for a discussion regarding the Drug Task Force. The Board voted for Oak Hill Police Department to be the fiduciary, and for the Fayette County Sheriff Department will be the secondary. An extra 2% will go back into the community for literature for schools, etc...

A short discussion was held regarding new radios and programming problems with 911 dispatch. The Commission requests 911 Center leaders to appear at their next meeting to address concerns. The Commission will also invite Fire Departments, Sheriff Chief Deputy and any other representatives that have input for topic. Commission also requested a written report from 911.

Ms. Berry presented an order to consolidate contiguous tracts for Shirley D. And Audrey Love. The Commission acknowledged receipt of the order pursuant to the provisions of WV Code Chapter 11, Article 5, Section 17.

Angela Gerald, appeared for dilapidated property hearings. 300 Berry Street belongs to Billy & Wanda King. Notices were sent to owners and served. Original complaint served August 30<sup>th</sup> 2018. Billy & Wanda King are both deceased and are represented by their grandchildren, Stephanie and Brian King. The property is not fixable and the estate has not been settled. Commission agrees to allow representatives to be set up as administrator and work on settling estate if they will agree to clean up trash from the property. Will bring them back at first meeting of the new year, estimated to be held on January 4<sup>th</sup>.

Ms. Gerald presented a second property belonging to William and Barbara Dixon located on Gatewood Road. Barbara Dixon was present with Junior Dixon. They were not aware of ownership of the property and do not want ownership. Commissioner Scalph motioned to move forward with demolition if it has not been purchased through the tax sale, as long an enforceable lien can be placed on the property. Commissioner Brenemen seconded. Unanimous decision.

State Auditor JB McCuskey appeared; he is visiting all County Commissions to speak about revenue, compensation, etc... He is looking at ways to get more money back to the counties. There is a new program called WV Checkbook which is real time accounting of every dollar spent by the state. Every county has a license and this can help reduce audit costs. Counties can look at live revenue streams online and see how things are going and also look at expenditures. This will promote transparency for the public. The cost is \$3,000.00 for the first year, \$1,500.00 for each additional year.

Gavin Ward, Attorney for John Sherrill (new owner of the Georgia Pacific property near Mount Hope), appeared regarding assessment of the property. It was around \$6 million in 2018. They think the assessment is too high and would like to request some relief. The structures on the property are being demolished as required by Georgia Pacific. Mr. Sherrill plans to make it a manufacturing site, either for sale for potential for steel manufacturing site. Mike Bone spoke about the current year assessment. It was conducted by the State of WV in July 2017 and is correct for 2018 taxes. The value for 2019 has been lowered based on the demolition that has occurred. The Assessor's office has no recommendation to lower the value. The

deadlines for the Board of Equalization and Review were missed in 2018. No action was taken by the Commission.

A Special Meeting for the Election Day Test was set for October 31<sup>st</sup> 2018 at 8:00 a.m. at the Memorial Building.

Commissioner Brenemen motioned to approve the minutes from October 12<sup>th</sup>. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented bids for a new AS400 server. Only one bid was received from Software Systems. Ms. Berry will review.

Ms. Berry presented two Orders to Combine or Divide and Segregate Land for Jeffrey K. & Carla Meredith, and Timothy Lee Garten & James Malloy, respectively. Commissioner Brenemen motioned to approve the orders. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from the Junior Class at Fayetteville High School to use the jail museum for a haunted house fundraiser October 24 - 27, 2018. Commissioner Scalph motioned to approve with boundary stipulations, liability insurance certificate and clean up as per the letter. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented an order and letter to appoint Charles Kincaid to the Gauley River PSD board. The Commission signed the order and letter which were previously approved.

Ms. Berry presented a letter for signatures and approval from the Fayette County Commission to all Elected Officials, Departments Heads and employees related to an amendment to the Personnel Manual to include e-cigarettes and vaping to our no smoking policy. It will also include that County employees are not allowed to use open containers for spitting smokeless tobacco.

Ms. Berry presented a letter for signature for reimbursement for rent for Family Law Judge. Commissioner Scalph motioned to approve and sign the letter. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter from the Fayetteville Beautification Committee asking to decorate the Courthouse for Christmas in a Gingerbread theme. Commissioner Scalph motioned to approve the request excluding the gingerbread blow up on the balcony. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a recommendation from the Parks and Recreation Board to appoint Cliff Sullivan to replace Andrea Mender. This decision was tabled.

Ms. Berry presented a request from Harry Fuller, President of the Fayetteville Ministerial Association requesting use of the Fayette County Memorial Building for Veterans Day program to honor veterans on Sunday, November 11, 2018. Commissioner Scalph motions, Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a request from Natalie Pollastrini for the Ben Argento Basketball League to use the Memorial Building for practices and games from November, 2018 to March, 2019. Commissioner Brenemen motioned pending updated insurance certificate. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a Records Management and Preservation Grant for approval and signature of President Wender. 2 applications were presented:

Fayette County Commission - \$5,000.00 for an industrial shredder



Assessor's Office - \$10,900.00 for digitizing county historical tax maps and replace protective sleeves.

Commissioner Brenemen motioned to make the County Commission application first priority and the Assessor's as second. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a proposal for a new mailing system from Pitney Bowes. The current lease agreement ended on 9.30.18. Quarterly payment will increase from \$886.20 to \$918.69 with the new lease. Commissioner Brenemen motioned to approve the new contract and authorized President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented for discussion front entrance and remainder of Courthouse masonry cleaning and repointing. This will involve a change order from Arch Masonry & Restoration to clean bricks, brick repointing, stone band pointing & caulking to courthouse and repairs to front entrance. Commissioner Brenemen motioned to approve a bid from Arch Masonry and to purse recouping \$5,000.00 from Keystone. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented hours for Santa at the Fayette County Park for Friday and Saturday nights only for the month of December; the Commission agrees. Commissioner Brenemen motioned to approve the stated hours. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:52 p.m.

