

2021 Minutes

FAYETTE COUNTY COMMISSION

REGULAR SESSION

January 8, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, THOMAS LOUISOS, II, ALLISON R. TAYLOR

The Fayette County Commission met in a regular session this 8th day of January 2021 via Zoom. Commissioners Brenemen, Louisos and Taylor all attended in person.

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

The Pledge of Allegiance was led by Commissioner Taylor.

No exonerations were presented from the Assessor.

Commissioner Louisos motioned to approve 1st half payroll and release on January 15th. Commissioner Taylor seconded. Unanimous decision.

Commissioner Louisos motioned to approve vouchers and invoices and release checks. Commissioner Taylor seconded. Unanimous decision.

Commissioner Louisos motioned to approve prior meeting minutes from December 18, 2020. Commissioner Taylor seconded. Unanimous decision.

Commissioner Louisos motioned to approve estate settlements. Commissioner Taylor seconded. Unanimous decision.

Commissioner Louisos discussed courthouse restrictions and closure and wants the courthouse to be open. Commissioner Brenemen stated the courthouse is open with limited access. Commissioner Louisos stated employees are rotating. Debbie Berry, County Administrator, was on the Zoom call, stated we are trying to limit their exposure by staggering employees at the courthouse as suggested by the judge. Most of us are working from home. The courthouse is

not closed, it just has restricted access. Commissioner Louisos asked if everybody is working from home. Ms. Berry stated yes - the County Commission employees are. Allen Ballard and Angela Gerald rotate days so only one person is in their office daily. There are days we each need to be here to take care of specific duties, so we rotate to limit exposure as advised by Health Department Administrator Teri Harlan. Commissioner Brenemen spoke with Ms. Harlan and Dr. Stewart and we are at a point where the virus is getting worse. Also there is a new strain and numbers are expected to get rise. We have nursing homes and areas of the courthouse without breaks. Commissioner Taylor doesn't see the point of having two security personnel posted at the entrances to the courthouse buildings taking people's temperatures when it hasn't detected or prevented COVID from spreading within the courthouse. Also, the courthouses in Raleigh and Nicholas Counties are not doing this. The screeners have only turned away a small number of courthouse visitors out of hundreds due to a fever. It seems like a waste of resources to have that since COVID can be carried by asymptomatic individuals. Doors should be locked and people can be required to call and get an appointment. Sheriff Fridley stated the two people that work those posts are the transport officers that have no other duties at this time. Once all are in place, we will have security checks. We aren't closed. The Tax Office is rotating three people. The Tax Office has moved back to letting people in the ground level doors due to the elevator issue. Commissioner Taylor asked if there are no other things for them to be doing even if they aren't transporting. More discussion was held regarding whether the staff should rotate or if everyone should be at the courthouse each day. Commissioner Brenemen stated we cannot take

any decision lightly. The courthouse is open, it is just restricted and agrees that we need to look at productivity. Commissioner Taylor will take the lead on how to address the courthouse closure and look for a better option. Commissioner Brenemen requested this to be put on the agenda for 1/29 along with a discussion with elected officials and commissioners. Commissioner Taylor will also discuss with them prior to the 29th. We will come with a plan to follow for all offices and continue as is for now; what the chief judge orders is very different from the Commission's responsibilities.

Elected Officials and Department Heads were in attendance via Zoom for introductions and a budget discussion. Newly-elected officials were introduced: Commissioner Taylor; Clerk Michelle Holly, Prosecutor Anthony Ciliberti, and Temporary Circuit Clerk Debbie Hendrick. Commissioner Taylor is happy to be here and asked for patience as she learns. She wants to be well-informed before she votes. Commissioner Taylor stated she's approachable and to come see her if you need anything. County Clerk Michelle Holly stated she is glad to be here and looking forward to the new year and our new normal. Prosecuting Attorney Anthony Ciliberti is looking forward to serving the citizens of Fayette County as Prosecuting Attorney. Debbie Hendrick wanted to clarify that her appointment is temporary so Judge Ewing can take the 30 days to appoint a clerk to fulfill until the end of the term. She has been at the courthouse for 21 years and wants to continue to serve. Commissioner Brenemen discussed the budgeting process. This is his fifth year and we have always been in a rush and making last second changes. This year, he and Staff Accountant Ruth Lanier spent several hours discussing this and have decided to move the budget presentations to February. Since we are

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here often in February, it works well. Commissioner Taylor stated she does not subscribe to the notion that if you do not spend your projected budget in one year, you will lost that money the next. If you come in under budget, you will get more consideration in future years when you request extra because we will know that you are doing due diligence to save the county money. She asked that departments let the Commission know what won't get done if they don't get receive funding. Commissioner Brenemen reminded Elected Officials and Department heads to please get in touch with Commission Assistant Ami Dangerfield to set up a time for budget meetings. This will give us an easier route to run in March. Commissioner Brenemen asked them to just remember it is request, not a promise for it to be allocated.

Organization of the County for 2021 was presented. Commissioner Brenemen will be Commission President. Commissioner Taylor presented changes made to the order: she and Ms. Lanier are purchasing agents for purchases up to \$15,000.00; however, Commissioner Taylor will approve all Sheriff's department purchases to eliminate any appearances of impropriety due to Ms. Lanier's son's employment as a Fayette County Deputy Sheriff. All other purchases will require a majority vote during a meeting. Ms. Dangerfield read the order. Commissioner Louisos motioned to approve. Commissioner Taylor seconded. Unanimous decision.

Ms. Dangerfield presented a letter to WV Supreme Court for reimbursement for Family Law Judge rent in the amount of \$3,375.00. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

Ms. Dangerfield presented letter from the WV Development Office requesting the county take ownership of three properties due to abandoned mine and continuous flooding hazards. The WVDO is administering a Community Development Block Grant - Disaster recovery for the long-term recovery of 12 counties in WV that were devastated from the June 2016 floods and severe storms. Kevin Walker, OEM Director, has concerns with one of the properties in Scarbro and has inspected and approves of the other two. They want the County to take possession of the properties and turn it into a green space. The one in Scarbro has major drainage issues and Mr. Walker thinks it is a hazard and a legal liability. Recommends not taking ownership of that property prior to mitigation. Commissioner Taylor asked what the liability is. Mr. Walker stated it goes across the roadway into other people's properties and is the result of poor drainage and there is standing water about four feet deep that could create a drowning hazard. They will mitigate the property and find an entity to it over. They are asking us to take over without mitigation. Commissioner Taylor stated if this is causing damage to the road and the other properties in the area, and if they don't mitigate the issue, then what? Mr. Walker stated we need to send a letter to the Development Authority to inquire of its plans to mitigate that property. Commissioner Brenemen mentioned the delay in taking over the property could further delay the former residents' ability to move into their new housing, after waiting years. Commissioner Taylor motioned to table until she could investigate why people could not move into their new homes pending the County taking over the property and the mitigation issue for the address of concern. Commissioner Louisos seconded. Unanimous decision.

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Ms. Dangerfield presented an application from James Elmore to be considered as Commissioner for the Page Kincaid Public Service District, to fill the unexpired term of Robert Williams, till October 1, 2025. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

Ms. Dangerfield presented letter from Wayne Workman, Park Director, requesting full-time employment for Rebecca Waugh as a worker at the Fayette County Park due to resignation of Elijah Treadway. Discussion was held regarding moving people into new positions without advertising the vacancy. Commissioner Brenemen asked if Ms. Waugh works for us now, and Mr. Workman stated yes, part-time cleaner/grounds maintenance. Elijah Treadway was ground maintenance as well. Mr. Ciliberti stated Mr. Workman is obviously familiar with her and her performance, but he did not disagree with Commissioner Taylor's view, though he is not sure that we are required to post jobs. Commissioner Taylor stated advertising job vacancies is important and would serve to insulate the county from complaints that a more qualified candidate was not given an opportunity to compete. Commissioner Louisos stated if we start this, we have to do it for everyone. Commissioner Brenemen stated he has tried to do this for four years to standardize things much like you do in the private sector. Commissioner Taylor stated we have an obligation to the public to ensure the best possible candidates compete and are hired for each position. Mr. Ciliberti thinks the Commission should similarly adopt a policy on how to appoint a successor for prosecuting attorney and any similar appointments. Commissioner Brenemen recommended Mr. Workman run an ad and interview people that apply.

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Ms. Lanier will assist with the interviews. Mr. Ciliberti stated if the County adopts this as a policy, it will apply to all positions and all departments. You would have to advertise all. Commissioner Taylor mentioned she is going to recommend the Commission establish a statutory wage and benefits review board, which would involve participation by all elected officials, one commissioner and two employees to standardize all County human resources issues. This would create consistency and allow for periodic performance reviews and evaluations and merit-based raises as opposed to across-the-board raises.

Ms. Dangerfield presented a Consumer Sales Tax Report for the quarter ending December 31, 2020 for Fayette County Park in the amount of \$1,546.65 for approval and signature of the Commission president. Commissioner Louisos motioned to approve and to authorize Commission President Brenemen to sign. Commissioner Taylor seconded. Unanimous decision.

Ms. Dangerfield presented an item tabled from December 18, 2020 requesting to hire Gia Tyree due to the resignation of Oliva Tygrett in the Resource Coordinator's office. She would be paid under the Brownfield grant. Gabriel Pena, Resource Coordinator, stated he has roughly \$10,000.00 left and would move Ms. Tyree into administration of that grant. He also intends to continue to pursue funding through that grant. Ms. Tyree has been very helpful and will help with the audit. Commissioner Louisos stated he will second if someone makes a motion but thinks this department needs restructuring. Commissioner Taylor agrees, and is not sure how much the Resource Coordinator's office is helping the county at large as opposed to just the URA. As

far as the grant goes, Commissioner Taylor motioned to approve at the requested rate. Commissioner Louisos seconded. Unanimous decision.

Ms. Dangerfield presented a memo to Elected Officials concerning restricted access to the courthouse and facilities due to Covid-19. Commissioner Taylor asked that it reflect the 29th as the end date since the Commission would not meet again until then. Commissioner Taylor motioned to approve the memo through January 29th. Commissioner Louisos seconded. Unanimous decision.

Dianne Callison, Director of FRN regarding Drug Free Grant. Introduced herself and explained the purpose of her position and grant funding. Katie Johnson, the Prevention Coordinator for the ICE Collaborative and Carrie Strunk, Prevention Specialist with NRH were also present. Ms. Callison would like for the County Commission to administer this position's payroll like they do for her position, which is also grant-funded. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision. Commissioner Taylor would like an MOU be put in place and formalize what we are doing. Ms. Callison, Mr. Ciliberti and Commissioner Louisos agreed. Unanimous decision.

Commissioner Louisos led discussion of Wolf Creek Park and adjoining properties. Commissioner Brenemen asked the prosecutor to follow up on this. Mr. Ciliberti spoke with Evan Dove, who represents Rick Johnson and Carl Harris, the mediator between Mr. Johnson and the URA, and also spoke with Gene Kistler and Commissioner Taylor. No one agrees on the facts. The URA takes the position that there never was a firm agreement. Mr. Johnson thinks there was and the URA attempted to make changes to the it after building a trail on his property. Mr.

Ciliberti mentioned the URA's potential liability for entering Mr. Johnson's property and building the trail and thinks it benefits all parties concerned that this be resolved without litigation. Mr. Ciliberti stated Mr. Dove thinks the property is subject to a DOH easement and Mr. Ciliberti doesn't agree that the easement gives the right to use the property or dictate what happens on the property. He also doesn't agree that adverse possession applies since it is owned by a public entity. There are discrepancies in language versus agreement, and easement. Mr. Ciliberti identified several concerns with the original draft contract including missing exhibits, and unreasonable terms. He further noted statutorily, he is Counsel for the Commission, and doesn't believe it is appropriate for him to continue to advise the URA since FCC interests may be divergent from the URA and he cannot be in a position to advise both bodies.

Commissioner Taylor agreed. Mr. Ciliberti added Chapter 16 article 18 section 5 says the URA can sue and be sued in its own capacity.

Commissioners Louisos and Taylor both have concerns about the transactions regarding the land sold by the URA and the potential liability for the County as a result. Commissioners Taylor and Louisos would like to put a moratorium on the ability of the URA to enter into any more land contracts without FCC approval pending resolution of the known issues. This will be on a future agenda.

Commissioner Taylor mentioned she was aware another Wolf Creek property owner, Brad Woolf, had retained counsel and may sue for previously-stated grievances, and requested Mr. Ciliberti meet with Mr. Johnson and his counsel, and Mr. Woolf and his counsel, and the URA and its counsel to try to resolve the outstanding matters.

Commissioner Brenemen did not believe the negotiations should involve

Mr. Woolf since he had not contacted the Commission in some time. Commissioner Taylor stated since the Commission is aware Mr. Woolf has grievances that may also result in a lawsuit against the County, she preferred they all be addressed together. Commissioner Louisos agreed. Mr. Ciliberti stated resolution of the concerns at Wolf Creek Park is going to take some time. It is obvious that there have been a lot of verbal discussion and there is a significant amount of disagreement on what has been said. There is a deadline in Mr. Dove's letter of January 21st. Mr. Johnson stated he will be glad to extend it as they have been working on this for over 1.5 years. If the FCC and prosecutor will agree to mediate, he will too. Mr. Johnson stated there needs to be an interim URA chairman since its chairman is a shareholder in one of his business competitors, which is a conflict of interest. Commissioner Louisos asked that the following be on the January 29th agenda: Decision to approve moratorium on URA decisions without Commission Approval and Response to Evan Dove.

Commissioner Louisos continued discussion of the Rt. 19 Management and Corridor Plan Removal. Angela Gerald, Zoning, stated in 1998 the Commission adopted the Rt. 19 Corridor Management Plan as a guideline for anyone to have a business on Rt. 19 and is also in the Comprehensive Development Plan and the Unified Development Code Section 9005; a set of guidelines and checklists to be administered and reviewed. There have been four separate properties built on Rt. 19 since 1998 with five applications. Anytime anything is changed, you must hold public hearings and the Planning Commission will hear recommendations and make a recommendation to the Commission. Ms. Gerald gave an explanation of the Planning Commission. Commissioner Taylor asked if the UDC and Comprehensive Plan are redundant. Ms.

Gerald stated the UDC is laws and ordinances that must be followed. The Comprehensive Plan is a vision. Commissioner Taylor asked if there is a state UDC. Ms. Gerald stated there are only seven counties that have county-wide UDC, and most have municipal zoning. Some counties only zone larger areas. Once you leave WV, there are a lot of counties that have county-wide zoning. Commissioner Taylor is a fan of less government and believes the County needs to remove impediments to economic development; there is enough deterrent to development as is without a long list of rules to follow. She is not convinced we need the UDC either and would like to revisit this in a month. Mr. Johnson stated there are two projects delayed right now due to the Rt. 19 Corridor Management Plan. One in Glen Jean and the other at juncture of US Route 60. Mr. Johnson believes the current zoning laws are draconian and we need to have more realistic zoning.

Eric Autenreith, via Zoom, brought up the restrictions on billboards, specifically in Oak Hill. Commissioner Taylor stated those are in zoning jurisdiction of that municipality, not the County's. Commissioner Brenemen stated that county-located billboards must be facing Interstate 77.

Fayetteville Mayor Sharon Cruikshank stated she was part of the Corridor L plan. She encourages the public input aspect of the update. Fayette was one of the first in the state to develop a corridor. One of Fayette County's biggest challenges is its infrastructure. We are also a national park and you can look at our revenue, that seems to be the saving grace. Mayor Cruikshank encouraged the Commission to consider the landscape of Fayette County and how it reflects the National Park. Discussion was held regarding the importance and necessity for infrastructure and utilities along

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Rt. 19. Discussion was held with Patty Hamilton, former WVACo Executive Director, regarding the importance of having a vision for the area. Commissioner Louisos stated there are so many restrictions, no one even tries to put a plan together for redevelopment, and presented the 124-question development application. They don't want to spend \$20,000.00 when they know their recommendation will be shot down. If certain people don't want it, it won't happen. He wants to give them the opportunity to attempt it. Commissioner Brenemen stated some of the questions are outdated and need to be changed. Commissioner Taylor agreed the questionnaire was cumbersome and a deterrent to applicants.

Gene Kistler, via Zoom, discussed how the plan was created due to congestion and there was a 2005 update that was never adopted. He mentioned he believes Commissioner Louisos has a familial conflict of interest due to property it owns on Route 19. Commissioner Taylor stated she does not believe that allegation to be true since Commissioner Louisos' interest in reviewing the Route 19 plan to facilitate economic development is consistent with similar concerns he has expressed about the UDC. She further stated making such comments is unproductive. Commissioner Brenemen stated both Senator Capito and Senator Manchin believe there will be an increase in traffic of 28 to 30% due to the renaming of the park. Commissioner Taylor stated she felt the Commission needs to look at this very closely to anticipate how to accommodate the increase in tourists. Mr. Kistler stated the County needs to direct opportunity where the infrastructure already exists. Commissioner Brenemen asked Mr. Ciliberti to research which entity has the final say on this plan. This matter will be placed on

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the January 29th agenda and specifically say for discussion for removal or modification.

Staff Accountant Ruth Lanier presented the Enterprise Lease Pay off for the cruiser leases. The payoff amount from Enterprise is correct. The county has the money to pay off the lease from CARES Act reimbursements and this will allow for substantial savings. The Commission needs to decide if it would like to pay off the leases. Commissioner Taylor motioned to approve paying off the leases due to the savings. Commissioner Louisos seconded. Unanimous decision.

