

2025 Fayette County Commission Minutes

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2025 Fayette County Commission Minutes

FAYETTE COUNTY COMMISSION

REGULAR SESSION

January 8, 2025

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 8th day of January, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Commissioner Fennett leads the Pledge of Allegiance.

Commissioner Brenemen recognizes Judge Blake's 50 years of public office. Commissioner Fennett. Recognizes the Sheriffs. Mentions other elected officials reappointed.

Discusses ARPA funding allocated in the previous year. Will use remaining to work on courthouse FCMB and Park.

Organizational Order - Commissioner Brenemen reminds all that a majority vote is needed. It is a body of three, not a body of one.

Election of president: Commissioner Fennett nominates Commissioner Brenemen as president. Commissioner Taylor seconds. Unanimous decision.

Purchasing agent: Ruth Lanier, County Administrator for purchases up to \$15,000 and Commissioner Taylor, as back up, for Sheriff's department requests due to conflict-of-interest with Ms. Lanier and her son being a deputy. President Brenemen motions to approve. Commissioner Fennett seconds. Unanimous decision.

Commissioner Board Assignments:

Commissioner Taylor - New River Gorge Regional Development Authority; Heath Department.

Commissioner Fennett - Land Reuse Agency; Contact for Solid Waste Authority and Park; Local Elected Official Board.

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President Brenemen - Metropolitan Planning Organization; New River Transit Authority; Farmland Protection Board; Region 4.

JAK Kincaid will remain as the Bridge Day Commission appointee.

LEPC - Not meeting - will discuss appointment at a later date.

President Brenemen motions to approve assignments as discussed. Commissioner Taylor seconds. Unanimous decision.

Exonerations, Orders to Combine or Divide Land, Refunds -

Exonerations: Eddie Young, Assessor presents exonerations for Jonathan Legg \$338.94; Wild Blue Adventure \$1,003.34; Sunny Side LLC \$318.32; New River Roots \$52.96, \$39.06 and \$46.00; Mary Jane (Wood) Williams \$652.14; Fold Capital LLC \$5,837.46; Natasha L. Cordle \$1,238.94; Amanda Jean & Christopher Roberts \$180.62; Nearly New Consignment \$76.58; John William Hill \$213.16, \$193.68, \$193.68, and 201.92; William R. & Deanna S. Sulesky \$2,570.18; Campbell Tile Co Inc \$935.76 and \$632.24; Cathy I. Pannell \$49.20; Martin L. or Peggy A. Jose \$351.62; and Richards Allen & Angela Pyatt \$534.58. Mr. Young states the starred exonerations (on sheet) show old tax tickets found by GRS LLC. Commissioner Taylor motions to approve. President Brenemen seconds. Unanimous decision.

No refunds presented.

Orders to Combine or Divide Land: Arnethia Simms. Commissioner Taylor motions to approve. President Brenemen seconds. Unanimous decision.

Approve Payroll for January 10 - President Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Vouchers & Invoices - Commissioner Taylor asks about high dollar expenses for Fire Levy reimbursements, which should have been approved by FCC first. \$12,000 tool expense from Oak Hill. This is a valid purchase, but Oak Hill only has \$10,000 left in its budget until June 2025. Armstrong Creek - Fire Association memberships can't go through the levy. Sam's Club purchase - no receipt. And \$80 credit card purchase from Tudor's. Pax - Gino's \$56. Smithers - HVAC replacement down payment. President Brenemen mentions they shouldn't be paying taxes on purchases. Commissioner Fennett asks for clarification, that they are not questioning the validity or need of the

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purchase. They are just circumventing the process. Commissioner Taylor uses Oak Hill as an example. In the past, the city was submitting everything because they didn't realize there was a budget. Only turning in the receipts for extraordinary expenses and not getting approval first. Commissioner Taylor says the tool is covered by the levy, but they've overspent that budget. Smithers should have discussed with FCC first as this is an improvement to a city owned building. President Brenemen asks to draft a letter explaining this policy, and Commissioner Fennett asks that the process is detailed. Steve Cruikshank says a policy was written but not sent to the departments and there were contradictions to the Open Checkbook state policy. Commissioner Taylor says Open Checkbook is not required until it is online at the Auditor's Office. Commissioner Taylor asks that Mr. Cruikshank check about the Sam's purchase. Commissioner Taylor says food purchases should come from another budget. The Fire Levy is for extraordinary purchases. Other funds can pay for food. Commissioner Taylor motions to approve all vouchers except the mentioned reimbursements. President Brenemen seconds. Unanimous decision.

Approve Prior Meeting Minutes for December 4 President Brenemen states that the \$500 allocated for boy's programs was to the American Legion not the VFW. Commissioner Taylor motions to approve. Commissioner Fennett abstains due to not being a commissioner for the original vote. Motion carries.

Approve Estate Settlements Ruth Ann Bass; Patricia Ann Bone; Vickie Lou Feltner; Shelby Jean Grubb; Roy Asa Hanshew; Margaret Eloise James; Ida Lopez; Kenneth Earl Romeo; and Robert Lee Smith. Commissioner Taylor motions to approve. President Brenemen seconds. Unanimous decision.

Discussion & Decision: Bid Opening Tasers and Body Cams: One bid was received from Axon for \$209,392.

The commission will review and make a decision on 1/22.

Commissioner Taylor motions to approve making a decision on 1/22. Commissioner Fennett seconds. Unanimous decision.

Recommendation by Fiduciary Commissioner for the Estate of Pauline Samples - JoAnn Harrell attends via phone. Fiduciary Commissioner Larry Harrah recommended removing Harrell as the administratrix. On the grounds the suit filed in North Carolina shows she doesn't have the estate's best interest in mind. Clerk

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Michelle Holly's opinion is that the suit in NC isn't keeping the estate from closing in WV. Final settlement paperwork needs to be filed to close the estate here. It's up to the FCC whether to accept the Fiduciary Commissioner's recommendation. Ms. Harrell's brother completed everything up to the final settlement 20 years ago, but then passed away. All assets were dispersed. Getting documentation may be an issue. Prosecuting Attorney Anthony Ciliberti doesn't think the claim of adverse possession in NC has any contradiction of her duties to administer the estate in WV.

Various options were presented: Remove Ms. Harrell as administratrix; Send long form to all heirs; have the Sheriff administer the estate.

Commissioner Taylor asks that Clerk Holly contact Ms. Harrell outside of the meeting about how to proceed with the long form.

Mr. Ciliberti suggests giving a deadline to prevent further similar issues. Commissioner Taylor suggest 45 days. Ms. Harrell agrees.

Mr. Ciliberti will submit an order reflecting the commission's actions.

Commissioner Taylor motions to not take the fiduciary Commissioner's recommendations. The FCC will give MS. Harrell 45 days to file the final settlement or she will be replaced. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Prosecuting Attorney New Employee

Approval Nunc Pro Tunc Mr. Ciliberti introduces Chad Lilly, new Assistant Prosecutor. Mr. Ciliberti states Mr. Lilly's first official day was Monday January 6, 2025. Commissioner Taylor motions to approve Mr. Lilly's hire as of 1/6/25 nun pro tunc. President Brenemen seconds. Unanimous decision.

Discussion & Decision: Division of Natural Resources Creek

Access Request at Animal Shelter Ann Wakefield and Cory Hartman, WV Division of Natural Resources, appear to discuss creek access at the Animal Shelter Bridge which crosses Laurel Creek. The DOH will be replacing the bridge soon and the DNR would like to allow stream access on the Animal Shelter side for fishermen when the bridge is rebuilt. The property in question is owned by the FCC. There is existing parking already. Mr. Hartman said

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this is a good access for older or mobility challenged people to recreate. Also has questions about making the pond at the Fayette County Park a Class Q handicap accessible location and stock it with trout. Brian Good cautions about the parking area at the shelter because their septic is nearby. Mr. Good and Mr. Hartman will discuss the details at a later date.

The DOH has to gain approval from the DNR to disturb the stream, so the DNR asks that they grade it in a way to make it accessible to people to recreate. Only need about 4 parking spots. The DNR needs the FCC's approvals since they own the land. Discussion of gravel and maintenance. All agree they would prefer just to have a dirt path. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

The Commission took a ten-minute break at 10:07 a.m.

Ruth Lanier- Exhibit A

Discussion & Decision: Set Mileage Rate for 2025 Commissioner Taylor motions to approve setting the rate in line with the IRS rate of \$0.70 per mile for 2025. President Brenemen seconds. Unanimous decision.

Discussion & Decision: Budget Memo to Elected Officials Commissioner Taylor motions to approve and send. President Brenemen seconds. Unanimous decision.

Discussion & Decision: Board of Equalization and Review Legal Notice and Letters to Assessor and Prosecuting Attorney Commissioner Taylor motions to approve and send. President Brenemen seconds. Unanimous decision.

Discussion & Decision: Clarification of Prior Meeting Minutes from October 19, 2023 the FCC paid off the loan on WCP at this meeting. Would like to clarify that this was a purchase to develop the land for housing, which is a critical need. Commissioner Taylor motions to approve adding this clarification to the minutes. President Brenemen seconds. Commissioner Fennett abstains due to not being a commissioner for the original vote. Motion passes.

Discussion & Decision: High-Intensity Drug Trafficking Areas Grant Contract for Signature Commissioner Taylor motions to

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approve and authorize President Brenemen to sign. President Brenemen seconds. Unanimous decision.

Discussion & Decision: FY 22 State and Local Cybersecurity Grant Award for Signature Commissioner Taylor motions to approve and authorize President Brenemen to sign. President Brenemen seconds. Unanimous decision.

Discussion & Decision: Resolution for Region IV DR4679 Drawdown Commissioner Taylor motions to approve and authorize President Brenemen to sign. President Brenemen seconds. Unanimous decision.

Discussion & Decision: Letter Regarding Fire Truck Payoff Amounts Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Brownfield Projects for Approval Grants Administrator Ami Dangerfield presents several projects for consideration: Collin's Middle School in Oak Hill - this is Region 4's Brownfield project, but they do not have the correct asbestos test required by the EPA and are out of funds. This test is \$8,000. ACM and structural testing to be performed on the Courthouse, Sheriff's detachment, Annex and several buildings at the county park. And continued asbestos testing on voluntary remediation properties associated with the REAP demolition grant. Commissioner Taylor motions to approve. President Brenemen seconds. Unanimous decision.

Discussion & Decision: Dilapidated Housing REAP Grant Publication Angela Gerald asks for permission to publish a press release asking for voluntary remediation properties to be demolished. Criteria for choosing properties will be discussed 1/22. Commissioner Taylor asks that the press release be sent to the FCC before publishing. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Response to Correspondence Regarding Luna Music Experience Zoning Caroline Cowdry, owner, speaks for Eric Moerschel, General Manager, Luna Music Experience and owner of Handcrafted Homes Timber Frame. Ms. Cowdry says our Comprehensive Plan states Hico is a prime location for economic development. They rent space from Jeff Edwards with Free Folk at the old Harley Davidson location on Rt. 60. They have DJs and waitstaff asking to work for them, however cannot open at

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full capacity until they have a fire suppression system in place, which is cost prohibitive. Ed Weber Fire Tower Engineering hired to redesign for capacity, sprinklers, doors/windows. Plans are being developed and then they will go to the fire marshal. They know what starts fires in similar buildings with similar events. Ms. Cowdry studied 55 fires. 6 were smoking related, but that is now banned indoors. 13 were arson. Luna is a brick building which are difficult to burn. 15 were due to pyrotechnic displays. Will not be holding those events. 10 were electrical due to negligence. Free Folk redid all of the electrical in 2021. 4 were heating equipment (2 stovepipes). 4 were due to construction worker's negligence. 3 were catastrophic due to locked or blocked doors.

It's a given they will do what the fire marshal says. Will have 2 fire watch fire safety officers during events until an electric system is installed. Staff will be trained. Fire extinguishers will be doubled up. Patrons will be shown exits before entering the event.

They would like to be allowed to hold special events to get an income stream. Commissioner Fennett asks about occupancy. 160 but without the fire suppression, it is 49.

President Brenemen asks will it be a dry or wet fire suppression system. Mr. Moerschel says there is an 8-inch water pipe but would leave it up to the vendor. Commissioner Fennett asks if there will be fire places. Mr. Moerschel says no. President Brenemen asks if food will be prepped there. Mr. Moerschel says just microwave appetizers. Commissioner Taylor asks where they got the number of 49. Mr. Moerschel says that came from the fire marshal. Commissioner Taylor asks for clarification of their ask. Mr. Moerschel states he needs a special events letter. This is a bridge to a full opening. They are carrying the full overhead of a business but not available to make money. Commissioner Taylor asks about Free Folk and the fire marshal. Mr. Moerschel says he thinks they are required to add some doors.

The commission enters into an executive session at 10:50 until 11:08 a.m.

President Brenemen states no decisions made. This was for legal counsel.

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Commissioner Taylor asks about documentation from the fire marshal for the number of 49. Mr. Moerschel will obtain that documentation. The FCC called the ABC during the executive session and they confirmed they approve with this event plan.

Commissioner Taylor motions to approve, pending the confirmation from fire marshal by way of a letter stating they approve the plan to host no more than 49 people at its special events. Commissioner Fennett seconds. Unanimous decision.

The meeting was adjourned at 11:10 a.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
January 22, 2025
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 22nd day of January, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Carl Harris leads the Pledge of Allegiance.

Assessor Eddie Young: Exonerations, Orders to Combine or Divide Land, Refunds Mr. Young presents exonerations for Robert A. Nichols \$801.24; Erma Browning \$38.12 & \$38.12; and Edward and Heather Gadomski \$279.24. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Replacement Vehicle Purchase for Assessor's Office Employee had a blowout and ended up in a creek and was totaled. Received several bids and decided on a Toyota Rav 4. They like to diversify their brands in the fleet. Will take the \$12,000 insurance money and pay the difference from his PVC account. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor welcomes Senator Brian Helton from Fayette County to the meeting.

Approve Payroll for 1/24/25 Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

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Approve Vouchers and Invoices Commissioner Taylor clarifies that she misread a reimbursement from Armstrong VFD at the 1/8 meeting. They paid for the food items from their own funds, not the levy. And also, for the Smithers HVAC payment, Commissioner Brenemen spoke with Mayor Cavalier. Commissioner Taylor suggests sending a letter to let them know that extraordinary expenses need commission approval, as the city is new to running the fire department. Commissioner Taylor motions to approve all vouchers and invoices including last week's Armstrong and Smithers fire department invoices. Commissioner Fennett seconds. Unanimous decision.

Approve Prior Meeting Minutes for 01/08 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Estate Settlements Melba Elizabeth Amick; Ronald Steven Jackson; Crystal Ann Johnston; Eva Evelyn Petry; Henry David Rider; Mary Patricia Robertson; and David Lee Strunk. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Request to Reopen Laird Estate Attorney Carl Harris presents. Mr. Harris was the executor of Birgit Laird, who died in 2003. The estate was probated and sold real estate, except a life estate to Becky Snyder in Kanawha Falls. Ms. Laird requested a scholarship fund for nursing students, so to avoid having to retain bonds, the estate was closed in 2010. Ms. Snyder died in December 2024. Mr. Harris would like to reopen the estate, sell the property and add those funds to the scholarship. Appraiser coming to look at the property and then he will turn it over to a real estate agent to sell. Prosecuting Attorney Anthony Ciliberti approves of this plan. No additional bond will be necessary. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Region IV Drawdown Request Resolution #11 18SCBG-004 Armstrong PSD for Powellton Water Tank Replacement. \$279,808.37. Expects at least 1 maybe 2 more draws, then close out the project. Estimating mid-April for completion and final administrative work, then inspections and closeout. Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Remaining Calendar for 2025 and Holiday Resolution Commissioner Taylor describes issues with meeting dates that fall around holidays and payroll prep. Commissioner Taylor motions to remove 5/28 and 11/26 and hold special sessions if needed, and approve the rest of the calendar. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Approval to Publish RFP for State Development Grant- Memorial Building Front Porch Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

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Discussion & Decision: Approval to Publish RFP for Courthouse Facilities Improvement Authority- Courthouse Tile Project Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Budget Revision RL mainly grants, hotel/motel tax and sheriff extra duty reimbursements. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: GST Contract Mr. Ciliberti wrote a letter requesting the Commission receive a refund for website design charges and received the desired resolution. Commissioner Taylor motions to approve the contract. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: REAP Grant Criteria Angela Gerald presents. Last cycle the grant was time-sensitive, and all participants were voluntary. We now need to draft criteria for this cycle. Commissioner Taylor suggests separating residential and commercial. Commissioner Taylor motions to postpone till 1/31 for Mr. Ciliberti to review and add definitions. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Beautification Committee Reappointment Ms. Gerald presents that all terms have expired. Kevin Willis and Randy Haynes, both citizen members, have not responded back with their desire to be reappointed. Arran Adams will take over as health official for Amanda Skaggs. Dan Ooten will take over for Allen Ballard as Building Inspector. Dan Helton will be reappointed as Litter Control Officer and Shannon Estep as Fire Chief. Commissioner Taylor motions to approve the four listed and postpone the two citizen members to 1/31. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Letter of Intent for Volunteer WV Day of Service Grant Fayette County employees JAK Kincaid and Brian Good present that this is a 9/11 themed day of service. Park trail building falls under the allowable activities. Can be reimbursed up to \$15,000. Stipulated that you manage the volunteer group. Trail alliance/coalition already doing this. Then the reimbursement could fund a bridge or signage. Commissioner Taylor reminds that the BSA said they would volunteer for trail work. Mr. Kincaid states with just the trail groups, we already at the required 50 volunteers. We also need an annual commemoration of 9/11. We could dedicate a trail as a remembrance trail. Mr. Kincaid and Mr. Good are requesting permission to send a letter of intent. Mr. Kincaid says if approved, labor between 4/1 - 9/11 is allowed. Then they will hold a commemorative event. Commissioner Fennett invited the Fire Depts to participate. Mr. Kincaid will also reach out to high schools. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

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Discussion & Decision: Bid Decision for Tasers and Body Cams The County received an additional \$379,000 in opioid settlement funds and \$30,000 from a separate opioid-related lawsuit. Commissioner Fennett asks Senator Helton to weigh in. Senator Helton states that WV received nearly \$1 billion with several million going to attorney fees. From the settlement, 70% went to WV First, which operates outside of the legislature, so they can work with faith-based organizations. It is an eleven-member board, with five appointed by the governor and six by officials throughout the state. The other 30% went to municipalities and counties, based on opioid use in each area. The counties and municipalities chose a representative to discuss and then report to commissioners. Commissioner Taylor speaks of the Fayette County ICE Collaborative program - only such program in the state. The county decided to fund it another year with \$250,000 of the opioid settlement money. Senator Helton says there is a new committee to deal with drug use and mental health and he is the chairman. WV is 50th for drug use.

