

FAYETTE COUNTY COMMISSION  
JANUARY 6, 2017  
COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a regular session on Friday, January 6, 2017. President Wender called the meeting to order at 9:03 a.m.

President Wender welcomed John Brenemen as the new commissioner.

Deborah Berry, County Administrator, presented the organizational order for the Commission to approve and sign.

Commissioner Scalph motioned to retain Matthew Wender as President for 2017. Commissioner Brenemen seconded. Unanimous decision.

President Wender motioned for Denise Scalph as Purchasing Agent for 2017. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned for Deborah A. Berry, County Administrator, Renee Harper, Park Director, Joe Crist, Fire Coordinator, and Kevin Walker, OEM Director, to be authorized to make purchases up to \$600.00 without prior County Commission approval. President Wender seconded. Unanimous decision.

The Commission signed the order.

Sheriff Mike Fridley appeared before the Commission. He stated that the Sheriff's department is down six deputies and he is asking to hire three. Two of the six vacancies are slated for courthouse security.

Sheriff Fridley stated that the road office will stay open on Tuesdays and Thursdays until 6:00 p.m. for two weeks on a trial basis.

Sheriff Fridley described new security measures - cameras in the parking lots and courthouse. Explained that the grant received for these measures were for judicial use only but they were able to justify that judges are everywhere in the courthouse. Sheriff Fridley also described a plan for vehicle monitoring which would also show cost savings.

Eddie Young, Assessor, appeared to present his new Chief Deputy Mike Bone.

Mr. Bone presented real property exonerations for Cynthia Skaggs \$618.22; Nora Small Foundation Inc. \$700.96; Steven L. Grunenberg \$132.04; Marty Lee Str. & Tina Browning \$126.04; Danny Carte \$319.68, 323.36, 323.36; Douglas & Sharon Donell \$10.10, \$10.10 and \$10.10. Commissioner Scalph motioned to approve the real property exonerations. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented a refund for Danny Carte for \$346.05. Commissioner Scalph motioned to approve the refund. Commissioner Brenemen seconded. Unanimous decision.

Debbie Berry, County Administrator, presented an amendment to the August 29, 2016 Purchase Sale Agreement between Greenbrier and Fayette Counties, WV & CSX Transportation requesting a 120 day extension for the Meadow River Trail Project. Commissioner Scalph motioned to approve and sign. Commissioner Brenemen seconded. Unanimous decision.

Kelly Jo Drey, Resource Coordinator, appeared to present an opportunity to bring Tammy Stein on as a Vista worker in the Resource Coordinator's office. Ms. Stein is currently working as a Vista for the City of Mt. Hope with the Family Resource Network; however that program has come to a stasis. Her work aligns well with RCO's office. They hope to have her work with incubator farms and the farmer's market. She could tie up loose ends and connect to other areas and at local schools.

Ms. Drey requested \$2,500.00 cost share for a year commitment. Commissioner Scalph mentioned having Ms. Stein work with the County Park to rejuvenate the County Fair.

The Coal Heritage Highway runs the Vista program in Fayette County and a MOU would need to be signed. There is flexibility on the payment times, but a decision needs to be made before February 20<sup>th</sup>. Ms. Drey is applying for grants that could cover the cost share, which needs to be paid in full by February of 2018.

President Wender stated it would benefit three areas directly. Commissioner Brenemen asked about the \$500.00 from the farmer's market. Ms. Drey stated that will be used for travel expenses and garden supplies. President Wender suggested approving the expenditure and earmark it during the next budget. Commissioner Scalph motioned to approve assigning Tammy Stein as a Vista for \$2,500.00. Half from this fiscal year and the other half set for approval in the 2018 Fiscal Year Budget. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to proceed with the Benedum Grant. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a Consumer Sales Tax Report from the Fayette County Park for the quarter ending 12/31/16 for approval and signature of President Wender. Commissioner Brenemen motioned to approve President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented an order decreasing the rate of reimbursement for mileage allowance from fifty-four (54 cents) per mile to fifty-three (53.3 cents) per mile effective January 1, 2017 as set by the U.S. General Service Administration (GSA) and the IRS. Commissioner Brenemen motioned to approve and sign the order. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Kevin Walker to make a payment to Bays Services for flood cleanup invoices in the amount of \$69,447.83. Final inspections are not finished so money will not be released from the federal level until this process is complete. The Commission would like to wait to discuss this when Mr. Walker is here later in the meeting. Commissioner Scalph mentions a grant Mr. Walker received for \$59,000.00 and wonders if those funds could be used in the meantime.

Ms. Berry presented orders and letters for the Commission to approve and sign reappointing Gary Davis and John Hoffman to the Fayette County Board of Zoning Appeals. Commissioner Scalph motioned to approve and sign the orders and letters. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented orders and letters for the Commission to approve and sign reappointing Allen Ballard, Aletha Stolar, Phil Perone, Tim Richardson and Tommy Harris to the Fayette County Beautification Committee. Commissioner Scalph motioned to approve and sign the orders and letters. Commissioner Brenemen seconded. Unanimous decision. Commissioner Scalph also compliments Mr. Harris for the job he is doing as Litter Control Officer.

Ms. Berry presented support letters addressed to our WV State Legislators supporting the designation of Paint Creek Road in Fayette County as the Mary Draper Ingles Bicycle Trail for approval and signature. Commissioner Scalph motioned to approve and sign the letters. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented letters for signature of President Wender to Eddie Young, Assessor, and Larry E. Harrah, Prosecuting Attorney, setting the dates for Review and Equalization of property assessments. President Wender signed the letters.

Ms. Berry presented documentation from the Fayette County Historic Landmark Commission for the Commission to review and approve related to consideration of being named to the Fayette County Wall of Honor. Commissioner Scalph motioned to approve the nomination criteria. Commissioner Brenemen seconded. Unanimous decision.

Chris Young, Oak Hill City Police and President of the Fraternal Order of Police, appeared to discuss the rent at the Day Report Center. The rent has never increased from \$6,840.00 per year (\$570.00/month) from 2004. There is a new ladies room and plans to remodel the rest. The tenants contacted the State Fire Marshal

instead of the owners. The owners now have the reports from the Marshal and plan to complete upgrades. They spent \$16,000.00 last year and plan to spend \$20-25,000.00 this year. Men's room \$2,300.00 in lighting, entryway, hallway and classroom replacement. There was a water leak due to a water spigot being installed by the tenants. Plumbing was not connected correctly. It cost \$7,300.00 to fix. The septic system was repaired in the fall with \$1,200.00 for the sewer pipe. Mr. Young states they would like \$1,000.00 a month for rent. President Wender states this is a fair price as other warehouse spaces in Oak Hill are rented for \$1,800.00 per month. Commissioner Scalph motioned to approve the rent increase request. Commissioner Brenemen seconded. Mr. Wender asked about a new lease. Jamie Blankenship, Attorney, will draw up the new lease. Approved per review of the new lease. Unanimous decision.

James Bennett, 911 Coordinator and Kevin Walker, OEM Director, appeared to discuss 911 employee vacation time issues. They had to work through the flood, 2 employees quit or moved, 1 had surgery, 1 was in the hospital, another had a child with cancer and no one was able to take the time off for their vacations. Commissioner Scalph mentioned the manual and favoritism. The employees were paid for their overtime. Mr. Walker stated that this is a unique situation. Even with the natural disaster and all of the health issues, 911 had to remain fully staffed. They could not force employees to take their vacation time. They are suggesting buying out their time or extending 30 days for vacations to be taken.

Mr. Brenemen states that vacation time is a benefit. Commissioner Scalph stated that she spoke with Steve Rawlings with WV Corp and he stated that it would have to be across the board. Mr. Bennett stated that 911 isn't like other offices. They are 24/7. Commissioner Scalph asked Liz Campbell, Assistant Prosecuting Attorney, to review and suggested tabling. President Wender asked if someone had insisted on vacation. Mr. Bennett stated that he and Mr. Walker would have had to cover the shifts, effectively living at the 911 center.

Mr. Bennett told the Commission that there are 2 new employees who will be completely trained soon and the center will then be fully staffed. President Wender stated that 911 is a separate situation. Closer to law enforcement.

Commissioner Scalph mentioned that the park staff was very busy this summer with the pool and worked many hours and weren't appreciated for their efforts. Mr. Walker reminds of the difference between recreation and life and death situations.

Commissioner Scalph asked what 2 weeks will change, for tabling the issue. Mr. Walker stated not much except personnel issues that he and Mr. Bennett will have to deal with. Ms. Berry suggested writing a memo regarding the unique situation and revise the manual to deal with different kinds of employees. President Wender said that they should allow some latitude for this situation and not revise the policy and suggests 90 days for the people who stepped up during the natural disaster and sicknesses.

Commissioner Scalph motioned to approve the request to allow a 90 day extension for employees at the discretion of the director around

scheduling due to the natural disaster from the summer of 2016.

Commissioner Brenemen seconded. Unanimous decision.