Discussion was held of Boards and Commissioner appointments. Commissioner Taylor volunteered for LEPC and EETSAB. Commissioner Taylor said all minutes from all committees and boards need to be made available to the Commission and be public record. Commissioner Louisos has requested this in the past as well. Commissioner Taylor would like to have cloud storage for the county to store Commission agendas, minutes and videos of meetings given the size of the files. Commissioner Taylor also asked for an agenda item at first meeting in July to review board participation in the NRGRDA given its past failure to serve Fayette County, but also considering the appointment of a new program manager who may change that dynamic. Commissioner Taylor asked questions about several boards and their functions and initiated a discussion about deciding board assignments. Commissioner Brenemen stated he had made board assignments and Commissioner Taylor stated she believed that matter should involve discussion and input of all commissioners to ensure each plays to his or her interests and strengths. Commissioner Brenemen stated that the following boards need the Commission president as a member: NRGDA Workforce, LEPC and

Region IV. Commissioner Taylor stated she believed the statute stated most of those boards could be staffed by the Commission president or his designee. She also reiterated she would like to create a board for wage and benefits review per the statute. Board assignments and creation of the new board were tabled until the next meeting.

Discussion was held regarding the Covid Task Force. Commissioner Taylor feels like the Commission should exert leadership at the county level regarding the pandemic. Commissioner Brenemen stated the leader of the task force is the Health Department because it holds the most responsibility in relation to health care, and stated the County model is structured like the governor structured the state model. Commissioner Taylor disagreed, stating the governor leads while being informed by health officials and there are broader implications for the County than just the health information component.

The meeting was adjourned at 1:46 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
January 26, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a special session this 26th day of January 2021.

Commissioner Brenemen called the meeting to order at 10:00 a.m. Jina Belcher, New River Gorge Regional Development Authority (NRGDA), was present to give updates. Commissioner Brenemen is on the NRGDA board.

Ms. Belcher gave an overview of her plans. Her intent is to improve communication with the counties. Priorities are new business recruitment, business retention and expansion, and WV Hive initiative.

Fayette County has potential and funding due to the National Park designation. We want to have conversations with residents about priorities. WV Outdoor initiative has massive potential for the county. Commissioner Taylor asked what entities the NRGDA works with? Ms. Belcher stated they've worked with the Building Commission in Nicholas County, the Regional Development Councils such as Region IV, directly with County Commissions and cities that have the support to work with NRGDA. Commissioner Taylor asked if she sees the Unified Development Code as an impediment. Ms. Belcher stated that without researching, she would look at identifying what those codes are and are they prohibiting development. Companies do look at zoning ordinances and Industrial Park rules. Fayette County may want to get rid of the stringent rules. Commissioner Taylor would like Ms. Belcher to look at the similarities with other counties and let us know which are impediments. Ms. Belcher would also like to look at the whole scope of Rt. 19 and look at gaps for potential development.

Commissioner Louisos asked how the commission asks for NRGDA help with our ideas. Ms. Belcher said any of the commissions can reach out to her at any time. She has to have people in the counties that bring ideas so they can offer support. Ms. Belcher will commit to working with you and setting up regular meetings. We need to be on top of this outdoor projects with the National park designation.

Ms. Belcher will set up a workshop with Fayette County mayors, the Commission and NRGDA to determine high priority items.

Discussion was held of how the NRGDA interfaces with Urban Renewal Authority (URA). Ms. Belcher has been advising on the ARC application trying to extend infrastructure into Wolf Creek Park (WCP). She thinks the interest in the outdoor industry and growing the area provides the most viable opportunity for development at WCP. They get involved in utilities if it opens up potential for further development.

Ms. Belcher stated the one area as far as the outdoor industry that Fayette County is missing is adequate housing to support remote workers. They need housing, quality of life such as walkability, and broadband. She has not seen a company interested in the WCP. She thinks it has the potential to capitalize on the housing needs in Fayette County. We need to figure out how to get housing there. The type of housing we are trying to create is not low-income housing. NRGDA does not typically get involved in housing development, however we have developers on our radar that we can reach out to. They are focusing on townhouse type housing and trying to work with WVU to see what the demographic is to see if it is single family or rentals.

Housing developers look at square foot as opposed to acre; less than \$25 per square foot. For industrial tenants the average is \$75,000.00 an acre with utilities; \$40,000.00 without, depending on access. They include the cost of the land in the cost of the buildout.

The floor was opened for questions: Holly Fussell: have you in the past been part of finding investors or funding streams for housing development? Ms. Belcher: we don't directly attempt to find funds for development, we have been involved in conversations. County Roads Angel Network brings together investor members and business pitches.

Mayor Greg Ingram, Montgomery: we are building a housing development in Montgomery and we found a developer who finds his own financing. The Housing Development Fund primarily has funded the northern part of the state. Other than one in Beckley, there is nothing. We went to the Development Office and they recognize there is an issue. We did not qualify for an Opportunity Zone. I think as a Commission, we should go to the state and ask why all the money is going north and west. Ms. Belcher: we have one Opportunity Zone in Hinton and Beckley. We submitted seven in each county and they were selected by the Governor's office. They were not selected in the priority we submitted in 2016 or 2017. Each of the Economic Development Authorities were given an application. This is why we need to pull together the initiatives to make a larger impact.

There were no further questions or discussion.

The meeting was adjourned at 11:00 a.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
January 29, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a regular session this 29th day of January 2021 as a Board of Equalization and Review.

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

The Commission met as the Board of Equalization and Review at 9:01 a.m.

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County Commission Assistant Ami Dangerfield read the Board of Equalization order. Commissioner Louisos motioned to approve and sign. Commissioner Taylor seconded. Unanimous decision.

The Commission recessed until February 3rd at 9:00 am.

President Brenemen recognized Debbie Berry, County Administrator retiring today, for her time at the county. Ms. Berry wrote a letter to the county and Ms. Dangerfield read the letter.

President Brenemen thanked Ms. Berry for her 36 years of service and stated it will be rough not seeing her here.

Eddie Young, Assessor, was in attendance to present personal property exonerations for James Jeffrey Ellsworth \$417.22; Mary & Jerry Taylor \$63.18, \$61.42, and \$66.34; Edward H. Anderson \$9.18; Patricia Fisher Gilkerson \$66.72; Rebecca Rhodes \$55.88; James or Bria Julie Newkirk \$80.30; David E. Skaggs \$7.68; Drema M. & Brent M. Baker \$314.70; Leslie Vess \$39.58; Drema Patterson \$186.76; James Michael & Christy L. Bates \$215.22; David L. & Tara Kinzer \$466.92; James G. Lagosantonakos \$388.56; Ethel F. Manley \$113.00; Adam E. Matthews \$107.94; Contour Highwall Mining LLC \$40,889.58; Billy J. Butcher \$3.84; Douglas L. Kincaid 3.84. Commissioner Taylor motioned to approve the personal property exonerations. Commissioner Louisos seconded. Unanimous decision.

Commissioner Louisos motioned to approve second half payroll and release checks on 1/29. Commissioner Louisos seconded. Unanimous decision.

Commissioner Louisos motioned to approve vouchers and invoices and release checks to pay our vendors. Commissioner Taylor seconded. Unanimous decision.

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Commissioner Louisos motioned to approve 12/15/20 prior meeting minutes. Commissioner Taylor seconded. Unanimous decision.

Commissioner Taylor motioned to approve 1/8/21 minutes. Commissioner Louisos seconded. Unanimous decision.

Commissioner Louisos motioned to approve estate settlements for Ginger Gail Gordon; Bud Malcolm Lively; Robert Franklin Clendenin; Herschel Glen Christenson; Wyatt Henry Hindley; Dana Franklin Pierson; Elwood George Hart; and Nancy Kathryn Snider. Commissioner Taylor seconded. Unanimous decision.

Ms. Dangerfield presented a request from County Clerk Michelle Holly for part time extra help in the Elections Department. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

Ms. Dangerfield presented a MOU with Fayette County Family Resource Network regarding Payroll Administration for their Grant. Commissioner Taylor motioned to table for further review. Commissioner Louisos seconded. Unanimous decision.

Ms. Dangerfield presented a Contract Renewal for GST Courthouse Network Support Administration and Consulting for 2021. Commissioner Taylor motioned to table for now. Commissioner Louisos seconded. Unanimous decision.

Ms. Dangerfield presented an Annual Renewal of Contract with Casto Technical for Courthouse Maintenance. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

Ms. Dangerfield presented a quote for new boiler for the Sheriff's Department from Casto Technical. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

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Ms. Dangerfield presented a letter for Recommendation Requested by Architect J. Dan Snead. However, this was previously discussed and already stamped and sent.

Ms. Dangerfield presented a request from NRG Bridge Day Commission Chairman Becky Sullivan to renew 2-year terms of Sheriff Mike Fridley and Terry Ritterbush as members of the Bridge Day Commission and appointment of a 4-year commissioner seat. Commissioner Taylor motioned to approve the reappointments. Commissioner Louisos seconded. Unanimous decision. The Commissioner seat will be discussed later this meeting.

Ms. Dangerfield presented Request for Qualified Planning Firms for the 2021 Comprehensive Plan Update. Commissioner Taylor is not convinced we need this and wants a chance to look closely at this. Resource Coordinator Gabe Pena talked to the WVU folks and they submitted a proposal. They cannot do it for free. The RFP will go out Monday. Commissioner Taylor motioned to table. Commissioner Louisos seconded. Unanimous decision.

Ms. Dangerfield presented a request from the WV Conservation Agency for FCC to sign 7-1-3U Agreement Concerning Stream Restoration, Bank Stabilization and Blockage Removal. Commissioner Taylor needs a lot of time to look at this. Wants to know how this ranks up there with our priorities and doesn't want to throw money at things if we do not know what our priorities should be. We have people that don't have clean drinking water. Commissioner Taylor motioned to table. Commissioner Louisos seconded. President Brenemen gave some background. The property at Scarbro would tie in to this. This company can go in and widen that creek and help with the water issue.

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Commissioner Taylor wonders if they can help Minden and has also asked Sara Hambrick for an explanation. President Brenemen stated the litigation in Minden has held all this up. And until someone from the district can come in and answer questions, agreed it should be tabled.

Ms. Dangerfield presented a request from Susannah Wheeler, New Roots Farm Director, to complete a purchase using previously agreed upon Coal Reallocated funds for a match requirement totaling \$25,914.25. Commissioner Taylor asked who agreed on this. Ms. Wheeler stated this happened in May of 2019 when funds from excise were given to the Animal Shelter and Kelly Jo Drey was able to ask for back fill out of Coal Reallocated for that farm money. Commissioner Louisos asked if this was prior to us selling the property or someone purchasing the farm. Commissioner Taylor asked if this is to buy greenhouse parts. Ms. Wheeler stated this is for the purchase of a new tunnel and the match was agreed to by the Commission. Commissioner Louisos asked is there a deadline for the project. Ms. Wheeler said yes, we were supposed to have this ordered much sooner and fully installed by April 1st. Ms. Wheeler is on the agenda to present on the 11th, and would like to have a decision prior to then. Commissioner Taylor asked why this wasn't spent prior to now. Ms. Wheeler said part of the issue was trying to provide a match from WV State University. Ms. Wheeler was able to get \$6,000.00 covered by them and I was waiting for that to play out. The RGC grant was awarded in September and is trying to get all the materials at one time to save on shipping. Commissioner Taylor will review. Commissioner Taylor motioned to table until more information is received. Commissioner Louisos seconded. Unanimous decision.

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Ms. Dangerfield presented a request from the URA for a support letter for Appalachian Region Commission Funding for Infrastructure Development at Wolf Creek Park; Preparing for Growth in the New River Gorge Region. Commissioner Taylor motioned to table until after the URA meeting. Commissioner Louisos seconded and asked why they would do this without a developer. Mr. Pena stated he has had conversations with developers but we must have utilities. Commissioner Louisos stated much of the issue is no one knows what is going on until you tell us. Mr. Pena said he gets lumped into a lot of conversations; he doesn't work solely with the URA. He knows that the Commission is his employer and he will help with whatever. Commissioner Taylor said it appears the URA has a bigger staff than the Commission and would like a list of all grants you have and what they are for; a list of your staff and what they do. You do work directly for the county and we have a responsibility to the county. The URA might not have our top priority right now. Mr. Pena has a presentation on 2/11 that outlines everything. Commissioner Louisos stated that until there is a developer or a plan for a developer, he agrees with the table. Unanimous decision.

Adam Hodges, Farmland Protection Board Chair, was in attendance to present Farmland Easements. We need to know that the Commission does not have interest in the properties prior to the easements being placed on the property. Sparks, Jarrett, and Rogers are the farms in question. Mr. Hodges gave an overview of the easement process. Commissioner Louisos stated Mr. Hodges said this is a real estate transaction, the people who own the property keep the property and continue to live, and do agriculture on the property. If sold, the

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easement rules still apply. It is basically assigning rights.

Commissioner Louisos then asked if a landowner can put their own easements on their land. Mr. Hodges said that is a question for the Prosecutor. Anthony Ciliberti, Prosecutor, thinks that could happen, prior to being conveyed. Mr. Hodges stated The Lundale Farm is a good example as it has an easement held by the City of Oak Hill.

Commissioner Louisos asked if this is the final approval.

Commissioner Taylor asked who does the legal work for this. Mr. Hodges stated they use those available; no set attorney.

President Brenemen stated there are three properties up for discussion. The floor is open for a motion. Commissioner Louisos motioned to table until he can review the information. Commissioner Taylor seconded. Mr. Hodges would also like to suggest we do a workshop at the time you want to potentially make this decision. President Brenemen stated a workshop will be held on the 8th. Unanimous decision.

Discussion was held regarding the URA Coal Reallocated funds. Commissioner Louisos appreciates the URA mentioning his name in their response and has a question about the third paragraph, needing to find a developer to purchase for housing. Jeff Proctor stated they have applied for the AML grant and unfortunately the application and UKV were not approved. They plan to continue to work with the Land Trust and pursue other avenues to find a way to build additional housing and close this chapter as quickly as possible. Their goal is to try and extend utilities further up. Commissioner Louisos asked about the first right of refusal on this property. Mr. Proctor stated they have the option to turn it down. Ultimately the goal is to position the

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property to be ready for the digital revolution. The URA is trying to move it into a conservation easement. Gene Kistler stated they have met with the two owners holding the right of first refusal and they will work. They are open to transferring that option. Commissioner Louisos stated they also mentioned the auditor's report on the contributions from FCC. It was mentioned in the minutes from the URA. Mr. Proctor stated that Commissioner Wender mentioned in a URA meeting that it was mentioned the money was returned. Commissioner Louisos asked "so do he make a decision for the Commission?" Mr. Proctor said in order to move this forward we need to extend the utilities and finish this. It would then be out of the county's hands.

Commissioner Louisos read a paragraph regarding economic development. To do that, he needs the URA's lenders and information and permission for the Commission to discuss the loan the URA has on the property so we can help the URA to work this out. Needs the signed minutes to include the first right of result that they hold and by the 11th, he can present something that may help this county. Mr. Proctor would welcome the Commissioners to take one of those open positions on our board and be happy to set up a meeting with our lenders and participate in whatever negotiations that we feel we can do.

Commissioner Louisos thinks we need to show a plan, not just go and ask to reduce the debt. Mr. Proctor said they have done that already and brought the land resource people in and negotiated a debt reduction. The grant was not approved and now we can go back and say it wasn't approved, what can we do now. Commissioner Louisos stated WV trust was going to pay \$750,000.00 for the land. Commissioner Louisos stated the next meeting is 2/8 and he wants the problem solved and has some ideas. Commissioner Taylor asked questions about

letters, specifically Brad Smith. Mr. Kistler said the presentation from WVU will fill the Commissioners in.

Commissioner Taylor expressed at the last meeting that she and the URA have shared concerns. Outside counsel should be hired and she asked that the URA not enter into anything else that could expose the Commission to more legal issues. Commissioner Taylor asked that the URA members have respect as a group for the Commission's concerns regarding the pending lawsuits and enter into anything else. Since there is a cooperative environment between the FCC and URA right, she will not be making a motion on placing a moratorium. President Brenemen added that it might not be understood that most county board members are volunteers. Commissioner Taylor stated the Commission has a fiscal responsibility to resolve issue before they blow up.

Les Thomas of the FC Historical Society, appeared in regards to a request to host website for the FC Historical Society. Mr. Thomas asked that the FCC allow a link be placed on their website to a virtual tour of Contentment. Commissioner Taylor motioned to put a link on the web site that will take people to their site. Commissioner Louisos seconded. Unanimous decision.

Discussion was held regarding Courthouse employee COVID related leave and Courthouse operations policy. Commissioner Taylor would like to develop a policy with Sheriff Fridley. President Brenemen stated that with the current policy, what upsets him as a County Commissioner is having county employees take advantage of this opportunity. They did not come to work, but they could go to Lowes or Walmart, even the beach. That will not happen again, if it does terminations will be coming. This policy was to protect people, not

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make it so you can go out and do what you want and still get paid. Commissioner Taylor does not think the free leave should continue, employees should use sick or vacation leave. Commissioner Louisos agrees. Commissioner Taylor motioned to discontinue any free leave for COVID, employees need to use their sick and vacation leave. Commissioner Louisos seconded. Unanimous decision.

Discussion was held regarding the Rt. 19 Management and Corridor Plan for Removal or Modification for decision. Commissioner Taylor thinks there is a misperception that Commissioner Louisos expects to abolish this plan. It needs to return to the planning process so the Planning Commission can get public input. The Commission needs to see if it has to be separate, or incorporated into the UDC code, and to look at everything to make sure we are not impeding the development. Commissioner Taylor motioned to send the Rt. 19 Management Plan back to the Planning Commission to amend for public input for an update and modification. Commissioner Louisos seconded. Unanimous decision.

Commissioner Taylor motioned that section 9005 of the UDC for the Rt. 19 overlay district, which includes the questionnaire, be reviewed by the Planning Commission to facilitate public input and updates. Commissioner Louisos seconded. Unanimous decision.

President Brenemen worked to modify the questionnaire and was able to get 127 questions down to 30. Mr. Ciliberti stated the statute requires public participation and input. Anyone can submit input and attend meetings. The Commission's suggestion should be given at these meetings. President Brenemen stated these questions were developed in 2009 when there was a different philosophy in the area.