---

FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
OCTOBER 31, 2018  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a special session on this 31<sup>st</sup> day of October, 2018.

President Wender called the meeting to order at 8:00 a.m.

Present: Carla Atha, Alicia Treadway, Traci Johnson, County Clerk Kelvin Holliday, Ballot Commissioners Edna Wriston and Richard Meadows, County Administrator Debbie Berry.

The Election Day test was conducted on election equipment at the Fayette County Memorial Building.

All machines show zero counts and the zero reports and counts were verified.

The meeting was adjourned at 8:24 a.m.

---

FAYETTE COUNTY COMMISSION

REGULAR SESSION

November 13, 2018

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 13<sup>th</sup> day of November, 2018.

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

Kelvin Holiday, County Clerk, conducted a swearing in of the canvass workers. Provisional and absentee ballots were counted.

Canvass was concluded at 11:40 a.m.

The Commission recessed at 11:50 a.m.

The meeting was reconvened at 1:26 p.m.

Assessor Eddie Young presented real property exonerations for Burnella Harris \$256.20; Ruth Creger \$6.42; and James R. & Deborah Campbell \$5,976.42. The Campbells own the old Ansted Fire Department and there is a newer state code allowing buildings being used for the good of the community to be listed as non-taxable. This is the first time the County has had this situation. Commissioner Scalph motioned to approve the real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented personal property exonerations for Southern Electrical Contractors \$445.72; Jeffrey A. Workman II \$6.40; Amanda M. & Michael F. Haney \$193.68; and Colton Elkins \$253.64. Commissioner Brenemen motioned to approve the personal property exonerations. Commissioner Scalph seconded. Unanimous decision.

Prior minutes were tabled.

Estate settlements were presented for William Ralph Skaggs; Shirley Mae Bragg; Peggy A. Warrick; Julia Louise Doles; Ruth Janette Simmons; George Dunlop Joslin; Audrey Marie Martin; Joann Marie Bragg; Anna Jane McClanahan; Dale Eugene McVey; Thomas Wayne Carpenter; Betty J. Keith; Don Patterson Keith; Raymond Carl St. Clair, Jr.; Mildred Lois Fitchett; and Vernon Ray Tyrett. Commissioner Scalph motioned to approve the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1st half payroll and release checks on the 15<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

The first public hearing was held for the barking dog ordinance. County Administrator Debbie Berry read the ordinance out loud. Discussion was held regarding what can be done about noise in general. Loud music, etc... may fall under disorderly conduct and may have other options. The second public hearing is scheduled for November 27<sup>th</sup> for vote on adoption.

Ms. Berry presented a Fayette County Fire Levy Pumper Replacement Agreement for Meadow Bridge Fire Department for approval and signatures of the Commissioners. Commissioner Brenemen motioned to accept and sign the agreement. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a lease agreement for the Fayette County Soldiers and Sailors Memorial Building (FCMB) with the Fayette County Board of Education. Commissioner Brenemen motioned to accept after further review of Prosecuting Attorney. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented quotes for a new water heater for the FCMB. This was tabled pending further quotes.

Ms. Berry presented a request from Kevin Walker for new hires at the 911 Communications Center. Commissioner Scalph motioned to approve the hires. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented for discussion the 2019 Commission schedule and holiday list for approval. The Commission will review the proposed calendar of meetings. Commissioner Brenemen motioned to follow WV State 2019 legal holidays for the county and sign the list. Commissioner Scalph seconded. Unanimous decision.

Sheriff Mike Fridley presented for discussion the Seminole Mining

Company Bankruptcy. This will be a personal property tax loss. Tom Ewing, Attorney, will assist with filing a proof of claim.

The Commission discussed Resolution #2 for the Fayette County Broadband Study to pay indicated invoices totaling \$7,780.03.

Breakdown:

Engineer: \$6,175.00

Administration: \$1,605.03

Commissioner Scalph motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

Discussion was held regarding a Broadband grant to install towers for wireless broadband services in the county, which falls under WV Code 16.18. The Fayette County Urban Renewal Authority can develop a redevelopment plan deeming the county as a blighted area due to the lack of broadband access. The Commission needs to sign a resolution to designate the county as a blighted area and then the grant application will be able to move forward. The FCURA agrees to draft a resolution stating such and will return at a future meeting to present for the Commission's approval and signature.

The meeting was adjourned at 3:46 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 27, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 27<sup>th</sup> day of November, 2018.

President Wender called the meeting to order at 9:12 a.m.

Commissioner Brenemen motioned to certify the General Election held November 6, 2018. Commissioner Scalph seconded. Unanimous decision.

Discussion was held with Alicia Treadway, Voters' Registration, and County Clerk Kelvin Holliday regarding the HAVA grant for elections. Ms. Treadway will appear on December 7<sup>th</sup> for the final decision as to the payment terms for the equipment for the County's portion of the grant.