Only one bid was received, and with a correction to allow for all necessary equipment, was \$209,392.65. Prosecutor Ciliberti stated the tasers and body cams for law enforcement are an approved opioid fund expenditure. Commissioner Taylor motions to approve and pay out of the opioid settlement fund. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Fire Levy Purchasing Policy and Letter Commissioner Taylor proposes sending a letter with the draft reimbursement policy to the fire chiefs requesting departments send budget projections and written comments by February 28. Decision will be made on March 19 on the budgets and the policy to streamline processes. Will attach previous years' budgets for reference. Open Checkbook won't be a requirement until it is ready with auditor. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Critical Utility Infrastructure

The Commission entered into an executive session at 9:50 a.m. and returned at 11:57 a.m. They met with attorneys for legal counsel and no decisions made.

Commissioner Taylor says a public hearing is to be held in Montgomery on 1/30 at 10:00 am regarding certain public service districts and the Public Service Commission. Discussed what legal counsel recommends. Commissioner Taylor motions to have the commission lawyer file a motion on its behalf to postpone the public hearing for 60 days, to give the Commission and attorneys time to gather info. Commissioner Fennett seconds. Unanimous decision.

The meeting was adjourned at 11:58 a.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

January 31, 2025

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 31st of January, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Ruth Lanier leads the Pledge of Allegiance.

Board of Equalization and Review

Commissioner Brenemen calls the Board of Equalization and Review to order. Asks Assessor Eddie Young if there are any petitions. Mr. Young says there are none.

Commissioner Brenemen motions to recess as the Board of Equalization and Review and reconvene at 9:00 on February 6, 2025. Commissioner Taylor seconds. Unanimous decision.

Commissioner Brenemen states that due to rising costs for citizens, he challenges the Commission to find a way to cut taxes. Will work with the Assessor on this. Mr. Young thanks Tara Tyree, Chief Deputy, for taking care of the phone calls for tax increases and preventing appointments for the Review and mentions Fayette County has the second highest tax rate in the State.

Assessor Eddie Young: Exonerations, Orders to Combine or Divide Land, Refunds Exonerations for Andrew C. Mullins \$ 387.82; Brenon L. & Evelyn C. Davis \$ 405.82; Grant J. & Christie Cambell \$286.14. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Payroll for 2/7/25 Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers and Invoices Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Prior Meeting Minutes for 01/22 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Ruth Lanier- Exhibit A

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Discussion & Decision: Board Appointment NRGDRA Commissioner Taylor motions to appoint Tom Louisos in place of Joe Re and outlines his experience in economic development and his service on the board in the past. This is a business owner seat. Commissioner Brenemen seconds. Commissioner Fennett asks for discussion. Asks for a representative from another area of the county. There are three Fayette County seats: Commissioner Taylor is Fayetteville; Heather Johnson is Oak Hill; Mr. Louisos is from Oak Hill. Commissioner Taylor mentions the County has done that with most of its boards, including the Planning Commission, but states it is difficult to find someone with expertise to fill seats on this type of board. She asks for the motion to stand. Commissioner Taylor and Commissioner Brenemen are in favor. Commissioner Fennett is opposed. Motion carries.

Discussion & Decision: Board Appointment Land Reuse Agency

Angela Gerald states the LRA did not meet yesterday and will meet 2/6. Commissioner Taylor says she spoke with Rick Johnson and he is willing to serve on the LRA Board to replace Senator Brian Helton, who could no longer serve due to being elected to State Senate. Ms. Gerald brings up a possible conflict of interest due to his seat on the Board of Zoning Appeals. Legal says he can just recuse himself. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Board Appointments for Beautification

Commissioner Taylor motions to approve Randy Haynes. Commissioner Fennett seconds. Unanimous decision. The vacant seat for community-at-large member will be advertised.

Discussion & Decision: Funding Allocation for Health Department Water Testing Commissioner Taylor asks for testing of Smithers Creek and into the Kanawha River and impact of prison sewage issues. Asks that it be funded by the HAZMAT settlement money previously earmarked for testing from the Paint Creek spill in 2022. This is postponed till later in the meeting for clarification on whether there are restrictions about how the settlement funds were allocated.

Discussion & Decision: Criteria for REAP Funding Commissioner Taylor motions to postpone till 2/6 for more review. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Brian Good - Park Budget Presentation

Jerry Adkins is also present. Explains repairs and updates made over the year at the Fayette County Park. Visitors have noticed.

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Overtime listed is for snow removal at the courthouse and Memorial Building. Mentions the Park is open every day.

Commissioner Brenemen asks for future projects. Mr. Good is meeting with Region IV for Needleseye project next week. Working on the heating upgrade to the rec hall and tackling small projects like updating decades old ceiling tiles during the slow season. Electricity use is different at the shelters and camp cabins than in the past. DEP and septic are requesting upgrades for grease traps and to add septic tanks.

Commissioner Taylor asks about the Memorial Building. Mr. Good states the priority is to get it water tight. Then work on the inside, specifically curtains and bathrooms.

Commissioner Fennett asks about Extra Help vs. Contractor line items. Mr. Good states Extra Help is for temp and seasonal employees and contractor is specialized work like, tree services, needing certification.

Commissioner Taylor asks that things at the Park and the Memorial Building be mapped out and written down. Things like locations of lines, that only certain employees know. Tonja McMullen said this can be added to the 911 GIS maps and Chris Burford from New River Engineering volunteered to assist.

Discussion & Decision: JAK Kincaid - OEM Budget Presentation Mr. Kincaid would like to hire an Office of Emergency Management Deputy and Planner for under \$40,000 with benefits. Would also like to purchase a vehicle. Three are being used and another is not worth what the repairs would cost. The 2500 is doubling as a snow plow and daily vehicle, and he would like to get it out of daily rotation. Has quotes for a Jeep. Reminds the commission that the deputy salary and his salary are both reimbursable through EMS annual grant. Former fire coordinator's vehicle, a red Tahoe, is not in play and is being stored at the 911 center. It needs a new battery and tires. There are issues with how it's titled in the Commission's name, but was purchased with fire levy funds. Commissioner Taylor suggests reimbursing the fire levy and replacing the battery and tires. Mr. Kincaid states it would need to be repainted, restriped and have lights removed. He thinks it would be smarter to get it back on the fire department side due to too many sunken costs to keep it with the county.

Discussion & Decision: Fireman's Association Request to Create Fire Prevention Unit John John McGinnis and Josh Davis are

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present. Mr. McGinnis said they met in October with the FCC and they were supposed to meet with FCC legal and that never happened. Funding stopped two years ago and that also stopped training. Mr. McGinnis speaks about the decontamination unit and equipment stored at 911 center. They are moving it to training center but were held up by weather. They are having to go to other locations for training because they need equipment and classrooms (at the location owned by the Fayette County Firefighter's Association, a private non-profit organization - not a County-owned and operated facility). Washington, PA is the closest for certain Haz-Mat trainings. Mr. McGinnis says they would like the Tahoe for Fire Association administration to use for travel, rather than their personal vehicles.

The Fire Association received earmarks for side-by-sides. Would like to apply for a grant that allows \$50,000 for fire detectors.

Trainings they certify in: swiftwater rescue, rope rescue, train derailments, ATV accidents, entrapments in wooded areas, and hazardous material leaks at PSDs. There are four-hundred twenty fire fighters in the county and 100 are trained with specialized certifications.

The Commission took a break from 10:17 to 10:25 a.m. when the power flickered and caused the computer recording the meeting to reboot.

Commissioner Brenemen motions to go into executive session for legal advice on the Fire Association's proposal to establish a Fire Prevention Unit in Fayette County. Commissioner Taylor seconds. The executive session lasted from 10:31 to 11:56 a.m.

Commissioner Brenemen asks Mr. McGinnis about HAZMAT truck. It's a state-owned truck. There are several firemen authorized to drive it.

Commissioner Brenemen motions to allow HAZMAT truck to be moved to the training center when the Association is ready. Commissioner Taylor seconds. Unanimous decision.

Commissioner Brenemen motions that the Tahoe be transferred to Fayetteville Fire Department. John Vernon says all bays are full at Fayetteville. Commissioner Taylor says if it goes to a municipality, they don't have to auction it. Asks for recommendation for someone to take it. Michael Taylor, attorney, says code 7-3-3 references VFD as subject to receive disposition of county property.

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Mr. McGinnis asks if they can put tires and battery on it and come back at next meeting with a location to move it. Commissioner Taylor asked the County Administrator to get the truck transferred to the Park for new tires and a battery and cautions if it needs more than that, the FCC may not be willing to pay that expense. Mr. McGinnis noted Fire Association member, Josh Davis, is a mechanic.

Commissioner Brenemen withdraws motion until they find a place for the Tahoe.

Commissioner Brenemen asks the Association to get a quote for moving the two rail cars at one time.

Commissioner Brenemen motions to reimburse \$17,000 for moving the first rail car. Commissioner Fennett seconds. Commissioner Taylor reminds that those type of high-dollar, extraordinary expenses need to be vetted though the FCC in advance that that expenses for the fire training center cannot be paid with fire levy funds. Commissioner Taylor asks which account will fund the reimbursement and suggests general, as it can't be the levy. Commissioner Brenemen agrees and seconds. Unanimous decision.

Commissioner Taylor discusses the Fire Prevention Unit. The Commission doesn't have resistance to the Fire Training Center, it's a matter of how to fund it outside of the fire levy. Based on legal advice, Commissioner Taylor motions to postpone until 2/6 so a representative of the Commission can meet with the Fire Association representatives to discuss possible solutions.

Commissioner Taylor asks Fayetteville Fire Department Chief Vernon to participate and whomever else the Association chooses. The FCC will make decisions on 2/6 based on those discussions. Mr. Vernon states there are others better suited to discuss with the FCC. Commissioner Fennett reminds that the FCC wants to come to an agreement and fewer people involved in the discussion would be best. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor motions to postpone the Health Department testing decision until the 6th to identify any restrictions. Commissioner Brenemen seconds. Unanimous decision.

The meeting was adjourned at 12:14 p.m.

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February 6, 2025

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 6th day of February, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Kevin Burgess leads the Pledge of Allegiance.

Discussion & Decision: Certificate of Honor - Betty Burgess

Commissioner Brenemen presents that the commission is honoring Mrs. Betty Burgess for her 100th birthday and also in recognition of being named Fayette County's Centennial Teach of the Year. Commissioner Taylor reads the certificate of honor. Son Kevin Burgess accepts the certificate on behalf of Mrs. Burgess. Students, parents and educators from Fayette County were also in attendance.

Commissioner Brenemen would like to make this an ongoing tradition for centenarians.

Board of Equalization and Review

Commissioner Brenemen calls the Board of Equalization and Review to order. Asks Assessor Chief Deputy Tara Tyree if there are any petitions. Ms. Tyree states there is one mineral hearing.

Phillip Wriston of Westlake is present for Harewood Properties. Not necessarily objecting to the amount as he thinks they are too low and that indicates there is an issue. He has spoken with Ms. Tyree and just needs an accurate amount. Prosecuting Attorney Anthony Ciliberti clarifies that Mr. Wriston cannot get his assessments from the state and this petition was to compel the state to attend and give new appraisals. This also gives Mr. Wriston the option of an official hearing if needed, once he receives the numbers. Tim Waggoner, State Tax Division, and Lori Frees, geologist, are in attendance. They have been reconciling that last few numbers. Ms. Frees presents that Harewood's first parcel only has timber. Looks like the land appraisal is missing. This is a simple fix once numbers for land are input. Ms. Tyree relinked this morning and that should fix it.

Commissioner Brenemen states the Johnson lands were previously taken care of.

Imperial Colliery Company has two different values. Assessor Eddie Young, via Zoom, recommends taking this under advisement to give the state until the next meeting to review. The state is

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familiar with NR142 but is unfamiliar with NR127. Mr. Waggoner says Mr. Wriston can withdraw any appeal with The Board of Equalization and file an appeal with WV State Office of Tax Appeals by March 31 and that will allow months for review. Mr. Wriston just wants to know the actual value. Commissioner Taylor suggest postponing until 2/12 and if there isn't a resolution by then Mr. Wriston can withdraw his petition and file with the State Office of Tax Appeals. Commissioner Taylor motions to postpone Imperial Colliery to 2/12. Commissioner Fennett seconds. Unanimous decision.

Commissioner Brenemen motions to recess as the Board of Equalization and Review and reconvene at 9:00 a.m. on February 12, 2025. Commissioner Taylor seconds. Unanimous decision.

Exonerations, Orders to Combine or Divide Land, Refunds - None

Discussion & Decision: Active Southern WV Funding Request

Melanie Seiler and Brandon Mehlinger present a request for \$6,500 for race timing equipment. Owning their equipment rather than contracting the service would allow more money to stay in the program. ASWV in its 10th year and this is its first funding request. Mr. Mehlinger states that the number of races they hold has increased and they have an economic impact. ASWV aligns with the FCC priorities for strengthening economic impact and promoting healthy citizens. Commissioner Fennett asks Ms. Seiler how many people participate in the races. The Rim-to-Rim Race and Bridge Day 5 K each have more than 500 people. Tier 2 races are 100-200 - races like Wolf Creek Park, Ugly Sweater at the county park, Thurmond and Fins Up at Lake Stephens. They currently pay a timing company a \$700 base rate plus per person rates. Bringing it in house will eliminate those fees. They cannot add race opportunities with these high costs.

Commissioner Taylor motions to approve. Commissioner Taylor commends ASWV for its detailed and prepared request application and motions to approve. Commissioner Fennett seconds. Unanimous decision.

Commissioner Brenemen asks ASWV for another report in May to address what it can offer to the citizens. Ms. Seiler would like to attend via Zoom to allow an easier presentation of her information.

Approve Vouchers & Invoices - Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

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Approve Prior Meeting Minutes for January 31 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Estate Settlements Findley Raymond Koontz; Carol Jean Lively; Fred James McLain III; David Gorman Smith; and Teresa Renee Withrow. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Armstrong Creek PSD Greg Toney, chairman of Armstrong PSD and Greg Hanna Attorney for APSD are present to discuss the Armstrong PSD sewer system. Commissioner Taylor presents that WVAW and the FCC previously discussed WVAW's proposal to purchase specific Fayette County PSDs. WVAW agreed to allow the Commission to release a handout it provided the Commission to the PSDs. The FCC asked the PSC to postpone its 1/30 meeting for 60 days to give the FCC time to discuss with the county PSDs and the members of the public they serve.

Mr. Hanna says Armstrong was designated as a distressed utility as a result of a petition by the Kanawha Falls PSD. At that point, there was only one board member and it was documented that they had operational and financial impairments. They currently have a full board, the system is operating well and they are in good financial standing. They added 7% per month and the fund is building up. They need the distressed designation lifted to be eligible to apply for funding.

Commissioner Fennett asks who designated them as distressed. Mr. Hanna states the PSC. Says it was due to not having a board and that has been fixed. Commissioner Taylor asked if there were other findings. Mr. Hanna said it was the board and they didn't have a cash working capital account. Both have been fixed. Armstrong wasn't financially impaired and there were no immediate operational quality issues. The PSC said there was a lack of investment and as the equipment ages, the PSD will need capital for repairs, but stated nothing specific. If the designation is removed, the PSD will obtain funding to have EL Robinson perform a survey, but there are no immediate concerns at this time. Commissioner Brenemen asks how APSD plans to pay for these upgrades once identified. Mr. Hanna says they will work with Region 4 to procure funding such as from IJDC.

Commissioner Brenemen motions to enter into executive session at 9:46 a.m. Commissioner Taylor reads WV Code 6-9A-4 to explain

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the reason for going into executive session. "To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision: Commissioner Fennett seconds. Unanimous decision.