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Select a permanent and or appoint a temporary County Administrator. Discussion was held regarding whether the Commission should hold an Executive Session. Mr. Ciliberti stated if the Commission will be discussing qualifications and experience, they will need to go into an Executive Session. Commissioner Taylor solicited input from the staff and came up with a draft position description for their review and comment, with a goal to have a permanent replacement selected by the 17th. It will be posted publicly. Commissioner Taylor motioned to go into executive session to discuss qualifications of temporary County Administrator for personnel decision at 12:12 a.m.

The Commission exited executive session at 12:25 p.m. Commissioner Taylor stated there is a time sensitive personnel matter which has come up in the county that the Commissioners need to be informed of. This will require another executive session today and an item on the February 3rd agenda. We will not take an official vote until then.

Commissioner Taylor then announced that the Commission selected Ruth Lanier as temporary County Administrator. She has an MBA a lot of years in Human Resources, Accounting and Management, and is the best person to fill that position. Commissioner Taylor motioned to appoint Ruth Lanier as temporary County Administrator. Commissioner Louisos seconded. Unanimous decision.

Commissioner Taylor motioned to go into Executive Session for a personnel matter at 12:27 p.m.

The Commission exited the executive session at 1:37 p.m. with no decision made.

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A workshop for Board and Committee appointments was held. The Commissioners discussed and decided on board memberships. Commissioner Taylor will be on Local Emergency Planning Commission, Enhanced Emergency Telephone System Advisory Board, New River Transit Authority, Raleigh Fayette Metropolitan Planning Organization, Bridge Day Commission and the Community Corrections Board.

Commissioner Louisos will be on the Non-Motorized Trail Authority once formed, will stay on Central Appalachian Empowerment Zone Board, and will move to Urban Renewal Authority and the Parks and Recreation Authority Board. Commissioner Brenemen will stay on Workforce WV Region 1 Local Elected Officials Board, New River Gorge Regional Development Authority, and WVU Extension Board, and will move to Region 4 Planning & Development Board and Farmland Protection Board. He has also been serving on the Covid Task Force.

Commissioner Taylor motioned to create an Employee Wage and Benefit Review Board. Commissioner Louisos seconded. Unanimous decision.

Commissioner Taylor thanked Ms. Dangerfield for being helpful for organizing documents.

The meeting was adjourned at 2:10 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
February 3, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a regular session this 3rd day of February 2021.

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Commissioner Brenemen called the meeting to order at 9:00 a.m. The Fayette County Commission met as the Board of Equalization and Review. Since no one appeared to protest and no hearings were scheduled the Board of Equalization and Review was adjourned and will reconvene at 9:00 a.m. on February 8, 2021.

Commissioner Louisos motioned to approve vouchers and invoices and release checks. Commissioner Taylor seconded. Unanimous decision.

Assessor Eddie Young presented the Levy Estimates for 2021-22.

County Administrator Ruth Lanier presented Request from Zoning Enforcement Officer Angela Gerald, to reappoint George Becker, Cynthia Ruckpaul, Kevin Biggs, Joseph Re and Bobby Kirby to the Planning Commission for terms of 3 years, to expire January 1, 2024. There are representatives from all three districts. The resigning member is in the Plateau district. Commissioner Taylor asked if it is statutorily by district. Ms. Gerald stated the bylaws do not specify. Commissioner Taylor stated Commissioner Louisos recommended Steve Eades. This will go on the next agenda. Commissioner Taylor motioned to approve the reappointments. Commissioner Louisos seconded. Unanimous decision.

Ms. Lanier presented a letter from Zoning Enforcement Officer Angela Gerald, notifying the Commission of the resignation of Planning Commission Member Van Burks. His term expires August 3, 2021. Commissioner Taylor motioned to table the replacement for now.

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Ms. Lanier presented a request from Zoning Enforcement Officer Angela Gerald, to reappoint Bill Light to the Board of Zoning Appeals for a term of 3 years, to expire January 1, 2024.

Commissioner Louisos stated there was an issue in Oak Hill about this and would like to table and discuss the issues first.

Commissioner Taylor seconded. Unanimous decision.

Ms. Lanier presented a letter for approval and signature of the Commission giving permission to Matt Ford, President of Greenbrier Environment Group Inc., to interact with FEMA on behalf of the Commission in regards to the Meadow River Rail Trail repairs from the June 2016 flood. President Brenemen asked Mr. Ford if his company was awarded a grant. Mr. Ford stated Greenbrier County applied for a grant. The newspaper indicated Greenbrier Environmental Group Inc was awarded the grant which was incorrect. Commissioner Taylor asked for clarification of the interaction. Mr. Ford stated it really just involves submitting grant quarterly reports. Kevin Walker stated he is currently doing that. The grant manager in Charleston asked that the middle man, Mr. Walker, be eliminated to remove that extra step. - I Mr. Ford would just work with DOH and report back to FEMA their expenses. Discussion was held of grant funds and how they are being used. Money must be spent in counties where it was awarded.

Commissioner Taylor motioned to approve signing the letter.

Commissioner Louisos seconded. Unanimous decision.

Ms. Lanier presented letters regarding board appointments for signature. These appointments were approved in a previous meeting. Letters presented for signatures only.

Ms. Lanier presented a request from Wayne Workman to hire Rebecca Waugh for a full-time position, at a rate of \$10.00 per hour.

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Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

A proposal to create a Non-motorized Trail Authority was presented for discussion and decision. Bill Wells was in attendance as President of Mountain State Trail Alliance. They are working on building a regional trail system in Southern WV. SB 317 authorized the creation of non-motorized trail authorities. The benefit is to provide superior liability protection for land owners when their property is used for trails. They can collect user fees, and it allows trail regulation enforcement and requires three contiguous counties. The board is comprised of representatives of each counties, two members from each. President Brenemen wants to make sure that everyone understands - there will be two individuals from each county; one will be a land owner that will soon be involved, the second is a random individual involved in recreation economic development, surveying or engineering. You have 7 people listed. Mr. Wells stated each county appointed one person to the steering committee. They have no power, can only make recommendations. They meet quarterly, hire executive direction, and other employees as needed. We have made recommendations for bylaws and budget. First year budget is under \$117,000.00 which covers salary, benefits and operating expenses. The allocation formula is divided into two pieces. Administration would be signing a fixed fee of \$5,000.00 to each county and remainder would be allocated according to population. The trail portion would be allocated by trail miles in each county. We are not asking for approval for financial obligations right now, we would come back later with those numbers. Raleigh, Summers, and Greenbrier Counties have approved so far. There are nine involved, waiting approval and

feedback has been very positive. Increases in the budget accounts for trail maintenance. It is anticipatory and based on the expectation that we will not have this funding in the future. Commissioner Taylor doesn't think we should appoint members today. We need to consider all those interested with the credentials and put it on a later agenda to appoint them. Commissioner Taylor asked how the authority accountable to the FCC? Mr. Wells stated the Commission would have to fund it. The Alliance would have to present a budget to the Commission the Commission would hold the purse strings. Commissioner Louisos asked if there is liability coverage for land owners, but if this disappears, what happens to the trail on their property. Mr. Wells stated he suspects they would close the property to public use. Commissioner Louisos motioned to approve creating the Non-motorized Trail Alliance. Commissioner Taylor seconded. Unanimous decision.

Discussion was held regarding a decision of reversing the extra 7.5% Hotel Motel Tax currently going to the New River Gorge CVB. Commissioner Louisos asked when the advertising cycle ends Lisa Strader with the Southern WV CVB stated January to December. The way SWVCVB was set up, it stated the county could buy in for 15% of hotel motel tax. The county pays 7.5% we pay 7.5%. Without the county match we would do away with lodging etc... and only advertise attractions. Lodging would not be eligible to advertise anymore. If Fayette County does not advertise, it would not be fair to advertise lodging in their county. Commissioner Louisos asked if other counties buy in. Ms. Strader said in Raleigh County, SWVCVB gets their entire 50%, and the City of Oak Hill, and Fayetteville pay. Nicholas, Monroe, and Wyoming also pay. They give the 15%, but I don't know if it is in addition or off the top. Commissioner Taylor stated we have

the National Park imperative now and doesn't want our dollars spread everywhere. Ms. Strader said Fayette County gets a lot of coverage. The park is the cover photo. Thinks we are stronger as a region. People don't know what county the things are in, just what we want to do.

Becky Sullivan, New River Gorge CVB, stated Fayette County gets buy in since we split the cost. Ms. Sullivan presented the advertising budget to show the Commission where the dollars go. President Brenemen- asked who determines how marketing dollars are spent. Ms. Strader said they do a marketing plan and update it as the travel trends change. It is currently planned quarterly. They use website analytics and what the state shows us. President Brenemen asked how many people are on the board. There are 22 and the board members are throughout the county for the CVB. The SWV board is through nomination and voting and the majority are from Oak Hill and Fayetteville area. Commissioner Taylor asked for advertising metrics. Commissioner Louisos asked about the \$74,000.00 that is put in and if that is our figure and the CVB amounts. Ms. Sullivan stated New River CVB contributes between \$26-30,000 for a 600K budget and that probably includes the cities. Ms. Strader said since they do co-oping with the state, our cost is only \$2,000.00 for a \$40,000.00 ad for example. Ms. Strader discussed digital ads and how one cost serves multiple pictures. It is very easy to change as needed as opposed to print ads. Commissioner Taylor would like to have a presentation of the metrics and your upcoming plan for the next year. Commissioner Louisos would also like to see what figures were used for this year. Ms. Strader stated they have committed for 2021, the visitors guide will go to print in a few weeks. Commissioner Taylor motioned to

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table until February 22 at 10:30. Commissioner Louisos seconded.

Unanimous decision.

The Commission entered into an executive session at 10:44 a.m. for legal discussion.

The Commission exited executive session at 11:15 a.m.

Commissioner Taylor motioned to retain Bailey and Wyatt to handle URA related property issues and concerns including farm contracts and look at conflicts of interest and exposure. An hourly rate of \$145.00 for associates and \$175.00 per hour for partners which is far below local rates. The firm will report to Prosecuting Attorney Anthony Ciliberti. Commissioner Louisos seconded. Unanimous decision.

The Commission entered into an executive session at 11:25 a.m. for legal counsel.

The Commission exited executive session at 12:14 p.m. No decisions were made.

The meeting was adjourned at 12:15 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
February 8, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a regular session this 8th day of February 2021.

Commissioner Brenemen called the meeting to order at 9:00 a.m. The Fayette County Commission met as the Board of Equalization and Review. Since no one appeared to protest and no hearings were scheduled the Board of Equalization and Review was adjourned and will reconvene at 9:00 a.m. on February 11, 2021.

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County Administrator Ruth Lanier presented a Budget revision for approval and signature. Commissioner Louisos motioned to approve. Commissioner Taylor seconded. Unanimous decision.

Ms. Lanier presented a request tabled from January 29 from Susannah Wheeler, New Roots Farm Director, to complete a purchase using previously agreed upon Coal Reallocated funds for a match requirement totaling \$25,914.25 from Rimol Greenhouse Systems. Commissioner Louisos would like to find out where the Coal Reallocated funds are and see the purchase contract for the farm. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

Ms. Lanier presented a request tabled from January 29th from the URA for a support letter for Appalachian Region Commission Funding for infrastructure development at Wolf Creek Park: Preparing for Growth in the New River Gorge Region. Until the property issue is resolved Commissioner Taylor doesn't want the URA conducting business anymore unless we receive an offer. Any further involvement would be a waste of funds. Commissioner Taylor motioned to decline to sign the support letter. Commissioner Louisos seconded. Unanimous decision.

Ms. Lanier presented documents for approval and signature of the Commission for a 2020 HAVA Security Funds Sun Grant to purchase ExpressVote Tabletop Privacy Screens and ExpressVote Privacy Ballot Sleeves for \$3,260.00 with a \$489.00 match from the Commission. Commissioner Taylor motioned to approve and authorize President Brenemen to sign. Commissioner Louisos seconded. Unanimous decision.

Ms. Lanier presented a letter to the Supreme Court for reimbursement for rent for the family Law Judge for February 2021 in the amount of \$3,375.00 for approval and signature. Commissioner

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Louisos motioned to approve and sign. Commissioner Taylor seconded.

Unanimous decision.

Ms. Lanier presented a letter to the WV Division of Culture Records Management and Preservation Board acknowledging a grant award for \$13,500.00 with a 10% (\$1,350.00) match from the Commission.

Commissioner Taylor motioned to approve and sign the letter.

Commissioner Louisos seconded. Unanimous decision.

Ms. Lanier presented a request from Michelle Holly, County Clerk to approve candidate for part-time elections position. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

Ms. Lanier presented a proclamation letter congratulating Summers County on its 150th anniversary. Summers County was created from land previously in Fayette County. Ami Dangerfield, Commission Executive Assistant, read the proclamation. Commissioner Taylor motioned to approve and sign the letter. Commissioner Louisos seconded.

Unanimous decision.

Ms. Lanier presented a contract to apply for fayettecountywv.gov as the County domain name for approval and signature of President Brenemen. Commissioner Taylor motioned to approve and sign the letter. Commissioner Louisos seconded. Unanimous decision.

Eddie Young, Assessor, was in attendance to present his budget for Fiscal Year 21-22. No raises requested.

The Commission took a break from 9:45 to 10:00 a.m.

Discussion and decision of 911 Employee/Management Structure.

Commissioner Taylor spent about four hours at the 911 Center trying to determine duties and responsibilities. Their organizational chart is confusing. She could not understand why we have two people at the

same level reporting to the Commission and doesn't think both are needed. Asked Kevin Walker, OEM Director, what impact eliminating a position would have on the Center. Mr. Walker stated zero and that the organizational chart is about four years old. One of the people was terminated and has since been replaced. Commissioner Taylor asked about the 911 Director responsibilities. Mr. Walker stated the responsibilities are primarily over the 911 center, GIS mapping, training it and CAD Spillman and all contracts. That person is responsibility for day to day 911, mapping, CAD admin, and IT technology person. Commissioner Taylor asked you handle all that. Mr. Walker said all that would be on my shoulders and then reallocated. That is a long list, and a long subject that we would have to look at and restructure in an orderly fashion. Commissioner Taylor asked if there are shift supervisors and staff capable of performing these tasks. Mr. Walkers stated mostly. Commissioner Taylor asked if he has enough staff to operate without having this position. Mr. Walker stated he would say it could be manageable. We have to reorganize and decide who does what. Commissioner Taylor asked how long would it take him to do that. Mr. Walker said 30 days, but can't promise that nothing will fall through the cracks. Commissioner Taylor: you are the head of the 911 Center; I am asking if we were to eliminate the position, will the work get done? That no one will suffer in Fayette County by not having that position. Mr. Walker stated it is mostly administrative duties. Commissioner Taylor asked who handles the 911 after-hours issues. Mr. Walker goes in for 911 unless it is a computer issue. President Brenemen stated there have been times where Mr. Walker fills in for a shift because no one else is available, and is a trained

telecommunicator. Walker has all of the certifications for the 911 center director. Phillip Pack handles IT issues and has been working with the Valley. Commissioner Taylor: I want you to understand that I was recently appointed to your board (EETSAB) and if we vote to eliminate this position, you will be accountable. Commissioner Taylor motioned to eliminate the 911 Director position from the 911 center based on what Mr. Walker stated and discussions with other personnel at the 911 center. Commissioner Louisos seconded the motion, but advised Mr. Walker if he cannot handle the responsibilities it will be dealt with. Jimmy Sadler stated Mr. Walker will not be able to handle this. Unanimous decision.

Commissioner Taylor motioned to grant Mr. Sadler, the individual who occupied the eliminated position of 911 Director, two weeks of paid administrative leave to give him time to adjust. Mr. Sadler stated there no need, the Commission was getting his resignation today anyway, and handed in his resignation and changed the effective day. Commissioner Taylor withdrew the motion.

Kevin Walker presented his Emergency Management budget for FY 21-22. There were no changes. Discussion was held about the rent: OEM and Fire have always paid a percentage because the building was set up for 911. Training and education was increased by \$150 to make up for extra training due to COVID-19 and additional grant training. Increase in dues and subscriptions as well. Discussion of radio tower issues which needs to be a priority for safety.

Commissioner Taylor asked to pause and motioned again for two weeks paid administrative leave in lieu of notice of resignation from Mr. Sadler. Mr. Sadler: there is more to the 911 coordinator position; it takes care of the day-to-day operations. Supervisors

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bring problems to him between 8 and 4. He answers my phone more than Mr. Walker answers his phone. He was giving the Commission his resignation anyway. He was upset because he was not approached. He takes care of payroll, vacations, and everything on his side. He have asked to be in several meetings and he does not answer. If anyone needs to lose their job is the director of OEM. Here is his resignation with the March 12th effective date. But he wanted to see through the radios. Commissioner Taylor asked for clarification, if he's resigning in two weeks, or now. Mr. Sadler stated to change it to two weeks from now, February 19th. Commissioner Taylor - to be clear the position is eliminated effective today. We will need your keys; law enforcement will take you back to get your belongings. Mr. Sadler stated the morale is better than it has ever been, he put in a mapping person and an IT person. Commissioner Taylor: I renew my motion to approve two weeks administrative leave for Mr. Sadler beginning today and ending February 19th. Commissioner Louisos seconded. Unanimous decision.

Mr. Walker requested time to review and present the 911 budget to the Commission. The contract on our phone is getting ready to expire. Commissioner Louisos stated there needs to be a list, because if something is missed it is on Mr. Walker.

Joe Crist, Fire Coordinator, was in attendance to present his budget. Stated it is mostly the same but did boost the salary and wages up to \$80,000.00. Each fire department has in their contract they must spend at least \$2,500.00 per year on fire prevention. This was used for smoke detectors last year. Commissioner Taylor asked if there are fire departments that refuse to respond? Mr. Crist stated that has

been cleared up, that fire chief is gone, and it is being taken care of.

Discussion of training center and allotments. Levy pumper allocation was explained and how they allocate to each department. Due to increased costs, the allotment has gone up. It is about \$225,000.00 each levy cycle. The next levy cycle it will go up another \$4 - 5000.00. We may have to cut this if we lose tax base. Rainelle is partly funded by Fayette County. Commissioner Louisos asked to see the cost versus what they are sold for once they are ready to be replaced. Trucks are recommended to be at least 20 years old prior to being replaced. There is a specific checklist that they must use.