Mr. Walker asked for individual letters so there is no confusion or gossip making clear that the policy isn't changing. Ms. Campbell stated that this is a good precedent; that the 911 center came to the County Commission to have a conversation.

Mr. Walker then discussed the Meadow River Rail Trail and the downstream flow mitigation. FEMA wrote all grant requests for only Fayette County and Greenbrier County was supposed to be the subgrant, but that did not happen. The ground is now too soft to get started and they've asked for an extension. There are still FEMA representatives in Charleston. President Wender asked for a meeting. Mr. Walker will try but they are not very responsive. President Wender asked to save and document and use letters and to carbon copy everyone to avoid FEMA claiming we are out of time. Mr. Walker will have to get a permit from the DEP due to muscles that are protected.

Discussion returned to the Bays Services payment. Mr. Walker stated that Bays was contracted to back up Oak Hill Garbage. FEMA reimbursed 75% but we cannot get the last 25% until the final inspection. Bays is upset and wants their payment of \$69,000.00. President Wender asked about the contract. FEMA states we must front the payment and get reimbursed. Bays has been paid nearly \$200,000.00 already. Ms. Campbell will review the contract. Tabled until Ms. Campbell and Mr. Walker can review the contract and return on January 20<sup>th</sup>.

Mr. Walker presented that while cleaning up files, he discovered a \$59,000.00 grand from Homeland Security that were delayed due to paperwork. Mr. Walker sent in the documentation and should receive the funds next month. Mr. Walker specifies that his predecessor didn't follow through and get signatures. Mr. Walker cleaned up the application and received the grant.

Renee Harper, Park Director, appeared to discuss the Shelter Rental Increase. Ms. Harper submitted handouts to the Commission with the proposed increases. (attached) Commissioner Scalph motioned to approve the submitted shelter increase for the upcoming year. Commissioner Brenemen seconded. Unanimous decision.

Ms. Harper submitted requests for new hired. Commissioner Scalph motioned to approve hiring Victor Mender for Park Maintenance with a start date of January 9<sup>th</sup> or 15<sup>th</sup>. Starting salary will be \$20,800.00 with a 6 month probationary period. Commissioner Brenemen seconded. Unanimous decision.

Ms. Harper requested that the Commission approved an Easter Egg Hunt at the park for the weekend before Easter. She will find sponsors to help and the cost will not be much. Commissioner Scalph motioned to approve the Easter Egg Hunt at the discretion of the Park Director as to one day or two. Commissioner Brenemen seconded. Unanimous decision.

Ms. Harper discussed how the park was approve for a DOT grant for trails and have been approved to move on to the design stage.

The County Owned Vehicle Policy was postponed until the 20<sup>th</sup>.

Stephanie Sears, Staff Accountant, presented a financial update.  
(spreadsheets attached)

Sonny Milam, Maintenance Supervisor, appeared to request hiring two new full-time employees, Matt Clark and Michelle Worrell. Commissioner Scalph motioned to approve the recommendation of Mr. Milam to hire Mr. Clark and Ms. Worrell at \$20,800.00 for 6 month probationary periods. Ms. Worrell will start immediately and Mr. Clark will start in 2 weeks. Commissioner Brenemen seconded. Unanimous decision.

The meeting was adjourned at 1:01 p.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 20, 2017  
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 20<sup>th</sup> day of January, 2017.

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

Eddie Young, Assessor, appeared to present a refund for Billie Wayne Higginbotham, for \$248.15. Commissioner Scalph motioned to approve the refund. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented real property exonerations for Billie Wayne Higginbotham \$509.02; Jessica Stiltner \$567.34; Lawrence E. II & Joan Brown \$435.20; and Don & Judy Jones \$256.20. Commissioner Scalph

motioned to approve the real property exoneration. Commissioner Brenemen seconded. Unanimous decision.

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

Teri Harlan appeared to be introduced as the new Health Department Administrator. Ms. Harlan told the Commission she has been in the position for 2 weeks and has 16 years experience in health care. Ms. Harlan is excited to build new relationships, work with the community, Commission and her knowledgeable & experienced staff. Rose Anne Michaels is assisting in her transition and the medical director position was recently posted and they hope to fill it soon.

Jeff Mauzy, Assistant Prosecuting Attorney, appeared to present that the discussion of estate of William Lee Shepherd was canceled citing a continuance request from executrix Karen Shepherd's lawyer, Rodney Skeens, due to insufficient notice of today's hearing.

Debbie Berry, County Administrator, presented a request from Maura Kistler and the New River Gorge Learning Cooperative (NRGLC) to hold a candle lighting ceremony in honor of world peace in front of the Courthouse on February 2, 2017 from 5:30-6:00 p.m.

The Shepherd family then appeared for the William Lee Shepherd discussion. They were not notified by Mr. Skeens that he was requesting a continuance. President Wender asked Mr. Mauzy to write a letter stating to Mr. Skeens stating that he did not sufficiently contact and inconvenienced the other parties involved in the estate. Contact will be made to all parties regarding the continued hearing.

The discussion then returned to the NRGLC request. Commissioner Scalph motioned to approve the request contingent upon receipt of insurance and application form. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a drawdown request for the Community Corrections grant for the month of December in the amount of \$9,751.16. Commissioner Scalph motioned to approve and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a funding request from John David of Southern Appalachian Labor School (SALS) in the amount of \$27,000.00. President Wender notes that the request was duly received and will be addressed during budget sessions.

Ms. Berry presented 2 letters from Renee Harper, Park Director. The first letter requested to hire Michael Suttle II for the vacant park maintenance position. Commissioner Scalph motioned to approve the hiring of Michael Suttle II, starting date January 23, 2017, salary of \$20,800.00, with a 6 month probationary period and contingent upon drug testing. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter from Ms. Harper regarding the Zoning Officer's vehicle. The county has spent more in maintenance costs for this vehicle than was paid to purchase it. President Wender asked if the vehicle is drivable and suggested that if it is unsafe, it should be parked. The County Owned Vehicle policy was mentioned along with Governor Justice's decision to park 5 of his office's vehicles. The

County Owned Vehicle policy is still being prepared by the Prosecutor's Office and was not available for the meeting. President Wender suggests that the Commission revisit who needs County Vehicles overnight and the discussion was tabled.

Ms. Berry presented the Commission with letters approved in a prior meeting to the 911 employees regarding the extension in time to vacation from 2016 for the Commission to sign.

Sonny Milam, Maintenance Supervisor, appeared to introduce 2 new Maintenance employees, Michelle Worrell and Matt Clark.

Mr. Milam mentioned that there are 3 new handicap parking spaces, the Commissioner's spaces behind the jail, which will be covered with handicap signs when the Commission is not at the Courthouse.

Ms. Berry presented forms from banks for President Wender to sign to change sign from Sheriff Kessler to Sheriff Fridley.

Ms. Berry presented a support letter for the Farmland Protection Board. Discussion was held regarding the Whitlock Farm property owned by the Farmland Protection Board. The current plan is to sell the property to agencies that will be in charge of the incubator farms.

Kevin White from the 911 Center appeared for the UPS Back-up Battery bid opening. Two bids were received. Mr. White explained that the back-up batteries are to cover the power for the center until the generators pick up in the event of a power failure. The current batteries are nearly 4 years old and are getting failure warnings. The bids were:

Millennium - \$11,400.00 for the full service contract

\$17,973.60 for full battery replacement  
Gruber Tech - \$17,820.00 for battery replacement, service,  
warranty, maintenance and disposal of old  
batteries

Mr. White stated that he believes one of these companies is a sister company of their existing service contract. He and James Bennett will need to review the bids for specifications. Commissioner Scalph motioned to approve Mr. White and Mr. Bennett to review bids for specifications and approval. Commissioner Brenemen seconded. Unanimous decision.

Discussion was held regarding the Bays Services payment from the June flood recovery. The Prosecutor's Office and Kevin Walker, OEM Director, suggest that the bill should be paid to avoid a lawsuit. The State has still not signed off on the work or performed final inspections. President Wender is concerned that if the bill is paid before the inspections are completed, they could show the work was unsatisfactory and the County would be unable to recoup the payment. The State reserves the right to inspect before payment, and so should the County. Commissioner Scalph stated that we cannot be the only county with this issue. President Wender asked Ms. Berry to prepare a letter explaining the Commission's concerns and stance, that we must rely on the State to approve the work we contracted. President Wender also asked that Mr. Walker contact the State regarding the threat of lawsuit to the County.

Paul Farrell, Jr., Cabell County attorney, appeared to present a lawsuit against drug manufacturers involved in the prescription and

sale of millions of opioids in Fayette County. He asked that the Commission wait until Senator Mike Woelfel, Cabell County Attorney, appear before presenting.

The Commission recessed at 10:13 a.m. until Senator Woelfel arrived.

The Commission reconvened at 10:30 a.m.