Commissioner Brenemen asks for legal, Armstrong PSD board members, and their counsel to stay and asked the remaining attendees to clear the room.

The Commission returned from executive session at 10:36 a.m. with no decisions made.

Commissioner Brenemen asks for comments from the public. There were none.

Commissioner Taylor says during the executive session discussion the Commission asked the PSD to provide their arguments in favor of staying in operation in writing. A meeting will be held in March at the Armstrong VFD for the public to voice its concerns about the issue.

Discussion & Decision: Eddie Young- Assessor Budget Presentation
Postponed due to illness.

Discussion & Decision: Request for Part-time Driver Commissioner Brenemen states as budgets are presented, they will meet essential needs for offices and then go back to address special requests.

However, the Day Report Center has an immediate need. Teresa Gregory, Director, presents that a case manager is being used as a second driver 5 days a week. They need two full vans for participants and that requires a second part-time driver at 32 hours per week. Community Corrections board has already approved this hire. Ms. Gregory says it will be \$47,500 a year for a part-time driver with benefits. Would like to hire this driver as soon as possible to alleviate stress on the case manager. Commissioner Taylor asks Ms. Lanier if the Commission's budget can accommodate this and she says it can. Ms. Gregory says there is a new MOU with New River Ranch to conduct its pre-employment and employment screenings. They would also like the DRC to screen their residents. Commissioner Taylor says the Youth

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Reporting center would be a better option for the Ranch residents, who are minors, and Mr. Ciliberti agreed. Ms. Gregory will speak with Chuck Taylor about this. Commissioner Taylor motions to approve the part-time driver. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Teresa Gregory- Community Corrections

Budget Presentation Ms. Gregory presents that with their operating budget and grant and revenue from last year, they are only expending \$60,000 from the county. Case load is extensive and they are performing many more drug screens than last year. They see 70 participants, some one day, some 5 days a week. 177 referrals are from DHR and CPS and they are screened 1, 3 or 5 times a week. Drug screens are a major source of revenue but also a major expense.

Three weeks ago, they started using a new GPS company for home confinement. It is \$1 cheaper per day which adds up quickly. Commissioner Taylor reminds that the FCC will pay for home confinement for specific cases for indigent clients represented by public defenders. New system pings off of any available Wi-Fi in the area - even that at private residences. Retrieval rate of a dead or cut bracelet (\$1,500+ for replacement) is now 100%. Asking for raises, a new case manager and a dedicated GPS HC supervisor. All managers are monitoring 26 GPS participants at all hours. Would prefer a case manager over the GPS supervisor. 90% of their clients are substance abusers and they require a lot of social support. Each case manager has 19 or 21 clients and Ms. Gregory has 14 clients. Ten participants per case manager is ideal but 15 would be manageable. Increases on contracted services aren't for increase from the servicers, but just because of increased caseloads. Batterer Intervention and Prevention Program - BIPPS down to one class per week rather than two. 32-week program. Commissioner Taylor wonders if it can be online. Ms. Gregory says it's offered that way. Commissioner Taylor suggests contacting counties throughout the state and offer the online BIPS to the counties that don't have it as a revenue stream. She stated many don't have BIPPs programs and the only online programs she used to find were out of state. Ms. Gregory said she liked the idea and would look into it. Ms. Gregory thanks the FCC for computers from last budget session.

Discussion & Decision: Request to Approve Plan for Proposed New Volunteer Fire Department Commissioner Taylor states she met with members of the Fire Association. Conclusion would be to

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create a new volunteer fire department with a service area of all of Fayette County. It would house the special teams of HAZMAT, vertical rope rescue, swiftwater rescue, and also coordinate hose, pump, ladder and fit testing and other compliance issues. The Fire Association owns the land and would lease the land to the FCFD for \$1 a year for 99 years. Due to the donation of the land from Brookfield, a lease is the easier route than transferring the land to the new VFD. The FCC and Fire Association will transfer ownership of all buildings and equipment purchased for the fire training center with fire levy funds to the new VFD. The next fire department receiving a new engine will donate its current engine to the new department. Asked those from the meeting to set up another meeting with Ms. Lanier and Gia Tyree to discuss the request for quarterly budget information and what the county needs. And how to divide the labor between the contract fire coordinator and county staff. A draft job description is ready. Will need to set a reimbursement rate for the new contract fire coordinators. They will report to the fire chief at the new station. That fire chief will sign off on invoices submitted to the county. In the meantime, those acting as fire coordinator(s) will submit their invoices to the Commission through their current Fayette County fire chiefs. Commissioner Taylor and Michael Taylor checked about insurance. Shepherdstown has a rider on their normal policy for the training center. Board will work with NRGDA to develop a business plan to submit for grants to generate revenue for the new fire department through the training center with the goal of it sustaining itself. Necessary next steps: Fire Association will work with Chief Shannon Estep and organize the 501(c)3 and then with the fire marshal to set up the new department. Create department select chief, create a roster, bylaws, property transfer (via lease by Mr. Taylor, equipment transfer, building transfer from FCC). Will determine the next fire truck replacement. Estimates 6 months to a year for building. The Fire Association Tahoe discussed in the last meeting will go to this new fire department for its use. Deputy Fire Marshal Robbie Bailey offered to facilitate a meeting between the organizers of the new VFD and the representatives from the auditor's and treasurer's office as the state Fire Commission may not support providing quarterly state funding to a new department for an area with current coverage. They would need to discuss whether the new VFD could waive the funding, and if not, other solutions. The new department will present funding request to the Commission for the building after creation. Then will meet with NRGDA to form business plan. Mr. Taylor states this is not

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to infringe on a designated area or replace a department. This is solely supplemental to allow for the special operations and Fire Training Center to operate out of a centralized location. Commissioner Fennett thanks everyone including Ms. Taylor to take the time to come to this conclusion. Tremendous amount of work to do this for the people of the county. Not just to spend the taxpayers' money. Commissioner Taylor motions to approve the plan as presented and move forward. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Set Reimbursement Rate for Countywide Fire Services Commissioner Taylor motions to strike until the Fire Services can meet with Ms. Lanier and Ms. Tyree. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Request for Proposals - Grant Contractor Commissioner Taylor proposes that the Commission publish an RFP for a grant writer to find grants for specific projects the Commission would like to get funded. Examples for Commissioner Taylor are a shooting range for deputies; Fire Training Center; a new Animal Shelter; and critical infrastructure north of the bridge; County Park pool/splash pad. They will solely be focused on finding grants for a small number of projects identified by the Commission and will work with Ms. Lanier and Ami Dangerfield, Grants Administrator, to determine if they will also write and manage these grants. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Funding Allocation for Health Department Water Testing Ms. Taylor states that after review, there are no restrictions in the lawsuit of how to spend the proceeds. Commissioner Taylor motions to transfer \$50,000 to the Health Department for water testing and the Health Department will manage it. This funding will cover the testing in the Valley for sewer runoff and the residents of Paint Creek will also have priority. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Criteria for REAP Commissioner Taylor motions to postpone until 2/12 for further review. Commissioner Brenemen seconds. Unanimous decision.

The meeting was adjourned at 11:34 a.m.

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February 12, 2025

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 12th day of February, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Tara Tyree leads the Pledge of Allegiance.

Board of Equalization and Review

Commissioner Brenemen calls the Board of Equalization & Review to Order. Calls for any petitions. None today.

Commissioner Brenemen motions to recess the Board of Equalization & Review until 2/19 at 9:00 a.m. Commissioner Taylor seconds. Unanimous decision.

Exonerations, Orders to Combine or Divide Land, Refunds - Ms.

Tyree presents exonerations for Roger D. & Stephanie Frame \$209.06; Super Wash Ince \$199.84; Alexander G. Hendrix \$423.50; Nathan W. & Jennifer Flint \$520.00; Danny J. & Demorse Prather \$613.16. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Ms. Tyree presents one refund for Brenton L. & Evelyn C. Davis \$406.83. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Vouchers & Invoices - None

Approve Prior Meeting Minutes for February 6 - Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Estate Settlements - N/A.

Ruth Lanier- Exhibit A

Discussion & Decision: Board Appointment Board of Zoning Appeals
Angela Gerald presents to reappoint Dan Hill and Rick Johnson. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Board Appointment Planning Commission Ms. Gerald presents that there are two vacancies but only has one

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application from Ben Morgan. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Criteria for REAP Funding Commissioner Taylor has one addition to give two points as an income component for fixed income such as retired or disabled applicants or otherwise indigent as determined using public defender's formula. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

This is a 10-point scale. Ms. Gerald asks if there is a threshold for eligibility. Commissioner Taylor says just rank the applications in each cycle. Commissioner Taylor asks for regular press releases and to publish the criteria. And also let applicants know that the special consideration for income is not required if applicants do not want to provide that information, but it is available to get the extra two points.

Prosecuting Attorney Anthony Ciliberti asks about the encumbrance someone at the state suggested was required for funding recipients. Liens could be placed but they need a judgement or voluntary agreement. Commissioner Taylor asks Mr. Ciliberti to write to the DEP office for guidance and cite the practical limitations of enforcement. Commissioner Brenemen motions to hold this conversation until Mr. Ciliberti can speak with general counsel at the state level for guidance. Commissioner Taylor seconds. Unanimous decision.

County Clerk Budget Presentation - Clerk Michelle Holly presents the elections budget. No change and no questions from the commission.

In the main budget, there is roughly a 3% increase; proposed increase in PEIA small raise for employees. Requests a new copier. Raised overtime due to precision of ADP timekeeping. Excise tax and vital records are up 10%. Clerk Holly thanks the FCC for finding the funding for PEIA increase.

Commissioner Brenemen asks about how new equipment for elections (e-poll books) worked. Early Voting was pleased with them. Setting aside some of the transfer stamp funds for new e-poll books for the rest of the precincts. HAVA grant has funded elections equipment but it's not guaranteed.

Discussion & Decision: Letter Regarding Hill Subsidence Property near Smithers creek. Hillside is subsiding. Commissioner Taylor motions to approve letter to Kanawha Gauley Coal and Coke asking

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it to remediate its property. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Funding Request for Cellebrite Services

Mr. Ciliberti presents. Software law enforcement uses to access cell phone records with search warrants. Using to prosecute drug crimes and sex offense cases. It is the only company with this software. No competition and it has steadily raised subscription fees annually. \$35,000 total this year. Oak Hill provides the employee and equipment and stores the data. Oak Hill hopes that FCC would pay the lion's share. Nicholas County Commission will contribute \$3,000. No other financial partners yet. The request from the FCC is \$32,000. State police is not involved as it has its own lab in Huntington, but we don't use it because it is very overwhelmed. Commissioner Taylor asks who uses Cellbrite. Out of the 162 phones seized for calendar year 24: OHPD 42; Sheriff 50; Task Force 23. Commissioner Taylor suggested since this is an annual requirement, it should be a part of someone's annual budget and suggested the Sheriff's. Mr. Ciliberti agreed to reach out to the Sheriff to determine who would include it as a part of their budget.

The contract is due March 28th. Discussion of having an MOU with Oak Hill for its services. Commissioner Brenemen motions to postpone till 3/12 pending consulting with the task force about funding and exploring an MOU with Oak Hill. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Kanawha Falls PSD Carl Harris, member and Joey Goodnight, manager, and Todd Swanson, lawyer are present. Dan Hill and Jonathan Grose both have prior engagements. Public meeting will be held at Gauley Bridge town hall March 6. Commissioner Brenemen recounts prior issues with KFPSD with managers and finances. Now issues with floods, FEMA response and incorrect press. Commissioner Taylor states the system is set up for a PSD to fail. Businesses wanting to take over the utility will file a failing utility case, which halts all funding and grants. She feels the PSC is complicit in these cases.

KFPSD board member Carl Harris would like to state on the record. Commissioner Brenemen has been involved from the time Mr. Harris was appointed to the board and agrees that the system is set up for failure. States the KFPSD system was a mess when he was appointed to the board. They got everything caught up but then the flood took out the water lines. He and the other board members were concerned, but no one else seemed to be. Has had monthly meetings with FEMA. Jack Ramsey, engineer, and Jason Means with State EMS have been helpful getting this paid for by

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FEMA. From the prison down to Kanawha Falls. The PSD was blamed for the prison being without water, but another entity was responsible. PSC chairwoman Charlotte Lane told the KFPSC board to talk with WVAW after her engineer blamed KFPSC for the issues. Says the PSC has their knee on KFPSC's neck. People in these districts can't pay for increases required by PSC. Was approached by WVAW immediately after being appointed. Mr. Harris was initially in agreement with WVAW until he attended some meetings and saw what they would do to its people. Says the way the PSC lets WVAW run over the people of the state is a crime.

Mr. Harris states that it's his opinion that to only keep a board as a paper board to apply for grants and loans and allow WVAW to run the business, is a crime because they are obtaining public funding under false pretenses and then handed over to a for-profit business.

Commissioner Taylor motions to go into executive session at 10:08 to discuss contract negotiations with the KFPSC board and its counsel and the commission retunes at 11:02 a.m. with no decisions made.

Commissioner Taylor motions to move the Cybersecurity Grant and Sheriff Budget presentation to the 3/5 meeting. Commissioner Brenemen seconds. Unanimous decision.

The meeting was adjourned at 11:04 a.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

February 19, 2025

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 19th day of February, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Eddie Young leads the Pledge of Allegiance.

Board of Equalization and Review

Commissioner Brenemen calls the Board of Equalization & Review to Order. Calls for any petitions. Assessor Young states that Phillip Wriston with Imperial Colliery withdrew his complaint. Mark Ryan from Montgomery is on Zoom. Asking for tax relief for the old economic development building in Montgomery. Moved to the area in 2020 to start a non-profit school, the first of its kind in WV. Currently has 27 students. There are issues with the

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building. Asking for relief to keep the school going while they figure out a fix, if relief is legal. Mr. Young reduced the value of the property as much as he could. It sits on multiple lots. Went from \$2.8 million down to \$384,400. Mr. Ryan said the appraisal is \$355,000. Mr. Young says that he is bound by code to appraise properties at market value, within 10%. Montgomery also wants the building to stay active. Commissioner Taylor asks what Mr. Ryan would like the FCC to do. Mr. Ryan asks for a few years of a freeze from taxes - property tax relief within their statutes. The building is owned by a for-profit company. Commissioner Taylor states that the school could have been structured its business a different way to fix the property tax issue. She is not willing to vote to override the Assessor. Commissioner Taylor motions to deny the request. Commissioner Fennett seconds. Unanimous decision. Mr. Young states that they can appeal the FCC decision with the state. Anthony Ciliberti, Prosecuting Attorney, will write up the FCC finding.

Commissioner Brenemen motions to adjourn as the Board of Equalization & Review sine die. Commissioner Taylor seconds. Unanimous decision.

Exonerations, Orders to Combine or Divide Land, Refunds - Mr. Young presents exonerations for Makayla Dawn or Caleb Sexton \$1,156.50; Randy Knapp \$163.04; Mrozek Cacins LLC \$377.90; Kenneth L. Walters \$86.32; Kelan and Kelly McFee \$299.36; and Paul Levi or Cynthia Gwinn \$694.94. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Commissioner Fennett motions to approve refunds for Alexander G. Hendrix \$412.90 and Mrozek Cabins LLC \$ 368.46. Commissioner Taylor seconds. Unanimous decision.

Assessor Budget Presentation

Mr. Young presents his budget and states it is mostly salaries and fees. He does ask for modest raises for employees.

Mr. Young then presents a letter notifying that he has concerns of Fayette County being the 2nd highest levy rates in state. As levy rates are set by county commissions, boards of education and municipalities, he's asking those bodies to consider reducing their rates for regular and excess levies slightly to offer relief to the county taxpayers. The commissioners agree the County is overtaxing its citizens and the levies within its control should be reviewed.

Discussion & Decision: Demolition Bid Opening

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The Commission opened the three bids for the 2025 REAP Grant Demolition Phase 1:

Tom's Tear Down - \$ 65,659

Reclaim - \$ 82,000

Empire Salvage - \$80,000

The bids will be reviewed and title searches performed and the project will be awarded and announced on 3/5.

Commissioner Brenemen motions that any property scoring 5 or less per the set criteria be reserved till the end of the grant cycle. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Page Kincaid PSD

James McCarthy, Chairman presents. David Smith, Ron Arbaugh, Bart Jackson and Phil Tissue are also present. Commissioner Taylor describes the communication with PSC and WVAW and that PSDs are set up to fail.

Commissioner Taylor ask Mr. McCarty to present about their needs. They need 50 grinders to replace original grinders and have spares.

Mr. McCarthy states there are no hydrants out Johnson Branch. Paying the same as other residents who do have fire suppression services. WVAW has not completed their job and this commission has not called upon them to finish. Commissioner Taylor states this is a spurious accusation and the first time the Commission has been apprised of the lack of hydrants or asked to act on WVAW's neglect. Mr. McCarthy, as the leader of the board, should bring these issues to the Commission. Would like him to consider his responsibility to bring issues to their attention. They place their trust in the board members who live in the communities. This is a serious issue and she's glad to now be aware.

Commissioner Fennett leads a discussion about payments to Thrasher which were not fully paid. Issues with a payment of \$37,000 for a loan payoff. Phil Tissue has an outstanding bill as does Steptoe and Johnson.

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Commissioner Brenemen calls for an executive session with lawyers for legal advice from 10:09 a.m. to 11:11 a.m. with no decisions made.