The previous 911 director stated land line fees were dropping and the budget for the 911 center was going to be about \$75,000.00 short. A previous commissioner decided to even that out by taking \$36,000.00 from OEM and \$36,000 from Fire Service to fund that budget short fall. Commissioner Taylor has that as an item to look at on her list.

A Farmland Protection Board Workshop was held. Commissioner Taylor asked for any details on the contract with the farm. Both the lease and the auction document. Adam Hodges, Farmland Protection Board Chair, stated in general the lease was actually prepared by the Prosecuting Attorney for us to ensure the guidelines they prescribe are met. When the Agrarian Commons was created, and came to Farmland Protection Board and stated once we can find a reasonable value on the property, they would like to purchase the agricultural value from the FPB knowing we will be placing an easement on the property and it would nullify any development value on the property. The URA relinquished its first right of refusal on the property. Commissioner

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Louisos asked if the easement process cost the landowner and how much. Mr. Hodges stated it costs nothing for us to begin the process. When it does cost the landowner is if they receive compensation for the easement. Originally, they did not do that, but we followed Monroe County FPB policies that the landowner would pay for the outlay of money for the appraisal and the survey. It was a way for us to save money and do more easements. It is based on the real value of the property. It comes off the easement check they receive. Commissioner Louisos: you said something about the appraisal being done on the highest and best use of the property. Mr. Hodges stated they have to appraise at its highest and best value and set that price. They also do a second appraisal if it is agricultural land and set the value based on that use. When we place an easement, we are devaluing that property for the land owner. In order to encourage landowners to put the easements on, we offer to pay the difference in value to the owner. Commissioner Louisos: in other words, if a farm is adjoining Rt. 19, and the appraiser says these 50 acres is worth \$750,000.00 for the highest best use, you would try and give them the difference between. Mr. Hodges: it would be that difference. We use a yellow book appraiser that is certified to do this process and understands those values. They have comps that they use to develop this price. The board can review and decide to offer less. Commissioner Taylor suggested that might be useful to include our outside council. President Brenemen stated there is a qualification list that each farm has to hit to be considered. Mr. Hodges said the highest qualification is soil quality. That is where the agricultural value of the property comes from. There are various factors. President Brenemen asked that Mr. Hodges please send this and anything else he

has which might be helpful to the office. This will be on the February 17th agenda exhibit list for approval.

Commissioner Taylor motioned to go into executive session at 11:53 a.m. for a personnel matter, tabled on January 29th.

The Commission exited the executive session at 1:38 p.m. with no decision.

The meeting was adjourned at 1:38 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
February 11, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a regular session this 11th day of February 2021.

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

The Fayette County Commission met as the Board of Equalization and

Review. Eddie Young, Assessor, said Weyhauser may want to protest their values in October. It is a state program and it did go up on managed timber. Since no one appeared to protest and no hearings were scheduled the Board of Equalization and Review was adjourned and will reconvene at 9:00 a.m. February 17, 2021.

Commissioner Louisos motioned to approve second half payroll and release checks on 2/28. Commissioner Taylor seconded. Unanimous decision.

Commissioner Louisos motioned to approve vouchers and invoices and release checks. Commissioner Taylor seconded.

Estate Settlements were presented for Oma Mae Bailey; Johnny William Ewing; Tillman Junior Mooney; Martha Lee Syndor; Mary Sue Scarbrough; Hilda Marie McAtee; Lawrence Edward Foster; and John Lawson Harless. Commissioner Louisos motioned to approve and authorize President Brenemen to sign. Commissioner Taylor seconded. Unanimous decision.

County Commission Assistant Ami Dangerfield presented for approval the appointment of Steve Eades, Ansted, as a member of the Planning Commission, to fill unexpired term of Van Burks, term to expire August 3, 2021. Commissioner Louisos motioned to approve. Commissioner Taylor Seconded. Unanimous decision.

Ms. Dangerfield presented for approval the appointment of Heather Johnson, as a member of the NRRDA board. Commissioner Louisos motioned to approve. Commissioner Taylor seconded. Unanimous decision.

Ms. Dangerfield presented the WV Community Corrections Grant Program Application for FY 20211 and MOU between the FCC and Fayette County Criminal Justice Board for approval and signature of President Brenemen, and change of Authorized Official on Grant Adjustment Notice. Commissioner Louisos motioned to approve. Commissioner Taylor seconded. Unanimous decision.

Ms. Dangerfield presented a USDA Agricultural Marketing Service Subaward Agreement between FCC and Sprouting Farms for approval and signature of President Brenemen. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

Commissioner Taylor motioned to go into executive session at 9:17 a.m. Commissioner Louisos seconded the motion.

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The Commission exited the executive session at 9:39 a.m. Commissioner Taylor stated they have received ten resumes for the County Administrator position and reviewed them last week. We discussed the resumes in session to determine if we need to conduct interviews. There were three candidates that were strong candidates. However, there is one candidate that had multiple years of Human Resources and Accounting experience throughout her career. After our review and discussion, we agreed that Ruth Lanier is the best candidate for County Administrator. Commissioner Taylor motioned to appoint Ruth Lanier as County Administrator at the salary of the previous Administrator, effective February 16, 2021. Commissioner Louisos seconded the motion. Unanimous decision.

Commissioner Taylor asked that Ms. Lanier get a position description together to backfill the Staff Accountant position as well as for Ms. Boyd and Ms. Dangerfield. Any employee that does not report to an elected official through an elected office will report to Ms. Lanier. Any communication from Elected Officials will also go through Ms. Lanier. This will allow for one point of contact. Ms. Lanier will email and let them know Commissioner Taylor motioned to approve. Commissioner Louisos seconded the motion. Unanimous decision.

Sheriff Mike Fridley appeared to present on the tax reminder postcards. Last year the tax office sent out tax reminders for any delinquent taxes and shortened the delinquent list by over 20 pages. We also reduced the number of properties that had to be sold by 777. Our pub fees were reduced by around \$15,000. Considering the cost of the cards we saved overall about \$10,000. Commissioner Taylor

motioned to approve. Commissioner Louisos seconded. Unanimous decision.

The Commission took a break 9:50 to 10:00 a.m.

President Brenemen discussed the budget process and various factors that affect the approvals and denials such as the jail bill being 1.5 million per year.

Gabriel Peña, Resource Coordinator, was in attendance to present his budget. Mr. Peña gave an overview of the Resource Coordinators office and the amount of grants received. Discussion was held of staffing and duties. Gave an overview of grants and what is coming up for next year in terms of grants and zoning meetings for UDC.

Susannah Wheeler presented the New Roots Farm budget and discussed the plan for the upcoming year. Explained the bank accounts and where the operating expense comes from. Ms. Wheeler also gave an overview of the project plan for the farm and how it will move towards independence.

Jina Belcher, New River Gorge Regional Development Authority (NRGRDA) was in attendance via ZOOM for a NRGRDA and Municipal workshop. There are three big projects they are working on and site development is a priority. Ms. Belcher needs an insight as to what potential sites could be developed as far as infrastructure development. She's aware of some of the larger sites in the county and would be interested in finding sites over 20 acres that need infrastructure. They've also have found multiple communities in the county that need access to technical dollars for plans, engineering, etc... to get the point of doing the actual development work. The

USDARCDI application will allocate a pot of technical money to work with the communities and a hub to help communities to develop strategic visions and overall development strategies. They will then work with communities to identify these projects and what needs to be developed. Funds are limited so there is a questionnaire that the mayors will need to complete and identify the communities that are high priority. Montgomery mayor Greg Ingram spoke on a building they need work on to bring it up to code, \$10,000.00 is needed. There will be a farm to table restaurant which will sell fresh, all local produce. The grant will buy the freezers and other equipment. The build out is covered except for \$30,000.00. Ms. Belcher pointed out they are eligible for RBGD grant money up to \$50,000.00 and NRGRDA would be happy to help put together an application. Mayor Ingram thinks the council is committed to finding a way to make this happen.

Commissioner Taylor mentioned the Boonesborough bridge; President Brenemen stated it is \$188 million to rehab, but \$140 million to rebuild.

Discussion was held regarding airport development in Fayette County, along with equipment and fuel storage.

The meeting was adjourned at 11:44 a.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
February 17, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR via zoom

The Fayette County Commission met in a regular session this 17th day of February 2021.

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

The Fayette County Commission met as the Board of Equalization and Review. Since no one appeared to protest and no hearings were scheduled the Board of Equalization and Review was adjourned and will reconvene at 9:00 a.m. February 22, 2021.

No exonerations were presented.

Commissioner Louisos motioned to approve vouchers and invoices and release checks. Commissioner Taylor seconded. Unanimous decision.

Deputy Michael Sifers, Deputy Sheriff Association, was in attendance to present a request for back pay for equal number of days deputies worked and the courthouse was on remote. President Brenemen stated that the county is currently under audit by the state. While one of the Commissioners had questions on how this was previously handled, the other two were ok with the request. We now have the potential of losing our grants due to this action. Options included going through the penalty or requesting the money back. Commissioner Louisos made the point that the Prosecuting Attorney at the time gave the ok for the request. In the minutes, it reflects that Deputy Hall and others would provide written justification on each individual receiving the back pay, and this was never received. Commissioner Louisos requested a detailed description on the job positions as to why this was warranted. Commissioner Taylor recognized the issue and the frustration for the deputies. We would grant back pay if in doing so, we would not jeopardize the county. Commissioner Taylor motioned to table the request for a future meeting. Commissioner Louisos seconded. Unanimous decision.

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Allen Ballard, Building Safety, was in attendance to present his budget. No changes were made. Discussion was held on building permits.

Angela Gerald, Zoning Officer, was in attendance to present the Planning and Zoning budget. It is relatively the same although travel was reduced to cover the cost of a computer. Discussion was held regarding Zoning meetings. The next is scheduled for March 29th at 2:00 at the Memorial Building is the first meeting to discuss the Rt. 19 Management Plan.

Discussion was held regarding 911 towers.

Kevin Walker presented the 911 budget. There are increases for utilities, dues and subscriptions, and contracted services. They will be reevaluated to see if they are usable or sustainable. There are requested increases in dues and subscriptions so telecommunicators can be trained through APCO. Discussion of equipment needed, capital outlay costs, updated for monitors and what is needed to keep 911 center compliant. Commissioner Taylor and Ms. Lanier will go over the budget with Mr. Walker.

Lt. Mooney and William Deligne were in attendance to present a request for a support letter for the demolition of the Midland Trail Community Center grant. The goal is to eliminate the classroom building. Mr. Deligne is in charge of the capital improvement committee which applied for a community development block grant to help tear down the classroom building. There are no other options that offset the cost of operating that building. It will also allow extra parking and green space. They are also working with Region 4 on another HUD grant that will help pay for heating for the gymnasium which is designated as an emergency shelter by the county, and are

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working with Bill Wells on a trail connector. Commissioner Taylor motioned to approve with changes to make it a more persuasive letter. Commissioner Louisos seconded. Unanimous decision. Commissioner Taylor commends the work they have done.

Randy Prince, Southern Conservation District, was in attendance via Zoom to present a 7-1-3u agreement between WV Conservation and FCC and for FCC to approve and authorize President Brenemen to sign. The county would provide a dump site for flood debris and cost share 50% for the cleanup. President Brenemen asked for clarification: that WV Conservation would dredge the stream in Scarbro, remove trees, etc. and the county would have to supply 50% of the cost and provide the dump site. Mr. Price stated they represent 6 counties. Commissioner Louisos asked if the other counties sign the same agreement. Mr. Price stated if you choose not to sign the agreement, you could request a work crew, but signing allows the county to save half the cost. Mr. Walker asked if the slippage issues in Pax would fall under this agreement and Mr. Price said yes, they would remove debris and transport to the site the Commission identifies. Commissioner Taylor asked if this would need to be approved on a case-by-case basis and Mr. Prince said yes, they would give an estimate before beginning work. Discussion was held regarding FEMA as reactive vs. preventative in emergencies. Commissioner Taylor asked how events are prioritized in the event of an emergency. Mr. Prince stated they would evaluate each site and mitigate the worst and call in outside contractors if needed. Mr. Ciliberti stated the agreement can be terminated at any time with thirty days' notice and automatically terminates at the end of five years. It is simply a cost sharing contract. Commissioner

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Louisos motioned to approve. Commissioner Taylor seconded. Unanimous decision.

The 11:00 item with WV VOAD cancelled due to power outage.

Commissioner Taylor motioned to go into executive session at 11:01 a.m. for legal consultation for the complaint served this morning. Commissioner Louisos seconded.

The Commission exited the executive session at 12:00 with no decision made.

Discussion was held regarding Coal Reallocated for decision. Commissioner Louisos motioned that the URA should not discuss services or payment of any invoice without prior Commission approval. Commissioner Taylor seconded based on the recommendation of our auditor. Jeff Proctor, URA, stated he wrote Mr. Ciliberti a letter January 21st and asked him to review the URA law and advise the Commission and the URA on what the legal rights are of the Commission over the URA. Mr. Proctor is not sure the Commission has the authority to do this. President Brenemen stated the Commission does have legal counsel, Michael Taylor, on the line. Mr. Taylor stated it is his understanding that the concern is the fund that the URA has access to. He is not sure how that would affect your day-to-day operations. This is based on the auditor's recommendations that they have an accounting on what that money is used for. And that is where this is coming from. Mr. Proctor stated Commissioner Louisos is on the URA and it seems like he handed over oversight of our group. Mr. Taylor stated the Commission has to act as a body. One commissioner cannot act on the Commission's behalf. This is a fund maintained by the county it is not owned by the URA; it is owned by the county to which you have access. This is public money and this is good

stewardship on the county's part. Mr. Proctor stated he would challenge that, there is a running total that is there. Mr. Taylor stated that is not a legal question, it is a policy question. From a legal aspect, there is only one fund, and this is not allowed to be separated out and maintained as one fund. If even it can be parceled out, it is up to the Commission if they want to do that. From a legal and auditing standpoint, it is their fund, they own it and with respect to practice and to be in compliance, that is the motion. Mr. Proctor think this step over that line. They are asking permission on how we own their portion. I don't know that they can control how we spend it. Mr. Taylor stated this is their fund their money, the portion they allocated to you is controlled by them. It would not affect your day-to-day operations; you have access to other funds. It is taxpayer money they are stewards of, and based on the auditor recommendation they have put this policy in place. If you are aware of a statute that says you have unfettered access to this fund, we will take a look at it. The Commission has the right to look at any prior action that has been voted on by the County Commission, and decide if it still valid. The Commission can review prior actions and change their mind if they want to. The Commission is taking action to make sure they comply with the auditor. Commissioner Taylor stated the Commission is trying to mitigate any further damages. We know that you are acting in good faith, this is not an attack, this is a measure that we cross the Ts and dot the Is. There is a motion and second on the floor, all in favor: Commissioner Louisos: yes; Commissioner Taylor: yes; President Brenemen: yes. Unanimous decision.

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Mr. Proctor has requested all of the county records from 2016 forward. His understanding is that the \$95,000.00 should go to the URA; the Commission's interpretation is what is keeping us from that deposit. Commissioner Louisos stated the minutes are online, so make a copy of those.

Discussion was held about the Treetop Property development. Brad Woolf was in attendance. He stated he sent letters to the Commission and wants to make sure they were received. All Commissioners said yes. Mr. Woolf read his letter that explained his complaint against the URA and Wolf Creek Park. Commissioner Taylor stated the Commission was served this morning with a complaint in regard to your other property at Wolf Creek so there are some issues that run through both cases. The Commission consulted with counsel briefly during executive session. The Commission needs more facts and due to that, Commissioner Taylor motioned to table this to give our counsel time to gather facts. Once we get those facts and get advice, we will get this back on our agenda. Mr. Woolf stated that is a separate issue. He is represented by Evan Dove on the Treetops issue and Jim Keenan on the other issue. Commissioner Taylor stated there may be some issues in common and until we know the answer to that, and we do have some things to explore in regard to the argument you just made, this discussion will be tabled. The Commission cannot act without legal advice. Mr. Woolf asked if he were to withdraw the case against the County Commission by the next agenda, would that allow you the Commission to talk about it. Commissioner Taylor stated that will not affect our need to gather facts nor would she advise Mr. Woolf to take such an action without consulting with counsel. Commissioner Taylor motioned to table until the Commission can get advice from legal

counsel. Commissioner Louisos seconded. Any discussion. Mr. Proctor thinks it is in the best interest of Wolf Creek Park and the county to make sure that whatever is developed at Wolf Creek Park meets certain standards. Both have signed purchase agreements on release and the properties are subject to following restrictions and covenants in Unified Development Code and WCP design standards. Mr. Proctor claims Mr. Woolf refuses to tell the URA what he wants to do there, but recently agreed that he would follow the same site plan the previous owner submitted and was approved. He will still need to get his sewage, electric and water and he would get a building permit. Commissioner Taylor feels like we are litigating this right now. We have those documents and the lawyer is looking at them. We are not property experts. These are things our professional will evaluate for us. Mr. Proctor stated he really just came in to let the Commission know that Mr. Woolf stated he intends to follow his site plan. Mr. Woolf mentioned a FOIA request from 2019 and this was not included in this information and the document is not recorded with the County Clerk. Mr. Woolf claims this document may have changed his mind about acquiring the property. Commissioner Taylor motioned to table the matter and seek legal counsel. Commissioner Louisos seconded. Unanimous decision.

The meeting was adjourned at 1:03 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
February 22, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR via zoom

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The Fayette County Commission met in a regular session this 22nd day of February 2021.

Commissioner Louisos lead the pledge.

Commissioner Brenemen called the meeting to order at 9:00 a.m. The Fayette County Commission met as the Board of Equalization and Review. Since no one appeared to protest and no hearings were scheduled the Board of Equalization and Review was adjourned and will reconvene at 9:00 a.m. February 25, 2021.

Eddie Young, Assessor, was in attendance to present one real property exoneration for Larry and Cynthia Canterbury \$103.42. Commissioner Louisos motioned to approve. Commissioner Taylor seconded. Unanimous decision.