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on the 30<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from the October 19<sup>th</sup> and November 13<sup>th</sup> meetings. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Gloria Marie Forren; Gene Rakes; Larry Wayne Ballard; Reva Dair Smith; Damita Yvette Pepper; Ruby Lee Winebrenner; Alberta June Shroyer; John Robert Morgan; Howard Bernard Atwater; and Elmer Gordon Evans, respectively. Commissioner Scalph motioned to approve the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Carla Atha, Probate, appeared regarding the estate of Bill Lee Johnson. His will states that his house should go to his children. However, his deed lists his wife as co-owner. James Blankenship, Fiduciary Commissioner, held a hearing where no one showed and the time for response has lapsed with no responses. Ms. Atha stated that

a deed supersedes a will. She has all paperwork showing all heirs were notified of the hearing and that they did not show to the hearing or respond. Commissioner Scalph motioned to approve and sign the final estate settlement for Billy Lee Johnson. Commissioner Brenemen seconded. Unanimous decision.

Ms. Treadway reappeared to give more information about the payment options for the HAVA grant. The grant portion must be paid by December 31, 2018. This will occur. The County's portion of the payment can be made in 3 annual payments with 0% financing. President Wender asked Ms. Treadway to contact Election Systems & Software (ES&S) to see if there is a discount available if the Commission pays their portion all at once and does not take advantage of the 0% financing.

Mayor William Hughes, Pax, appeared regarding a water issue affecting Pax. The Town has had 2 recent water outages due to the creek banks eroding around their water lines. The Town of Pax receives their water from Beckley Water. When the lines were initially laid in the early 1990's, there was not an issue with the creek banks. One line was broken when they think something drifted into the line due to a raised creek level. The other break was that the line was set on a rock and 20 years of vibrations wore down the pipe. Since this one was buried, it took 3 days for them to find the break. There is no recourse from the company who installed the line on the rock as they are out of business.

Mr. Hughes checked with Department of Highways because the erosion of the banks is near their property but, DOH said it is not their responsibility. CSX is nearby but erosion caused by tracks has already been repaired. Mr. Hughes contacted the Public Service

Commission and they advised that streams are the responsibility of county commissions. This part of the line is not in Town of Pax limits but directly affects all residents. The Town had to pay Beckley Water for all of the lost water due to these leaks.

Mr. Hughes has spoken with the Soil Conservation office and DOH about assisting with the repairs to the bank and they are willing. He has also contacted an engineer. Beckley Water will not adjust their bill for the leak due to the Town already paying a lower rate for being a resale customer. And Beckley Water states the problem was on the Town's side of the meter.

President Wender asked how much the Beckley Water bill was and Mr. Hughes stated \$2,000.00 for the water; then they paid \$1,300.00 in parts and \$1,440.00 in overtime. The total bill for the breaks and repairs was \$4,740.00.

Commissioner Scalph suggested that to be proactive, the banks be shored up with boulders, to prevent further erosion.

There have been discussions about creating a water co-op in the area between Pax, WV American Water and Mt. Hope which would assist each other in water emergencies.

President Wender stated he thinks Beckley Water should assist more to preserve the Town as a customer. Prosecuting Attorney Larry Harrah stated that would be a good business move, but there is no legal obligation for the company to assist.

Mr. Hughes asked the Commission to assist by writing a letter supporting their request for assistance. President Wender asked Mr. Hughes to draft a letter and include the Soil Conservation, Beckley Water, Army Corps of Engineers and DOH.



President Wender suggested that Mr. Hughes obtain a quote of cost before drafting the letter.

Debbie Berry, County Administrator, appeared to present an Engagement letter for approval and signature of President Wender for FY 2017/18 audit with the WV State Auditor's office. Commissioner Brenemen motioned to accept the letter and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a Project Completion Report for approval and signature of President Wender for the Dunloup Creek Watershed Project. This was an 8 year-long project. Commissioner Brenemen motioned to approve and authorize President Wender to sign the report to close out the project. Commissioner Scalph seconded. Unanimous decision.

Ms. Treadway returned from a call with ES&S and they cannot give any further discounts. Our costs were already discounted \$5,000.00 and no other county was offered the 0% financing. A final decision on payment terms (whether the County will pay all at once or take the 3 years at 0%) will be made on December 7<sup>th</sup>.

The second public hearing was held for the Barking Dog Ordinance. There were no changes made since the first hearing. Ron Eagle was in attendance and stated this should help a lot. No one else from the public was in attendance and no other comments were made.

Commissioner Brenemen motioned to approve the Barking Dog Ordinance as presented. Commissioner Scalph seconded. Unanimous decision. Effective today and the Sheriff will be notified of the passing of this ordinance and given copies.

The Commission asked Ms. Berry to draft a letter to the Soldiers and Sailors Flame of Freedom Board thanking them for the new memorial stone at the Memorial Building.

Ms. Berry presented a Lease for the Fayette County Park House for review and approval. Commissioner Scalph motioned to enter into a lease with William K. Willis and to authorize Ms. Berry to sign for the Commission once proof of insurance is provided. Commissioner Brenemen seconded. Unanimous decision. (lease attached.)

Ms. Berry presented the courthouse computer system upgrade for approval. The new system will cover Tax Office Internet Tax inquiry, Sheriff's Accounting, DMV Online Tax, Assessor Supplemental and Budgetary Accounting and Payroll Software. Current system hardware is 10 years old and the hardware and software contract will expire 12/17/18. The total cost is \$40,475.00 and will include installation and migration services to install the new IBM System, install Client Access on end-user systems, update end-user system and printer settings in the offices, migrate Software Systems, CCMS, and Conduit applications and data. All terms and maintenance stay the same from the previous contract. Commissioner Brenemen motioned to approve with no additional costs, per the bid. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a support letter for the Commission to approve and President Wender to sign for the Home Rehabilitation Program for John David with Southern Appalachian Labor School.