Commissioner Taylor is concerned by not paying the PSD counsel given the upcoming hearings with the PSC. Since the majority of the board opposes a merger and will need to have counsel available, Commissioner Taylor motions to pay the fees of \$16,535.61 to Mr. Tissue. Commissioner Fennett seconds. Unanimous decision.

Prosecutor Budget Presentation

Prosecuting Attorney Ciliberti presents his budget. No increases in dues & subscriptions, training and education, travel, and maintenance and supply. Extra help still has money from last budget. Last summer he asked for an intern and couldn't hire one due to timing of allocation. Support staff has overtime during trials. None for lawyers, who are salary exempt.

Asking for increase for attorneys, Jessica Shockey and Marilyn Pridemore, and continue providing PEIA at the current rate. He's concerned about retaining employees, about training attorneys in criminal law who then leave for better paying positions.

Sheriff Budget Presentation

Sheriff Jess McMullen presents. Raising some line items. Does inhouse training when available but asking to double training budget. They have no extra radios. Asks for \$30,000 for 5 radios. Firearm training is \$30,000. Can no longer use Raleigh County range. Commissioner Taylor says the shooting range is a priority. Specialized Equipment for Sheriff's Special Response Team (SSRT team).

Have high mileage vehicles. Leasing program is not a good fit. Needs a n Explorer K9 vehicle for a specific grant funded kennel. Needs a new and bigger vehicle for Amy Farrish.

Asking other line items to be maintained including PEIA to be covered. Asking for raises for all employees, especially the deputies. Attrition and retention are difficult. Agencies are actively recruiting our deputies.

Commissioner Fennett mentions there are still 14 deputies on the levy. Commissioner Taylor states that 6 a year are coming off

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the levy to free that money up for equipment and have budgeted for a certain number of vehicles each year.

Approve Vouchers & Invoices - Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Payroll 2/21 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Prior Meeting Minutes for February 12 - Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Ruth Lanier- Exhibit A

Discussion & Decision: ARPA Fund Reallocation Request for Kanawha Falls PSD Commissioner Taylor motions to postpone till 3/5 until the Commission receives the affirming letter from the board. Commissioner Brenemen seconds. Unanimous decision.

Approve Estate Settlements - John W. Calloway; Donna Drewenne Milam; Leonard George Morris, Sr.; Judith Carol Perdue; and Pauline E. Samples. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

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

FAYETTE COUNTY COMMISSION
EMERGENCY SESSION
February 27, 2025
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR

The Fayette County Commission met this 27th day of February in an Emergency Session. All attended via Zoom.

Commissioner Brenemen called the meeting to order at 3:05 p.m.

Discussion & Decision: Consideration of a Temporary Suspension of A & E Towing from Wrecker Rotation

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Prosecuting Attorney Anthony Ciliberti presents that on Wednesday, February 26, 2025, Nick Hall, who is a Fayette County Sheriff's Deputy, was working as a Montgomery Police Officer. According to Officer Hall's complaint, he arrived at an accident that had just occurred at the intersection of WV Route 61 and on/off ramp to the Montgomery Bridge. The owner of the involved vehicle requested that Hutch's Wrecker Service respond for assistance. This request was made via radio traffic to the Fayette County Office of Emergency Services. At this time A and E Towing also arrived on scene. According to the complaint, Officer Hall spoke with Earl Manley, owner/operator of A and E Towing in regards to how he was dispatched to this MVA. Mr. Manley stated that he was contacted by Chief P.R. Workman of the Montgomery Police Department to respond to the accident. Officer Hall advised Mr. Manley that Hutch's Wrecker Service was taking both vehicles by owner request. Mr. Manley then turned his vehicle around and proceeded back down WV Route 61, pulling off at the intersection under the Montgomery Bridge. Mr. Manley then turned his vehicle around and parked behind a vehicle that was located on WV Route 61 on the shoulder. Mr. Manley then exited his vehicle and began to approach the scene of the accident. Officer Hall approached Mr. Manley to speak with him. Mr. Manley became extremely belligerent and claimed that he was being "screwed over" by Officer Hall, the Fayette County Commission, and Hutch's Wrecker Service. Officer Hall stated to Mr. Manley that he was not going to tolerate his behavior and asked Mr. Manley to return to his vehicle and leave the scene. Mr. Manley became belligerent again and continued to yell while pointing his finger in an aggressive manner. Again asked Mr. Manley to return to his vehicle. At this time Mr. Manley began screaming and cussing and stated he wasn't going anywhere. Mr. Manley then poked Officer Hall in the chest. Officer Hall attempted to place Mr. Manley under arrest, Mr. Manley pulled away and resisted being cuffed and refused to place his hands behind his back. There is a video taken by one of the Montgomery Volunteer Firefighters which shows Mr. Manley wrestling with Officer Hall and two or three other individuals trying to get Mr. Manley in control and into handcuffs.

Officer Hall charged Mr. Manley with battery on an officer, obstruction, and disorderly conduct. Mr. Manley posted bond and is out on bond and charges are pending in Fayette County Magistrate Court.

There is a provision in the Fayette County Wrecker Rotation Policy, under subsection 8, Grounds for Removal and Expulsion. Section III says will be removed from rotation list if wrecker

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operator disrupts the emergency scene, argues or attempts to fight with any emergency personnel at the scene of the call. Clearly Mr. Manley's behavior falls into this category. The complaint sets forth grounds a sufficient basis for Mr. Manley to be convicted of for battery and obstructing. Disorderly Conduct is the least of the officials and might not be supported.

Mr. Ciliberti believes the county can take action against the wrecker company based on his behavior and pending criminal charges.

Commissioner Taylor doesn't want to take permanent actions based solely on the evidence, even though as a criminal lawyer, the evidence is compelling. Would like to take temporary action pending the outcome of the criminal case. Would like to temporarily suspend Earl Manley pending the outcome of the criminal case. Commissioner Taylor motions to temporarily suspend Earl Manley from the wrecker rotation pending the outcome of the criminal case, then consider a permanent or extended suspension and potential other provisions for reinstatement. Commissioner Brenemen agrees, however wants to amend the motion to temporarily suspend A&E Towing from rotation as Mr. Manly is the owner. Mr. Ciliberti agrees. Commissioner Taylor agreed and amended her motion to suspend A & E Towing pending the outcome of the criminal case related to this incident. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor asks that Mr. Ciliberti keep the Commission up to date in regards to the criminal case. Also asks Tonja McMullen, 911 Director, to give information on the number of companies serving the Valley and call stats to help inform their future decision.

The meeting was adjourned at 3:25 p.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

March 5, 2025

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 5th day of March, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

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Chris Burford leads the Pledge of Allegiance.

Assessor Eddie Young: Exonerations, Orders to Combine or Divide Land, Refunds - None

Approve Vouchers and Invoices - None

Approve Payroll for 3/7 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Prior Meeting Minutes for 2/19 and 2/27 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Estate Settlements John Easter Allen. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & decision. Ruth Lanier- Exhibit A

ARPA Fund Reallocation Request for Kanawha Falls Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Thank You Letter to Kenny Hayes for Service Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Lesley Taylor Region IV CDBG Request Resolution #12

Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Fayette Trail Coalition Update and Support Letter Request

Cassandra Lawson, Region 4 Planning and Development, gives an update on trail projects. Commissioner Taylor asks for the specifics of what Ms. Lawson does for Fayette County. She and Lesley Taylor specialize in water projects, but since tourism has increased, and they are familiar with construction management, they've been able to translate those skills to trail projects. Originally called Southern WV Bike Trail Networks and a partnership between the Appalachian Regional Commission (ARC) WV Department of Highways and the New River Trail Alliance.

Received funding from ARC in 2017 with the DOH as basic agency. ARC requires partnership with a state agency to oversee construction of the project. At that time, the DOH was the only available basic agency. Project will link existing trails with

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connector trails and promote linkages across 3 counties: Fayette, Nicholas and Greenbrier. DOH was running it through its Transportation Alternatives Program (TAP) TAP and that had limitations. There were three years of scoping discussions including a paved rail trail from Whipple to Glen Jean. The DOH had committed the entire cash match and it got reallocated unexpectedly. By then, WV Development Office had begun offering basic agency services but asked for cash match. ARPA and CDS came about around that same time. NRGDA received a \$1.1 million earmark for NPS. Partner with them. Oak Hill offered \$50,000 and the FCC the other for the match. Allowed two small projects to expand into one larger project. Since the scope changed significantly from the initial award, they had to resubmit the entire application. Waiting on that approval. Would like to procure engineering services and then would be better suited to give a timeframe. Understand the ARPA allocation must be used by end of 2026.

Brittany Chaber presents. Hosting volunteer trail days at the Fayette County Park since 2023. Had over thirty volunteers at the first event and that showed the community commitment. Ms. Chaber presents a 2.5 to 3-mile beginner and family friendly trail. It has the potential to transform FCP. Well-built trails are easy to maintain. Asking for support letters for two grants: AARP Community Challenge and National Coal Heritage Area & Coal Heritage grants. Mr. Fennett states the park is doing well and thinks this is a good project. Asks Ms. Chaber how it will be funded. Ms. Chaber says with this grant funding. Commissioner Fennett states he wanted to clarify to the people of Fayette County that this would not be tax payer funded. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Wrecker Rotation Suspension Notice Letter to A&E Towing

Commissioner Taylor motions to approve in concept. Letter will be completed by Prosecuting Attorney Anthony Ciliberti or Commissioner Taylor. This letter will be to A & E Towing suspending the company from the wrecker rotation regarding Earl Manley's conduct, per the emergency meeting held on 2.27.25. Commissioner Fennett seconds. Unanimous decision.

REAP 25 Phase 1 Demolition Bid Award Angela Gerald states the low bidder was missing three required items. Empire Salvage was the second bid for \$80,000. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

The commission took a five-minute recess at 9:25 a.m.

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Discussion & decision. Bid Openings

State Development Grant Memorial Building Front Porch Repair -

Naternicola's Masonry - \$85,400

Court Street Construction - \$45,000

ARS Inc - \$55,800

Keystone Waterproofing - \$53,400

New River Contracting LLC - \$25,549.01

CFIA Grant Main Courthouse Tile Repair -

Naternicola's Masonry - \$81,900

Keystone Waterproofing - \$85,500

Property Appraisal The Commission entered into an executive session for to discuss the appraisal and possible purchase offer on a piece of property the Commission is considering purchasing from 9:43 a.m. till 10:04 a.m. with no decision. s made.

Legal counsel was instructed to bid on the property, as permissible during executive sessions. Will make a bid on the property. Commissioner Taylor motions for legal to release the appraisal to property owner with its bid and enter into the negotiations based on numbers discussed. Commissioner Fennett seconds. Unanimous decision.

Discussion & decision. Fayette County Humane Society Budget Presentation

Fallon Wakefield presents. Josh Dillon, board member, is also present. Last year there were 286 adopt 45 reclaims. \$9,165.18. Commissioner Brenemen asked if per the MOU if the reclaims were sent to FCC. Ms. Wakefield says they are waiting for the MOU to come back. Commissioner Brenemen reminds that this would have been under last year's MOU.

Expenses for the year: Vet bills, vaccines, medical and office supplies - \$49,671.14

Donations: \$40,935.23

Rescue: 306 animals (dogs and cats). Commissioner Brenemen asks how recently animals have gone to rescue. 16 cats went to rescue Monday. They currently have 5 cats at the shelter and 121 dogs.

Salary and wages: \$202,640.36 Commissioner Brenemen clarifies this does not include vacations or bonuses. Ms. Wakefield is only asking for this amount in her budget request.

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Commissioner Taylor asks to be advised of what's going on at the shelter through the shelter, and not through the press. She asked the shelter management report issues with the building to the County Administrator. The Commission can't fix the issues at its property if it isn't aware of them. If there are budget issues, contact the people providing them money. Commissioner Taylor is impressed with their recent events. Has noticed more activities in the last year than previous years. Roles for board and director need to be distinguished. Commissioner Fennett is pleased with the work they've been doing. Discussion of a possible future evening meeting so that all board members can attend. Commissioner Taylor thanks the courthouse maintenance staff for their work to get water restored to the animal shelter when the pipes were frozen.

Discussion & decision. 911 Cyber Security Grant Tonja McMullen and Phillip Pack present to request a grant application for expanded cyber security services from Lightrr, which is a reimbursement grant. They've had a good success rate with other counties. Fed grant through homeland security. Mike Walker, Co-Owner of Lightrr describes the grant process and what will be covered. One year of subscription service and FCC will then be responsible for following years. Commissioner Taylor asks if he's seen any indications that the grant funding could be in danger due to Federal cuts to grant funding. Mr. Walker has not had any indications yet and has been reimbursed this year. Mr. Walker is based in Summers County, WV and currently services the 911 center. This will have to be paid for regardless of the grant. The County Administrator advised there is room in the 911 budget. Commissioner Taylor motions to approve funding for this initiative and applying for the grant reimbursement when that time comes. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision. Budget Discussion

Ms. Lanier presents that the budget, with all requests considered, is a \$1.8 million shortfall. Suggests moving the sheriff's capital expenditures to their levy and move six deputies back to the General Fund as per the plan implemented last year. Discussion about moving to a Health Reimbursement Arrangement (ARA) plan account. Ms. Lanier has spoken with Raleigh County Administrator Jay Quesenberry about its plan.

Commissioner Brenemen previously submitted his budget suggestions. Ms. Lanier would like lists from the other two

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commissioners. Commissioner Taylor mentions merit-based raises vs. across the board. Gia Tyree has been tracking these. Ms. Lanier will review Plan C costs. Commissioner Brenemen asks Josh Davis to submit the fire budget as soon as possible. Mr. Davis said he is scheduled for 3/19.

Commissioner Fennett asks to put paying for fire preventative maintenance on an agenda. Discusses the possibility of allowing Ms. Lanier to approve outside of a meeting. Commissioner Taylor states that is premature because she will be meeting with attorney Michael Taylor to revise the fire purchasing policy soon.

Commissioner Brenemen reminds about the PSD information meetings to be held March 5, 6, and 7th at 6:00 at Armstrong VFD, Gauley Bridge Town Hall and Loup Creek VFD, respectively.

The meeting was adjourned 11:00 a.m.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

March 5, 2025

ARMSTRONG VOLUNTEER FIRE DEPARTMENT

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 5th day of March, 2025.

Commissioner Brenemen calls the meeting to order at 6:00 p.m.

Commissioner Brenemen thanks the Armstrong Volunteer Fire Department for the venue.

The Commission wants to dispel rumors.

In attendance to present: WVAW, Armstrong PSD board members and attorney, Region 4, Public Service Commission staff (will only collect comments.)

Commissioner Taylor explains that WVAW approached the FCC to take over wastewater for APSD and PKPSD and water and wastewater for KFPSD. The FCC asked WVAW if staff could keep jobs and WVAW was agreeable. This would be part of the contract. If the FCC was paid for the PSD purchases, the FCC asked that the purchase amounts go towards the customers' bills to offset the increase

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in bills. This could happen for three years. Commissioner Taylor states they wanted to talk with the customers and boards ahead of a decision. Three ways for a PSD to be taken over by another entity: its board could request it, the county commission could decide it or they could litigate it before the PSC. All grant funding stops when a utility is declared distressed. The system is set up for the PSDs to fail as this would cause the PSD to become distressed - if it weren't already - due to deferred maintenance. Neighbors are now the ones taking care of issues as PSD employees, but with WVAW would mean going through a call center and waiting. After the three town hall meetings, there will be negotiations with WVAW and everything will be decided in public meetings.

Commissioner Fennett says these decisions should be decided by the customers. His goal is for them to have clean and safe water and wastewater services.

Commissioner Brenemen says APSD is a collection system and sewage then goes to Kanawha Falls PSD for treatment. Recommended upgrades are \$8 million and \$1 million on the side for repairs. There are 827 APSD wastewater customers. The PSD could take out a loan but rates would raise and would have 2% interest. \$8 million would be a \$204,000 a year payment for 40 years. Their bills will increase \$20+. A current average bill of \$35.41 would increase to \$55.97. Being named a distressed utility would make it tough to get loans and they would need a downpayment. A WVAW bill will be \$64.69. The FCC would ask for a staggered increase over the first three years.

Jake Glance with WVAW presents. Allotted 10 mins. States in 2021 the WV Legislature passed the Distressed and Failing Utilities Act. The PSC ordered a takeover of Page Kincaid PSD, then in 2023 ordered the takeover of APSD. In 2024 KFPSD asked the PSC to deem APSD as a failing wastewater utility. The PSC told them that might mean KFPSD would also be declared a distressed utility.

Explains the county commission has the power to consolidate or dissolve a PSD. WVAW extended an offer to buy both systems in KFPSD and the APSD waste system.

Total offer is to purchase Page Kincaid wastewater, Armstrong wastewater and Kanawha Falls water and wastewater for \$13 million. Page Kincaid rates are higher and will actually decrease. There will be a five year investment in upgrades costing \$95 million. All current assets are now non-taxable and on day 1 of WVAW ownership, would become taxable.

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Mr. Glance showed APSD wastewater facilities. Says they are neglected. Would need to replace pumps and there are many other needed repairs. WVAW will pay \$8 million over first five years. Raw sewage lines need replaced, move lines away from railroad tracks.