County Administrator Ruth Lanier presented for discussion & decision a request from URA Chairman Jeff Proctor to reappoint Will Thornton for a 5-year term to expire March 1, 2026 and appoint Holly Fussell to fill an unexpired term to expire March 1, 2025. Steve Eades would also like to be considered for seat. Commissioners Louisos and Taylor agree that Mr. Eades should be considered. Commissioner Louisos motioned to approve Will Thornton's reappointment. Commissioner Taylor seconded. Unanimous decision. Commissioner Louisos motioned to table the request to appoint Holly Fussell. Commissioner Taylor seconded. Unanimous decision.

Ms. Lanier for discussion & decision a request from John David, SALS for a support letter for their involvement in Appalachian Construction Development which will provide worker development, job training, and re-employment opportunities under the Partnership for Opportunity and Workforce and Economic Revitalization (POWER) initiative for approval and signature of Commission.

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Commissioner Taylor motioned to approve and sign the letter.

Commissioner Louisos seconded. Unanimous decision.

Ms. Lanier presented for approval job description and permission to post Accounting Clerk for the County Commission Office advertisement. Commissioner Taylor motioned to approve. Commissioner Louisos seconded. Unanimous decision.

Ms. Lanier presented a budget revision for signature, which was approved in a prior meeting but had the incorrect number.

Mineral and industrial hearings for Board of Equalization and Review were held. The State did not have any petitions.

County Clerk Michelle Holly was in attendance to present her budget information. Increase in travel and education. Hoping to go to conferences and get employees more training to help with their jobs. Would like to join National Election Officials organization. Requested to update the main office by purchasing three reception style desks.

County Clerk Michelle Holly then presented her Elections budget. Clerk Holley is requesting two new cabinets for the election cards. Ms. Lanier will look at the current budget to see if the money is available.

Sheriff Mike Fridley was in attendance to present his budget. Explained his additional budget requests for body armor, overtime, canine, regional jail funding, weapons and etc.

Becky Sullivan, New River Gorge CVB, was in attendance for a presentation on marketing and hotel motel tax usage. Lisa Strader, Visit Southern WV, presented samples of digital ads. Fayette County is represented solely by New River CVB and Visit Southern WV represents a nine-county area. There is a 50% match contributed by

the county. Commissioner Louisos asked if the 50% match goes just for Fayette County or all counties. Ms. Sullivan ensured that Fayette County is represented in all digital ads. The additional 7.5% is a regional buy in. It gives Fayette County the guarantee that they are included in all regional advertising. If you just pay the 50%, NRGCVB would not be able to participate in the Southern WV and no one in Fayette County with lodging would be able to advertise their lodging. Ms. Sullivan and Ms. Strader presented a slideshow to show marketing clicks and interest. Commissioner Taylor asked for information regarding extreme outdoors and would like more info for targeted markets and the new National Park designation. Commissioner Brenemen feels that supporting this organization is a good decision. Commissioner Taylor needs to look at the budget and various other things we have going on. Commissioner Taylor motioned to table this discussion till after the budget is set. Commissioner Louisos seconded. Unanimous decision.

Matt Ford, Greenbrier Environmental, was in attendance to present the information regarding hiring a disaster program consultant. Mr. Ford has worked for Fayette County for the last year trying to figure out finances and plans. He spoke with the Greenbrier County disaster consultant. Fayette has a much larger task in front of it than Greenbrier County. Prior to the 2016 flood, the Russellville Bridge was complete, and it is now in the river. This is Fayette County's primary FEMA project. DOH is waiting on a \$288,000.00 check before they will bid out the construction work. But we have to make sure all work meets the Stafford Act requirements. The DOH did not include the repairs on the locations indicated by yellow dots on maps. We have made a request to the governor's office for the \$288,000.00 plus money

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for match on the AML and funds to cover the consultant. DOH wants money up front, but FEMA won't pay until the work is complete. Commissioner Brenemen stated it takes 4-6 years to be reimbursed. Mr. Ford stated you would need to advertise for the consultant and see if you can get the money from another source. We have to do an extension request and we are down to the last extension request we can make. DOH hopes to get the money by April or May, so they can bid in June or July. Commissioner Louisos asked if this trail is live going into Meadow Bridge. Mr. Ford said he is pretty sure it is. It was originally 16.7-mile trail, CSX abandoned that section in 2017, so that part is open now. Commissioner Taylor asked what is the cost of the position, who they report to and what is the source of the funding. Mr. Ford said it is based on qualifications, ultimately it will be FEMA. Greenbrier County's person is paid along the way. Another consultant may choose to wait and bill at the end. They report to Matt Ford and he sends reports to FCC and monitors what he does to ensure that work is not being duplicated. The Greenbrier County Commission has covered that cost until now. It would start with evaluating Stafford Act compliance in contracts, all the way through to make sure funds are correctly accounted for and the final inspection. The ballpark figure is \$20,000.00, but that depends on how smoothly the project goes. Updates have been difficult. Senator Baldwin's recent involvement has helped. Commissioner Taylor motioned to table this item. Commissioner Louisos seconded. Unanimous decision.

Andy Austin, New River Transit Authority, attended via Zoom to present a director's report on NRTA and ridership detail. They were accident and incident free in 2020. They try to maximize funding for

the best use. They have secured funding from WV Public transport. It will offset part-time employees and covers their administrative employee, Heather Lilly. They are working on a procurement for four new buses through an 80/20 grant. They have two routes that go through Fayette county and will expand in April to start at 7am to 7pm that will provide additional two runs from Raleigh County to Fayette County at Crossroads Mall and Fayetteville Welcome Center. The routes come through Mount Hope and Oak Hill. Commissioner Taylor is there any plan to expand to the Valley and Mr. Austin said not at this time.

Andy Parker, GST was in attendance to discuss the Service contract and server for county. Cannon Wadsworth attended via Zoom. First item is the yearly contract. We have had this contract for a few years. GST works in 46 different counties, in Assessor's offices, courthouses, and some 911 centers. Commissioner Taylor asked about changing domains. Mr. Parker stated they can assist once it is owned. Mr. Parker also stated most of Fayette's computers have individual licenses. The server would handle the Commission users and have an enterprise level storage source. They can work with the software provider in the County Clerk's office to set up that connection. This can be swapped out with the larger drive in the future if necessary. Commissioner Taylor motioned to renew the contract with GST. Commissioner Louisos seconded. Unanimous decision. Commissioner Taylor motioned to table the server quote until we further vet our needs. Commissioner Louisos seconded. Unanimous decision.

Discussion was held about reappointing Bill Light to the Planning Commission. Commissioner Taylor motioned to go into executive session 12:31 a.m. Commissioner Louisos seconded.

After discussion, the executive session motion was withdrawn.

Discussion was held regarding newspaper requirements. Prosecuting Attorney Anthony Ciliberti stated anytime code requires a legal advertisement, it specifies what you have to use. For example, delinquent taxes must be posted once a week for two consecutive weeks. If two qualified papers are not available or agree to publish then it has to be published in only one. The Montgomery Herald and Fayette Tribune are the two in Fayette County, but are owned by the same company. Mr. Ciliberti thinks there is a good argument to be made but it can be challenged because the code does say it has to be in two different affiliated newspapers, if available. Thinks the county would be safe if we just used one newspaper given, they are controlled by the same entity. Does not think we need to put it in two different papers.

Commissioner Taylor motioned to go into executive session at 12:39 a.m. regarding the Planning Commission appointment. Commissioner Louisos seconded.

The Commission exited the executive session at 1:07 p.m. Commissioner Louisos motioned to reappoint Bill Light to the Planning Commission. Commissioner Taylor seconded. Unanimous decision.

The meeting was adjourned at 1:08 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
February 25, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a regular session this 25th day of February 2021 as a Board of Equalization and Review.

Commissioner Taylor attended the meeting via Zoom.

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Commissioner Louisos lead pledge.

Commissioner Brenemen called the meeting to order at 9:00 a.m. The Fayette County Commission met as the Board of Equalization and Review. We do not have any petitioners. Eddie Young was contacted by a company representing Sheetz. They want to postpone their February review until October during the Board of Appeals. Sine Die

Eddie Young was in attendance to present exonerations on personal property for Annette (Barker) McQuerrey \$28.42 & \$229.40; Timothy M. Shrader \$7.68; Alberta Hill \$157.96, \$152.50, \$152.34, \$164.40, \$156.34; John W. Parker \$229.02, & \$75.86; Paul David Williamson \$705.16; Rocky L. Martin II \$474.44; Daniel Lee Ivey \$335.48; Travis & Chelsia Richardson \$277.86; Terry Coleman or Sandy Meador \$71.02, \$75.10 & \$75.10; C Shirley (Clarence) Blake \$241.30; Olen Robert & Gloria Forren \$74.56; Beulah M. Johnson \$41.34; Anna F. & Albert R. Combs \$168.10; Stefan J. & Kevin J. Penn \$182.52 & \$141.40. Commissioner Louisos motioned to approve. President Brenemen seconded. Unanimous decision.

Mr. Young presented one refund for approval for prior approved exonerations. Commissioner Louisos motioned to approve the \$50.42 refund to Larry Canterbury. President Brenemen seconded. Unanimous decision.

Commissioner Louisos motioned to approve 2nd half payroll and release checks on 2/26/21. President Brenemen seconded. Unanimous decision.

Commissioner Louisos motioned to approve vouchers and invoices. President Brenemen seconded. Unanimous decision.

No prior meeting minutes were available for approval.

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Commissioner Louisos motioned to approve estate settlements for Patricia Ann Legg; Charlotte Virginia Hylton; Johnny Lee Lively; Regina Faye Martstiller; Patricia Yvonne Ramsey; Jean Therese "Gigi" Kennedy; and Coella Sue Johnson. President Brenemen seconded. Unanimous decision.

County Administrator Ruth Lanier, presented a tabled request from William Bailey, Director of New River Youth Symphony Orchestra, to use the Fayette County Soldiers and Sailors Memorial Building for socially distanced rehearsal space on Monday evenings from 5:00 - 9:00 p.m. Mr. Bailey can change the time to only meet until 8:00 and will not start until March 8. They will also sanitize chairs after each rehearsal. They have 50 members but only groups of 10-25 would be present at a time. Flooring cover will need to be installed on half of the floor so the other half can be used for basketball. Also, they will need to move to the lobby when the roof construction begins. Commissioner Louisos motioned to approve. President Brenemen seconded. Unanimous decision.

Ms. Lanier presented a request from Jenna Grayson, Generation NRG with the Town of Fayetteville, to use the FCMB parking lot or the Wiseman Avenue Courthouse Parking Lot for an Earth Day event on April 24, 2021 from 8:00 a.m. - 6:00 p.m. for a pesticide collection paid for by the WV Department of Agriculture. Commissioner Louisos motioned to approve. President Brenemen seconded. Unanimous decision.

Commissioner Taylor appeared in person.

Debbie Hendrick, Circuit Clerk was in attendance to present her budget. We have eliminated one of the positions in my office and divided that salary among the employees who have not received raises

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for years. Clerk Hendrick spoke with the WV Supreme Court prior to making that decision and Fayette County is in line to get the e-filing system, and the Circuit Clerk would need fewer employees at that point. This was originally set for last December, but Covid delayed it. No estimate now as to when that will occur.

Commissioner Taylor motioned to go into executive session at 9:44 a.m. to discuss personnel changes. Commissioner Louisos seconded.

Executive session ended at 10:08 a.m. Commissioner Taylor stated job descriptions have been reviewed and qualifications discussed. They have been performing above and beyond the responsibilities for which they were hired. Commissioner Taylor motioned that Ami Dangerfield will be Executive Assistant Joy Boy Payroll Specialist. Commissioner Louisos seconded. Unanimous decision.

Commissioner Taylor has asked Ms. Lanier to review the budget and provide for pay raises for Ms. Dangerfield and Ms. Boyd. Both have been working overtime quite a bit and we want to bring them over the exempt level. We are recommending \$6,250.00 pay raise each. Commissioner Taylor motioned to raise those salaries to \$36,258.00 annually. Commissioner Louisos seconded. The Commission thanks Ms. Dangerfield and Ms. Boyd for all they do. Unanimous decision.

Wayne Workman, Park Director, was in attendance to present the Park and Garage Budgets, and request for position changes. Mr. Workman presented a request for changes for individuals in the park. There is a seasonal part time maintenance person in the budget. We need more help during the summer season. Mr. Workman presented a capital outlay request based off of prior years. President Brenemen asked about the pump station for the pool. Mr. Workman said the pump was rebuilt two seasons ago and they were looking for a grant.

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President Brenemen noticed the resource Coordinator's office to continue looking for a grant for the pool pumping station. There is also a section at Shelter One that needs repaired and wiring upgrades. The Commission thinks the Egg Hunt and Trout Derby should proceed this year. Mr. Workman would also like to add putt putt. suggest looking for more ways to bring people in.

Michelle Holly, County Clerk, was in attendance to discuss County Clerk Duties. Commissioner Taylor stated that she and Ms. Dangerfield have been working with Clerk Holly on technology and a big part of the Clerk's job is information management for the county. A lot of our information is not managed in a way that is compliant with code. Clerk Holly explained how the documents can be indexed and stored electronically as opposed to searching through paper. Her office will now be responsible for taking minutes. The Clerk's office is also working on getting all the information online. March 5th will be the first meeting for these changes to be implemented. Commissioner Taylor motioned that the County Clerk's office will begin taking minutes starting March 5th, and start the records keeping at that point. Commissioner Louisos seconded. Unanimous decision.

Kathy Gerencer was in attendance to present the NRHS budget. They are requesting the full funding amount, \$210,000.00. They raised nearly \$25,000.00 for the animal shelter with the Fur Ball last year, which was their best year ever. Discussed the affects of COVID on the shelter during 2020. They have not had their budget proposal met in prior years and are facing a shortfall based on the lowered budget amounts from the previous years. They do feel we bring value to the county and citizens. President Brenemen stated he didn't see a copy of the audit. Ms. Gerencer stated their auditor ran into some issues

with her schedule. We provided everything to her in January and she wants to review deposits, internal controls, etc. A power outage has caused some issues for her. Mr. Brenemen stated this is disappointing; they were planning to use the audit to help with decided about the budget. Ms. Gerencer stated all of the materials have been supplied. Commissioner Taylor stated they all support the shelter and agree it is an important facility to have but there have been public trust issues in the past. Transparency will assist with increasing public trust. Discussed the number of owner surrenders, adoptions, the spay and neuter program and rescues.

Brian Sparks, WVU Extension Office, appeared to present his budget. No changes from last year.

Jeri Sarafin, Community Corrections, appeared to present the program's budget. There are no changes from last year.

Continued discussion with the New River Gorge Regional Development Authority and municipalities was held. Jina Belcher, NRRDA, led the discussion with representatives from municipalities.

The meeting was adjourned at 2:00 p.m.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
March 5, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, COMMISSIONER TAYLOR

9:00

The Fayette County Commission met in a regular session this 5th day of March 2021. Meeting called to order by President Brenemen
Pledge of Allegiance: Lead by President Brenemen
Exonerations - Eddie Young: No exonerations were presented.
Approve Prior Meeting Minutes: No prior meeting minutes. Discussion about getting caught up on meeting minutes.

9:15

Bid opening for FCMB Roof Project

Gabe Pena presented 3 bids. Shield Roofing (\$55,000), Tri State (\$68,621) and Sutter (85,800). Pending certification from Shippo. Commissioner Taylor questioned the procedure of only sending one bid without looking over them more carefully. Gabe offered to send all three to the certifier to get opinions.

9:30

Angela Gerald - Explanation of Dilapidated Houses and Liens

President Brenemen mentioned state legislation for Zombie Houses in municipalities. Q&A - 400 houses they know need torn down. Used previous brownfield grants to test for asbestos as part of the procedure. Presented a copy of the process of how the county takes down dilapidated properties. So far they have demolished 17 houses. Prosecutor Ciliberti mentioned his experience on dilapidated structures with City of Smithers. County sometimes offers a promissory note so the county fronts the money to have structures torn down and property owners repay to a special URA account for this specific purpose. Some question as to whether liens are being properly recorded. Can only attach a lien to that particular piece of property unless the county files a suit and has a judgement entered. President Brenemen asked to send a letter to the property owner who hasn't paid in full. Prosecutor Ciliberti will research and write a letter. President Brenemen asked again if you can file a lien against all properties of an owner. Prosecutor Ciliberti said ordinance allows for filing suit and having a judgement recorded then the lien is against all properties. State law also allows for county to force property sold. Prosecutor Ciliberti explained liens allow the county to recoup the cost through a title search when property may be sold. Commissioner Taylor asked what involvement Angela has with URA account mentioned. Angela explained the whole process to commission. Explains her interaction stops with turning in the bid. WVHDF loan for 400,000, spent 150,000 53,000 left? Discussion on URA and how they work - mentioned land banks - wants to make sure we still have funds to continue tearing down structures. She wants to find public members to add to the Dilapidated Structures/Beautification Committee (as required). Angela Gerald was hired in 2010 to just do dilapidated structures and has since added to her responsibilities as personnel has changed. She also presented a list of active dilapidated structures. She would like the commission to come up with an endgame for properties when we tear down a structure. Prosecutor Ciliberti said we could still place liens on older pieces within reason if needed to correct past oversights. Commissioner Taylor asked how to streamline process. Prosecutor Ciliberti described how to get money from the lien. We can force the sale and auction (as required by code). Angela Gerald described how land banking might work with purchasing land at tax sale. Commissioner Louisos reiterated that maybe (dilapidated) property could be given to the county rather than having to wait for tax sale. Prosecutor Ciliberti described his process of acquiring these properties with city of Smithers. Angela Gerald offered to learn more about this. We would need to adopt a land bank ordinance. 228 people have torn down their own dilapidated structures when they were presented with a letter. Commissioner Louisos mentioned the URA dilapidated structure bank account. URA minutes reflect that the URA has requested to use that fund for things other than dilapidated structures on occasion. Angela Gerald will

check. She asked again to find public members for Beautification Committee. President Brenemen thanked her for her time; mentioned his work on dilapidated buildings.