Discussion was held to follow up with SALS obtaining required inspections on housing project. Commissioner Brenemen doesn't want to sign this or further letters until there is proof he is getting the required inspections. Allen Ballard does not have any inspections on file. President Wender suggested holding the letter for signature until December 7<sup>th</sup> provided Mr. David sends in a list of projects and

obtains inspections as requested in a letter from the Commission sent on August 6<sup>th</sup>, 2018.

After a call to Mr. David who clarified the only current project is in Oak Hill and City Manager Bill Hannabass clarified that they did receive a permit, Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Sam Petsonk, Mountain State Justice Attorney, appeared via conference phone to discuss an unpaid invoice from the School Building Authority Lawsuit. The Commission has paid all received invoices which total \$5,000.00. The Commission had agreed to match private contributions dollar for dollar to to \$15,000.00 beyond the \$5,000.00 payment, however there has not been a request for payment showing private donations. Mr. Petsonk stated he sent a letter in January of 2018 requesting \$10,000.00 in matching funds which were donated by F.U.S.E. This letter did not include an itemization of their donations or proof that it had actually been donated. The Commission agreed that if Mr. Petsonk could send in proof of funds collected, that the Commission would send the match. Mr. Petsonk will send this in by the end of 2018.

Discussion was held regarding continuing the Excise Tax allocation to Whitlock Farm. Angela Gerald was present for the discussion and told the Commission that the Dilapidated Properties account is now down under \$60,000.00 with half earmarked for current projects. She was approached to use Dilapidated Property funds to demolish the structures on the Whitlock property. The Commission said that is not the intended use for those funds and that would not happen. Everyone involved understands that as of right now, once the

Dilapidated account is depleted, that program is done. The Commission agrees that this can be revisited at any time.

Commissioner Scalph motioned to continue the additional excise taxes to be dedicated to the URA and Whitlock Farm. This too can be revisited at any time in the next year. Commissioner Brenemen seconded. Unanimous decision.

Attorney Anthony Ciliberti and Mayor of Smithers, Anne Cavalier appeared to discuss the seven dilapidated properties in Smithers along Rt. 60. Two of the properties were given to the City; 1 private individual owns 3 and plans to demolish 2 and currently rents the other. The other properties are divided between 3 parcels with 4 properties on them and are owned by more than one person due to inheriting the properties. The City was approached by a half interest owner about donating their interest and the other half owner is speaking with his part of the family about donating their part. Discussion was held about asbestos testing and obtaining bids. Smithers will advertise in the next newspaper for bids to demolish 4 of the properties on Rt. 60. The bids will be required to itemize cost for each structure. The City is waiting for the final word about the half owned properties and this discussion will continue at 10:00 a.m. on December 21<sup>st</sup>.

Commissioner Brenemen asked Gabe Peña, Deputy Resource Coordinator, about outside funding for demolishing homes to assist with the war on drugs. Ms. Gerald reminds the Commission that the National Guard has a tri-tiered program and phase 3 is for any property. The first 2 phases are for flooded homes only. Mr. Peña will research.

Discussion was held regarding the proposed Anti-Tethering Ordinance. Heather Severt from the Humane Society of the United States, Brett Kees, Animal Shelter Director, and Kathy Gerancer, New River Humane Society President, were in attendance. It was first clarified that if a city doesn't have the same ordinance, then the County cannot act, except to seize the dog. And Our Dog Warden can only seize a dog if it is at large. An officer must seize any dog from a home.

The ordinance was read aloud by Commissioner Scalph. Each section was discussed as read. Chief Deputy Rod Perdue and Assistant Prosecuting Attorney Jennifer Crane were present to comment on the legality and enforceability of each item.

The Commission took issue with the time of enforcement. Duration, not the specific hours, is the main problem that needs to be addressed. Ms. Crane said that the language is lacking *and's/or's* which leaves it open to interpretation. She also stated the words *habitual* and *continuous* should be used. Section 2 has inconsistency in dog weights and President Wender stated that the penalties are too widespread and redundant. There should only be 2 offences and then ownership should be banned. Chief Perdue asked for it to be rewritten more like code with subsections to assist his officers with charges. President Wender asked Ms. Crane to assist with a rewrite. Ms. Crane will have a draft by December 15<sup>th</sup> to run in the newspaper.

The Animal Shelter then asked about the Dog Warden's old truck to use while covering his duties while he is sick or on vacation. That truck was already given to the Park. The Commission is concerned about non-County employees taking on County duties and the liability that causes. Ms. Gerancer will rekindle a previous conversation about

this with Sheriff Fridley. The Commission stated a County employee should absorb Dog Warden duties in his absence to avoid liability and risk.

Ms. Berry presented a request from President Wender. Resource Coordinator Kelly Jo Drey took a class regarding how to handle different project and paid for it herself (\$400.00). President Wender thinks the County should reimburse her for taking this course as it will assist in her duties. Commissioner Scalph agreed that she could have been reimbursed if it had been presented before taking the class, not after the fact. It was agreed that this request would be denied.

The meeting was adjourned at 2:00 p.m.

---

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
DECEMBER 7, 2018  
COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 7<sup>th</sup> day of December, 2018.

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

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 1<sup>st</sup> half payroll for December 2018 and release checks on December 14<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from the meetings held on October 31<sup>st</sup> and November 27<sup>th</sup>, 2018. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Larry Eugene Derringer, Sr.; Charles R. Lavender; Edward Oland Skaggs; Lola Martha Saylor; and Judy Darlene Cottle. Commissioner Scalph motioned to approve the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Alicia Treadway, Voters' Registration, appeared to discuss the HAVA Grant. The Commission accepted the terms of the agreement. The grant pays for one half, approximately \$36,000.00. Commissioner Brenemen motioned to pay the other half over a period of three years with zero percent interest, with the approval of Prosecuting Attorney. Commissioner Scalph seconded. Unanimous decision.