Customer asks how they will make money off of 827 customers. Mr. Glance says due to the investment in the system. While the APSD customers receive the discount proposed by the FCC, WVAW will be investing in the system. Question asked about the payment to the customers for WVAW's acquisition of the water side. Mr. Glance said they were ordered by PSC to takeover, so all they had to do was pay off debt. There was not a payment to purchase the water side.

Commissioner Taylor explains that the 2022 distressed status for KFPSD was due to the floods. KFPSD asked the PSC to declare APSD distressed because there were no board members and it offered to step in and help. Commissioner Brenemen clarifies with Mr. Glance that upgrade costs are split over the full 170,000 WVAW customers. Commissioner Taylor states the FCC would not take the money for their system (APSD) and wants it to go back to the customers, if this purchase happens. Unfortunately, there is no way to recoup the water money. WVAW had many repairs to get the water safe and reliable.

David Hannah, attorney for APSD wastewater, speaks. Distressed utility declaration was based on not having a fully operational board. Since then, they've filled the seats. Distressed status is based on managerial, operation and financial issues. They were only distressed by management. Operations and finances were healthy. And the management was fixed. Long term, recognizes capital improvements are needed in the future. APSD is a nonprofit. Rates may need to increase if federal loans are involved. Grants can help assist. The PSC said their rates aren't sufficient. APSD asked the PSC to withdraw the case because it was determined rates were fine and they were saving repair funds.

Question about water vs. wastewater if WVAW takes over. The customer would like to keep what they have. Commissioner Fennett asks if APSD and customers have a plan for \$8 million upgrades. Where does the money come from? Mr. Hannah thinks it could be less than \$8 million; that figure was determined by WVAW.

Customer asks if WVAW has the \$8 million on hand. Mr. Glance says yes, from investors. They are a publicly-traded company.

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Commissioner Taylor reminds that the WVAW offer is for all 3 PSDs. They already have water for PKPSD and APSD. The FCC needs to get information from the three involved communities. Even if they can show compliance to lift the distressed designation, the PSC can still force the sale. Commissioner Taylor states lawyers previously involved in these cases don't usually see a favorable outcome for the PSD. And she's more concerned about getting the upgrades for the customers, which can't happen while this case is open. Reiterates that PSDs are set up to fail.

Customer asks about a grant which was stalled. Someone states that WVAW used the grant money. Lesley Taylor, Region 4, states it was a Community Development Block Grant for the Powellton water tank.

Someone asks if the PSD has money to fund upgrades. PSD board member says they had funding but it's frozen due to the distressed designation.

Customer asks about what their bills will look like after three years. Commissioner Fennett asks Mr. Glance to explain how they figure rates. Mr. Glance said it wouldn't be at full rate until 2029 so he can't speculate. Can't use grants to pay for projects. If they buy the system, the company will pay off all debt on day one. Commissioner Taylor reminds that those costs are spread among all WVAW customers. They will be investing in the upgrades to the system.

Another customer again asks how much they will increase because she's on a fixed budget and already paying bills every other month. Mr. Glance said WVAW has customer assistance programs, because they have enough customers to be able to offer these programs. Customer asks about the specifics of the upgrades. Mr. Glance says the bulk is in line replacement. It costs \$400/foot to put a line in the ground. Commissioner Fennett says that either way, there will be rate increases.

Commissioner Taylor asks the attendees their thoughts if WVAW does take over. Concerns about the workers remaining. And the rates are an issue. A \$9 increase is a lot of money.

Customer asks what is the debt for the PSDs. Mr. Glance says the \$13 million will pay off all the debt and grants.

There will be a meeting on May 7th at 10:00 a.m. at Montgomery Town Hall.

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Discussion about having the distressed label removed. Commissioner Taylor stated once you are labeled distressed, it is very difficult to have it removed. Commissioner Brenemen asks Mr. Hannah how many cases before PSC were overturned. Mr. Hannah says 22-23 filed, 3 others declared distressed but under corrective action plan working with PSC staff. Most don't have resistance and are filed by the boards.

Commissioner Taylor asks about O&M agreements. Public Private Partnerships are different from distressed. Usually, the neighboring utilities don't want the failing utilities. This case is unique having a neighboring utility willing to take over.

Commissioner Taylor asks if the theory in the community is that KFPSD wanted to take over because APSD was in better financial health. Commissioner Brenemen says that the FCC loaned APSD \$100,000 to help pay bills and get chemicals and stay afloat. Supposed to be making payments. Customer says it sounds like the FCC has already sold out. Just wanting to take what they have left.

Commissioner Fennett spoke with a customer. If their bill is too high, they will have to make choices. States that at the first notice, Commissioner Taylor specifically said that this area is full of fixed incomes and is concerned about higher rates.

Reiteration of the reduced rate would only be for three years. Board member says that a lot of people even on SSI don't qualify for the reduced programs.

The meeting was adjourned at 7:27 p.m.

**FAYETTE COUNTY COMMISSION
SPECIAL SESSION
March 6, 2025
GAULEY BRIDGE TOWN HALL
PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT**

The Fayette County Commission met this 6th day of March, 2025.

Commissioner Brenemen calls the meeting to order at 6:00 p.m.

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Commissioner Brenemen thanks Mayor Bob Scott for facility. Explains reason for meeting. WVAW called meeting in January to discuss an offer for KFPSD, and PK and APSD wastewater. Extension of 90 days for discussions. Want to inform the customers and quell rumors.

Commissioner Taylor describes distressed utilities filing. FCC lawyers says that the PSD can ask for the distressed filing. The FCC could make the decision for them. The third option is to - battle it out at the PSC and that's a drawn-out process. PSD grants and funding are frozen for the time of the case. In 2021 the legislation passed the Distressed Utilities Act which allows this. Once filed, it's almost impossible to overcome. FEMA was involved in the Cannelton Hollow/Prison issue. The FCC recently found out that there may be a temporary solution until the permanent fix can be affected. Pursing this aggressively. KFPSD does not want to be taken over. Commissioner Taylor thinks the other option is staying its own sewer, giving up water, and taking on another wastewater (APSD). Knows rates are a concern. Minds are not made up no matter what WVAW presents. The FCC asked WVAW about keeping local jobs. Will put it in the contract during negotiations. If sold, the proceeds of the sale will be applied to offset rate hikes. Decision could be made in April. The FCC is using these meetings to inform their decision. What would the customers want to see happen if a takeover was allowed.

Commissioner Brenemen states a new question capture site will be opened Monday and be open for 30 days to submit questions.

Commissioner Fennett wants to make sure the customers understand their options. Makes it clear there are two different commissions the FCC and the PSC. The PSC has made decisions for the customers. The FCC has not made any decisions. Everyone has to work together.

Customer says it sounds like they already have made their decision. Why will the customers not have a voice. WVAW will present but they have to go to a website to ask questions? Commissioner Taylor states that they will have a chance to speak and ask questions today. And their PSD will present and speak. Customer says they don't need to hear the WVAW presentation. They don't want it. Don't want to be the sewage capital of the world. Commissioner Fennett clarifies they don't have power over the PSC but they can decline the WVAW offer. They will still have to deal with the PSC. Customer asks if the FCC can create PSDs. Disagrees with the PSC having control. Should review with a lawyer. Commissioner Taylor and Commissioner Fennett say

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they've done their due diligence. Customer said they thought they were in a recovery phase. Commissioner Fennett says this meeting is to be transparent and give info. Not asking them to make a decision.

Commissioner Brenemen says the actual hearing date is May 7th at 10:00 am at Montgomery City Hall. Requesting as many people as possible to attend and speak.

Customer asks about companies coming in. Commissioner Fennett says these questions will make more sense once WVAW presents. Commissioner Taylor states that our legal counsel says the PSC continually prevails and they expect it to happen here.

Commissioner Taylor says KFPSD is in good shape. Trustworthy and knowledgeable board members. KFPSD is the least vulnerable of the three. However, the offer is for all three PSDs and there are other people affected. For example, the bathroom at fire station for last night's meeting backed up due to their poorly-functioning wastewater system.

Jake Glance with WVAW presents. Allotted 10 mins. States in 2021 the WV Legislature passed the Distressed and Failing Utilities Act. The PSC ordered a takeover of Page Kincaid PSD, then in 2023 ordered the takeover of APSD. In 2024 KFPSD asked the PSC to deem APSD as a failing wastewater utility. The PSC told them that might mean KFPSD would also be declared a distressed utility.

Explains the county commission has the power to consolidate or dissolve a PSD. WVAW extended an offer to buy both systems in KFPSD and the APSD and PKPSD waste systems.

In January 2025, WVAW formally presented offer to purchase the four PSDs. Armstrong PSD doesn't have a wastewater plant and their service rolls downhill to KFPSD. Offer of \$13 million for the four system, which will pay off all debt immediately. As a private company, they can't own something that was paid for by taxpayer funded improvements. Customers will be phased into WVAW rates over three years. There will be \$95 million in improvements over first five years for the four systems. The cost will be spread out over all 170,000 WVAW customers throughout the state. There will be a discount on customer bills while getting the investment into the system. All assets are non-taxable and the instant WVAW purchases, they become taxable. \$67 million will be invested in KFPSD: \$25 million for water and \$42 million for wastewater. To address Cannelton Hollow will take \$17 million. They will connect the Kanawha Falls system to the Kanawha Valley system like APSD. 2,037 lead lines has to

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inventoried and replaced. There has been lack of maintenance due to a lack of money. Says the customers may not like what he has to say but it will be honest.

KFPSD employee states she has a proposal from WVAW that says they will be at-will employees. General manager Joey Goodnight asks would WVAW would have full control, keep board members to get grants and it would be up to WVAW whether they keep their jobs. Commissioner Brenemen says these are two different proposals - the KFPSD has an O&M agreement. Commissioner Brenemen says that any contract they make with WVAW would guarantee they'll keep their jobs. The PSC cannot make those arrangements.

Customer asks will they only have one water source, the Elk River? Mr. Glance says it will eventually. What if there is another issue like the spill in 2014 when customers were without water for nine days. Mr. Glance explained the Freedom Industries situation. There is legislative and aggressive monitoring now to prevent that from happening again. Spent \$10 million to set Armstrong up on that line.

Customer asks where the money will come from. Customers? Mr. Glance says that improvements to anywhere in the state are spread out throughout all customers in the state. Bills increase a lot less by spreading the costs across 170,000 customers. Asks about at-will employment. Mr. Glance says WV is at-will state. He's an at-will employee.

Customer asks about the improvements being paid for by everyone. vs. grants. Mr. Glance says there is a shrinking pie to fund these upgrades for public utilities. WVAW has access to \$50 million tomorrow to fix the issues. Customer says he disagrees that KFPSD needs \$50 million in repairs. Mr. Glance disagrees. Cannelton hollow needs it. Customer says to just fix Cannelton. Mr. Glance says it's not that easy.

Customer from Cannelton asks how long it would take to get Cannelton fixed. Mr. Glance says they would as quickly as possible. The DEP looks for issues with WVAW more than for PSDs.

Jonathan Grose, KFPSD Chairman present. Says in WV, there are only seven PSDS that pay more than what KFPSD would pay with WVAW. KFPSD can't adjust rates for leaks because the PSC won't allow it. But WVAW just said they can. PSC has them scheduled as a distressed utility because the prison lost water service. KFPSD doesn't sell to the prison, Gauley River does. There was a telemetry issue. The Belva tank read 25 feet but the tank was

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bone dry because the meter was broken. Labeled distressed for another utilities broken equipment. Eight sewer companies are higher for sewer than they would pay with WVAW. Between 2018 2023 there was a \$10 million project. Rates went up \$16.00. Water project is \$11.4 million. Grants for the project takes in median income. WVAW tried to use KFPSCs property to run lines to APSC. KFPSC filed an injunction with PSC but they kept pushing it back until it was too late and WVAW had built across their land. The PSC won't allow the PSDs to have a \$50 million account. They would say their rates are too high if they had that much in an account. But without that kind of account, they have to apply for grants and funding. But since the 2021 legislation they've had trouble getting those funds. The only thing wrong with the water side is the failing utilities designation.

Discussion about getting an injunction for PSC violating the clean water act telling KFPSC to dump raw sewage in Cannelton. Commissioner Taylor says lawsuits are expensive and take away from the funds for the system. The legislation has set the PSDs up to fail.

Commissioner Taylor states in a meeting with health department, they said the sewage isn't above normal levels in Cannelton. This is disturbing since there are health symptoms. FEMA makes you put destroyed property back the way it was, but that was originally designed poorly, running through the creek and didn't accommodate the prison, which wasn't yet built when the system was designed. Temporary fix was as expensive as the water testing so they are pursuing that.

Mr. Grose says they have plans in place. FEMA response paperwork is completed. KFPSC has had issues. They had to fight to get water out Boonesborough. They were seven years behind on audits. Had a previous General Manager who left when it all came to light. Board members resigned after talking Mr. Grose into being a member. Then immediately quit, leaving him alone. WVAW called him at his job the next day and said they heard he's the only member, so would he sell. He said give me three years, and they rebuilt the board and got the PSD in the black. They only want to take the PSDs and keep the boards to be able to apply for grants.

A customer asks about the grants going to WVAW. Mr. Grose says they write the O&M agreement to have a "contractor" oversee it and the money filters through the PSD board.

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Customer asks what the position of the FCC is. Commissioner Brenemen says they don't have one at this time. Customer says they do. Commissioner Brenemen says they are not done collecting info so they don't have a position. Commissioner Fennett says their position is to have clean drinking water and not have sewers back up. If they had made a decision by now, they wouldn't be here asking their options.

Commissioner Taylor says there's a division in the board to take over sewer from other PSDs. She just wants to make sure the customers have reliable service. Wants to see the flexibility from WVAW. Thinks the asset for WVAW is KFPSD. Mr. Grose asks why KFPSD is the asset that makes the deal work. She thinks its profitable. Wants to hear all of the board members' positions. If the PSD shows that it can come up with the additional million needed after FEMA, she's with the PSD. Came from behind and the flood wasn't their fault.

Customer says it was failing before the flood. Prison blowouts on lines would cause their sewers to back up and ruin furnaces and other property. The flood made it happen a lot faster. Mr. Goodnight said they don't do blowouts. Customer said workers from the prison said they did do something to unclog the lines which caused problems at her house the same night. Mr. Goodnight says there is a fix in the plans now for an 8-inch line to Smithers. Will be putting the new line in the road in Cannelton. Customer asks who will be responsible for the costs to hook into the new lines. Mr. Grose and Mr. Goodnight say they would have to find funding/grants for that.

Commissioner Taylor states decision will be made at the May 7th meeting. Reminds customers to come to that meeting. Wishes the board lawyer was here, but her experience is this new legislation is hard to fight. Almost impossible to be removed from the distressed utilities list. The PSC will likely prevail.

Mayor Scott asks if the PSC and WVAW share the same lawyer. Commissioner Taylor says that is unlikely. Would be a conflict of interest. Mr. Goodnight said they may have both been represented by them at separate times in the past.

Customer asks about grants and funding: Does the PSD have to wait for the funding to arrive? Commissioner Taylor says everything with the government takes a long time. Many of the projects have to be approved. Impossible to say when approvals and funding actually can come in.

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More discussion of lawsuits and Commissioner Taylor states that's one way, but another is to pressure legislators to amend the 2021 act.

The meeting was adjourned at 7:43 a.m.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

March 7, 2025

LOUP CREEK VOLUNTEER FIRE DEPARTMENT

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 7th day of March, 2025.

Commissioner Brenemen calls the meeting to order at 6:00 p.m.

Commissioner Brenemen thanks Loup Creek VFD for the use of their venue. States that WVAW and the PSD board will give presentations.

Commissioner Taylor explains that WVAW approached the FCC to take over wastewater for PSD, their PSD and water and wastewater for another PSD. The FCC asked WVAW if staff could keep jobs and WVAW was agreeable. This would be part of the contract. If the FCC were paid for the PSD purchases, the FCC asked that the purchase amounts be applied to the customers' bills to offset the increase in costs. This could happen for three years. Commissioner Taylor states they wanted to talk with the customers and boards ahead of a decision. There are three ways for a utility such as WVAW to take over a PSD. Upon a vote and request by the PSD board itself, through a vote by the overarching county commission or through a prolonged battle with the PSC. The system is set up for the PSDs to fail because even if a PSD is not a distressed utility when an action is filed, the cessation of grant funding while a case was fought could allow the PSD to become distressed due to deferred maintenance. Neighbors are now the ones taking care of issues as PSD employees, but with WVAW would mean going through a call center and waiting. After the three town hall meetings, there will be negotiations with WVAW and everything will be decided in public meetings. Page Kincaid and Armstrong PSDs have already had their water services taken over by WVAW.

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Commissioner Brenemen explains that PKPSD wastewater costs would actually decrease from \$78.51 to \$67.20.

Jake Glance with WVAW presents. Allotted 10 mins. States in 2021 the WV Legislature passed the Distressed and Failing Utilities Act. The PSC ordered a takeover of Page Kincaid PSD water, then in 2023 ordered the takeover of APSD water. In 2024 KFPSD asked the PSC to deem APSD as a failing wastewater utility. The PSC told them that might mean KFPSD would also be declared a distressed utility.

Mr. Glance shows photos of the PKPSD facilities locations.