10:00

Chris Burford & Jesse Parker S & S Engineers/New River Engineering Inc. Presentation

They were introducing themselves as a Fayette County company and their background with the county. Merged their companies in January - S&S was more civil engineering and New River was more energy based. Their company can offer the same technologies and services as big national engineering corporations. Employees work and live here. Would like to build relationship with the county; keep county money here. President Brenemen offered his good experiences with the owners/companies. Gabe discussed some projects at FCMB that might be of interest to the engineers from small (drainage) to large (redevelopment plans). Jesse said they'll always answer questions; Chris said they had options to help with projects at FCMB and others. Discussed how they could help the county with development re: the national park. President Brenemen discussed the industrial park that is zoned for housing/commercial (Wolfe Creek). Needs someone to come in and develop. Commissioner Taylor wondered if they could work with Mike Callahan, Jesse said they already had a working relationship. Commissioner Taylor asked them to talk with Mr. Callahan. Commissioner Taylor also mentioned Randy Prince and mitigation of flood zones. President Brenemen talked about a creek in Scarbro that needs work. NRCS will do a 50/50 match on cleaning up. Jesse discussed their experience in remediation of streams; Chris talked about the process and how they do it slightly differently. Just wanted the FCC to know that we have a local company right here with employees that live here that can do these projects for the county. Mentioned they would always be willing to provide a quote. Commissioner Taylor asked if they had met with Raleigh and Nicholas - they said would. President Brenemen said to make sure they contact NRGRDA (Jenna Belcher). Thanked them for coming in.

10:30

Prosecutor Ciliberti, Re: Prosecuting Attorney Budget

Prosecutor Ciliberti could find no previous budgets to work from. Thanked Ruth, Ami and Joy for their help. (And Michelle for using her format)

Prosecutor Ciliberti asked for \$18,500 increase an increase of 2%. Began with the jail bill and how the FCC may be able to lower costs by changing procedures. The longer the time between arrest and indictment, the longer time in jail (normally). Explained almost all cases start in Magistrate Court and the procedure of how cases move through the system. Commissioner Taylor asked for some examples of when revoking bond is appropriate when bond is violated. Prosecutor Ciliberti explained a few. Gave a specific example of how delays in reviewing cases can cost the county money. In that case the defendant was in jail for an exorbitant time (484 days) waiting for their case to be heard for a cost of \$23,474.

Prosecutor Ciliberti has changed some procedure to lower these times and costs. Cases are assigned to an assistant to be reviewed

immediately. If we followed this new procedure, it would have saved the county 20,000.

Then Prosecutor Ciliberti presented other examples where the cases were overly delayed. Also gave some other ways to lower the jail bill cost. (not always asking for bench warrants, more cases being brought to plea). Feels he can lower the jail bill by at least 10% with these changes. Prosecutor Ciliberti has been working on assessing his office and getting things cleaned up; implementing new policies.

Presented salary requests - gave supporting statements for salary increases especially for getting some salaries up to competitive par. AT offered her experiences in support of Prosecutor Ciliberti's salary increase requests. Discussed his support staff does more than clerical work and should be compensated more on par for paralegals. He then discussed the background of each of his employees to support these increases. Does not want to lose staff to better paying jobs because of salary deficiencies. Asked for an increase in travel line item - believes it will return to more normal levels by summer. Prosecutor Ciliberti explained he would be up front with budget requests and usage. Has not used much of the training line item this year, but anticipates using that item next year. Asked for increase for Dues. In addition to Bar Association dues, and will add LexisNexis access to PA budget instead of the county general budget. Investigation expense was being used to pay for case management software; feels this software is not useful and would like to discontinue. Reiterated he wanted to be upfront about budget costs and would not hesitate to ask for money if needed. Will not look at "extra money" in line items as a slush fund to purchase whatever he wants. President Brenemen asked about the laptop purchased with maintenance funds. Prosecutor Ciliberti stated one laptop cannot be found - one was sold to a former employee, but he has no way of knowing which computer is which.

Commissioner Louisos asked about jail bill; how the delays may have happened. Commissioner Taylor explained more about grand juries. Prosecutor Ciliberti described it's the PA's function to decide which cases to present and that he is prioritizing cases to help lower jail costs. Explained his procedures that he wants a report from investigators within 14 days or a reason why it can't be produced in that time frame. He would have no problem going to a supervisor to get the reports he needs in a timely fashion. Commissioner Taylor and Prosecutor Ciliberti described most investigations happen quickly and just need to get the reports from investigators. Clarified to Commissioner Louisos the 2% increase mentioned is specifically from this year to next. Prosecutor Ciliberti stated he wanted to work to keep employees and to compensate them fairly. He complimented the staff and their willingness to adapt to his new leadership.

Commissioner Taylor discussed merit pay/to across the board raises. Prosecutor Ciliberti gave an example of how the PA's office has lost out on experienced lawyers because they didn't offer competitive salaries. Commissioner Taylor and Prosecutor Ciliberti discussed the review board and how merit-based pay increases would be more ideal, but can't do that yet since the board has not met. AT mentioned possibly having the county help pay education costs for employees to earn more credentials. President Brenemen offered some issues with those types of programs. Prosecutor Ciliberti offered ways to fix those issues. All commissioners complimented Prosecutor Ciliberti on

his presentation. Reiterated how his policy changes should save us money. Commissioner Taylor asked he include Administrator Lanier in his group that will discuss which cases need looked at to help lower the jail costs.

11:00

Budget Workshop

12:26pm FCC enters into Budget workshop.

12:35pm

MOTION: Commissioner Taylor motioned they move to executive session to consult with Counsel about legal matters.

SECOND: Commissioner Louisos

ACTION: All in Favor

At 1:48pm Budget Workshop reconvened by President Brenemen.

President Brenemen suggests everyone take the budget home and study where to make cuts.

Exhibit A

AGENDA ITEMS - MARCH 5, 2021

1. Letter to the Supreme Court for reimbursement for rent for the Family Law Judge for March 2021 in the amount of \$3,375.00 for approval and signature

County Administrator Lanier presented the letter to the Supreme court for reimbursement for rent for the Family Law Judge for March 2021.

MOTION: Commissioner Louisos moved that they accept and sign the reimbursement letter.

SECOND: Commissioner Taylor

ACTION: All in Favor

2. Permission to post a job description for 2 Farm Apprentices covered under the ARC Growing Capacity Grant. Hiring to be presented on April 9, 2021

Commissioner Taylor asked about job description - to whom the hires will report. Fully grant funded positions confirmed by Susie Wheeler. 2nd of 3rd year of grant.

MOTION: Commissioner Louisos moved to grant permission to post the job description and advertise for 2 farm apprentices.

SECOND: Commissioner Taylor

ACTION: All in Favor

3. Discussion and Decision of Accounting Clerk New Hire

At 11:43am

MOTION: Commissioner Taylor motioned they move to executive session to discuss #3 in Exhibit A

SECOND: Commissioner Louisos

ACTION: All in Favor

At 12:16pm The FCC reconvened by President Brenemen.

Commissioner Taylor gave supporting statements as to how the FCC made this hiring decision, how the salary will be funded, and that this will be effective 2 weeks from her resignation of her current position.

MOTION: Commissioner Taylor moved that Gia Tyree be hired for the Accounting Clerk position at salary previously mentioned.

SECOND: Commissioner Louisos

ACTION: All in Favor

4. Plan 3 Scheduled Maintenance and Repair Agreement with Casto Technical Services, updated to include new pump for Sheriff's Department

Casto added the new boiler for Sheriff's department, otherwise the same as last year for no extra cost.

MOTION: Commissioner Louisos moved to approve the maintenance and repair agreement as presented

SECOND: Commissioner Taylor

ACTION: All in Favor

5. Tabled from 3.13.20 and discussed 2.22.21: Reappointment of Mike Smith to URA Board, term to expire March 1, 2025.

Voted on last meeting.

6. Tabled from 2.22.21: Discussion and Decision of Hotel Motel Tax 7.5% returning to the County from the NRGCVB.

MOTION: Commissioner Louisos moved that this item be postponed until the 4.9.21 meeting.

SECOND: Commissioner Taylor

ACTION: All in Favor

7. Tabled from 2.22.21: Discussion and Decision: Matt Ford, Greenbrier Environmental Re: Proposal to Advertise to Hire a Disaster Program Consultant for MRRT

Discussion on how to fund the position; FCC can use coal reallocation monies, FEMA money.

MOTION: Commissioner Louisos moved to approve advertising to hire a Disaster Program Coordinator for MRRT

SECOND: Commissioner Taylor

ACTION: All in Favor

8. Tabled from 2.22.21: Discussion and Decision: Server Quote from GST

MOTION: Commissioner Louisos moved that this item be postponed until the 4.9.21 meeting.

SECOND: Commissioner Taylor

ACTION: All in Favor

9. Tabled 2.25.21: Approval of Farmland Protection Board Easements for Sparks, Jarrett and Rogers

Commissioner Louisos discussed why he was voting against the easements/didn't feel they were necessary. He has issues using county money for something people can do themselves. Commissioner Taylor agreed, doesn't know how it benefits the majority of FC citizens. Adam Hodges spoke, explained he had given them all the information he

could on how the easements worked and benefitted the county and at this point he would just have to go back to the owners and board with this information.

MOTION: Commissioner Taylor moved to not approve the FPB easements for Rogers, Jarrett and Sparks

SECOND: Commissioner Louisos

ACTION: Commissioner Louisos and Taylor yea, President Brenemen nay.

10. Tabled from 2.17.21: Corporal Nick Hall Re: Discission & Decision of Back Pay for Deputies

Discussion on information requested by Commissioner Louisos that wasn't received, and that the auditor has said that payments of these types as done by the FCC in the past weren't lawful uses of CARES ACT monies. Commissioner Taylor mentioned that we should not make the same mistake twice.

MOTION: Commissioner Louisos moved to deny the back pay.

SECOND: Commissioner Taylor

ACTION: All in Favor

11. Tabled 2.17.21: Midland Trail Community Center Grant Support Letter

Commissioner Taylor had some minor edits she would like in the letter; presented them to Administrator Lanier.

MOTION: Commissioner Louisos moved to approve signing the letter with Commissioner Taylor's edits.

SECOND: Commissioner Taylor

ACTION: All in Favor

Not on Agenda (exigent circumstances):

1:55pm Sheriff Mike Fridley entered, asked if the courthouse could reopen doors and remove people limits since the Governor had announced removing restrictions on restaurants and other public buildings during his Friday press conference.

MOTION: Commissioner Taylor moved that based on the Governor's announcement we reopen the courthouse to "business as usual," effective March 8, 2021.

SECOND: Commissioner Louisos

ACTION: All in Favor

MOTION: Commissioner Taylor motioned to adjourn

SECOND: Commissioner Louisos

ACTION: All in Favor

Meeting adjourned 2:05pm, March 5, 2021

FAYETTE COUNTY COMMISSION

REGULAR SESSION

March 12, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENNEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a regular session this 12th day of March 2021.

Sheriff Mike Fridley lead pledge.

Motion: Commissioner Louisos motioned to approve 1st half payroll and release checks on 3/15/2121.

Second: Commissioner Taylor

Action: All in Favor.

Motion: Commissioner Louisos motioned to approve vouchers and invoices.

Second: Commissioner Taylor

Action: All in Favor.

No prior meeting minutes.

Motion: Commissioner Louisos made a motion to approve Estate Settlements

Second: Commissioner Taylor

Action: All in Favor.

9:30 Gabe Pena - CY 2021 SHPO Grant Application for FCMB repairs for approval signature and approval of 50/50 Match in the amount of \$18,000 each

Application due on 3/31/21. Gabe Pena, County Resource Officer, gave the commissioners a report from Dan Snead, architect of record for SHPO. Listed items that the report said were needed in order of priority. President Brenemen questioned the discrepancy in numbers and told Mr. Pena he needed to bring a current update. Mr. Pena suggested that we look at Tri-State bid, Mills Group looked at bids, recommended the Tri-State (not lowest, but better - SHPO might give more funding if we choose the bid Mills recommended). President Brenemen reiterated the Commission could not decide today because numbers aren't right. Mr. Pena explained that the Commission could include the canopy over the library side of FCMB in a change order to a current bid with Tri-State which could save us money. Mr. Pena will write a change order, request more funding based on bid recommendation, and ask library about sharing canopy cost. President Brenemen admonished Mr. Pena for inaccurate/incomplete work and asked him to please have information complete before the presentation.

Motion: Commissioner Taylor made a motion to table until 3.19.21

Second: Commissioner Louisos

Action: All in Favor.

10:00 Continued Discussion and Decision Re: Request from WVDOT for the FCC to Acquire properties in Scarbro

President Brenemen discussed one of the properties as being easily flooded and not great. State Road supposedly fixed it, but it still floods. The requesting office explained they are using HUD funds (and procedures), which means the families who owned the homes prior to the floods are stuck because they have to sell their current property before being given a new property through HUD. They have properties to give people but the owners have to find someone to sell/give the

existing property to. Commissioner Taylor asked if the government had to buy it. Discussed the process of gifting land, liquidating it. Commissioner Louisos asked if we had liability if we were given the land. President Brenemen explained that we would have liability if someone got hurt on it - why he's hesitant to receive the land. Discussion on different pieces of property - one on Scarbro Rd (case #1397) and Oakwood Rd (#102). Michelle said there may be federal funds to keep mitigating the flooding. Discussed ways they could do that without affecting neighboring properties and they are working with DOT about culverts. President Brenemen asked if the presenters could provide a letter removing our liability until properly remediated, and Commissioner Taylor asked we involve Prosecutor Ciliberti. President Brenemen offered to take pictures of property to show what it looks like. Presenters discussed 3 different mitigation efforts. Sara Hambrick asked for insight of where the water might be coming from, really wants to help get this family relocated. They have not been able to recover any properties yet on Scarbro Rd, but they have on Oakwood. President Brenemen has no problem taking on Oakwood property. Environmental restrictions prohibit a residential structure there, but no other restrictions. The property at 5262 Midland Trail is a third property mentioned. Presenter discussed accessibility issues were their concern. President Brenemen asked if the structure would be removed. They said yes, they could demolish and reseed property with grass. President Brenemen said that would be good. President Brenemen offered to give information to Governor's office about helping the family on Scarbro Rd. Commissioner Taylor mentioned it would be wise to get a lawyer (the Attorney General or a lawyer handling other matters for the presenters) involved. President Brenemen also mentioned there is state-owned land contributing to the problem. Presenter asked President Brenemen to send her more information on that property.

Motion: Commissioner Taylor made a motion that the Commission accept ownership of the properties from the respective owners at 5262 Midland Trail, Charlton Heights, WV, 25002 and 70 Oakwood St, Scarbro, WV, 25917 and postpone action on 2317 Scarbro Rd, Scarbro, WV 25917 pending more information.

Second: Commissioner Louisos

Action: All in Favor.

Motion: Commissioner Taylor made a motion to amend previous motion to include the date of 4.20.21 to postponement.

Second: Commissioner Louisos

Action: All in Favor.

10:30 Discussion and Decision: Lease between Fraternal Order of Police Memorial Lodge No. 118 and the Fayette County Commission for the Community Correction Day Report Center

Motion: Commissioner Taylor made a motion to table given concerns about maintenance on the property.

Second: Commissioner Louisos

Action: All in Favor.

1. Discussion and Decision Re: Request from Wayne Workman to rearrange positions at the Park

County Park Director Wayne Workman appeared to discuss changes in positions at the park. It is getting behind in work because it needs personnel and would like a decision before budget is finalized. He would like to promote Jerry Adkins to operations supervisor, and move Mike Suttle to the garage full time. President Brenemen asked about the amount of materials (oil for changes, tires) the garage still has. Commissioner Taylor asked for a list of services the park garage can provide. Wayne said other than internal engine work - the park employees aren't certified mechanics - they can do most anything. Commissioner Louisos wanted to make sure these salary requests was within current budget levels, and asked about the Day Report Center coming to help. County Administrator Ruth Lanier explained what these personnel changes actually entailed and that even with giving modest raises, the park will still be under salary budget.

Motion: Commissioner Taylor made a motion to approve effective 3.16.21.

Second: Commissioner Louisos

Action: All in Favor.

2. Discussion and Decision Re: Advertising for Bids for Garage Contract

Ms. Lanier questioned whether the Commission can decide this without Mr. Workman's list. Commissioner Taylor and President Brenemen discussed contracting out everything: just using what materials the park garage has and then contracting out for all car maintenance. President Brenemen would rather the county have actual mechanics. Sheriff Fridley said he checked with other garages, but can't really get a price list because of various factors. Only C. Adam Toney locally has a current state contract. President Brenemen wants to make a specific contact. President Brenemen discussed how specific the bid would be - lists of prices, priority given to county vehicles, etc. Commissioner Taylor wants to actually solicit bids, make sure we advertise. Sheriff Fridley wants to be involved in the process; Commissioner Taylor assured all stakeholders would have the opportunity to provide input.

Motion: Commissioner Taylor made a motion to approve.

Second: Commissioner Louisos

Action: All in Favor.

3. Discussion & Decision: Request from Sheriff Fridley and Chief Tax Deputy Anna Frost to set up Vehicle Registration Renewal through our website

Sheriff Fridley wants the Commission to sign the contract so that other agencies in county can use it without going through a separate contract. Discussion about costs. The WVIPay fee is 2.2% plus \$1 fee. This is passed onto the consumer, no cost to the courthouse. Chief Deputy Frost mentioned it adds services. Discussion on different processors - Sheriff has to use WVIPay for DMV (they have a monopoly) and is looking at switching the taxes to it. Ms. Frost discussed the ways it may save money. Commissioner Taylor asked about

other offices, could they use it. Mentioned the park, Circuit Clerk has to go through the Supreme Court, County Clerk has contracted with another company that will be cheaper for her customers. Also discussed all the forms WVIPay can add, fees they charge for those services and that this is the current web page processor. Ms. Lanier mentioned it would be good for the courthouse in general. Commissioner Taylor asked about when the county was getting the new server. Would that change any of this?