Attorneys Farrell and Woelfel appeared to present their case against opioids wholesalers which are being filed in Cabell, Wayne, Lincoln, and Kanawha counties. Mr. Farrell will be lead counsel and told the Commission that the previous State Attorney General McGraw got a judgment 3 years ago which set a precedent for counties to receive their own judgments and recovers costs associated with opioids arrests, namely jail costs which are currently ten percent of Fayette County's budget. Ninety percent of Fayette County's jail costs are due to drug arrests. McDowell County is pursuing a similar case with an out of state lawyer. Mr. Farrell suggests joining the lawsuit with other counties and his firm will front the money for the suit to "do what it takes." Mr. Farrell stated that the County Commission has the authority and power to declare a public nuisance and take action to abate it and also ask for an injunction to shut down the drug facilities. Stopping the nuisance doesn't stop the problem though, so the injunction goes after the shareholders and their bottom line. Time is of the essence and Mr. Farrell asked the Commission to pass a resolution and execute a contract with other Coal Belt counties.

Mr. Farrell stated that for this to be kept in local courts, a county doctor or pharmacy would have to be named in the lawsuit.

Otherwise, it would go to Federal court and be consolidated for purposes of discovery then sent to trial. The fee is 30% if settlement or if the case wins. No hourly rate or fee in the event of loss. Discussion was held regarding using a local lawyer on the team, and MR. Farrell stated that he is confident he would be respected in a Fayette County Courtroom but would be willing to use a local lawyer for research and discovery. Mr. Woelfel offers to serve as a liaison. President Wender asked about time lines and Mr. Farrell stated that he would be filing soon and would expect a resolution in 18 months or sooner. Fayette County doesn't have a doctor or pharmacy to file against to keep it in the county so he expects this will go to Federal court. Suggests putting the Fayette County case with Cabell county in the Huntington Federal queue but each county would be tried separately. Commissioner Brenemen asked about Mr. Farrell's record and Mr. Farrell stated he is undefeated, has never lost a jury trial.

President Wender stated that he will speak with Prosecuting Attorney Larry Harrah and call a Special Session if necessary. Mr. Farrell stated that the sheer number of pills (18 million in 5 years in Fayette County) and number of wholesalers involved will be overwhelming to a jury.

Lesley Taylor, Region 4 Development & Planning, appeared to present a drawdown request for Kanawha Falls Public Service District (KFPSD).

Ms. Taylor stated that the KFPSD Small Cities Block Grant (SCBG) has kept the county from applying for Armstrong Creek. Ms. Taylor

said the deadline for the Armstrong Creek application will be between the 3<sup>rd</sup> week of April and the 3<sup>rd</sup> week of May.

Commissioner Scalph motioned to approve the drawdown request of \$11,055.70 and authorize President Wender to sign. Commissioner Brenemen seconded. Unanimous decision.

Ms. Taylor told the Commission that the money loaned to the New Haven PSD out of Coal Severance will be repaid within two weeks.

Rick Wagner and Roger Wagner, KFPSD, appeared to request funds to assist with crossing private property that federal funds can't cover. The DEP recommended that KFPSD approach the County Commission to assist with a spare pump. In 2003, KFPSD picked up Smithers and the prison and it has been a problem since. FEMA would only reimburse the PSD \$27,000.00 for the lightning strike during the flood and they haven't received that yet. The PSD was also fined \$246,000.00 for not having a spare pump. Commissioner Scalph asked why there was no funding from FEMA for the flooding. Mr. Wagner will have to check with Kevin Walker about that. They are working to get the fine for the spare pump removed. They are also working on the engineering of the new lines to Gauley Bridge - they will be bored under the river instead of bolted to the river floor. They insulated the line that crosses the river above water. Ms. Taylor thinks the fine will be reduced with a 12 month payment plan for the remaining amount.

Mr. Wagner stated the back-up pump will be \$50,000.00. The PSD put in for a rate increase and ended up with a rate decrease due to the expiration of a \$4.00 sewer surcharge that was never removed. The

PSD already has a \$150,000.00 deficit. The PSD is reapplying for a rate increase but they also need an upgrade for the pumping stations.

Mr. Wagner said the line extension SCBG project will take 180 days to complete. The contractor will work by setting up the line house by house instead of starting at the end of the line, working backwards and hooking everyone up at once. The contractor will invoice house by house and if an invoice is not paid, they will stop working.

President Wender suggested setting up a meeting for all parties involved to discuss. Ms. Taylor will schedule an appointment on a future agenda with Stanley Adkins and E.L. Robinson Engineering.

Tim Richardson, Zoning Officer, appeared to discuss the UKV Regional Plan Retainer. Mr. Richardson said he reviewed and recommends that the Commission sign contingent upon the Prosecutor's approval. Meetings have not yet been finalized, but each municipality will have 2 members which will assist with quorum. This retainer will work in tandem with the existing County agreement. Commissioner Scalph motioned to retain WVU Law on the recommendation of Mr. Richardson and the Prosecuting Attorney. Commissioner Brenemen seconded. Unanimous decision.

Bill Hannabass, Oak Hill City Manager, appeared to present an easement of Arbuckle PSD for the Commission to approve and sign. Commissioner Scalph motioned to approve and authorize President Wender to sign the agreement. Commissioner Brenemen seconded. Unanimous decision.

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

The Commission reconvened at 1:30 p.m. for an executive session for legal counsel.

The Commission entered into regular session at 2:07 p.m.

Commissioner Scalph motioned to approve the signing of the retainer with Woelfel & Woelfel and Paul Farrell, Jr. to proceed with legal counsel in a lawsuit against manufacturers of opioids which have presented as a public nuisance in Fayette County. The Commission will pass a resolution and authorize President Wender to sign the contract to enter into a retainer, with attorneys taking a 30% fee if the suit is successful. Commissioner Brenemen seconded. Unanimous decision.

The meeting adjourned at 2:16 p.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 30, 2017  
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 30<sup>th</sup> day of January, 2017.

President Wender called the meeting to order at 9:03 a.m. to sit as the Board of Equalization and Review. The Commission will move onto exonerations and if a petition is brought forth, they will then address it.

Eddie Young, Assessor, appeared to present a real property exoneration for Jessica Stiltner for \$0.00 so that it may be redeemed. Commissioner Scalph motioned to approve the exoneration. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented personal property exonerations for John R. Workman & Donna P. Allen \$368.32; David Ray Williams \$31.12; Louise A. Powell \$433.86; Pinheads Fun Center Inc. \$1,570.82; Betty Joe Bainbridge \$445.94; Janet M & Twans M. Tolliver \$562.34; Juanita Elizabeth Howell \$430.43; Robert L. or Crystal Holliday \$46.36; Andrew B. & Kelley Y. Weis \$636.36; Jack L. Jr. & Jackland Chapman \$17.28; James M. & Allison W. McQueen \$200.20; Kristen V. or Brandin Klausher \$72.62; Rachel Nicole Ennis \$428.88; Michael Lambert \$16.52; TLT \$390.00; Hatchers Music Center \$1,538.44. Commissioner Brenemen motioned to approve the personal property exonerations. Commissioner Scalph seconded. Unanimous decision.

Mr. Young presented 2 refunds for Lawrence E Brown II \$467.84 and Brian & Mollie Ray \$972.80, respectively. Commissioner Scalph motioned to approve the refunds. Commissioner Brenemen seconded. Unanimous decision.

Mr. Young presented another refund for Rodney K. & Susan Thomas \$1,578.02. This was originally ordered for credit on future taxes. However, the Thomases sold their property and moved out of county and would like a refund for the remaining amount. Credit is no longer applicable. Commissioner Brenemen motioned to refund the Thomases \$1,578.02 for the over payment on taxes. Commissioner Scalph seconded. Unanimous decision.

President Wender noted that it is 9:10 a.m. and no one appeared to present a petition. The Commission recessed as the Board of Equalization and Review to reconvene on February 2<sup>nd</sup>.

Debbie Berry, County Administrator, appeared to present an order to allow Eddie Young, Assessor, to make changes per the findings of the Board of Equalization and Review. Commissioner Scalph motioned to approve and sign the order. Commissioner Brenemen seconded.

James Bennett, 911 Director, appeared to discuss the back-up battery bids. Millennium was \$11,400.00, Snyder \$14,328.00 and Gruber at \$9,175.00. Gruber is the current contract. President Wender asked where the other company came from. Mr. Bennett said that Snyder cannot be considered because their bid came in after the opening. He just wanted to show the bid for reference. Commissioner Scalph motioned to approve Gruber Power Source for the full service maintenance for new batteries and authorized President Wender to sign the 1 year contract. Commissioner Brenemen seconded. President Wender asked why it is so much for maintenance on new batteries. Mr. Bennett stated it is for the entire system beyond the batteries. This has 24/7 coverage within 4-8 hours of issue and 2 yearly checkups. Unanimous decision.

Mr. Bennett discussed the wrecker contract. Companies will need to show proof of residence and payment of taxes. Mr. Bennett will present these terms to the wrecker rotation committee.