WVAW offered a \$13 million purchase price. The FCC asked to return it to the customers for a three-year graduated discount to step them into the regular costs, however that wouldn't apply to PKPSD because its rates would already be lower.

WVAW will invest \$95 million over five years. PSD assets currently not taxed, but if the purchase goes through, once it's privately owned, they will be immediately taxed.

The problem in Page Kincaid is funding. They know what needs to be done. There are vice grips on valves. People are doing everything they can to keep them running. The wastewater lagoon is outdated. Needs to be changed to a modern service. First five years WVAW will do \$20 million worth of upgrades to PKPSD.

Mr. Glance says wastewater treatment is more expensive than water treatment.

Question about decommissioning the lagoon. They don't want it left. The plan is probably to build the new plant near the lagoon.

Question about timeline for taking over. Mr. Glance says part is up to the county commission. WVAW has to form an agreement with the FCC and then it goes to PSC for approval. They can alter anything. Usually, a 6-9 month wait for the PSC.

Jim McCarthy, PKPSD Chair presents. Commends employees for their work to keep things flowing. Hopes transition will be smooth. Asked for assistance getting some grinders.

Commissioner Brenemen says that this is no fault of the PSD. But they need assistance with the grinders and calls will be made Monday. PSDs have limited funds. Any extra funds can go into a repair account but those are also limited.

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A customer asks about Commissioner Taylor's statement that PSDs are set up to fail. Commissioner Taylor says yes, due to the Distressed Utilities Act. It didn't used to be this way. PSDs are majorly reliant on grants and federal funding and cannot operate for profit. And if a disaster happens and they are targeted as distressed, it's almost impossible to rebound.

Commissioner Brenemen states there will be a meeting at Montgomery Town Hall May 7th 10:00 a.m. The Commission hopes to make its decision in April.

PKPSD Manager Bart Jackson asks about Robson wastewater. Half of the right-of-ways have been obtained and it's 100% grant funded. Project will add 50 customers. What happens?

Mr. Glance says sometimes if it's that far along, they will allow the project to proceed before they close on an agreement. Mr. Jackson says they only half of the rights-of-ways and no grant money has been drawn down. Mr. Glance says it would probably just be factored into the 5-year upgrade plan.

Discussion of PKPSD becoming like New Haven PSD - the board can get grants and funding for expansions and the private party kicks in money and later takes it over and maintains it.

Commissioner Taylor asks WVAW about the Robson project and whether WVAW would actively seek to expand service once it takes over a PSD. Mr. Glance says it depends on the situation. That's the beauty of having the former PSD employees on staff, since they know the areas and the needs. Public Private Partnership companies won't benefit from the rate reduction from the buyout. But they can help with missing funds from grants or matches.

The meeting was adjourned at 6:38 p.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

March 12, 2025

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 12th day of March, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

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Charlie Bryant leads the Pledge of Allegiance.

Assessor Eddie Young: Exonerations, Orders to Combine or Divide Land, Refunds - Huston Harden \$ 75.24 & 79.56; Christopher A. & Jessica Vandall \$652.52; Riyan M Cook & Shawnn Hobbs \$652.52; Randall Lee McGraw \$621.00; Henry Edward Dempsey Jr. \$178.22; Johnny Ray Hendrick Jr. \$950.26; Michelle L. & Ronnie C. Cox \$221.34; Lafayette Flats Vacation Rentals \$148.34; Heather L. Ballard \$7.68; Bobby Dean & Alice Stover \$116.12, \$116.12, and \$116.12. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Vouchers and Invoices - Commissioner Taylor asks about pizzas for the forest fire response in Danese. This expense should come from the General Fund not the Fire Levy. Address the number of firefighters attending tradeshows. Commissioner Fennett says there are 6-8 firemen and it's a diverse population from the county. Commissioner Taylor states as long as they aren't all from same fire department. Commissioner Taylor states if they are scoping for the Fire Association (FA), they shouldn't need that many. John Vernon says they spread out and find better codes and equipment and there are training classes, but not all attendees opt to attend training. It is also the International Association of Fire Investigators conference. Commissioner Taylor asks that attendee names be listed. Commissioner Taylor asks how FA decides who goes. Mr. Vernon says it's usually officers and then whomever is available. Other than the Danese pizzas, Commissioner Taylor motions to approve the vouchers and invoices. Commissioner Fennett Unanimous decision.

Commissioner Taylor motions to approve Danese pizza reimbursement out of the General Fund. Commissioner Fennett seconds. Unanimous decision.

Approve Payroll for 3/21 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Prior Meeting Minutes for 3/5 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Estate Settlements - None

Ruth Lanier- Exhibit A

Discussion & Decision: Bid Award, CFIA Grant Tile Project Low bid was Naternicola \$81,900 and all documentation was correct. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Bid Award, FCMB Porch Project Low bid was New River Contracting \$25,549.01 and all documentation was correct

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Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Community Corrections Grant Application

Commissioner Taylor motions to postpone till the 19th. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Encumbrance Criteria for REAP Grant Finalized

Commissioner Taylor motions to postpone till the 19th. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: West Virginia University Law Clinic Unified Development Code Update Jesse Richardson WVU Law Clinic appears via Zoom. Commissioner Brenemen states that the FCC selected the Law Clinic to conduct the needed update. Commissioner Taylor asks how many counties have a UDC. Mr. Richardson says we may be the only one. Not many have zoning. Commissioner Brenemen says there are 7 counties similar to ours. 2009 was the last amendment. Commissioner Taylor wants Mr. Richardson to use the comprehensive plan and take into account the priorities identified by the FCC. We've added ordinances in the meantime and they need to be incorporated. Solar farms, vape shops. Commissioner Taylor is concerned about guidance and training for the Planning Commission and the Board of Zoning Appeals. Would like Mr. Richardson's group to emphasize that it doesn't require more information than what's requested in the application to approve a request. Mr. Richardson says they can emphasize that in the proposed training for the Planning Commission. Commissioner Brenemen asks for a timeline to be sent to Zoning Official Angela Gerald. Asks if there is anything else he needs to get started. Working with Christy Demuth who has other projects in our area and will schedule our meetings around those. Will set up training with Ms. Gerald for the Planning Commission. Commissioner Taylor would like the UDC to be more user friendly and easier to read and understand. Even as a lawyer, it's cumbersome. Would like it to be simple and straight forward.

Discussion & Decision: Cellebrite Update Mr. Ciliberti needs more time and it is not due until March 28th. Commissioner Taylor motions to move it to March 19th. Commissioner Brenemen seconds. Unanimous decision.

The commission recessed from 9:21-9:32 a.m.

Recommendations from the Planning Commission-Z-543-25-1: Request of Riverwind Retreat LLC, Owner, for a change in land classification from R-R (Rural-Residential District) to B-3 (Business, Tourism District)
The Planning Commission recommended approval.

Commissioner Taylor states she understands that a lot of people didn't get notification and we will start sending certified mail from now on. Ms. Gerald states she sending certified will start for all notifications from her office.

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Nathan Thomas from Riverwind presents. Hates to hear people didn't get notice and says he would be pretty upset as well. Commissioner Brenemen asks that for future meetings Ms. Gerald have the maps available to present on the screens and for Zoom. Commissioner Taylor agrees and asks for all things in packet be available to present.

Commissioner Taylor asks that Mr. Thomas present his plan for those who were not able to attend the PC meeting. Has been working with health department. Wants the venue to have an upscale, hotel room feel. There will be a barndominium/pole barn for weddings, reunions near the golf course and overseeing a pond. Four one-bedroom AirBNB style cabins.

Commissioner Fennett asks about a paper they have in their packets for tiny houses. Ms. Gerald states that is the paperwork from the health department. Commissioner Fennett asks how to determine that only a few people are staying, and not 15 people sleeping on the floor. Mr. Thomas says that's why they will have a check-in location on site.

Commissioner Brenemen and Commissioner Taylor are concerned about the one-lane road and they don't want to change the character of the neighborhood. The Commission is not against economic development but wants to balance with the quality of life of those who already live here. People don't move to Gatewood to be around noise and commercial businesses.

Christy Bryant speaks. She says now she only hears kids, birds and golf balls; it is peaceful and quiet. Had no knowledge of this project until 2 days ago. Her front porch will be facing the event space. Raised her kids on Browns Road, then her grandkids and now her granddaughter is moving out there with a great-grandchild. There are always kids on bikes, and some neighbors have horses. Afraid the road can't handle it.

Brenda Bryant Shirkey presents. Her great-grandfather worked and farmed on this land. All of it is still family property except the one parcel won by a woman in Charleston through divorce. She sold it to Ryan Wines and then he sold it to a corporation of other people. She grew up as a military child in Chicago and NYC and didn't feel safe. She owns the adjoining property and her 10 great-grandkids can run to family homes. With strangers around, they will not be safe. She feels they will be invaded by people having fun and making fun of the residents.

Helen Bryant speaks. Has been a resident for a long time and enjoys the peace and quiet. The golf course is already an issue with men relieving themselves on the property lines no matter who is around. Golfers tore down their private fence to get their golf balls. People have been told to stay off private property and witnessed people throwing balls back at the residents for being addressed. Concerned about the road and traffic. Doesn't want riff-raff around.

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Jason Sizemore speaks. He is not family but lives there. The necessary infrastructure is not there. Fayette County needs manufacturing and not more AirBNBs. They only create service industry jobs. He knows that it will turn into a party barn. There is already enough drinking on the golf course. They can't have drinking on their road. Reiterates that there is too much urinating on the golf course. He was a sheriff deputy and knows what drunks can do. Concerned about fires. Concerned about needing deputies out there. Had to put nets up around his house for the golf balls. Has spoken with the golf course and nothing changes.

Shawn Dempsey speaks. She lives on Elverton Road which is the access to Browns Rd. They are both unlined roads. She has the same concerns. Knows Mr. Thomas and he's very nice but she disagrees with this project. She reminded the Commission that once the property is zoned for business, any business can be located there - not just this one.

Commissioner Taylor agrees this is not in the character of this neighborhood and motions to deny the Planning Commission's recommendation. Commissioner Fennett seconds. Unanimous decision.

Z-544-25-1: Request of Hobo House LLC, Owner, for a change in land classification from R-R (Rural-Residential District) to B-2 (Business, Local District) on property legally described as 6.57 AC SURF WOLF CK TR 1 622/476

Owner Ben Morgan presents via Zoom. He is on the Planning Commission but abstained from the vote. This property has been several businesses but was never zoned for commercial. The adjoining property owners have commercial property and do not object to the rezoning. Commissioner Fennett asks if there is city water. Mr. Morgan says yes and sewer and there is a pump station adjoining the property. Commissioner Taylor agrees with the Planning Commission on this case. Everything around is already commercial except this property. Commissioner Taylor motions to uphold the Planning Commission's decision to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Budget Discussions

Ms. Lanier presents. She sent a summary to the FCC. Can do a cost-of-living increase of \$2,000 per employee if they change to the new health insurance. They need to decide on HRA vs HSA. This is for Plan C and will fully fund the deductible. Prescription plan is similar to current. This needs to be decided soon as open enrollment is in April. Employees can buy a more expensive plan and pay the difference.

Discussion: Gym memberships for deputies up to \$30/month. Proposed budget includes new positions for Community Corrections and the GPS monitor, Deputy OEM position. Coal Severance has normal statutory payments. Funding for Humane Society at \$215,000 and fund a spay and neuter program. Allocation to dilapidated houses or put in contingencies. Commissioner Brenemen mentions reducing taxes.

Discussion with Mr. Ciliberti about the uptick in jail costs. Mainly because people aren't eligible for bond or other avenues like the Day

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Report Center. Mr. Ciliberti doesn't think it's due to a change in judges. Commissioner Taylor asks that all judges and magistrates and public defenders know the FCC is willing to pay for GPS. Mr. Ciliberti said they do. Commissioner Fennett asks if there has been an increase in violent crime? Mr. Ciliberti says not necessarily, it's more that they have repeat bond violations. DRC doesn't always change their behavior and they ignore their bond conditions. Not willing to change their behavior and that means going to the Southern Regional Jail. Recovery Point is the most popular option and appears to be an effective program.

The meeting was adjourned at 10:22 a.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

March 19, 2025

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 19th day of March, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Fayetteville Fire Chief John Vernon leads the Pledge of Allegiance.

Assessor Eddie Young: Exonerations, Orders to Combine or Divide Land, Refunds - None presented

Approve Vouchers and Invoices - Commissioner Taylor asks about a voucher for All American Fire Equipment and it it's just an upgrade and it is. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Approve Payroll for 3/12 Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Prior Meeting Minutes for 3/12 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Ruth Lanier- Exhibit A

Discussion & Decision: Community Corrections Grant Application

Director Teresa Gregory presents. Commissioner Taylor asks about a match. Ms. Gregory says it is now a 30% match. Ms. Lanier asks if they increased their ask and Ms. Gregory said yes. Commissioner Fennett asks her to explain what the Day Report Center (DRC) does. Ms. Gregory is the director and the center is mainly grant-funded by the state. They try to bring in enough revenue to lower the cost for the county. Commissioner Taylor confirms with Ms. Lanier that the increase is accommodated with budget projections. Commissioner Taylor motions to

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approve. Commission Fennett seconds. Unanimous decision. Ms. Gregory states that referrals are up and the program is going well. Providing valuable needed services.

Discussion & Decision: Jail Demolition Bid

Empire Salvage's bid was for \$82,884.58 and had all necessary documents. Discussion is now if the FCC wants to proceed. Suggests having a public meeting even if the State Historic Preservation office doesn't require one. Commissioner Brenemen states it will be too much to fix. Asks Matt Ford, Greenbrier Environmental to summarize. Mr. Ford states they conducted all of the inspections for asbestos, mold, lead based paint and radon and a structural engineer evaluated the structural integrity. Commissioner Taylor states that anything that could be wrong was. Mr. Ford states all inspections showed issues except radon. The roof has been leaking and the structure of the jail is the cells and steel frame, which has rusted. The rock facade has separated from the structure and is bowing. They can see previous repairs were done on cracks, but the cracks have gotten larger, and there is missing stone. Wall could fall catastrophically. Asbestos was detected throughout the building. There is lead based paint throughout and extremely high levels of mold - high spore counts. Mr. Ford agrees to attend the public hearing. Commissioner Fennett says there are others interested in saving it. This decision hasn't been made. Will also attend the public hearing. Money will come out of coal severance for the demo if they proceed. The REAP program funding may not be adequate. Commissioner Taylor says unless we don't have enough REAP applicants for residential, and we put this as a final project. Commissioner Brenemen motions to approve the Empire Salvage bid of \$82,884.58. Commissioner Taylor seconds, pending final decision to demolish. Unanimous decision.

Discussion & Decision: Encumbrance Criteria for REAP Grant Finalized

Prosecuting Attorney Anthony Ciliberti has given a lot of thought to this list to enlist residents for the project. The email from John King at the DEP listed ideas but not all are practical. Suggests that owners maintain the property subsequent to demolition - brush and high grass maintained. If liens are part of it, he doesn't expect anyone to participate. Commissioner Taylor agrees and wants to have to least required, though wants to ensure cleared properties are not used for junk storage. Wanted to Anthony to find out if the encumbrances are really required. Doesn't think it's an efficient use of Zoning Officer Angela Gerald's time to check on the properties. And only way to enforce violation is to file suit and get an injunction.

Commissioner Brenemen motions that participants will be required to keep the property clear and not use it for storage. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision: Cellebrite MOU

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Mr. Ciliberti states Nicholas County is not immediately contributing to the cost but is asking their county commission for \$5,000 in their budget presentations, but it wouldn't be available until after July 1. Only other financial commitment is from Oak Hill Police Department to provide training to CSI, facilities to store phones and use software, hardware, and their CSI will appear in court as needed for testimony. Commissioner Taylor wants our contribution to be a part of a departmental budget. Renewal date is 3/28 and budgets are already in. Sheriff McMullen said he could do it for 26/27. Mr. Ciliberti wants to push the renewal date to July 1 to align with budgets. The FCC would have to allocate \$35,000 for subscription. If NCC approves \$5,000, they can pay it to FCC as a reimbursement. Task force is mainly federally funded. Manpower paid locally and the feds have told them not to expect an increase in funding. It could even be cut. Commissioner Fennett asks if we should wait until July and be without it for a few months. Mr. Ciliberti says that's not the best plan. And Cellebrite won't let us pay monthly. Mr. Ciliberti wants to delay the renewal 1 month for the next few years until we can get to a July renewal date. Commissioner Taylor asked if we could request Cellebrite to allow us to enter into a longer contract this year so next year's renewal would line up with the budget cycle.

Commissioner Taylor motions to postpone till 4/2 for Mr. Ciliberti to ask Cellebrite for options for a 15-month contract. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Budget Approval

Commissioner Brenemen thanks Ms. Lanier and staff for working on the budget. Commissioner Taylor motions to increase Ms. Lanier's salary by \$5,000. Commissioner Brenemen seconds. Unanimous decision. Commissioner Brenemen motions to approve the budget. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Fire Department Budget Presentations

John Vernon presents for Fayetteville. Same as previous year's.

Brandy McClellan presents for Boomer. Their truck payment is due in August from capital outlay. State Aid will be used for their new building and levy for furnishings. They need some additional battery-powered tools. Commissioner Fennett asks that the departments decide on the same tools so they can all share batteries.