Kelly Jo Drey, Resource Coordinator, appeared with a Partnership Agreement for the Local Food Promotion USDA Grant awarded in September. The overall goal is to support the expansion of the regional food distribution business and connect local farmers to markets in other parts of the state. Partner organizations will perform the bulk of the work. There are 2 partner organizations doing most of the work as outlined in the grant application. There are two sub award agreements which are three year agreements. Coal Field Development Corporation with Refresh Appalachia \$111,448.000.00. The second is with Sprouting Farms \$120,000.00. The responsibilities for both are similar but cover different geographical areas of the state. Applications restate deliverables as given in the grant. Dollar amounts match the grant application. The dollar amount for the County is \$57,000.00 for Farm Manager; \$3,200.00 for travel; \$25,000.00 for

cold storage at the Whitlock Farm. Invoices will be submitted every other month from Fritz Boettner, Director of Sprouting Farms. Ms. Drey will review all to ensure compliance. Commissioner Scalph motioned to approve the sub grant agreements, at the fixed price indicated, with Sprouting Farms and Coal Field Development Corporation. Commissioner Brenemen seconded. Unanimous decision.

An Enabling Resolution was presented for the Fayette County URA. The resolution designates the URA as in charge of Broadband development on behalf of Fayette County. The Commission would like to add information on how to satisfy the redevelopment requirement for the URA. Prosecuting Attorney Larry Harrah agreed to help with legal information. Jeff Proctor, URA Member, gave an update on current status of this project. He is on the Broadband Council for the state. Commissioner Brenemen motioned to accept the Enabling Resolution for the URA. Commissioner Scalph seconded. Unanimous decision.

(Attached)

Jonathan Grose, City National Bank, Gauley Bridge, appeared to discuss CD options for the County. Mr. Grose proposed CD options to assist the County in interest earnings, an improvement over traditional savings. Rates depend on whether money is usable or not. Withdrawal penalties are waived for County Commissions. The County will look into current earning rates and compare for benefits.

Kevin Walker, OEM Director, appeared regarding radio issues and concerns of effectiveness and reliability of the radio system. Tried a trial run of Sirn system with Law and Fire services. Sirn does eliminate the need to switch between towers. A shortfall is that the system is under the Division of Homeland Security and is not there for updates. It is currently behind in 8 or 9 updates. The County would



have to contribute approximately \$2 million dollars per site for this equipment to be maintained by State technicians. Smaller departments also do not have the required radios. Fire departments in the Valley lose all radio signal if inside a structure. Once you go inside, all signal is lost. Mr. Walker is asking for a radio update and submitted several proposals. The preferred system will eliminate tower changes, and all will be on the same network. Chief Deputy Rod Perdue requested that if Simulcast is implemented, all cars be provided a Rat Pack to make the radios more workable. This would cost approximately \$34,000.00. Commissioner Scalph asked if there are any grants available to help with this cost. Kevin Walker has looked into this and there are some grants available, but there are 13 applications ahead of our county. They've also approached Kanawha County to consider splitting costs but they were not interested. Building a digital system in Fayette County would cost over \$10 million and also isolate the county from outside access to our network, and basically isolate our emergency response teams. The Commission asked that this proposal be shared with all first responders to see if it meets all of their needs. Once data is gathered and consolidated, they will return with a recommendation for the Commission. The Commission does not want to move forward without input from all areas to ensure problems are being addressed. This should be with the understanding fire departments would pay for their Rat Packs and the Commission would have to pick up the costs of cruiser Rat Packs. The ultimate decision needs to rely on input from all areas. They are not sure we will get 100% coverage with any system. Jamie Bennett, 911 Coordinator, is going to ask for a test run from Motorola to ensure this will work for

clarity for the county. They will also see if a discount for bulk purchase of Rat Packs is available.

Staff Accountant, Ruth Lanier, appeared to present a Financial Update for the County.

Ms. Berry presented a letter from John Hoffman, Chairman of the Fayette County Board of Zoning Appeals, requesting reappointment of Dan Hill and Jeff Atha, whose terms expire January 1, 2019. New terms to expire 1/1/22. Commissioner Brenemen motioned to reappoint both members. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to the Supreme Court requesting reimbursement for rent for the Family Law Judge for the months of November and December 2018. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a Progress Report and Drawdown request for the Courthouse Facilities Improvement Grant in the amount of \$80,700.00 for approval and signature of President Wender. Ms. Berry also presented a letter requesting an extension for the grant for approval and signature of President Wender. The Commission requested that Mr. Harrah send a letter to the company to ask for reimbursement from the previous company that performed the column repairs causing the continuing deterioration. Mr. Harrah agreed, but the Commission should allow the new company to perform their work in order to show the difference to the previous company. Commissioner Scalph motioned to approve the Progress Report and Drawdown request and the letter requesting an extension, and authorized President Wender to sign all. Commissioner Brenemen seconded. Unanimous decision.

Discussion was held concerning changing the Part-time Maintenance position at the OEM Center into a Full-Time Maintenance and Assistant for the Fire Coordinator. Sheriff Fridley will speak with Joe Crist, Fire Coordinator, regarding the potential of combining the Part-time Maintenance position with his need for a Part-time DRC Transportation Officer, to form a Full-time position. Sheriff Fridley will return at the next meeting with an update.