Shawn Ellison, Chief, Pax Volunteer Fire Department, appeared to discuss their bid process and selection of the higher bid for a pumper truck replacement. Tom Hughes, Pax Volunteer Fire Department Board President, also appeared. They described the bid process and stated that they chose the Sutphin truck at \$432,876.00 over the All-American/Rosenbauer truck at \$423,476.00 due to better specs and

previous issues with the lower bid's company. The bid opening was held on May 25<sup>th</sup>. The board voted and approved the higher bid and signed the contract in June, 2016. On January 4<sup>th</sup>, 2017, Mr. Ellison asked Joe Crist, Fire Coordinator, for the money for the pumper truck and was told he needed to present his reasoning to the Commission. Mr. Hughes stated he didn't appreciate having to explain and ask permission of the Commission. They are under contract and the truck is over half way built. There would be consequences if they canceled the purchase at this point. Mr. Hughes also stated that they just paid off another truck 100% without county funds.

The board is asking for 3 years of pumper truck replacement funds from the county, will put \$70,000.00 down and \$50,000.00 from the sale of another truck and 10 year financing for the remainder.

President Wender is concerned about the precedent this would set. The Commission has never been involved in a pumper truck purchase discussion. They prefer to leave that expertise to the fire departments and coordinator.

Larry Harrah, Prosecuting Attorney, appeared to explain why the County Commission is involved. It is believed that the truck bidding was done during executive session. Mr. Ellison stated that this wasn't true. That they had 2 separate bids during that meeting and they asked those involved in the roofing bid to leave during the pumper truck bid discussion. Mr. Harrah stated that during open meeting, no one should be asked to leave. Mr. Hughes agreed this was a mistake but stated it was never an executive session.

Mr. Crist stated he is not trying to deny Pax their funds, but he wants the process done right. The Sutphin specs might be more, but they are unnecessary. Contract says the County Commission has the final say in disputes. Commissioner Scalph stated that it is up to them to go with the lowest bid or pay the difference for going with the higher bid. President Wender asked if the low bidder met the specs and Mr. Crist said yes, they did. The Danese truck purchase was mentioned, but the difference there was that the lower bid did not meet the minimum specs listed.

President Wender asked why Pax would set themselves up by using specs from All American. The representative from All American said it was his job to provide the specs and bid sheet and the other company wouldn't have known it was an All American spec sheet. Mr. Hughes and Mr. Crist both agree this is common and accepted practice.

President Wender speculated that there would be a lawsuit due to the time elapsed since signing the contract. Mr. Crist says that the owner of the company agreed on January 26<sup>th</sup> to amend the specs on the current truck to come under the low bid. Mr. Ellison said they told him they would not tear up the contract and they will still end up with the same end result. This would just be correcting the precedent.

Tim Richardson, Oak Hill Fire Chief, asked to speak. Mr. Richardson said Mr. Crist is trying to uphold the integrity of the bidding process and feels that the Pax process was flawed by not being clear that higher specs would be entertained and this undercut the bidding process. Mr. Hughes stated that this should have been

understood and offering higher specs is common knowledge. That less than \$9,000.00 over the low bid isn't that much of a difference.

Mr. Crist said the Fire Association is suggesting rebidding the truck to the Sutphin specs with a 60 day delivery cycle. This would clear up the bid and specs and assure that Sutphin would keep the contract. Mr. Ellison asked about the legality of that plan. Mr. Hughes speculates that Sutphin would raise the bid and All American could somehow win the bid.

President Wender restated that this process is flawed and it shouldn't be fixed with a bigger flaw. Perhaps this should just be lessons learned.

Mr. Harrah stated that he can't fault Mr. Crist for trying to keep the integrity of the process. Mr. Crist's fix could upset All American. Pax has gotten the Fire Association mixed up and Mr. Crist is trying to protect the integrity of the process. Rebidding with a truck already in process opens up the department to a law suit. President Wender suggested correcting this now to keep it from happening again. Mr. Harrah said that Mr. Crist will do that. Rebidding or canceling will cause a lawsuit. We are too far along and this is a no win situation. Bid specs should be specific in the future. If the specs are exceeded there will be an explanation.

Commissioner Scalph asked that in the future the Fire Association be more involved in the bidding process. Mr. Richardson said that it all comes down to communication. From now on, all bids will go through Mr. Crist's office and he will be present for all bid openings.

Mr. Harrah stated that the minutes from the bid opening did not reflect the vote. Advises this to be fixed. Mr. Ellison addressed Mr. Harrah and stated procedure was followed as far as they were aware and restated the truck specs. Mr. Harrah stated that the specs are not the issue; it's the disregard of the process at issue.

President Wender stated that Pax needs to review Robert's Rules of Order and that they let too much time lapse. Mr. Richardson and Mr. Crist are planning to fix this for the future to avoid these situations. Mr. Crist's idea to rebid will open them to lawsuit.

President Wender motioned to endorse and allow Pax to move forward with the understanding that they don't agree with how any of this was handled. Commissioner Scalph seconded and asked for open communication and to not put the Commission in this position again. Mr. Harrah and the Commission are not experts in this field. This is a case of lessons learned. Unanimous decision.

Sheriff Mike Fridley and Anna Frost appeared to present about changes in the tax office. Sheriff Fridley first presented about the security and phone system. Price quote for the GPS units for county owned vehicles is \$348.00 total per month for commission vehicles. This could allow for Wi-Fi hotspots, too. Sheriff Fridley believes this is worth the cost. President Wender asked Ms. Berry to invite the affected drivers to attend a discussion. This could take care of the proposed vehicle policy.

Sheriff Fridley reminds the Commission that the Road Office is staying open on Tuesdays and Thursdays until 6:00 p.m. to assist with gun permits and reports. There are deputies present.

Sheriff Fridley would like to have the same schedule in the Tax Office. The Tax office has been down 1 tax deputy for a while and another is on leave. Beginning March 1, the office will only accept cash for car registrations. This is due to the amount of bad checks that have been written in the past. The County has been unknowingly paying these taxes when a check bounces. Warrants can be served and licenses can be lost, but it is too much man power to retrieve the sticker.

There is an account from the General Fund that is covering the bad checks. Denise Light with Fayette County National Bank doesn't know how long the account has been open but it's been like that for a long time. The Fee for writing a bad check will be increased from \$10.00 to \$25.00 and once a bad check is written, a person can no longer write a check for property taxes, either. They have 10 days to make the payment right or the taxes are reinstated or they go delinquent. The same thing will be instated for Day Report Center payments for drug tests and GPS monitoring. There will be a press release in the newspaper and on Facebook and posted in the office. If money can't be regained, then we will have to write it off and then we will be written up by the auditor.

Sheriff Fridley mentioned the extended hours again and stated there will always be a deputy with them. He also spoke with the Assessor as they are important to the tax office business. People can call in during the day to have their tickets made in the system to be ready after hours when they arrive to pay. There is always the chance the Assessor will decide to follow a similar schedule too. President

Wender suggested putting this back on the agenda with the Assessor to see what this will do to his office. Suggested hiring a part time employee until budget time. President Wender asked Ms. Frost for a proposed schedule. They are hoping to wait until the employee on leave returns in 8 weeks to keep Ms. Frost from working 8:00 a.m. - 6:00 p.m. on Tuesdays and Thursdays. The employee on leave is the assistant Chief Deputy and they will share the duty of staying in the evenings. Sheriff Fridley asked for permission to keep the Courthouse Annex open beyond 4:00 p.m. 2 days a week and the Commission agreed.

The Estate of Rita Francis Perdue was rescheduled due to no one appearing for the appointment.

Gabe Peña appeared to change the scope of the Flex-E grant. The WVU Law Clinic and Revitalize UKV received \$4,800.00 in redevelopment planning. Mr. Peña is asking to use the funds for planning and engineering for the Montgomery Fishing Pier near Montgomery General Hospital. He is also asking for an extension to spend the funds until February 28, 2017. The Commission asked Mr. Peña to revise the paperwork and return at a later meeting for authorization and signature.

Kevin Walker, OEM Director, appeared to discuss the Bays payment. The final inspection is based on federal inspection of paperwork. This inspection is based on Mr. Walker's paperwork, not the contractor's work. The Contractor's work was up to Mr. Walker to enforce and make sure it was completed. FEMA will be inspecting the paperwork and not the physical work. All of this is understood now and complete. President Wender stated he was under the impression

that it was a "kick the dirt" inspection. Mr. Walker stated that the derecho just received the final inspection, as a way to illustrate how long this process is. Bays would like to stay a vendor in the county and is gracious about the discussion. However they have been an issue and difficult to work with. There has just been miscommunication. President Wender asked that Mr. Walker write a letter stating the misunderstanding of the final inspections and send the payment. Commissioner Brenemen motioned to send the payment. Commissioner Scalph seconded sending the payment along with the letter from Mr. Walker and Ms. Berry. Mr. Harrah agrees with this arrangement. Unanimous decision.