Freddie Perdue presents for Montgomery. Receiving a new station from BridgeValley in the Kanawha County part of the city. The old building belongs to the city. Will submit grants for upgrades. They also need radios. Commissioner Taylor says if the grants fall to through come back to the FCC. Commissioner Fennett says their current radios are obsolete and parts are not available.

Shannon Estep presents for Armstrong VFD. Same as previous year's.

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Tommy Coleman presents for Nuttall. Same as before but added a breathing compressor cascade machine. Another dept got a new one and gave him their used one. Department needs parking lot maintenance. Commissioner Taylor asks about which departments have the breathing machines - all departments but two.

Shawn Ellison presents for Pax. They need \$14,930 for a concrete pad out of levy and the carport for extra vehicles will come from state. The building is around \$15,000.

Tyrone Powell presents for Mt. Hope. Same as previous year's.

Mike Gray presents for Ansted. Department needs a roof. Getting sealed bids through the FCC.

Bill McClellan presents for Smithers. Budget hasn't increased much but his station is 60 years old. They sealed the roof year before last. Will need to be replaced soon Hasn't been replaced since 1984. City covered those costs.

Johnny Kincaid presents for Gauley Bridge. Same as previous year's.

Commissioner Taylor asks about the cost of the Armstrong VFD sewer issue. \$2,300 total.

Representatives for Meadow Bridge and Oak Hill were unavailable to present.

Discussion & Decision: Potential Cancellation of 3/26 meeting

Commissioner Brenemen motions to cancel the March 26 meeting. Commissioner Fennett seconds. Commissioner Taylor explains this is common for the last March meeting if the budget is ready early. Unanimous decision.

Discussion & Decision: Cannelton Hollow Temporary Solutions Letter

Commissioner Taylor describes options. Would prefer to see about borrowing or renting pumps. If not, check if the state would be willing to purchase the 3 pumps and lend them to us as needed. NRGRDA willing to contribute \$60,000. Letter will go to whomever might have funding. Looking for about \$250,000. KFPSD is waiting on FEMA money, or if they will be taken over by WVAW. Commissioner Brenemen asks if this is just for prison waste? No, it will go in areas of Cannelton Hollow to go around the breaks. Pumps waste around the four breaks. Will accommodate all of the waste, including prison. Lesley Taylor, Region 4, checked with PSDs within Region 4 and none have extra pumps. She will check outside of Region 4. Commissioner Taylor says this is not a unique problem. Floods and breaks happen. The state should have extras to lend. Commissioner Taylor will draft the letter. Commissioner Brenemen motions to put this on the 4/2 meeting. Commissioner Taylor seconds. Unanimous decision.

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The commission enters into an executive session for legal advice at 10:36 pm and exits at 12:02 p.m. No decisions made.

Josh Davis states other chiefs were available just as they went into executive session but are now unavailable. Commissioner Brenemen has their budgets to review.

Mr. Davis presents about the engine replacement committee. Six departments applied for replacements. Committee narrowed it to three. They usually replace five at a time. But the price of trucks is now too high for five. Fayetteville, Mount Hope and Oak Hill were selected based on truck age and numbers. Sent the FCC a spreadsheet. Base trucks are around \$800,000. Includes nothing elaborate. Usually over \$1 million. In one year, the cost of a truck increased by \$200,000. Commissioner Taylor asked about the other three departments: Montgomery, Armstrong and Danese. Wanted \$600,000 a year from the levy to make it feasible. Needs \$800,000 per station. Commissioner Fernet asked if they want extras. Mr. Davis said they would have to come up with the necessary extras.

Mr. Davis says they don't want trucks paid for over multiple levy cycles. Commissioner Brenemen asks about old trucks. Mr. Davis said they are asking to put them at Station 18. Commissioner Brenemen asks the ages of current trucks: Mount Hope is a 2003; Fayetteville is a 2000; and Oak Hill is a 2002. Commissioner Taylor asks about the floor at Meadow Bridge. The floor is rotted due to water issues which are now fixed. New River Engineering looked at it and fill it in with concrete. The floor joists are bad. Commissioner Taylor says it needs to be scoped and bid out. Three trucks over 20 years old. Commissioner Taylor asks for priority order for trucks. There are a lot of necessary expenses - one station needs a roof, and another a floor. Wants to know priority if we can't afford three. Mr. Davis states there is a ranking of Fayetteville, Mount Hope and then Oak Hill.

Discussion of the new fire station creation process. Possibly need to make it a substation. MOU will spell out how levy funds will be used for the new station and carry out the mission. FCC needs copies of board of directors and chief like other departments. There is an agreed upon list of things that must be accomplished before a funding request can be presented. Commissioner Taylor will have counsel Michael Taylor reach out about assistance with the MOU.

The meeting was adjourned at 12:30 p.m.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

April 2, 2025

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

2025 Fayette County Commission Minutes

The Fayette County Commission met this 2nd day of April, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Commissioner Taylor leads the Pledge of Allegiance.

Assessor Eddie Young: Exonerations, Orders to Combine or Divide Land, Refunds Michael S. or Josselyn Kiser \$210.72; Seth William Shuff \$78.08, \$298.72, \$1,884.92; Billy Gene & Dee Ann Wriston \$1,956.04; Christo[her A. & Jessica Vandall \$652.52; Jeffrey A. & Catherine Styers \$1,329.96; James O. Roop \$2,027.04; William R. or Pamela Murray \$1,033.54; Jack L. Jr. & Catrina McClung \$1,441.82; Jeffrey J. & Amy Jones \$612.26; Kenneth C. & Rachael Goodson \$1,029.16; Gary Lee Chappel \$1,029.16; Lawrence Edward & Jean Ann Brown \$339.30; Thomas E. Akers \$29.96; Toler Properties LLC \$1,190.52; Cynthia Jo McKinney & Michael Kiser \$465.76; R & R Oil and Gas LLC 30 tickets at \$7.70 each - \$231.00; Roger D. or Anell Evans \$202.02 & \$436.32; Amy L. Smith \$41.50; Michael A. Malay \$412.90; Joshua Lee & Lindsay Thompson \$387.36; Bryan D. Arthur \$129.06; Bobby Dean & Alice Stover \$189.08, \$116.12, \$116.12, \$116.12; Randolph John Jennings III \$243.42 & \$222.06; Jason A. & Ruthi Collins \$1,033.42; Megan Young \$673.24; Timothy M. & Cheyenne Kincaid \$615.80; and Dennis J. or Melissa Maehr \$1,112.88. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Refund for Orem Tomer \$100.18. Commissioner Fennett motions to approve. Commissioner Taylor seconds. Unanimous decision.

Approve Payroll for 4/4 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Prior Meeting Minutes SP 3/5, SP 3/6, SP 3/7 3/19 Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Estate Settlements Paul Emmett Allen; Betty Jean Anderson; Jacqueline Clark; Bill Farrish; Randolph Aaron Keesey; Sandra S. Reedy; Sybil Delores Taylor; Sybil Delores Taylor; and Thelma J. Thomas. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Ruth Lanier- Exhibit A

Discussion & Decision: Cellebrite Renewal Commissioner Taylor requests statistics on a calendar year basis so they can use them to obtain funding from all parties involved. This expense will go on the Sheriff budget next year. Summersville Police Department will reimburse the Commission. The Nicholas County Commission will reimburse after July 1 and the Task Force within the next month. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Recognition Letter for Meadow Bridge

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Students for Honorary Secretary of State Designation Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Hazard Mitigation Leases These are for properties from flood buyouts. No structures can be built. Can only use for animals or garden space. Commissioner Taylor motions to approve the leases for Mary Abshire and Richard Midkiff. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Budget Letter to Elected Officials Commissioner Taylor motions to approve in concept. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Budget Correction Approval This is just a change in the TIF. Commissioner Brenemen would like to wait and speak with legal about the HRA first.

Discussion & Decision: Health Reimbursement Account Provider Plan C will be fully funded and requires Health Savings Account. There were three choices: Inspiro, Cornerstone, and Clarity. Cornerstone has \$18,000 just in admin fees. Gia Tyree and Ruth Lanier reviewed and prefer Clarity. It integrates with ADP for payroll. Clarity has a per month per employee fee. \$6.50 if funding deductible. Other expense is \$8.00 a month. Ms. Lanier says this covers deductible only. And employees get debit cards. Can be added to Google wallet etc... Monitors and track all claims. Plan C vs Plan A saves over \$300,000. HRAs roll over. Company sends 4 reminders to submit documents, then contacts the county. Commission needs to choose a company and set a limit. \$200-250.00 is the norm. Ms. Lanier doesn't suggest making it \$0.00 due to IRS requirements.

Also offers an employee funded Flexible Spending Account, pretax. This is funded up front. Looking at Section 125 for pretax health insurance. Saves money for company and employee.

The commission enters into executive session at 9:23 a.m. for legal counsel and returns at 9:24 a.m. with no decisions made.

Commissioner Taylor motions to go with the recommendation of Clarity. Commissioner Fennett seconds. Unanimous decision.

Commissioner Fennett motions to set limit at \$250.00. Commissioner Taylor seconds. Unanimous decision.

The Commission asks Prosecuting Attorney Anthony Ciliberti to review the contract.

Commissioner Taylor motions to approve the FSA dependent care as recommended and a Section 125. Commissioner Fennett seconds. Unanimous decision.

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Discussion & Decision: Bid Openings

- Paving Project Lots 1 & 2 at Courthouse

WV Paving - \$61,150; \$48,400

J&M Paving - \$57,500; \$37000

Naternicola - \$75,165; \$45,765

-Memorial Building Roof

Alpha - \$160,333

Tristate - \$157, 086

Harris - \$168,530

Bids will be reviewed for compliance and awarded on 4/15.

Budget Correction

Commissioner Taylor motions to approve the budget correction. Commissioner Fennett seconds. Unanimous decision.

Approve Vouchers and Invoices

Question about shirts and embroidery from Fire Levy. Commissioner Taylor would like to put the reimbursement policy on next meeting and postpone this invoice till then. Determine an hourly rate at which they are willing to reimburse and constraints on mileage or not. Discussion of needing bids versus three quotes.

Ms. Tyree has questions about funding Rainelle since it's in Greenbrier County. Discussion about calls there.

Commissioner Taylor motions to approve all invoices except the Pax uniforms and two bills from Josh Davis till April 15. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Highway Safety North of the Bridge

Geoff Heeter presents. Dave Arnold, Eric Pories, Gene and Maura Kistler and Joy Marr are also in attendance. John Tuggle from Region 4 is on Zoom. They have a casual group which had been meeting for a couple of years. Used to meet with FCC members in the past and would like to start that again. 3\They have three main topics to discuss: access to trails, local roadways and highway safety, specifically the intersections north of the bridge.

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A study was conducted by B&N with Region 4 and WVDOT. The group took them on a tour and sat at an intersection and saw things their traffic study data didn't show. The study was also before Covid and the National Park designation.

There will be an Open House hosted by the Midland Trail Middle School Leadership Team May 13 at MTHS 5:30-7:30pm. The open house is not only about the intersections, they will have other presentations. Today's meeting with the FCC is to bring awareness and share the open house. Mr. Heeter spoke with Josh Davis during the executive session. Said that the Ames Heights intersections is the highest attended for crashes by Fayetteville FD. There isn't great data kept by sheriff or fire departments, but they know the two intersections by the bridge are the worst.

The group holds no illusions that this is a quick fix. It's an arduous task. It will take millions of dollars and years to fix. But they need to start asking or it will just be further away.

Mr. Heeter mentions having a grand entrance with signage. He doesn't want it to be THE grand entrance. But there are identity issues. People go to the Visitor's Centers and ask where the park is while standing in the park.

Mr. Arnold mentions that NPS superintendent or a representative is always at their meetings. They see the same issues.

Commissioner Fennett asks for clarification. Are they discussing all intersections? Would a cloverleaf be the solution. Mr. Heeter says they expect a highway engineered overpass. B&N isn't ready to give a map. Frontage roads and offramps are ideas.

Pervis Major is also in attendance and says north of the bridge is dangerous. He has friends who have lost children. Cares about his kids using the intersection. They have no choice but to use the intersection. Believes all intersections should be addressed.

Mr. Heeter presents a study from a Maryland community similar to this situation and how they handled these issues.

Mr. Tuggle presents about the Fayette Raleigh Metropolitan Planning Organization involvement. These ideas are beneficial to Region 4 and the MPO. The B&N study is close to being published. Considering putting dollars in the next FY MPO budget for additional study work.

Mr. Pories has been in contact with Mark Sullivan, lead engineer. Would like NPS input for those intersections. Commissioner Taylor asks that he coordinates with Mr. Tuggle to get those numbers from 911.

Mr. Arnold says that Adventures on the Gorge, before there was an NP, commissioned a study to see what happens in new national parks. Lisa Bailey studied what happens in the first few years and the dominant issue is at year 4 & 5 there is a drop. The difference in bringing the

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drop back up is when communities add to the game. Not the time to rest on our laurels; need to accelerate. Commissioner Taylor mentions to check with CVBs for their data, too.

Mr. Heeter says B&N will be at the open house as well as the CVBs. Will invite NRGDRA.

Ms. Kistler states there is momentum with the middle and high school and they need encouragement that they are leading the charge. Commissioner Fennett says this is a noble project.

Discussion & Decision: Sheriff New Hire Approval Nunc Pro Tunc

Sheriff McMullen introduces Mason Wriston. Commissioner Taylor motions to approve his hiring as of March 31, 2025 nunc pro tunc. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Outside Funding Requests

Friends of Lewis: any

Ansted Ministry for foodbank: any

Boomer Ballfield Scoreboard: \$4350.

Coda Mountain Academy: \$70,000

Ansted Hometown Festival: \$1,000

Gauneka Ruritan: \$172,500

Commissioner Taylor talks about a community center in the valley. Agrees it's needed but need more info about the old Montgomery Middle School building.

Commissioner Taylor is good with \$1,000 each to Lewis House and Ansted Festival. The Ansted Ministry should wait until the next cycle as they just received an allocation.

Commissioner Fennett thinks scoreboard is a safe bet. The Board of Education said they would reimburse the county. We have to make the investment since it's our property. Ms. Lanier says the BOE has previously made and paid directly for improvements. We only pay for the utilities. Commissioner Fennett says Superintendent Gary Hough told him this is how they do it. Commissioner Fennett will communicate between the FCC and BOE.

Commissioner Brenemen motions to allocate \$1,000 to Friends of Lewis House and \$1,000 to Ansted Hometown Festival and pending information, \$4,350 for scoreboard at Boomer Ballfield. Commissioner Fennett seconds. Unanimous decision.

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Clerk Michelle Holly mentions that the Gauneka Ruritans property is a polling place.

The meeting was adjourned at 10:41 a.m.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
APRIL 3, 2023
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 3rd day of April, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Follow-up Discussion Regarding West Virginia American Water Purchase Offer

The Commission enters into an executive session to meet with WVAW and legal counsel at 9:01 a.m.

Commissioner Brenemen states this is not a sale. They are just listening. At a later date, they will do the same with the affected PSDs.

The Commission returned from the executive session at 12:14 pm with no decisions made.

The meeting was adjourned at 12:14 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
April 15, 2025
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, ALLISON R. TAYLOR, GREG FERNETT

The Fayette County Commission met this 15th day of March, 2025.

Commissioner Brenemen calls the meeting to order at 9:00 a.m.

Ami Dangerfield leads the Pledge of Allegiance.

Assessor Eddie Young: Exonerations, Orders to Combine or Divide Land, Refunds None

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Approve Vouchers and Invoices Commissioner Taylor has questions about the Smithers bid advertisement and Gauley River's large invoices for ropes. Commissioner Taylor reminds that the FCC would like the chiefs to come to FCC first before spending on large items so they can prioritize. The Purchasing Policy is on the agenda today for a vote. Commissioner Taylor motions to approve all invoices except the two from Smithers. Commissioner Fennett asks about library allotment. County Administrator Ruth Lanier says it's a quarterly levy reimbursement. Commissioner Fennett seconds. Unanimous decision.

Approve Payroll for 4/18 Commissioner Brenemen motions to approve. Commissioner Fennett seconds. Unanimous decision.

Approve Prior Meeting Minutes 4/2 Postpone till 4/30

Approve Estate Settlements William Lawton Bragg; Alberta Mae Brumfield; David Calvin Duncan; Daniel Ross Ewing; Ardena Lee Farley; Mary Louella Gilbert; Rena Gladious Holcomb; and Leonard Eugene Petry. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Lay the Levy

The commission only votes. County Clerk Michelle Holly signs. The auditor has approved the budget. Commissioner Fennett motions to approve. Commissioner Taylor seconds. Unanimous decision.

Ruth Lanier Exhibit Items

Discussion & Decision: Leslie Taylor, Region IV Powellton Budget Revision Request Commissioner Brenemen motions to approve. Commissioner Taylor seconds. Unanimous decision.

Discussion & Decision Letter to Public Service Commission Regarding Appalachian Power Rate Increase Request Scott Jones from AEP is present. Commissioner Brenemen says the utility is necessary. However, rate increases every December during the coldest months, people on fixed income with other increasing bills cannot continue to absorb those extra costs. In the last year, the AEP stockholders saw their returns double. Commissioner Brenemen knows there has been a lot infrastructure and contributions to broadband. But increases in December and news of increased profits in January seems like it's taking advantage of the customers. Commissioner Taylor would like more continuity of service. There are long power outages and lots of lost food. Reliability is a big issue.