Ms. Berry presented for approval 9 dusk-to-dawn wall mounted lights for the Memorial Building. Okey Skidmore, FCMB Manager, received 3 quotes:

Skyline Electric - \$179.00

State Electric - \$250.00

Lowe's - \$159.00 (does not have 400 metal halide.)

Commissioner Brenemen motioned to accept the Sklyine bid for a total of \$1,611.00. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a Thank You letter to the Soldiers and Sailors Committee. Commissioner Scalph motioned to approve and sign the letter for signature. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a Budget Revision for the General Fund for approval. Commissioner Brenemen motioned to approve the Budget Revision. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from the Parks and Recreation Advisory Board requesting to appoint Mike Smith to fill a vacancy due to the resignation of Andrea Mender. Unexpired term will end June 30, 2020. Commissioner Brenemen motioned to approve the appointment. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:30 p.m.

FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
DECEMBER 21, 2018  
COURTHOUSE  
FAYETTEVILLE, WV 25840

MEMBERS PRESENT: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a regular session on this 21<sup>st</sup> day of December, 2018.

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

Mike Bone, Assessor Chief Deputy, appeared to present personal property exonerations for Johnnie Lee & Phyllis C. Mann \$197.52 & \$176.00; Sandra L. Evans \$197.94; Terry David Tilley \$36.00; Ashley B. Poland \$894.46; Edward S. Hammontree \$1,099.74; David M. McMillian \$867.76; Carlos Serrano \$259.50; James A. & Jan R. Fair \$329.32; Timothy D. Thompson \$85.08; Jeremy M. & Lori E. Treadway \$342.40; Gwen M. Christian \$48.68; Loretta Sue Thomas \$6.40; Charles & Rosie Nutter \$3.84; Priscilla Washburn & Matthew Griffith \$232.98; and Jennifer M. & Zacharye Anderson \$766.26. Commissioner Brenemen motioned to approve the exonerations. Commissioner Scalph seconded. Unanimous decision.

Mr. Bone presented a real property exonerations for Barbara Ortiz \$186.78. Commissioner Scalph motioned to approve the exonerations. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from December 14<sup>th</sup>. Commissioner Scalph seconded. Unanimous decision.

Estate settlements were presented for Mae Fern Workman; Beulah (Beulah) Marie Johnson; Betty Lois Smith; Betty Jane Estep; Mary Lou Bobbitt; Anthony John White; Lonnie Thornton Cales; Carolyn J. Cales; James Noah Ward; Janie Campbell Beirne; Robert Lee Bierne, Jr.;

Lillian Lee Blankenship; Bertha Esther Carte; Lucy Marie White; Harold Edward Hobbs, Sr.; Dollie (Dolly) Ellen Cummins; Victoria Louise White Lynch; and Alfred Fitzgerald Lynch. Commissioner Scalph motioned to approve the estate settlements. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve vouchers and invoices and release checks today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve 2<sup>nd</sup> half payroll and release checks on December 28<sup>th</sup>. Commissioner Brenemen seconded. Unanimous decision.

Kelly Jo Drey, Resource Coordinator, appeared to ask for permission to use the office space vacated by Judge Hatcher's law clerk for the new URA employees. Discussion was held regarding any other requests for that space. Judge Blake said he did not need it for his employees, however Assistant Prosecuting Attorney Wes Toney cautioned that after Judge Blake's recent jury trial, an issue arose which might make him require the 3<sup>rd</sup> floor space again. The Commission tabled the request till Ms. Berry can discuss with Judge Blake to ensure there is not a need for the space.

Ms. Drey also requested two additional phone lines for the URA staff and presented a quote from Tate Communications regarding cost. The costs is \$300.00 per line, including the phone. Commissioner Scalph motioned to approve the request for two additional phone lines for the URA staff at the cost of \$300.00 for each line, including the phones. Commissioner Brenemen seconded. Unanimous decision.

Carrie Strunk, Fayette County Substance Abuse Task Force and also New River Health Association Prevention Specialist, appeared to give

the Commission an update. Ms. Strunk presented a survey conducted showing that Fayette County citizens think nothing is being done to combat the addiction issue. Fayette County has a lot of initiatives going on separately. The task force is bringing them together. Meetings are the second Thursday of each month at the 911 Center.

Ms. Berry presented a letter to all Elected Officials and Fayette County Employees for approval and signatures of the Commission confirming that Monday, December 24, 2018 and Monday, December 31, 2018 will be official holidays for county employees following the executive order from Governor Jim Justice. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for discussion from OEM employee Rebecca Jones concerning the requirement for her to wear a uniform. Commissioner Scalph recommended reviewing uniforms with Kevin Walker and looking for uniforms that will suit employees. Ms. Berry will gather catalogs for future discussion.

Ms. Berry presented a WV Courthouse Facilities Improvement Authority Grant Contract to update HVAC in Judicial Annex for approval and signature of President Wender. The grant is for \$100,000.00 with a \$20,000.00 match from the County Commission. Commissioner Brenemen motioned to approve. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented letters from Thomas H. Ewing resigning from the Fayette County Deputy Sheriff's Civil Service Commission and as Special Fiduciary Commissioner for the estate of Freddie Lee Dennler. Commissioner Scalph motioned to accept Judge Ewing's resignations. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter from Thomas E. Willis, II requesting a waiver of occupancy taxes and penalties owed for the Glen Ferris Inn, LLC in the amount of \$5,685.98. The Commission requested that the Prosecuting Attorney respond to him that the Commission is obligated to collect and the owners must submit the money owed.