Mr. Walker presented about the Meadow River Rail Trail. Restoring to pre-flood condition can avoid the downstream studies. They proposed resetting the steel instead of demolishing, recycling and rebuilding. Money cannot be drawn down until plans are shown. The original suggestion of raising the bridge 7 feet was not a demand. Also the original trestle plan wasn't sufficient for the desired use. Fayette County will need \$827,000.00 from FEMA and are unable to join in with Greenbrier County to receive FEMA funds. Must wait on the weather to break. Mr. Walker wishes he had more expertise assistance. President Wender suggested finding out if we can hire an engineer to assist.

Ms. Berry presented a Memorandum of Understanding for President Wender to sign for the Women's Resource Center to develop more comprehensive strategies addressing violence against women.

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

Commissioner Scalph formally resigned her positions with the New River Transit Authority and the Fayette Raleigh Metropolitan Planning Organization (FRMPO) citing scheduling conflicts with their meetings and her duties on state Executive Boards.

Ms. Berry presented a letter for the Commission to sign appointing John G. Brenemen to the New River Transit Authority. Commissioner Scalph motioned to approve and sign the letter. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter to appointing John G. Brenemen to the Fayette Raleigh Metropolitan Planning Organization (FRMPO) due to the resignation of Commissioner Scalph. President Wender motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter from Christopher S. Moorhead, Chairman of the Fayette County Deputy Sheriff's Civil Service Commission requesting the Commission to make an appointment due to the vacancy created with the passing of Eugene Hogan. The person must be a Republican because currently John Shumate and Christopher Moorhead are Democrats. Code prohibits all three members being of the same political party. Commissioner Scalph motioned to appoint Tom Ewing to the Civil Service Commission. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter to Sherman Bobbitt thanking him for his years of service on the Fayette County Planning Commission. The

Commission signed the letter. A replacement was discussed.

Commissioner Brenemen suggested John Welder from Powellton Hollow. Ms. Berry will obtain a bio for Mr. Welder and the Commission will offer the suggestion to the Planning Commission.

Ms. Berry presented a letter for the Commission to sign to all Elected Officials and Department Heads requesting each to submit their detailed request for appropriations for FY 2017/2018 budget by March 1, 2017. The Commission signed the letters.

Ms. Berry presented a request from Leonard H. Bickford, Chief Magistrate, to purchase 6 small benches for the Magistrate Court floor to allow police officers to sit while they are waiting for cases in Magistrate Court. Sheriff Fridley believes that 4 benches will be enough. Ms. Berry and Magistrate Bickford will work together to choose appropriate benches for around \$100.00. Commissioner Scalph motioned to approve the purchase of 4 benches. Commissioner Brenemen seconded. Unanimous decision.

Sheriff Fridley presented that a desk will be placed in the main courthouse hallway for Corporal Legg to use while acting as courthouse security and not roving. President Wender took issue with the deputy sitting at a desk. Commissioner Scalph stated she believes it shows we are being proactive.

Ms. Berry presented a request for a letter to Fayette County Mayors from the Commission regarding the Law Enforcement Memorial. Sheriff Fridley said \$7,000.00 needs to be raised and this request would be better coming from the Commission. The letter will be presented for approval at the next meeting.

Ms. Berry presented a maintenance renewal for the boiler in the Courthouse for signature of President Wender. Currently paying \$8,089.00 per year and it will increase to \$8,200.00, or by \$27.75 quarterly. Commissioner Brenemen motioned to approve and authorize President Wender to sign. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a request from Brent Conley, Team Purpose Coach, to use the Fayette County Soldiers & Sailors Memorial Building from March 1, 2017 to August 31, 2017 for coaching the AAU Girls Basketball Team. Commissioner Brenemen motioned to approve the request. Commissioner Scalph seconded. Unanimous decision.

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

Ms. Berry presented invoices for approval for the Fayette County Animal Control Center in the amount of \$2,388.42 for utilities. Commissioner Scalph motioned to pay the invoices. Commissioner Brenemen seconded. Unanimous decision.

President Wender mentioned finding out if the Animal Shelter's AEP bill could be put on a budget.

Ms. Berry presented a revised letter for the New River Gorge Learning Cooperative asking to move the date of their approved event. The Commission approved the change.

The meeting was adjourned at 12:33 p.m.

FAYETTE COUNTY COMMISSION  
FEBRUARY 2, 2017  
COURTHOUSE

FAYETTEVILLE, WV 25840

Present: MATTHEW D. WENDER, DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a special session on Friday, February 2, 2017. President Wender called the meeting to order at 9:06 a.m. sitting as the Board of Equalization and Review for Industrial and Mineral Hearings.

Eddie Young, Assessor, was present, but there are no contested valuations and the State did not appear due to lack of any applications. The Commission recessed as the Board of Equalization and Review at 9:12 a.m. to enter into the regular meeting, unless someone appears with an application.

Discussion was held regarding the email about Wet the Dries Commission received from the Alloy plant. This was an informational email, and wasn't asking for anything from the Commission.

Commissioner Brenemen motioned to approve the minutes from the January 20<sup>th</sup> meeting. Commissioner Scalph seconded. Unanimous decision.

President Wender stated that he will contact Jonathon Grose, Mayor of Gauley Bridge, about sitting on the board of the Kanawha Falls PSD.

Discussion was then held about the vacancy on the Planning Commission. The Commission will recommend John Welder to the Planning Commission.

The Commission held a discussion with employees who drive county owned vehicles. The Commission has had concerns for a while about county owned vehicles. Other counties have gotten in trouble over the subject. The Commission is not anxious to change anything, but needs a way to verify accountability if ever questioned. Sheriff Fridley has a GPS monitoring system that could alleviate concerns and the necessity of a policy. The Commission makes it clear this is not a done deal.

Sheriff Fridley explained the GPS system the Sheriff's office will be using. Wi-Fi is available for employees who it would benefit. These mid-line devices will promote safety and will provide insurance savings. There are 11 cars for the County Commission and 7 for the Assessor and a few additional vehicles for the Sheriff requiring units. President Wender stated that the Commission gets questioned frequently about suspicious abuse of county owned vehicles. This system would allow the Commission to anticipate future inquiries and assist if someone is accused of something. James Bennett asked about recording features. Larry Harrah, Prosecuting Attorney, stated that the information states there is a location stamp and the information is saved for 90 days and can be backed up by county computers.

President Wender stated this would be more for locating someone if necessary rather than checking up on employees and Commissioner Scalph commented in favor of the insurance savings.

Renee Harper, Park Director, appeared to update the Commission on the park. She is proposing an increase in pool fees. The proposed

increase is based on other local pools and the recommendation of the Parks and Recreation Board.

Commissioner Scalph asked if the fees are tax exempt. President Wender asked about passes versus single use. Ms. Harper doesn't have the figures on the passes since they were not sold last year. President Wender asked about the amount of the increase and Ms. Harper stated that she believes it is fair.

Commissioner Scalph is concerned about inconsistent hours, stringent rules against toys, food and chairs. Ms. Harper stated that more chairs will be available and they are working on a canopy for shade. They are working on the other issues.

Commissioner Brenemen asked about rounding out the tax. Commissioner Scalph stated that some businesses will back off the tax to have an even payment amount. All Commissioners agree this is an easy formula that can be kept at the register. President Wender still believes an increase in pool passes from \$85.00 to \$225.00 is too ambitious.

Ms. Harper presented that they will have a 10 visit punch card with a reduced fee if purchased before April.

Commissioner Scalph asked about concessions. Ms. Harper stated they haven't finalized the plans yet.

Ms. Harper updated the Commission on the planned Easter Egg Hunt. It will be April 8<sup>th</sup> and only be 1 day long for the 1<sup>st</sup> year. It will be for children 8 years and under from 11:00 a.m. to 3:00 p.m. They will split up the children into two groups: 4 and under and 5-8. They will also have a petting zoo with bunnies and chicks. The hunt and

petting zoo will be free with other activities such as a hay ride for a fee.

President Wender asked about the possibility of offering the entire event for free. Ms. Harper stated this will all be a learning experience. If everything is free and the weather is great they might get bombarded. They should definitely be able to offer the hunt and hay rides for free.

Ms. Harper presented that the park applied to adopt Park Rd. through the Adopt a Highway Program.

The Park will hold a job fair in March on the 24<sup>th</sup> and 30<sup>th</sup> to build a pool of seasonal applications.

Ms. Harper asked the Commission about increasing lifeguard pay to \$9.25 per hour. Adventures On The Gorge pays \$9.25 as well as incentives through the resort. There is money in the budget to increase these salaries. Ms. Harper is hoping to attract older than school age kids due to scheduling conflicts with classes and sports practices. President Wender suggested maybe a bonus for completing the season. Commissioner Scalph stated that the higher pay might mean more dedicated employees and asked about partnering with companies to offer incentives. We will need extra guards to cover vacations and time off.

Ms. Harper brought up the gun range and the use of high powered rifles; bullets are lodged in the shelter frame. The range is posted and there is not supposed to be shooting there. The gun club shoots on Sundays but there is conflict with church services being held in rented shelters. Proposed asking the club to wait till noon. Mr.