Mr. Jones presents. He's aware of the rates and knows it's hard due to costs of goods and services and inflation. Filed for a new process of securitization. EPA requirements from Mt. Mitchell and storm damages cost \$2.4 billion. If they can roll it into a security bond, it allows them to reduce the rate increase. It securitizes the debt and they sell as bonds and rate payers would only see a slight increase for the cost of AEP doing business. Investors like it. Commissioner Fennett asks who approves; Mr. Jones says the PSC. This would go from an

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average \$23 increase to \$6. Mr. Jones says they work with DHHR for reduced rates and have programs for low-income customers.
www.appalachianpower.com/assistance

Commissioner Taylor opposes an increase without substantive changes. Supports the securitization to reduce the rate increase. Commissioner Fennett motions to approve supporting the securitization. Commissioner Taylor seconds. Commissioners Talor and Fennett vote aye Commissioner Brenemen vote nay. Motion carries.

Discussion & Decision: WV Corp Renewal Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision 911 New Hires - Nunc Pro Tunc: Jason Cline and Julia Harrel are the new hires. Commissioner Taylor motions to approve the hires nunc pro tunc. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Park New Hires: Receptionist is Tina Fischer and Maintenance is Colin Schell pending background check. Commissioner Taylor motions to approve both pending successful background check for Colin Schell. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Hazard Mitigation Lease Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision: Sheriff Vehicle Purchase Request Commissioner Taylor first recognizes Deputies Farley and Cogar for de-escalating and disarming a domestic violence incident. Sheriff Jess McMullen needs their approved budget money prior to July for fleet upgrades. Many cruisers are in the shop. Looking at a two-month turnaround for new vehicles unless you can find some on the lot. If they wait until July, all other departments everyone will be buying at once. Outfitters could be on backorder. Concerned about tariffs if we wait. Sheriff McMullen askes that their FY 2026 budget allocation for vehicles be released ahead of July 1. Needs 5 vehicles. Ms. Lanier said the budget can support it. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: ICE Collaborative Update Katie Johnson gives a quick explanation of the **Ice Collaborative** for Commissioner Fennett. Several years ago, they wondered how the health department could help get ahead of teenage substance abuse. The younger they are higher the chance for adult use. Youth prevention is the best use of funds. Survey results are coming in showing less usage but younger with 11-year-olds. Under 15 shows 50% more likely for addiction. Alcohol, cannabis... Most at-risk kids start in school. They surveyed kids and asked about families, peer groups, school, extracurricular. Anywhere they don't feel protected leaves a place for drug use initiation. This program has allowed them to apply for \$2 million in funding. Works in schools, has a summer camp. Students say they need to learn how to parent their future kids to stop the cycle. Surveys show perception of harm from drugs has increased which is good. Commissioner Taylor says

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this is an internationally-known program and the only one in the state. They are working on a grant to expand to 35 counties. Commissioner Fennett asks about Camp Soar. It runs for 6 weeks, the BOE buses kids and feeds them. Takes place at the county park with a high adventure component. Commissioner Brenemen says it's in its 3rd year. Commissioner Taylor states the FCC funds scholarships to the camp.

Discussion & Decision: Regarding a Proposal to Reduce, Merge, Dissolve Armstrong PSD, Page Kincaid PSD, and Kanawha Falls PSD

Commissioner Brenemen says no decisions on the PSD purchase has been made. Then FCC has only been holding discussions. Carl Harris and Jonathan Grose are here for KFPSD. Mr. Grose presents about issues KFPSD which have been presented in previous meetings. Commissioner Brenemen asks how many customers does KFPSD have. Mr. Grose says 1,200 for water 800-850 for sewer.

Discussion of the results of the online surveys.

The Commission enters into an executive session at 10:02 a.m. and returns at 12:20 with no decisions made.

The Commission clarifies a vote from the earlier AEP discussion. They did not vote on the actual rate increase. Commissioner Taylor motions to oppose the rate increase. Commissioner Fennett seconds. Unanimous decision.

Commissioner Brenemen changes his vote to aye in support of the securitization making that a unanimous decision.

Attorney Michael Taylor presents WV Code 16-13-a-2, which allows a county commission to create reduce merge dissolve a PSD. They are then required to set public hearing giving the public the right to come and be heard. Commissioner Brenemen asks about KFPSD distressed status. Other PSDs had an interest in KFPSD having this status. PSC found additional evidence. KFPSD failed to maintain staff and employees. Prolonged utilities loss to Mt. Olive. Testified high demand, aged facilities, water loss, 40 plus year old facility being run at max capacity for multiple days. Unreliable water service.

Commissioner Taylor says that KFPSD now has a highly competent board which has brought the PSD back from near ruin to functional, despite catastrophic weather events. Commissioner Taylor believes APSD and PKPSD to be failing, not only distressed. PKPSD admitted failure. APSD can't keep a board. Commissioner Taylor says they tried to renegotiate with WVAW to take over KFPSD water and PKPSD wastewater and allow KFPSD wastewater to stay intact and run APSD. It said no. The FCC has to base these decisions on the greater good for everyone. KFPSD does still have \$20 million in repairs needed to fix flood damage from 3 years ago. Concerned about whether KFPSD will receive the FEMA money for this repair and that KFPSD did not have a back-up plan to fund the repairs if FEMA funding fell through. Certain grant funds not available due to another PSD getting those for Fayette this year.

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Commissioner Taylor is in favor of the purchase. Explains the \$2.5 going back into the community as a graduated rate. The Commissioners realized that half was going to be applied toward overhead. The Commission has discussed with WVAW ensuring customers have assistance signing up for income-based programming in their communities and that the Commission asks the PSC for a graduated rate. The Commission will invest the \$2.5 into the affected communities. Commissioner Taylor motions to begin the process under 16-13A-2a to dissolved KFPSD, APSD and PKPSD contingent upon WVAW deal 3 involved and systems. Commissioner Fennett says they asked everyone for plans. PSDs said what they might be able to do. WVAW said what they can do. He agrees with Commissioner Taylor. Commissioner Fennett seconds. Unanimous decision.

Commissioner Brenemen states we spent three nights in three markets talking to the citizens. They have to think about the citizens as a whole. The Commission didn't take this decision lightly.

Commissioner Taylor motions pursuant 16-13a-2C to set the required public hearings as follows: KFPSD, hearings for both waste and water services, May 13 1:00 pm; PKPSD May 14 1:00 pm; APSD May 14 2:00 pm. Commissioner Fennett seconds. Unanimous decision.

Commission counsel Michael Taylor states based upon these actions an order needs to be prepared. Mr. Taylor has a draft. It states the motions which were just voted on and the steps they will take for the public hearings. The order is to be executed by all three commissioners.

Discussion & Decision: Letter to the Department of Highways Regarding Pea Ridge Overpass Bridge and at Liberty Road Route 612 Intersection
Commissioner Taylor motions to approve the two letters to the DOT. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision Letter Regarding Rail Trail Motorized Vehicles

Discussion & Decision National Coal Heritage Area Authority Board Appointment Suggestions to replace Sharon Cruikshank. Term ended. Submit 1-3 candidates for the governor's approval. Commissioner Fennett suggests Beth Gardner. Submitted application. She's a coal miner's daughter, former VP of Valley College, and was instrumental in writing rail trail grant in Oak Hill. Woman of the Year for Fayette. Qualified, efficient and dedicated. Commissioner Taylor describes requirements. Ms. Gardner has several. Commissioner Taylor nominates Beth Gardner. Commissioner Brenemen seconds. Commissioner Fennett abstains. Unanimous decision. Commissioner Taylor will write the nomination letter.

Discussion & Decision Fire reimbursement policy. Changes were made based on input from fire service. Will attach the state's examples of allowable and unallowable expenditures. Commissioner Taylor says the state does not pay for class A uniforms. Thinks we should pay for chiefs' Class A uniforms and accessories. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Commissioner Taylor and Fennett vote aye. Commissioner Brenemen nay. Motion carries.

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Commissioner Taylor says the state won't pay for cable. Some of our areas can't get news stations without cable. Will amend the state policy to allow for basic cable. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

The State allows bank service fees. Commissioner Taylor motions to delete bank service fees from the County policy. Commissioner Brenemen seconds. Unanimous decision.

State covers fire association memberships. Commissioner Taylor would like to amend the state policy regarding these memberships. Commissioner Brenemen asks if this is for national or local. Commissioner Taylor says she's agreeable with national fees, but they could also be paid by state funding. Commissioner Brenemen asks how they pay now. Chief Estep says they've always been paid from the levy. Discussion of not paying vs. capping fees.

Commissioner Taylor withdraws motion.

Commissioner Taylor motions to exclude all fire association dues. Commissioner Brenemen seconds. Commissioners Taylor and Brenemen vote aye. Commissioner Fennett votes nay. Motion carries.

Commissioner Taylor motions to approve up to \$100 per station from general fund for Fayette County Fire Association dues. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor motions to exclude food and bottled water for fire response from fire levy policy because it will be covered from the Emergency Manager's budget. Commissioner Fennett seconds. Unanimous decision.

Commissioner Taylor motions to approve food and bottle water fighting a fire from emergency response funding. Commissioner Fennett Unanimous decision. Commissioner Taylor reminds that Ms. Lanier has discretion for up to \$15,000.

Will email out final copy of the policy to everyone.

Commissioner Fennett says something about other funds to pay for non-levy allowable expenses. Not being paid from fire levy doesn't mean it can't be paid from another fund.

Discussion about what is extraordinary or should be included in annual budgets. Apparatuses. Training is allowable. Anything concerning construction and paid for by levy will come through the FCC first. Commissioner Taylor wants the Commission to manage the bidding process to ensure it complies with state code.

John Vernon, Fayetteville, questions about May/June invoices not showing up till after the budget year. Commissioner Taylor says these are guidelines, not rules. FCC has the discretion to make exceptions in those kinds of cases. It states "may be able to be denied." Not "will."

John McGinnis, Oak Hill, asks if this is open for comment or the final version. Commissioner Taylor says final. Mr. McGinnis asks about the

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amounts which need to come before the Commission. But the policy says anything under \$15,000 are routine, but they've been asked about expenses under \$15,000. Commissioner Taylor says that it should be anything not in the budget. Mr. McGinnis asks for clarification on how specific the budgets should be. Radios could be a capital expense but if four are aging at once it could be a lot of money. Says that the policy is written that anything under \$15,000 is routine. Commissioner Taylor states again it's not based on cost - it's whether it's in the budget or not. Should be accounted for and planned for in the budget. Discussion of bidding out equipment and travel expenses per state code. Commissioner Fennett asks about unused funds not rolling over. Commissioner Brenemen states that levy funds are the taxpayers' money and shouldn't be saved up.

Shawn Ellison, Pax, asked about the money in their accounts for the carry over. Said he keeps his carry over for like the engine going out and needing \$32,000. Commissioner Taylor says the auditor said we can't use the levy as a rainy-day fund. The county commission can legally have a rainy-day fund. Levies can't. They are supposed to spend that money. Mr. Ellison asks about new contract. Commissioner Taylor advised he should come to the Commission if he has an engine fail or any kind of emergency expense.

Tyrone Powell, Mt Hope. Asks what will happen with money in their account after July 1. Commissioner Taylor says that some departments have a large expense coming up and they should ask to use it there. Mr. Powell says that they've been staying out of the truck rotation and saving their levy funds. Commissioner Taylor says that Mt. Hope is on the list to receive a new truck this cycle.

Commissioner Fennett says they aren't trying to defund them, just legally fund them and avoid the pressures that come from outside of the courthouse.

Tim Richardson, Oak Hill, asks about purchases for unbudgeted but unanticipated expenses. For instance, if they lost two radios due a call. Commissioner Taylor says that they can use levy if available. Commissioner Fennett questions about trucks needing unavailable parts Commissioner Taylor says new dept. will have backup trucks.

Freddie Perdue, Montgomery, says they are building a fire station with their excess levy money. Old is in Kanawha and so will new one across the street. Promised property from BridgeValley. Commissioner Taylor says being in Kanawha County shouldn't disadvantage them. Has the station on their expense list and Chief Perdue should advise the Commission once he knows its projected cost.

Since no longer getting a rollover, can they get allocations quarterly? Commissioner Taylor says it has to be reimbursement - levies only work on reimbursement and most stations can't afford quarterly reimbursements.

Nathan Bush, Gauley River, asks about reimbursements and direct pays. Late fees, penalties, etc. But if the processing takes too long, then the departments have to pay those. Says \$6,000 would carry them over

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for some of the direct pays to cover bills that are due in 15 days and are due outside of the meetings.

Discussions about municipal departments and bidding.

Discussion of getting Brighthouse to assist and create a 501C3.

Captain Matt Neil from Gauley River asks about apparatuses. If all bids come in similar. If low bid isn't the trusted vendor.

Commissioner Fennett suggests adding specs for specific services.

Commissioner Taylor clarifies from earlier that it was Boomer not Smithers for pager and building invoices and that Gia had texted the answer to her questions. Commissioner Taylor motions to approve. Commissioner Fennett seconds. Unanimous decision.

Commissioner Taylor motions to approve policy as amended. Commissioner Fennett seconds. Unanimous decision. Updates will be made and emailed to departments.

The Commission took a break at 2:00 p.m.

Discussion & Decision Opioid dismissal request - Mike Woelfel recommends that they agree. Mr. Ciliberti agrees as well. Commissioner Taylor motions to dismiss the Commission from Express Scripts, Inc per order to be signed. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision Page Kincaid PSD Request for Assistance With Electric Bills PKPSD Request for assistance of \$74,672.84 would be a loan. Need a promissory note. Their power is about to be cut off. The loan would be paid off by WVAW purchase. Note state loan will be paid within the next 24 months. Commissioner Taylor motion to grant loan for a period not exceed 24 months and \$1 interest per year. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision Bid Awards Courthouse Paving Memorial Building Roof Ms. Lanier says that Building Inspector Dan Ooten reviewed all bids. All were ok. Commissioner Taylor motions to accept the low bid from J&M Paving of \$57,500 for Lot A and \$37,000 for Lot B. Commissioner Fennett seconds. Unanimous decision.

Commissioner Taylor motions to approve the low bid for the Memorial Building repairs to Tri-State of \$157,086. Commissioner Fennett seconds. Unanimous decision.

MRRT Letter - Commissioner Taylor motions to sign the letter drafted by the MRRT attorney. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision LRA Audit The LRA is not a component unit, however it is included in the FCC's audit. The County's contact within the auditor's office did not communicate the creation of the LRA to other staff within auditor's office, therefore the auditor's office did not include it in the County's audit. The FCC needs to have it audited separately since it is referenced in the County's audit despite not being due yet. Commissioner Taylor motions to allow Ms.

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Lanier commission an audit for the LRA. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision Letter to the Supreme Court Re: Circuit Court Expenses Circuit court. Judge Fast submitted several requests exceeding \$10,000. Judge Ewing said there is a gap in funding between the FCC and Supreme Court. Commissioner Taylor suggests allocating money annually to each circuit court judge for incidentals in court rooms and jury food and beverage expenses. They can send weekly supplies for Friday orders. If there is a time-sensitive item, ask judges to pay and submit for reimbursement. Discussion of \$4,000 to each judge each year. There will be no roll over. Commissioner Taylor motions to approve a \$4,000 annual budget per judge per year. Commissioner Fennett seconds. Unanimous decision.

The Supreme Court manages the IT in the courtrooms. Our IT needs to secure the wires after the Supreme Court runs them. Commissioner Taylor is not okay with any major modifications to the courthouse. Commissioner Brenemen suggests writing a letter to the Supreme Court IT getting permission for our IT to move the lines. Ms. Lanier says our people need to be here at the same time. Judge Fast wants carpet installed at same time. This is not possible due to timing and logistics. Items requested were \$3,919 desk and \$499.98 cabinet for secretary. The Commission doesn't want to set that precedent. All courthouse employees inherit whatever serviceable furniture is available. Concerns about a kitchenette in jury room. Issues with every kitchenette in a courthouse office because people do not clean them and expect maintenance to do it. Asked to soundproof bathroom. And for a decal on door.

Commissioner Taylor motions to write a letter to the Supreme Court about wires. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor motions to write a letter to Judge Fast that the Commission is unwilling to make major modifications to the courthouse. Will supply the decal. No new desk. Carpet will be his color choice from what we bid. Can explore soundproofing options. No to the kitchenette. Commissioner Taylor thinks this is manageable without asking the Supreme Court for funding. Commissioner Taylor motions to send a letter to Judge Fast. Commissioner Brenemen seconds. Unanimous decision.

Commissioner Taylor motions to authorize Ms. Lanier to write to the Supreme Court to coordinate with GST for wires. Commissioner Fennett seconds. Unanimous decision.

Discussion & Decision Audit Response

The Commission enters into an executive session at 2:47 p.m. and returns at 3:21 p.m. with no decisions made.

Commissioner Taylor motions to authorize Commissioner Brenemen to sign the audit response. Commissioner Brenemen seconds. Unanimous decision.

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The next meeting on April 30 starting at 1:00 p.m.

The meeting was adjourned at 3:23 p.m.