Ms. Berry presented a Basic Ordering Agreement (BOA) with GST, Inc. for Courthouse network support for \$1,300.00 a month. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented letters for approval and signatures to Joseph Brouse, NRRDA appointing John Brenemen as Fayette County Commission representative to the NRRDA Board of Directors and Dave Arnold, a private citizen representative. The term for Commissioner Brenemen is effective January 1, 2019 through December 31, 2020. The term for Dave Arnold is July 1, 2018 through June 30, 2020. Commissioner Scalph motioned to approve both appointments. Commissioner Brenemen approved. Unanimous decision.

Ms. Berry presented an order for approval and signatures to transfer funds from General School fund to the Fayette County General Fund in the amount of \$74,480.08. Commissioner Scalph motioned to approve and sign the order. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a report of money received and items auctioned through the on-line auction for the Commission to review.

Ms. Berry presented a report from a recent PEIA meeting held on December 13, 2018 for the Commission to review. Payroll clerk Joy Boyd attended the meeting in Beckley.

Anne Cavalier, Mayor of Smithers, appeared to request funding for abandoned building demolitions. Bids were received for two houses that have recently had their ownership transferred to the city. The first bid was for \$9,500.00 including asbestos removal for the smaller home, which is \$5.00 a square foot. The 2<sup>nd</sup> bid was for \$12,650.00 for the larger home and also includes asbestos removal. President Wender asked if the city will be receptive to placing a lien on the property. Prosecuting Attorney Larry Harrah believes this would be to the detriment of the city and noted that Ansted instance was a different situation because Ansted planned to sell their property once the structure was demolished. This will create a lot of unnecessary work due to the fact Smithers will most likely not sell. Commissioner Scalph motioned to approve this request for the two homes owned by the City of Smithers, at \$9,500.00 and \$12,650.00 each, as per the bid amounts. Commissioner Brenemen seconded. The County will pay with no liens being filed. Unanimous decision. Ms. Berry will issue a letter of commitment so the City can proceed.

Ms. Cavalier stated that the City of Smithers thanks President Wender for everything he has done and they appreciate him.

Gabe Peña, Deputy Resource Coordinator, presented a Brownsfield Grant Environmental Contractor Selection letter. The Qualification Review resulted in the selection of Downstream Strategies. This grant will pay for environmental assessments for structures that need to be removed and will be a big step in due diligence for any properties that may be potential building and improvement sites. Commissioner Brenemen motioned to accept the recommendation. Commissioner Scalph seconded. Unanimous decision. (attached)



Ms. Berry presented a Cable Franchise Renewal for Shentel for a period of five years. Mr. Harrah reviewed and this is a normal course of business. Commissioner Scalph motioned to approve the renewal presented and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision

Teri Harlan, Fayette County Health Department Administrator, appeared with a resolution. The Board of Health uses and pays the Division of Personnel for their hiring. They would like to change this process and need a resolution signed by the County Commission. However, they will need to strengthen their policies first and the Prosecutor's office will assist.

Ms. Harlan reported the Health Department received a SAMHSA Grant for harm reduction for substance abuse and mental health. This is a four year grant for around \$1.1 million. It allows the purchase of a mobile clinic to travel around the county and provide services. They also received a grant for a quick response team for \$230,000.00 which will provide a recovery coach, social workers from FMRS, a deputy, and an EMS member on the team. Within 72 hours of an overdose they will visit and try to get the patient into treatment. This has been successful in Huntington. Smaller grants were also received for family planning and harm reduction. They hired a full time recovery coach this week, Cliff Massey, who has been a volunteer. They are also coordinating the harm reduction effort.

Sheriff Mike Fridley appeared to share that he was approached by River 107.7 about adding a substation in the old Hamilton Building in Oak Hill. Chief Mike Whisman, Oak Hill Police Department, agreed that it is needed. The substation will be for county deputies and OHPD and will provide an increased police presence in the area near Plateau

Medical Center. Potential rent could be \$250.00 a month and Sheriff and OHPD will split this cost. Also David Laudig has asked the Sheriff's department to assist in relighting the Flame of Freedom when it goes out due to wind. The Sheriff agreed and just needed to ensure the Commission approved. Mr. Harrah said there is no issue with this request.

Ms. Drey reappeared with an Authorizing Resolution for the FCURA to administer Whitlock Farm Project. The authorizing resolution contains slum and blighted language as required by state law and meets legal requirements. Commissioner Scalph motioned to approve the resolution and authorize signing. Commissioner Brenemen seconded. Unanimous decision. (attached)

The Commission took a break from 10:55 to 11:10 a.m.

Grant Spencer appeared regarding hot water tanks for the Fayette County Memorial Building. Discussion was held regarding water heaters. There are proposals for two different sized units and needs for showers, etc... Mr. Spencer suggested a 50 gallon tank for everyday use. If showers, etc... are needed, he recommends an instantaneous tank, however it would be gas powered and require more work. An estimate of this cost would be \$6,000.00 - \$7,000.00 for one tank and we would potentially need two for showers which would be around \$12,000.00. This may not include cost of getting the gas lines run. Commissioner Brenemen motioned to accept the proposal for the library hot water heater, extension of lines and faucet for \$4,800.00. And for the 50 gallon tank for bathrooms for \$2,607.00. Commissioner Scalph seconded. Unanimous decision.

John David, Page Kincaid PSD member, and Bart Jackson, PKPSD Plant Manager, appeared regarding a funding request. President Wender

gave an overview of the past issues. The Commission and the PSD have had multiple discussions regarding funding. The Commission wants this to be in the form of a loan. It seems that the filter media may not address the problem. Mr. David took a moment to thank Commissioner Wender for all his assistance. Mr. David, Mr. Jackson and Jesse Alden with The Thrasher Group Engineering firm were present. Mr. David stated he had an agenda of four items and also asked for a resolution requiring people to refrain from flushing wipes.