Harrah and Sheriff Fridley expect this will be met with resistance since morning is the best time to shoot.

Discussion was held about moving the range to Girl Scout Lane.

Mr. Harrah asked about holding a fishing event at the park, with sponsors to offer free poles and stock the pond for the day. DNR could stock.

Ms. Harper asked about offering free lunches for volunteers twice a year. Commission will find out if this is allowed.

Commissioner Scalph presented that the Bridge Day Commission needs a place to store the 5 x 20 foot diving board used for jumpers. Sheriff Fridley believes this is owned by Marcus Ellison and not the Bridge Day Commission. Either way, the park is not sure there is a place to store it. Bridge Day Commission might have to build a structure or pay to have it stored.

Dan Pauley, Park Garage Maintenance, asked about mileage and taking his county owned vehicle home, as he is always on call for the deputies' cruisers. In some private companies, if they are not on call, they pay a flat fee for mileage. If they are on call, they don't pay a fee at all since it is part of their job description to have the car at all times. It is difficult on taxes at the end of the year. Ms. Berry stated that by law, we can only offer exempt status to cars marked for emergency operations.

Sheriff Fridley suggested making Mr. Pauley's vehicle marked like some of the essential operations vehicles at the Board of Education who ran into this same situation. President Wender asked Ms. Berry to look into this.

Ms. Berry presented the edited letter to municipalities concerning the Law Enforcement Memorial. President Wender asked that the letter be sent to the paper as a letter to the editor. The Commission signed the letters approved in a previous meeting.

Discussion was held regarding security at the Prosecutor's office. Sonny Milam, Maintenance Supervisor, will check with Fayette Institute of Technology to see if they can make a metal fire escape for the Prosecutor's building, 3<sup>rd</sup> floor of the main courthouse and the Circuit Clerk's office.

The meeting was adjourned at 11:35 a.m.

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FAYETTE COUNTY COMMISSION

FEBRUARY 7, 2017

COURTHOUSE

FAYETTEVILLE, WV 25840

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

The Fayette County Commission met in a special session on Tuesday, February 7, 2017. President Wender called the meeting to order at 9:00 a.m. sitting as the Board of Equalization and Review for Industrial and Mineral Hearings.

Eddie Young, Assessor, was present, but there are no petitions. The Commission recessed as the Board of Equalization and Review at 9:15 a.m. to enter into the regular meeting, unless someone appears with an application.

Debbie Berry, County Administrator, appeared to present a letter from Lisa Ferrell-Kesterson for the Annual Police Officer Memorial requesting permission to set up a tent on the Courthouse lawn on Monday, May 15, 2017. Commissioner Scalph motioned to approve the request. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter for the Commission to approve and sign authorizing the purchase of 6 panic alarms at \$189.00 each for the Fayette County Commission offices. Commissioner Brenemen motioned

to approve the purchase and sign the purchase order. Commissioner Scalph seconded. Unanimous decision.

Commissioner Brenemen motioned to purchase 20 additional panic alarms to cover the campus of the courthouse. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to Attorney Tom Ewing notifying him of his appointment to the Fayette County Civil Service Commission. Commissioner Brenemen motioned to approve and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Discussion was held about the upcoming legislative meeting. Commissioner Scalph mentioned bringing up the time that taxpayers have to file for exonerations.

Members of the New River Humane Society appeared to present to the Commission. Sunday afternoons, there are community dog walks and it has been noticed during these events, that there are several empty cages and no dogs are living in outdoor cages. This is a great improvement. The board members have been visiting other shelters for ideas. They also state that the cat room has vacancies as well.

Casey Gioeli, Shelter Veterinarian, stated that animal rescues have been integral in keeping the population down. Last month, 100 animals were brought in, and there was only 1 reclaim and 1 adoption. Most of the intakes went to rescues. Strays must have a 5 day hold but surrenders can be adopted out immediately.

The Shelter is no longer accepting feral cats. They would like to trap, neuter and release. Trap and vasectomy/hysterectomy release would be an option too, which would allow the animal to retain its natural instincts, and cause them to defend their territories which would also assist in reducing feral cat populations. They have identified grants to assist with this program and they don't want to roll the program out prematurely. This is the best way to deal with the feral cats. No one will adopt them and it is inhumane to cage them.

Commissioner Brenemen asked about the costs of vasectomy versus neutering. Ms. Gioeli stated that needs to be determined and would also rely on grants.

Kathy Gerencer, volunteer, reported about the Fur Ball. It was sold out and the auction was a success. They had great response from area businesses for the auction.

Discussion was then held regarding the finances of the Shelter. (handout attached)

The budget from the Commission was cut from \$200,000.00 to \$125,000.00 in 2016 with an addition of \$10,000.00 to assist with bills. The Day Report Center was supposed to assist with daily Shelter maintenance but that did not work out. Vet costs last year were over \$70,000.00 and should be better this year due to the feral cats. The veterinarian has given protocols on which animals to vet to help with costs. Vaccinations are expensive and every animal that comes to the shelter is vaccinated.

Discussion is held about staffing. Two days a week one person is working alone with the dogs. This is not safe and ideally they need another employee. They need 7 kennel attendants and one employee might soon retire freeing up a higher salary. There is also a need for a secretary. They would like to hire the secretary by the first of March.

There is a \$33,000.00 shortfall for payroll. The NRHS is asking for \$32,932.00 to cover payroll. Commission would need to make a budget revision. Commissioner Scalph motioned to approve the request to hire additional staff and to make a Budget Revision to cover the \$32,932.00 request. Commissioner Brenemen seconded. Unanimous decision.

Active Southern West Virginia appeared to update the Commission. Present were Melanie Seiler Hames, Andy Davis, Becka Lee and Malorie Polster.

Ms. Lee, Volunteer Director, presented about Community Captains for free weekly activities. Helps people stay accountable for their activities and stay on track. They partner with the NRHS for the Community Dog Walks and other events are family friendly. Other activities include tai chi, gentle chair yoga and Saturday walking groups.

Get Active in the Park was a partnership with the New River Gorge National River. This program is to encourage locals to use the park. Last year there were 14 captains, 75 free activities and 368 participants in 5 months. This year, they would like the program to be year long and hope to add rock climbing, snowshoeing. Camp Brookside had cooking and canning classes. The only ask from the Commission is for support and advertising. Commissioner Scalph mentioned involving the women's clubs.

Ms. Polster appeared to discuss the Kids Run Clubs. They have 4 clubs in Fayette County and are on track to have 16 total next year. These are non-competitive, team building and are designed to teach kids healthy lifestyles. Reported TV time decrease and activities increased in surveys from the participants. President Wender asked about support from the Board of Education. Ms. Polster stated that it was better to start grassroots by contacting individuals at the schools rather than going through the BOE and having it mandated to every school.

Mr. Davis appeared to discuss biking and walking. Communities must be bike friendly or having a bike is pointless. They would like to see people be able to bike to the store or school or to other ASWV activities. Mt. Hope was the first community they approached about making it bicycle friendly. The local government was very accommodating. Bike racks, outdoor exercise equipment and a bicycle repair station have been installed around town and they are connecting rail trails, fitness trails and historical interpretations throughout town. They are hoping that the proposed Coal Heritage Discovery Center will become the hub for biking around Mt. Hope. A section of town nearby is vacant due to a flood buyout and this would be the perfect location to be repurposed for biking. They are in talks with CSX to purchase 16 acres of land to create a corridor from Mt. Hope, Mill Creek, the Summit towards National Parks Service Land. Another plan is to work with the Summit to make a fenced off road on their property a bike trail from Mt. Hope to Glen Jean. Commissioner Brenemen mentioned the proposed trail in Oak Hill connecting through

Scarbro to Glen Jean. Mr. Davis said that all of those trails are to be eventually networked.

They are hoping to add bike lanes with a feasibility study and then increase bike safety education. A Bike Safety Rodeo was held at Mount Hope Elementary School and they were able to give away 24 helmets and bikes.

President Wender asked what is the next community for the bike project. Mr. Davis stated they've contacted Mayor Rappold in Beckley and they are already working on an assessment.

Ms. Seiler returned to present about Workplace Wellness. They use an 80 question, 8 topic scorecard from CDC Health to help workplaces improve and implement healthy choices during the workday. They strive for a 5 year goal for improvement. They are hoping to expand this program with an ARC grant for staffing and expansion of office space. They are also applying for a Benedum grant.

A short term goal for this program is to have a resource directory for health care so people can be proactive rather than reactive.

Ms. Seiler presented about the Bridge Day 5K. The event was a success with nearly 200 participants and they hope to increase to 500 for 2017 and use the FC Memorial Building as an ending spot. A Family Triathlon was held in Summersville and they partnered with the Dragans from Thurmond for the Summersville and Thurmond events.