Motion: Commissioner Louisos made a motion to approve.

Second: Commissioner Taylor

Action: All in Favor.

4. **Discussion & Decision: Request from Sheriff Fridley and Chief Tax Deputy Anna Frost to reimburse cash box per auditor**

It has been \$21.53 short since 2016. Chief Tax Deputy Frost has asked the auditor every year, finally got a recommendation to have the County Commission give them the \$21.53 from the excess monies the Sheriff's department gives to the general fund every year. (approx. \$3,900.00 dollars this past time). President Brenemen said it needs to be done. Ms. Lanier requested the Sheriff send a letter on letterhead with this information to act as an invoice for her records.

Motion: Commissioner Taylor made a motion to approve reimbursing the cash box per the Auditor's recommendation.

Second: Commissioner Louisos

Action: All in Favor.

5. **Discussion & Decision: Request from Sheriff Fridley and Chief Tax Deputy Anna Frost to set up new fund for teen court per auditor**

Sheriff wants to set up a separate account for Teen Court because the Auditor requested it. All the Sheriff does each month is collect the money from Magistrate Court and Circuit Court and write a check for the same amount to Teen Court. Only one signature will be needed on this account and the Commission will use these minutes and letter from Judge Ewing as record to create the account.

Motion: Commissioner Taylor made a motion to approve creating account

Second: Commissioner Louisos

Action: All in Favor.

The Sheriff also presented his deputy of the quarter and deputy of the year plaques. The Commission asked to be involved in any presentations.

6. **Discussion & Decision: 2 LFPP contracts for New Roots**

LFPP (Local Food Production Program September 2018-2021) It is trying to spend grant monies before end of the grant. Had to cancel contract with previous marketing/communication company, wants to offer a contract to Tabitha Stover for the same services. Commissioner Taylor asked if this had been bid out, New Roots Community Farm Director Susanna Wheeler said she didn't believe it had to be done that way since it was under a certain dollar amount. President Brenemen asked about amounts - marketing would not exceed \$6,860.00, will be presenting a contract for photography and videography for another \$4,000.00. Susanna described this and photo/video will spend down the grant properly. Commissioner Taylor asked if Prosecutor Ciliberti had looked at the contract, Ms. Wheeler said she had sent it to Prosecuting Attorney Anthony Ciliberti and had not yet heard back;

assumed that meant it was acceptable. She asked for clarification on procedure, said she would be glad to follow proper procedure President Brenemen asked if she would prepare both contracts so PA Ciliberti can review both. Ms. Wheeler said she would do whatever the Commission wanted. Reiterated how she heard the process - that everything needs to go through Ms. Lanier, both in and out. President Brenemen confirmed, said send everything to Ms. Lanier (the gatekeeper) and copy the Commission's Executive Assistant, Ami Dangerfield.

Motion: Commissioner Taylor made a motion to table the matter pending review of counsel.

Second: Commissioner Louisos

Action: All in Favor.

7. **Discussion & Decision: Request form URA Secretary Will Thornton to Appoint Steve Eades to fill vacancy left by Kim Maxwell, term to expire March 1, 2025; and letter for Tom Louisos' appointment (appointment made by FCC on February 3, 2021)**

Motion: Commissioner Louisos made a motion to approve.

Second: Commissioner Taylor

Action: All in Favor.

8. **Discussion & Decision: Request from Phil Samples to use the FCMB for AAU Practices. Was approved to use this last season but, the FCMB was closed due to COVID-19.**

President Brenemen wants to make sure they know it's only half-court. Ms. Lanier said FCMB Overseer Okey Skidmore praised the group for being respectful of the building "one of his best users."

Motion: Commissioner Louisos made a motion to approve.

Second: Commissioner Taylor

Action: All in Favor.

9. **Discussion & Decision: Request to appoint David Smith to the PK PSD to replace John David, term to expire 10/01/23**

Motion: Commissioner Louisos made a motion to approve.

Second: Commissioner Taylor

Action: All in Favor.

10. **Request from Erin Reed, ASWV to use the FCMB for Pickleball on Thursdays at 9:00 a.m.**

Commissioner Taylor asked if Ms. Skidmore approves these requests before they come before the Commission. He does.

Motion: Commissioner Taylor made a motion to approve.

Second: Commissioner Louisos

Action: All in Favor.

11. **Discussion: Future Agenda Items**

Ms. Dangerfield will make a form that everyone who would like to appear on the Commission's agenda has to fill out with required information. Commissioner Taylor asked that any funding request include how it comports with Commission priorities, once solidified. Had draft agendas available to show how the new procedure might work. Discussion on future agenda items listed on draft example. Moved several items on the agenda to different dates, specifically some of

Commissioner Louisos's substantive requests to enable Commissioner Taylor to get up to speed. Long discussion on CVBs and how they organized. Becky Sullivan (Fayette County Chamber of Commerce/ NRCVB) joined in to clarify some items being discussed. Hotel/Motel tax is collected 50/50 from Fayette County, the City of Oak Hill and Town of Ansted. Oak Hill and Fayette County send an extra 7.5% to NRGCVB and that goes to the regional CVB, Visit Southern WV. Commissioner Louisos has asked Ms. Sullivan for email addresses, she said that would be a privacy violation. Commissioner Louisos asked about how much the CVB pays for advertising. About \$60,000 a year for Fayette County. President Brenemen stated legislation has been introduced that makes vacation rentals (AirBnB, etc.) remit any hotel/motel taxes they collect to the correct government entity and makes those charges clear to the consumer. President Brenemen wanted to know if this passed would the county still need to pay that extra 7.5% - recalled an earlier conversation with Ms. Sullivan on this subject. Ms. Sullivan said she didn't recall that, but wasn't sure if that would work. Commissioner Louisos asked if the NRGCVB ever looked at how advertising drives business. Ms. Sullivan said CVB accreditation rules require a 40% advertising 40% staff/office expenses 20% overhead split. She said she spends any extra on advertising. Commissioner Taylor asked if Town of Fayetteville pays into visit SWV, Ms. Sullivan wasn't sure if they split the 15% with their CVB (like Fayette County) or if the Town pays the whole amount. Ms. Sullivan said the NRGCVB works with the Town of Fayetteville CVB often. Commissioner Taylor wondered about the location of the NRGCVB (currently on Oyler Ave), and whether it gets enough foot traffic. Ms. Sullivan likes the location and thinks it does get use. Commissioner Louisos asked about an income statement from the CVB. Ms. Sullivan asked for clarification, she had sent her annual report. Ms. Lanier stated state code asks for a specific income statement and expenditures of Hotel/Motel Tax by August 15th. Ms. Sullivan said that might change with new legislation, but that she was working on that report. President Brenemen asked about signage. What do the signs on Route 19 say? Ms. Sullivan thought it says visitor information but would check. Commissioner Taylor wants the NRGCVB to have more specific signage and Ms. Sullivan agreed. Commenter on ZOOM wanted to get signage on I-79/56/I-64 etc. Discussion on what the county can do about updated signage. President Brenemen offered the FCC would work on getting updated signage on Route 19.

1:00pm

Motion: Commissioner Taylor made a motion to adjourn.

Second: President Brenemen

Action: All in Favor.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

March 19, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a regular session this 19th day of March 2021.

9:00

Pledge of Allegiance was lead by Angela Gerald.

Exonerations - Eddie Young - One refund, ticket input error: T. Paige Dalporto \$309.00 and \$131.96; and personal property tickets for Virgil R. Kincaid \$239.64; James E. Brown Sr. \$77,093.80; Michael W. or Drema Kincaid \$463.82; Katheryn L. Kutil \$250.56; Joshua N. Nuckols \$117.58; Wade & Frances Lewis \$132.94; Tony LL & Angela L. Hawkins \$1,125.98; Marian Coz \$36.28; Martha M. Tilly \$88.40; Laura Spadaro \$104.52 & \$264.32.

Motion: Commissioner Taylor motions to approve exonerations and refunds

Second: Commissioner Louisos

Action: All in Favor

Approve Vouchers and Invoices - none presented

Approve Prior Meeting Minutes - none presented

Ruth Lanier, County Administrator - Exhibit A

9:30 Holly Fussell, Fayette Trail Coalition and Peter Kostas, Consultant from Applied Trails Research Re: Update and Drawdown of Funds Approved in September 2020

Fayette Trail Coalition - trying to partner with WVU, putting together a trail plan (as a piece of a Fayette County comprehensive trail plan). Discussed why trails are important as a "gateway" to some of the more extreme outdoor sports FC has. Drawing down the money given by the Commission in Sept 2020. President Brenemen mentioned we have two types of trails, more single track and then the rail trail. Would like to see the two types work together. Discussed the "racetrack" trail around the Fayette county park. Bringing in a bike race perhaps. If the trail systems work together, they have a better chance of getting money. Holly discussed how that could work. Maybe there be a collaboration higher up (Region 4 Planning & Development/New River Gorge Regional Development Authority/WVU) and the FTC would be more action-oriented. Wants to work with other groups. How does this group fit with our trail authority?

Commissioner Louisos asked what does FTC see as economic development with their vision. This specific plan should strengthen the counties existing trails - especially the park. Having these helps bring people here. Commissioner Louisos was asking how does help the whole county - not just Fayetteville. Wants this to benefit other places. Holly reiterates that her plan is a small sliver of the whole thing. FTC is small/volunteer org, doesn't have all the answers.

Peter Kostas - representative from applied trails research - city councilman in Athens OH. Athens hired ATR to do a similar project there, and came to speak to their experience. Jeremy Wimpy is the trail designer, and Peter is here doing community development/working with people in the area about trails. Reiterated it was not only bike trails, each parcel would be unique to its needs. Discussed all the little pieces (signage, seating, etc.) that go into maximizing the design/making it a good experience. Having these touches will make our trails more desirable. Commissioner Louisos suggested they work

with other groups. Holly started talking money - it's more expensive to do the kind of plan Commissioner Louisos wants. Commissioner Louisos wanted to know if they had looked for more funding. Discussed others on ZOOM call that knew more about the money end. Commissioner Louisos said he didn't want to say there's not money without looking for more money first - hoping the trails could bring in revenue. Peter discussed coalescing some of the smaller ongoing projects to look for more money. Commissioner Louisos reiterated that these things need to bring in revenue for the county. Holly thanked the commission, President Brenemen said she is welcome back. Commissioner Taylor doesn't want a duplication of efforts. Peter said ATR's work would be in collaboration with existing groups. President Brenemen asked if there is data on how much money is spent by people on trails. Peter had some, said it's better when people stay overnight (typically more than 25 miles of trails gets overnight stays.) Holly said there is a recent study on how climbing effects the same numbers. More density equals more trips. Commissioner Taylor mentioned our trailheads are small - maybe there needs to be a transportation piece. President Brenemen reminded Holly to get the W9 form from the Commission's Executive Assistant, Ami Dangerfield.

10:00 Discussion of Housing Zoning, Development and General Zoning in Fayette County

Angela Gerald appeared to discuss procedures on Zoning. Whole county zoned in 1960s. All info is online-you can check what you can do and what is conditional use. If Conditional Use - you have to come before the Board of Zoning Appeals, present your plan, get approved. If your property needs rezoned it is more involved. Two hearings, more detailed plan. And the plan is reviewed by the resource coordinator. President Brenemen asked if we have anyone qualified to help businesses succeed. We don't - only review to make sure it fits into the County/Rt 19 comprehensive plan. Ms. Gerald said the business plan doesn't need to be detailed. Read the Unified Development Code (UDC) on what the Board of Zoning Appeals needs. This list can be changed by amending the plan (discussed the state code process to amend this). Commissioner Taylor asked Ms. Gerald what she felt needed amended. Commissioner Louisos feels the RT19 plan and UDC are redundant -we could just use the UDC. It costs about \$200 to have something rezoned (to ask). Commission has the final say. Ms. Gerald reiterated the ultimate goal of these plans is to make sure the businesses are a good fit for the community. Commissioner Taylor wants to create something that would guide people through the process to help these new businesses, like WV Hive or creating our own. President Brenemen said maybe in the past the zoning needed to be more stringent but now we need to look at things differently. Commissioner Louisos wants to only use UDC - would like a comparison of the two to prove this. Commissioner Taylor asked if we couldn't accommodate some of the Rt19 plan within the UDC. Ms. Gerald described the procedure again on how to amend the UDC. Suggested we ask for a review (public comment) of the UDC during the comprehensive plan process. President Brenemen asked Ms. Gerald to describe the overall UDC. Commissioner Taylor asked for clarification on B1, B2, B3, etc. First seven chapters are standard, Chapter 8 is planned neighborhood development (Wolf Creek) Chapter 9 is Rt. 19, Chapter 10 is the appendices. Rest is blank for future additions. Commissioner Taylor asked how we amend

the UDC. Ms. Gerald said some of the sections are already up for public comment (Commissioner Louisos doesn't like the RT 19 plan). Ms. Gerald thinks we can make the whole thing more user-friendly working through the state code. President Brenemen wants discussion on amending and updating the UDC 4.9.21. Commissioner Taylor asked if the Planning Commission could make recommendations. They cannot. Ms. Gerald wants to make the document searchable online. Commissioner Taylor mentioned there is software that does it. Some discussion on how to accomplish this. President Brenemen asked Ms. Lanier to send a memo to everyone that we need true copies of official documents (signed and scanned). Ms. Gerald brought up the code needs updated in regards with AirBnB. Our code doesn't really address daily rentals with dwellings. Need some procedures set up so that everyone that should be involved is. Commissioner Taylor described her experience with city of Fayetteville. Ms. Gerald gave her recommendation. Wants it to be easy, but complete. Commissioner Louisos wanted to know how we know if a current business pays hotel/motel taxes. Ms. Gerald and President Brenemen discussed what needed to be included in an inspection. Commissioner Louisos didn't think having to file a paper every year wasn't prohibitive.

11:00 Discussion and Decision Tabled from 3.12.21: Lease between Fraternal Order of Police Memorial Lodge No. 118 and the Fayette County Commission for the Community Correction Day Report Center

Not much more info, Fayetteville isn't ready to sell or rent out space in Fayetteville Elem. Fayetteville police building is up for auction, but they have bids in excess of \$100,000 now, we could bid if we wanted before March 27. President Brenemen didn't think the budget could withstand it. Discussion if we could use the Family Court rental fees if we moved them together. Discussed the Health Department moving, and could Family Court or DRC move into that building. It's too small for DRC. Prosecutor Ciliberti discussed some of the changes in the contract - did not think some of the changes were useful or needed (non-liability clause/arbitration clause). President Brenemen mentioned we can get out of the lease if we find something later in the year. Prosecutor Ciliberti is okay with the contract as is even with flaws. President Brenemen feels we have no other options but to sign it at this point. Commissioner Taylor mentioned we need to get moving on finding alternative sites.

Motion: Commissioner Taylor motions to approve the contract

Second: Commissioner Louisos

Action: All in Favor

11:30 Budget Workshop

Motion: Commissioner Louisos motions to approve the budget as presented, Commissioner Taylor seconded. Unanimous.

Second: Commissioner Taylor

Action: All in Favor

AGENDA ITEMS - MARCH 19, 2021

- 1. Tabled from 3.12.21 Gabe Pena - CY 2021 SHPO Grant Application for FCMB repairs for approval signature and approval of 50/50 Match**
Tabled from last week - SHPO - waiting on the bid from Robert L Grishaber and Sons, Inc. Masonry Contractors. Presented new numbers based on Dan Snead. Feels the masonry most needed. Some discussion

to new developments in condition that make these repairs more necessary.

Motion: Commissioner Louisos motions to table until 3.19.21

Second: Commissioner Taylor

Action: All in Favor

2. Discussion and Decision re: Bids for 2021 Comprehensive Plan Update

Only two Bids received. WVU and GAI. Ms. Gerald, the County Zoning Officer, and the County Resource Officer, Gabe Pena, discussed readvertising for more bids, but WVU was a good cost. Commissioner Taylor wants to postpone, so they have time to read. She said it would be okay to readvertise; we wouldn't necessarily go with lowest bid, wants the best bid. The Resource Officer isn't sure we could get a better one. Ms. Gerald mentioned that we don't have to hire a firm, can do it in house, but it's more labor intensive. Discussed this option. Even if we hired some help to package the information; it would be less expensive. Commissioner Louisos agreed it would make the Commission more hands-on the process. Commissioner Taylor states it's our plan and if someone else writes it, it doesn't necessarily contain our ideas. Commissioner Louisos asked if Region 4 and NRGDA could help which is also an option. Commissioner Taylor wants to schedule a workshop on the strategic plan. President Brenemen complimented the Resource Coordinator on a better presentation

Motion: Commissioner Taylor motions to postpone until 4.20.21

Second: Commissioner Louisos

Action: All in Favor

3. Decision: Bid from Tri-State Roofing for Memorial Building Roof

The Resource Coordinator presented the Commission a letter, showed they don't have to have any match for the roof grant, and SHPO is able to give an extra \$2,700 to enhance the grant. Gabe requested an extra \$12,000 to cover the higher costs in the bid, but with no match it still comes under original amount. Gabe has spoken with Becky Kellum, Fayette County Public Libraries director, and they be able to help with funding for the side canopy for the Memorial Building, will have to have asbestos testing/abatement done. Gabe has spoken with Empire Salvage about this testing. Commissioner Taylor questioned why masonry work was included on both SHPO contract bid and a separate bid for roof/canopy from TriState. Gabe explained it was for different work.

Motion: Commissioner Louisos motions to approve roof portion only.

Second: Commissioner Taylor

Action: All in Favor

4. Tabled from 3.12.21 Discussion and Decision: LFPP Contract Between and Tabitha Stover for Independent Marketing and Communications Work and LFPP Contract Between FCC and Braiden Maddox, Lady Mountain Films, Consultant for New Roots Farm.