President Wender asked Mr. Alden to discuss a long term resolution to all of the issues. The most immediate problem is to pay for the media and they are asking for \$40,000.00. This is money owed to the supplier for the media that is currently in use. They are not sure of the life expectancy of the media. Another problem is the filters are failing. Currently they have a loan grant from USDA to replace the filters. However when the filters fail, they force the media out. They have repaired the filters three times. The \$40,000.00 requested for the fix is not a long term solution. The Commission's answer is no. There is another long term solution in the works. The plan has been submitted to WV Jobs and Infrastructure Council. Project and funding has been approved and they are currently working to design the project to submit to the agencies for permanent approval. Even with the current status, still looking at two years for the project construction to start due to permits and approvals. Basically asking the Commission up front to get them to this point. Currently losing the media due to filter problems. Even with new media, mechanical components allow media to escape and the water quality is not destroying this media. President Wender asked how many times this will need to be replaced over the next two years. Mr.

Jackson said there is no way to tell how many times it will need to be replaced. Commissioner Brenemen stated that this means, potentially they will need \$40,000.00 every few months; where does this end? Commissioner Scalph stated that since August and September, this has gone from the need for \$20,000.00 to \$40,000.00, so essentially doubled. President Wender stated that there are essentially two problems, the loss of the media through mechanical issues, and the second is the infiltration of iron, and they are unsure of the source. The Commission needs an answer as to how much will be needed over the next two years. What happened to an option of tying into WV American Water? Marshall Murray from WV American Water (WVAW) was present and stated they are willing to discuss this. President Wender stated there is a 70% water loss. If there wasn't such a loss, would the capacity not be there? Commissioner Brenemen asked about the cost to treat one million gallons. Mr. Murray said \$5-10,000.00 to treat a million gallons. Commissioner Brenemen asked if they are losing \$35,000.00 per month if losing that much water. Mr. Johnson stated he thinks it is much less.

President Wender stated that the rates being charged by PKPSD are one of the highest. The Public Service Commission shows that PKPSD is losing 80% of water pumped and customers are paying for 4 times what they are using, most of these customers being from a lower income base. We seem to be fixing the wrong problem. Mr. Johnson stated they have a reserve account that contains around \$6,000.00. President Wender asked what happens if there is a complete failure of the filter? The PSD is looking at options.

John Tuggle and Lesley Taylor were present for Region 4. They stated that 50% water loss is typical. There are no funding sources

for this type of issue unless you go to the Governor. They are not sure what kind of capacity they have for a loan program, but that is what they need. The Commission asked about options for repayment of loans to the PSD. The PSD asked if the Commission will commit to \$20,000.00 today provided the supplier will work with the Commission on those terms.

Commissioner Scalph motioned that the Commission will provide letters of support as requested and Ms. Berry will work with John David on the list of letters. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to commit \$40,000.00 total with \$20,000.00 to be paid now and \$20,000.00 to be paid in one year. This is all based on the provision there is a proposal to the supplier to accept \$20,000.00 now and \$20,000.00 in one year and commitment to continue to supply in writing. PKPSD assured the Commission they will make every effort to repay the money. PKPSD must meet with Region 4, WVAW and the PSC to continue discussions to alleviate their problems. No money will be released without confirmation. Commissioner Brenemen seconded. Unanimous decision.

WVAW is ready for discussion with PKPSD regarding how they can help.

President Wender asked Mr. Alden to discuss with WVAW how to address the issue if the filters fail now.

A Public Hearing was held for the Anti-Tethering Ordinance first reading. This was published as required. President Wender called for comments. Commissioner Brenemen said the durations should be removed as it states "continual." Discussion was held regarding what "proper shelter" entails, including bedding, and etc.. They asked to remove

Section 1, Item a. 1. Sheriff Fridley stated we cannot enforce this in municipalities. Commissioner Scalph motioned to strike language from Section 1, item a. 1. indicating times and approve the draft once this is removed. Commissioner Brenemen seconded. Unanimous decision. 2<sup>nd</sup> reading will be held on January 4<sup>th</sup> at 11:00 a.m.

Attorney Mike Callaghan appeared to discuss current lawsuits. Mr. Callaghan sent an information demand to Seminole Mining, LLC. The lawsuit has been filed due to non-response to the information demand which is asking for anything relating to mining activity. However, their legal counsel has contacted Mr. Callaghan and are now cooperating. The Code Enforcement Agency met yesterday and they were presented with information on this issues and how it relates to PSD issues. The Code Enforcement Agency also issued an order to Seminole Mining Company to see if they have impacted Page Kincaid PSD water intake. There is reasonable basis to believe they have contributed to the PSD's problem. Mr. Callaghan is trying to find a way to recoup the costs for the Commission. Commissioner Scalph motioned to approve action suggested by Mr. Callaghan to be taken by the Code Enforcement Agency. Commissioner Brenemen seconded. Unanimous decision.

The Commission signed a Certificate of Honor for Fayetteville citizen, Robert H. Woollard, recognizing his 100<sup>th</sup> birthday.

Ms. Berry presented a letter to the WV State Property Tax Department giving them permission to review and make changes as deemed necessary up to and including January 15, 2019. Commissioner Brenemen motioned to sign letter to WV State Tax Department. Commissioner Scalph seconded. Unanimous decision.

The meeting was adjourned at 1:40 p.m.

**END OF 2018 MEETINGS**