ASWV is only asking for support in the way of word of mouth advertising from the Commission. Commissioner Brenemen offered to allow advertising on his White Oak Trail Depot property in Oak Hill. President Wender mentioned partnering with the Parks & Recreation Board and the County Park. Ms. Seiler states she's on the advisory board and they are working on summer events for the FCMB.

Earl Manley from A & E Towing and Shane Foster of One Stop Towing appeared with a complaint regarding the wrecker service rotation. Montgomery Auto operates from Kanawha County as a Fayette County company and also under the name of Three Rivers, which is a violation of the contract. Three Rivers is not to be called. However, City of Montgomery Police Department will request Montgomery Auto per

instructions from their City Council. This puts the dispatchers at 911 in a difficult situation. The Sheriff has ordered that the dispatchers are to follow the rotation. Only the owner of a vehicle can request a specific service. Fayette County is adequately covered by this level of service from in-county, tax paying wrecker services, so Montgomery Auto would not be approved if they were applying for the service today (they've been on the service for many years.) Their equipment and stockyard are not in Fayette County and they are in violation of the contract. President Wender doesn't like that we are providing a service and the City of Montgomery is dictating the terms. From now on, if Montgomery Police want Montgomery Auto, they will need to call on their own and not use 911 dispatch. President Wender asked that Prosecuting Attorney Larry Harrah and Assistant PA Liz Campbell review the issue and contract and reschedule for another agenda.

Further discussion was held regarding Glen's Towing. They are mainly located in Kanawha and Raleigh counties but own a piece of property in Fayette County. They are the only company equipped to handle heavy duty wrecks and are contracted by the Turnpike. We need to retain their business to take care of large wrecks. Glen's and Montgomery Auto are two different issues. Ms. Campbell will see if we need to write a separate contract for the heavy duty equipment since they are officially out of county, but there are not heavy duty options in county. We will need to anticipate other companies asking for special contracts in the future. Most important issues are clearing the roads and not taking away from Fayette County companies. Mr. Walker and Mr. Bennett will think about heavy duty contracts and report back. The Commission stated that this will be up to Mr. Walker and Mr. Bennett.

Tom Ballard and Debbie Dunn of Priority Ambulance appeared to discuss ambulance pagers. They are asking for secondary pagers for when JanCare is unavailable. Ms. Dunn stated that response times are an issue, that they have been 45 minutes for a 10 minute call. Mr. Walker stated that for 2016 there were 7,600 calls and 49 of those went to Priority due to JanCare being unavailable. Protocol adopted through 911 is to send the closest ambulance, but the county has a

contract with JanCare. JanCare has the responsibility to respond or decline the call. Mr. Harrah and Mr. Walker are working on clarifying the language of the contract. The contract should reflect the best patient care.

When the contract was first implimented, JanCare was the only company with a fleet large enough to serve the entire county. Mr. Walker is checking with other counties and started to tweak this contract. Once the contract is revised they will see if it is feasible to bring other parties into the contract.

The Commission recessed for lunch at 12:14 p.m.

The Commission reconvened at 1:30 p.m. and entered into an executive session to discuss a PSD issue with legal counsel.

The Commission entered into another executive session at 2:30 p.m. to discuss a park personnel issue.

The meeting was adjourned at 3:30 p.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

FEBRUARY 10, 2017

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 10<sup>th</sup> day of February, 2017.

President Wender called the meeting to order at 9:00 a.m. to sit as the Board of Equalization and Review. Eddie Young, Assessor, was present, but there were no petitions. The Commission recessed as the Board of Equalization and Review at 9:08 a.m. until February 15th, unless someone appears with an application.

Commissioner Scalph motioned to approve vouchers and invoices to be released today. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve minutes from November 1, November 18, December 6 and December 16, 2016. Commissioner Brenemen seconded. Unanimous decision.

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

Debbie Berry, County Administrator, appeared to present Budget Revision Number Two for Coal Severance and a resolution for approval and signatures to reflect an increase in the Dog Warden/Humane Society allocation. The increase is \$32,932.00. Commissioner Scalph motioned to approve and authorize President Wender to sign the Budget Revision. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Scalph motioned to approve and sign the resolution for the Budget Revision. Commissioner Brenemen motioned to approve and sign the resolution. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter to the WV Supreme Court of Appeals requesting rent for the Family Law Judge for the months of February and March 2017, \$3,375.00 per month, for approval and signature. Commissioner Scalph motioned to approve and sign the letter. Commissioner Brenemen seconded. Unanimous decision.

President Wender inquired about the additional space that was offered to Family Law Judge to rent. Judge England had stated there is currently enough space available and he didn't want to further burden the tax payers with additional rent.

Ms. Berry presented a letter from John Steadman, Fayetteville Elementary School Music Teacher, requesting use of the Soldiers and Sailors Memorial Building for a music rehearsal and performance on April 10<sup>th</sup> and 11<sup>th</sup>, 2017. Commissioner Brenemen motioned to approve the request and sign the letter. Commissioner Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for approval and signature of President Wender notifying that the Commission reviewed the request from Southern Appalachian Labor School (SALS) for funds from the WV Housing Development Fund to construct the Helen M. Powell Apartments in Kincaid, WV. Commissioner Scalph motioned to approve and authorize President Wender to sign the letter. Commissioner Brenemen seconded. Unanimous decision.

Ms. Berry presented a letter from EnAct asking if the Commission would like to reappoint Judson Wallace as their representative. Ms. Berry will check with Mr. Wallace to see if he is still available to serve.

Discussion regarding a quote for a backflow preventer and test for the Smithers Sheriff's Department was tabled until more quotes can be obtained.

Ms. Berry presented a letter from Jill M. Perdue requesting to be considered for a vacant position on the Kanawha Falls PSD Board. This was tabled for further review. An offer has already been extended to Mayor Jonathan Grose of Gauley Bridge.

Ms. Berry presented a message from Mayor Pete Hobbs of Ansted to be put on a list for any extra police cruisers that the County may

have to spare to donate to Municipalities. The Commission will keep Ansted in mind.

Gabe Peña, Assistant Resource Coordinator, appeared to present the change of scope contract for a Flex-E grant for dilapidated structures in Montgomery. The grant will go towards building a fishing pier where dilapidated structures stood, and is adjacent to existing dilapidated structures owned by Montgomery General Hospital that are slated for demolition. Commissioner Brenemen asked about extending the length of the pier. Mr. Peña stated they are looking into that possibility. The original grant received was to compile an inventory which then allowed for further grants. Gauley Bridge has 22 dilapidated structures per square acre and 33 dilapidated structures total. Commissioner Scalph asked about if some can be salvaged by using the increase in historic preservation tax credit. Mr. Peña stated that most municipalities are not interested in historic relevance; they just want the structures down. Commissioner Brenemen asked about the old inn in Gauley Bridge that was just demolished. Mr. Peña stated that was part of this project. Commissioner Scalph motioned to approve the change of scope and authorize President Wender to sign the contract. Commissioner Brenemen seconded. Unanimous decision.

Mr. Peña presented a letter regarding the WVU Tech and UKV Revitalization agreement delay. The letter will be sent to President Gee of WVU and will be signed by Mayor Greg Ingram of Montgomery, Mayor Tom Skaggs of Smithers, Commissioner Kent Carper of Kanawha County and President Wender. Commissioner Scalph motioned to approve

and authorize President Wender to sign the letter on the approval of Prosecuting Attorney Larry Harrah. Commissioner Brenemen seconded. Unanimous decision.

Brian Sparks, Andrea Mender and Lauren Weatherford appeared to update the Commission on the WVU Extension Office.

Mr. Sparks gave an agricultural update. President Wender gave Mr. Sparks some information on the cultivation of pawpaws. Mr. Sparks will check on this. Other novelty crops are becoming popular and lucrative such as ramps, morels and popcorn on the cob. Mr. Sparks also mentioned raw materials and the governor's proposal of attracting furniture making.

The Whitlock Farm property was discussed. The plan is still to sell the property to be used as an incubator farm for new farmers.

Ms. Weatherford presented her Impact Summary. (attached) Ms. Weatherford spoke about food insecurity in our area and that she is working with Melanie Seiler from Active Southern WV in the Health Alliance. The Living Well Work Group for the County is hoping to get a Vista worker to sustain the group beyond the volunteers. The Family Resource Network will sponsor the Vista. The Commission could be a last resort for the funding match if necessary.

Ms. Weatherford presented the nutritionist, Kelsey Laubach's handout. (attached)

Ms. Mender presented about 4H. Camp will be held July 10-14<sup>th</sup>, 2017.

Ms. Mender and Ms. Weatherford will check with State Board of Education member Dave Perry about presenting at one of their meetings.

Ms. Mender then appeared before the Commission to give a Parks and Recreation Advisory Board (PRAB) update. Ms. Weatherford and Claire Rozdilski, Acting Chief of Natural Resource Outdoor Recreation Planner, both members of PRAB, also attended. Ms. Mender mentioned they were very happy to have the new park staff involved with the board. There are three new committees - facilities, marketing and activities/programming. The board needs an official secretary. They would prefer to have Renee Harper due to the sensitive nature of some conversations. The Board will discuss and report back.

Another concern is clearing up the hierarchy of the park director over the Memorial Building and manager, Okey Skidmore. Mr. Skidmore is to attend all PRAB meetings and report to Ms. Harper. Ms. Mender stated the board is interested in upgrades for the FCMB. Commissioner Scalph stated that the park should be the first focus due to the amount already spent on the pool area. The Board just wants permission to conduct an assessment. This was granted.

Discussion was held on board members unable to attend meetings. One would like to resign and a letter will be sent to him accepting the resignation and a Valley area representative will be discussed. The other is currently on National Guard duty and will be excused from the absences.

President Wender stated that the YMCA from Charleston will be taking over the recreation center at WVU Tech in Montgomery and asked the PRAB to meet with the administrators.

Mr. Harrah asked about the policy of having alcohol on premises at the parks and FCMB. There is no written policy but it should be

mentioned in the rental agreements. The issue would be enforcement. It was believed that the NPS didn't allow alcohol in their parks but Ms. Rozdilski stated this is incorrect and there are special use permits granted for weddings and other events.

Mr. Harrah brought up the lease for the Day Report Center. He has reviewed and has some concerns. It needs to be documented that President Wender stated that Mr. Harrah should make edits and return it to Jamie Blankenship, attorney who drew up the lease, for finalization.

The Commission entered into an executive session at 11:52 a.m.

The Commission exited the executive session and the meeting was adjourned at 12:40 p.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
FEBRUARY 15, 2017  
COURTHOUSE  
FAYETTEVILLE, WV 25840  
MEMBERS PRESENT: DENISE A. SCALPH, JOHN G. BRENNEMEN

The Fayette County Commission met in a special session on this 15<sup>th</sup> day of February, 2017.

Commissioner Scalph called the meeting to order at 9:00 a.m. to sit as the Board of Equalization and Review. President Wender was not in attendance due to a meeting in Montgomery regarding the WVU Tech Campus lease/purchase by KVC. Eddie Young, Assessor, was present, but there were no petitions. The Commission recessed as the Board of Equalization and Review at 9:10 a.m. until February 21<sup>st</sup>, unless someone appears with an application.

Mr. Young presented a financial update. Commissioner Scalph mentioned proposed legislation regarding removing personal property tax from vehicles and replacing it with a local sales tax. Commissioner Scalph stated that at the CCAWV Legislative meeting concerns about the clarity of the tax code were discussed. Specifically, how far back can a tax payer go to have taxes corrected. Mr. Young stated that standard practice is current year plus five years but suggested a better practice would be the last Commission meeting before the land sale each year in which the property in question would be sold for delinquent taxes. This is 18 months from the issue of the tax ticket. It is the responsibility of the tax payer to look at the ticket and review for errors. The current practice can be detrimental to a county's budget if a 3-4 year refund nets nearly \$1 million, as is happening in Monongalia County.

Mr. Young presented a refund for Sharon Donnel for \$10.48. Commissioner Scalph motioned to approve the refund. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Brenemen motioned to approve minutes from January 6, January 30, February 2, February 7 and February 10, 2017 and to authorize President Wender to sign them at the next meeting. Commissioner Scalph seconded. Unanimous decision.

Renee Harper and Wayne Workman appeared to give a park update. Ms. Harper introduced Victor Mender and Mike Suttle, the two new maintenance staff members for the Park.

Ms. Harper presented an updated pool rates list. (attached) Originally, the season pass was increased to \$225.00 but Ms. Harper

decreased it to \$150.00 for a family of 4 and \$25.00 for each additional member. This is a \$65.00 increase from last year. The single member pass is \$75.00, a \$20.00 increase from last year. Ms. Harper stated that they will round out the tax as suggested by the Commission so that all prices are even. Commissioner Brenemen asked if the Park accepts credit cards. Ms. Harper stated that she is hoping to get to that point. Commissioner Scalph said that the fees charged by the credit card companies might not be worth the effort. Commissioner Brenemen asked Ms. Harper to inquire about a Square which only has a 1.5% transaction fee.

Commissioner Brenemen motioned to accept the amended pool rates for 2017. Commissioner Scalph seconded. Unanimous decision.

Ms. Harper asked that the Commission approve a \$0.50 per hour increase in the lifeguard hourly rate, increasing it to \$9.25. This was discussed in a previous meeting. There will be no extra incentives, the pay increase will serve as the incentive and will hopefully attract older employees that will not have as many extracurricular obstacles for scheduling. The amount for the increase would be covered by the existing budget. Commissioner Brenemen asked about the ideal hours for the pool to be open. Ms. Harper stated 7 hours a day. By code for a pool our size, we need four lifeguards on duty. However, due to our usage, the Health Department could grant a waiver allowing fewer lifeguards on duty at a time. There used to be 3 positions at the pool - lifeguards, cashier and manager. They are getting rid of the cashier and all lifeguards will be trained as cashiers and will rotate duties. Ms. Harper believes she has

returning lifeguards from the previous season. Commissioner Brenemen motioned to approve the rate increase of \$0.50 per hour, increasing to \$9.25 per hour for lifeguards starting in May. Commissioner Scalph seconded. Unanimous decision.

Ms. Harper and Mr. Workman then presented that the big pool is losing water. The water level dropped 3/8 of an inch from 2:00 p.m. on Monday to 8:00 a.m. on Tuesday. Mr. Workman believes it is a plumbing issue however there are not any blueprints for the pool plumbing. The pool is 165 ft. x 60 ft. with just under 10,000 gallons of water. Commissioner Scalph mentioned the previous problem with the trough in the bottom of the pool. Commissioner Scalph and Prosecuting Attorney Larry Harrah said that Ms. Harper should contact Eastcoast Pools right away and give them a heads up there is an issue. They will watch the level for a few days to see if the level stops dropping when it reaches the lights to rule them out as the cause.

Ms. Harper presented that she was approached by the New River Horseman Association about using the Park for horse shows and to also host a horse vaccination clinic with a vet from Mt. Nebo. Mr. Harrah stated that the vet needs to show proof of liability insurance 7 days prior to the event and provide the supplemental agreement that states who is responsible for cleanup. Ms. Harper suggested drafting a MOU. Commissioner Scalph asked Mr. Harrah to assist with drafting the MOU.

Ms. Harper presented a budget revision request to transfer funds from line items, Park Extra Help and Overtime into Park Materials and Supplies and Capital Equipment. (attached) The Park needs to replace the zero turn mower, purchase the ADA lifts for the pool and purchase

various materials for repairs. Commissioner Scalph asked that the ADA lifts not be included until the pool issue is resolved. The Commission also asked that Ms. Harper obtain two more quotes for the commercial grade zero turn mower. Commissioner Brenemen motioned to approve the budget revision presented by Park Director Renee Harper to transfer \$25,000.00 from line items Park Extra Help and Overtime into Park Materials and Supplies and Capital Equipment with the changes stated by the Commission. Commissioner Scalph seconded. Unanimous decision.

Ms. Harper presented a quote to have a professional logo designed for the Fayette County Park. Commissioner Scalph stated that Ms. Harper needs to obtain two additional quotes and suggested speaking with Sharon Cruikshank at the New River CVB for advice.

Ms. Harper presented that they are still down one maintenance worker and would like to fill that position by April 1. Will get list of applications from County Administrator, Debbie Berry.

Commissioner Scalph informed Ms. Harper about the Parks and Recreation Advisory Board (PRAB) update from the previous meeting. Commissioner Scalph informed Ms. Harper that she is the director for all Park facilities including the Memorial Building and Okey Skidmore is her employee. Commissioner Scalph mentioned the assessment that PRAB would like to conduct and suggested that once the Park Foundation is set up, those funds could be used to pay for the assessment or they can try to receive another grant similar to the one we received for the pool, which also funds studies.

Sheriff Mike Fridley appeared to state that the Courthouse Security upgrades are complete. The Supreme Court will come soon to review the work. Lieutenant Shawn Campbell was responsible for obtaining the \$81,000.00 grant and coordinating all of the installations.

Sonny Milam, Maintenance Supervisor, appeared to recommend John Pemberton as the replacement for Matt Clark, who resigned. Commissioner Brenemen motioned to approve hiring John Pemberton to the Maintenance staff, starting February 16<sup>th</sup> at a salary of \$20,800.00 and with a 6 month probationary period and drug test. Commissioner Scalph seconded. Discussion was held about the drug testing. Mr. Harrah stated that unless it is warranted, testing is just an additional expense and not necessary, but up to the Commission. A drug test will not be required for this hire. Unanimous decision.

Mr. Milam presented about the Fire Marshal's inspection of the Prosecuting Attorney's building. The addition will need to have drywall installed on the ceiling. Waiting on one more quote. They will turn a window in Jeff Mauzy's office into an exterior door. Mr. Milam is getting quotes for a ladder from the second floor.

The meeting was adjourned at 10:54 a.m.

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