Prosecutor Ciliberti reviewed the contracts; they are ok. Section 5 gives the vendor the right to collect legal fees if they sue, but no likewise provision for the commission. Could be reworded to include both parties. Susie Wheeler was on the call; mentioned she has asked

for a template on previous occasions. She is fine with Prosecutor Ciliberti edits.

Motion: Commissioner Louisos motions to approve with Prosecutor Ciliberti's edits.

Second: Commissioner Taylor

Action: All in Favor

5. Item: Request by Tabitha Stover, Fayetteville CVB with Generation NRG, to set up a scavenger hunt photo-op April 1-30th on the courthouse lawn and to use the courthouse lawn during the Earth Day Celebration Saturday April 24th, 9:00am-7:00pm

Motion: Commissioner Taylor motions to approve.

Second: Commissioner Louisos

Action: All in Favor

6. Discussion and Decision RE: Fayette County Commission Facebook Page and uploading of recorded meetings to Fayette County Commission YouTube Channel

Previously discussed. Ms. Dangerfield offered to work on it.

Motion: Commissioner Taylor motions she will get social media accounts set up.

Second: Commissioner Louisos

Action: All in Favor

7. Discussion: Future Agenda Items

3.26.21 Bill Wells (10:30) - he will send a support letter to Ms. Lanier to be reviewed and put on Commission letterhead for commissioners to sign.

Commissioner Taylor wants to add an agenda item for Sheriff's dept reorg.

Commissioner Taylor wants to add an agenda item for standing order for Bridge Day permits to be more permanent. Wants to see if the Board of Education can do the same thing.

Commissioner Taylor wants to schedule an economic development strategic workshop for Commissioners and staff. Include 911 Center.

4.9.21 Clarified the 10:00 - who should be present for the presentation.

Discussed what to do with the 9:30 agenda item; what they feel they can accomplish. Discussion on whether they have to make a decision on the recommendation. Brought in Zoning Officer Ms. Gerald to explain procedure. Said they have to make a decision that day. Said the Planning Commission may not have a recommendation. Discussed different scenarios. Commissioner Louisos asked if the Commission has any recourse if a decision isn't made; Commissioner Taylor said this is a court, we can subpoena them if it drags on too long. Ms. Gerald doesn't have a good sense on how the Planning Commission will vote. Commissioner Louisos wanted to know if the vote will be on record.

Commissioner Louisos suggested moving the 11:30 to a later date.

4.20.21 - no changes at this time.

12:44 Motion to adjourn; All in Favor

FAYETTE COUNTY COMMISSION

REGULAR SESSION

March 26, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENNEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a regular session this 26th day of March 2021.

President Brenemen called the meeting to order at 9:00.

Pledge of Allegiance President Brenemen lead pledge.

Exonerations - Eddie Young Tara Tyree presented the Assessor's real property exonerations for WV Housing Development Fund \$501.14 & \$16.92; C.A. Johnson \$447.32; Mike D. Harvey \$288.22; George Dewitt Pritt; Thomas C. Grose \$150.00; and Edwin H Warfield II \$198.00.

Motion: Commission Louisos motioned to approve

Second: Commissioner Taylor

Action: All in Favor

Approve 2nd Half Payroll

Motion: Commission Louisos motioned to approve

Second: Commissioner Taylor

Action: All in Favor

Approve Vouchers and Invoices

Motion: Commission Louisos motioned to approve

Second: Commissioner Taylor

Action: All in Favor

Approve Prior Meeting Minutes - none presented

Approve Report of Receipts, Disbursements and Distributions, Estate of Patricia Ann Shaffer

Motion: Commission Louisos motioned to approve

Second: Commissioner Taylor

Action: All in Favor

Approve Estate Settlements

Motion: Commission Taylor motioned to approve

Second: Commissioner Louisos

Action: All in Favor

A Combine, Divide, and Segregate was presented, but not on agenda. Discussion about whether it needs a separate line on agenda versus being presented with exonerations, Prosecutor Ciliberti stated that they should be noticed on agenda. Will be listed on future agendas with the exonerations.

Motion: Commission Taylor motioned to postpone until 4.9.21

Second: Commissioner Louisos

Action: All in Favor

Ruth Lanier, County Administrator - Exhibit A

1. Discussion and Decision: Approval of Fayette County FY 2022 Budget Presented by Ms. Lanier for signatures. This is just the balanced budget that must be sent to the auditor and a sheet published in the

paper. Dept heads and elected officials will receive a letter mailed out April 20th. Kathy Gerencer spoke to need of the humane society. She and Commissioner Taylor had an animated discussion re: support for the humane society budget and publishing contact information. Commissioner Brenemen asked if the speakers on Zoom could be muted and Ms. Gerencer stated she could not be muted; that she had the right to speak, that the audit was clear, that they should be fully funded. What was allocated in this budget was not enough for the humane society. President Brenemen detailed some of expenditures of the Humane society, asked about personnel turnover; Ms. Gerencer defended her position saying they couldn't keep good people if they didn't get enough money. Several heated comments. Commissioner Louisos moved to close public comment; Commissioner Taylor 2nd. All in favor. Ms. Gerencer kept speaking. Mary Hammett also spoke to procedure said they were not finished speaking. At 9:15 President Brenemen spoke to procedure saying that according to Robert's Rules they must follow the times posted on the agenda. Moved on to the 9:15 item. Returned to this item at 11:35, reopened to public comment; limited to 2 min; Prosecutor Ciliberti was present for questions as well. President Brenemen clarified that letters with budget allocations will be sent out 4.20.21 in the mail. Commissioner Taylor mentions that this is on a timeline; they have the ability to modify things, shift amounts.

Motion: Commission Taylor motioned to approve budget as presented

Second: Commissioner Louisos

Action: All in Favor

Ms. Gerencer asked what the specific amount for NRHS, felt there was a discrepancy in what she was told on a previous occasion by President Brenemen. Commissioner Taylor reiterated that there was money to move around, but there is a deadline for advertising and getting it to the Auditor. Would be looking at how we can spend CARES/ARPA monies. President Brenemen mentioned the limits on those monies and we are not getting as much money from taxes and coal allocation. Commission Taylor mentioned some other sources/avenues of revenue for the County as well. Nothing in the budget is set in stone. Thomas Gerencer (Kathy's husband) spoke to the need of the NRHS - had an issue with some of the commissioners' comportment. Stated what would be cut if not fully funded - six jobs, and many more animals euthanized. Commission Taylor apologized for her language. Heated discussion on the need of the NRHS; whether the audit was necessary - Commissioner Taylor explained that the County and its offices are audited annually and the Commission has the right to audit any budget. Commissioner Taylor reiterated that we have time to modify the budget - the Commission funded the shelter for six months - was waiting to see audit which was only received 3.22.21. Thomas Gerencer wanted to know what else she needed from the audit beside the cover letter stating a clear audit; Commissioner Taylor stated it was more complicated than that since a clear audit meant only there was no criminal behavior or negligent practices, and she wanted to review the expenditures and with the County Administrator. Commissioners Taylor and Louisos reiterated we can modify the budget - that this budget funds the shelter for six months. Ms. Gerencer spoke again that the Commission hasn't found the money to fully fund for the last two years; still need money for this fiscal year. Stated if the Commission truly supports the shelter, they would find the money. Commissioner Louisos

brought up that the animal shelter was traditionally funded through coal severance tax; there are many variables out of the Commission's control. Commission Taylor spoke about the need to find funding, but that we have many needs of various costs. Ms. Gerencer mentioned that the County has to have an animal shelter since we have an animal control officer. Commissioner Taylor asked how many grants has the shelter applied for. Ms. Gerencer stated there is no grant funding for operational costs. FCC contracts with the humane society to have the animal shelter and in return reimburses the payroll and provides the facility; the humane society pays for everything else. Ms. Gerencer feels the Commission is saving money with this arrangement and that the county couldn't do it themselves for the money they are allocating. Commission Taylor requested for more time to review the audit. Commissioner Taylor asked to add this to a future agenda (5.7.21) Ms. Gerencer reiterated that the County has to have an animal shelter; Commissioner Louisos questioned veracity of that statement. Thomas Gerencer felt that deciding it in May was not enough time. Ms. Gerencer explained that the humane society pays the employees and then is reimbursed by the County. Ms. Gerencer mentioned other taxes/revenues - whether those were included in the budget. Commissioners Louisos and Taylor attempted to figure out what taxes she meant. Commissioner Taylor asked her to put together a list of ideas for new revenue and email them to Ami by 4.30.21.

9:15 Susannah Wheeler, Re: Discussion of ARC POWER Planning Grant Proposal

Susanna Wheeler presented. Working on ARC planning grant. Due 16th, sent letter of intent, will present budget, etc, on 4.9.21. Helps with transition of New Roots to "New Roots Community Farm" 501(c)3. \$50,000 grant. Hire a project administrator to help coordinate all the pieces. Agrarian Commons (Trust) will purchase the property, Commissioner Taylor clarified that it must be a working farm for Agrarian to purchase. New Roots is a model of what the Agrarian Trust wants- only one of 10 properties like this across the country. URA has given their lease of New Roots land to Agrarian Commons. Ms. Wheeler wants it move smoothly; knows she needs assistance on all the pieces. Commissioner Taylor thanked her for her presentation, and giving them appropriate time to make a decision. President Brenemen complimented her on her presentation. Ms. Wheeler will email the commissioners and Ms. Lanier a copy of the budget and strategic plan.

9:30 Discussion and Decision Re: Recreational and County Website

Dwane Muncy presented. Gave a brief overview of himself and company (Cucumber and Company). Video, web, digital advertising. President Brenemen asked about how a contract with Cucumber and Company would work; Dwane answered- Per "page" \$100 per month. Offered some references the Commission could contact for info. Ms. Gerencer broke in, asked if this was the same person who did Commissioner Louisos' website. President Brenemen asked about social media - they don't manage but will help with layout/function. Built a mockup website based on existing content. Ms. Gerencer broke in asked again about ethical process of business. Mr. Muncy presented the mockup, showed how they could rearrange the info. Made it as turnkey as possible. Also presented a recreational page - "Find Fayette." Something to organize activities, events. Can use it to filter things to do, etc.

Can be done with a map as well. Commissioner Louisos explained more features of this portion as well, pictures, videos, directions (discussed with Bill Wells - mapping of trails). Made two proposals one each website (one for the Commission and one for tourism). President Brenemen thanked him for his presentation. Opened it up to public comment gave a deadline of 4.20.21, held comments to two minutes. Rebecca Lindsey spoke to cost; mentioned Digital Relativity (though didn't know the name). Pat Strader (Digital Relativity owner) spoke; commented on whether we needed another tourism site, but stated the Cucumber offer was extremely competitive. The Commission's Executive Assistant has already spoken with Digital Relativity. Becky Sullivan said the NRGCVB already does what the mockup does. Commissioner Louisos asked to see it, asked her to come in to present. Clarified that it wasn't Dwane's idea. Discussed some features he wanted to see. Commissioner Taylor clarified further some of the functionality. Mr. Muncy defended his position and costs. Ms. Sullivan talked again about what their current website does. Rebecca Lindsey asked for a scope of the project. Commissioner Taylor mentioned that this discussion could be included within the 11:00 item. That this is just a broad brush right now. That we also want a broader website with county information; enjoyed Mr. Muncy's presentation. Clarified some of their position and why there hasn't been a written scope. Commissioner Louisos further defended his planning. Ms. Gerencer again questioned when was Mr. Muncy approached and the ethics. Owner of Digital Relativity questioned the website as well. Katharine Tyner asked about what this training was - that it had been mentioned several times. This was personal training on tablets Commissioner Louisos and Bill Wells personally purchased to map the trails. Commissioner Taylor indicated she believed Commissioner Louisos was just trying to get things moving on the website and his procedures were properly motivated. Katharine Tyner and Commissioner Taylor discussed transparency and how public office should work. Ms. Gerencer also mentioned transparency and hiring current business associates. Commissioner Louisos offered to pay for the website himself to avoid using county funds. Rebecca Lindsey wanted to make sure we give local businesses an opportunity. President Brenemen requested the County Administrator to advertise the bid with a deadline of 4.20.21. Commissioner Taylor states she understands their concerns, but that there isn't anything illegal going on (not required to bid on lower cost items) - Commissioner Louisos just wants to get things moving/done. Commission Taylor further clarified the commission's desire to be transparent. Pat Strader wanted to know how the mapping would work - if Dwane would be doing it. Mentioned the NRGCVB website.

Motion: Commission Taylor motioned to postpone until 4.20.21

Second: Commissioner Louisos

Action: All in Favor

10:30 Discussion & Decision: Bill Wells Support Letter

Discussion on whether we received the support letter to review. Bill Wells - Mountain State Trail Authority. Region 4 received an ARC grant to build trails. MSTA and DOH were partners. MSTA completed their part of the grant, but the DOH has done none. DOH pulled their funding because it was from toll revenue, and couldn't be. Grant can continue

if we can replace that match money. Mr. Wells has put together volunteers to build out trail which goes from the end of White Oak on 612 to Glen Jean (three miles) and crosses four wooden bridges. Would use volunteers to clean up, city of Oak Hill donated money (\$30,000) toward match. Asking for the money (\$150,000) that has already been spent through the URA to build out the trails at Wolf Creek to be considered as the match for this grant. President Brenemen questioned if we could do this. Gene Kistler spoke to the fact this money might already be earmarked as a match for another grant through the WV Land Trust. It's technically URA money. The Commission questioned Gene as to whether he was against this proposal. Gene feels it is bad precedent that the Commission make decisions over money that belongs to the URA. There was an animated exchange between Commission Taylor and Gene Kistler over procedure. Commissioner Louisos asked Ms. Lanier to clarify where the money comes from - is it URA or County money - it was coal reallocation. Gene Kistler (URA) questioned whether the Commission should be making this decision- -feels it should be the URA. Commissioner Taylor asked how long it would be before the URA could meet to discuss the matter and Gene said it could meet within the next couple of days.

Motion: Commission Taylor motioned to postpone until 4.9.21 so URA can meet.

Second: Commissioner Louisos

Action: All in Favor

10:00 Presentation for Jerry Steven Brown - rescheduled until 4.9.21 due to spouse not being able to attend.

2. Discussion and Decision: Request from Jamie Baker, Project Assistant with Region 4 Planning and Development, to approve and sign a resolution for the adoption of April as Fair Housing Month. As a recipient of Community Development Block Grant Funds, Fayette County is required to affirmatively further fair housing.

Motion: Commission Louisos motioned to approve

Second: Commissioner Taylor

Action: All in Favor

3. Discussion & Decision: Sheriff Department rank changes to start with the first pay period in April Commission Taylor -First discussed at Sheriff's budget meeting; further discussed why it needs changed now (it will help with deputy training, oversight and retention); has checked with the County Admin whether the budget can withstand (it can).

Motion: Commission Taylor motioned to approve

Second: Commissioner Louisos

Action: All in Favor

4. Discussion & Decision: Request by Bridge Day Commission to use Courthouse Property annually for Bridge Day staging and preparations. They would not need to make a yearly request, only update their Certificate of Liability Insurance on file. And letter to the Fayette County Board of Education stating our new policy for Bridge Day and encourage them to enact the same policy.

Motion: Commission Taylor motioned to postpone until 4.20.21 so a form can be created.

Second: Commissioner Louisos
Action: All in Favor

5. Discussion and Decision: Records Management Preservation Board 2022 Grant Contract for approval and signature of President Brenemen: Moveable Shelving for Circuit Clerk and Scanners for Commission

Motion: Commission Taylor motioned to approve
Second: Commissioner Louisos
Action: All in Favor

6. Discussion and Decision: Records Management Preservation Board 2021 Grant Closeout for approval and signature of President Brenemen: Moveable Shelving for Sheriff's Tax Office

Motion: Commission Taylor motioned to approve
Second: Commissioner Louisos
Action: All in Favor

7. Discussion and Decision: Courthouse Facilities Improvement Authority Grant Cycle 17 Phase II Annex HVAC System Close Out for approval and signature of President Brenemen

Motion: Commission Taylor motioned to approve
Second: Commissioner Louisos
Action: All in Favor

8. Tabled from 3.19.21 - Discussion and Decision: State Historic Preservation Board Grant Documents and Match for Fayette County Soldiers and Sailors Memorial Building Masonry for approval and signature of President Brenemen

Bid was higher than he anticipated, but is only a reference to apply for the grant. Total cost \$61,642 so our match would be \$30,821. The County Resource Coordinator would add his extra work as part of the match so we would need to allocate \$26,141. President Brenemen asked to make sure that this amount was just to see if we can get the grant, not a final amount. Commissioner Louisos asked if we could change the scope of work after we apply. Discussed why the amount was that much higher for less work - more thorough, and more recent - this is just for brick masonry deterioration. Gabe is also looking at EDA funds and Coal Heritage funds s other funding for more comprehensive repairs at the memorial building.)

Motion: Commission Taylor motioned to approve bid as a base for the grant application
Second: Commissioner Louisos
Action: All in Favor

9. Discussion and Decision: Request from Adam Hodges, Farmland Protection Board to reappoint K. William Hauer and Joy Marr to the Farmland Protection Board for four-year terms to expire May 1, 2021. Commission Taylor and President Brenemen explained procedure on being appointed to different county boards - there is a form on the county website.

Motion: Commission Taylor motioned to approve
Second: Commissioner Louisos
Action: All in Favor

10. Discussion and Decision: MOU for Boomer Ballfield with Fayette County BOE

Motion: Commission Louisos motioned to approve

Second: Commissioner Taylor

Action: All in Favor

11. Discussion and Decision: GPS Trackers for County Vehicles

Commission Taylor discussed the need. Three different sets of county vehicles may need the trackers - 911; Building and Zoning; and Assessor. Approximately \$400 a month. Kevin Walker spoke that all they need to do is switch to a newer program through ATT since they have the older WIFI system from the Sheriff's Department.

Motion: Commission Taylor motioned to postpone until 4.9.21 for 911 Center vehicles

Second: Commissioner Louisos

Action: All in Favor

Motion: Commission Taylor motioned to approve for the two County vehicles without WIFI capabilities

Second: Commissioner Louisos

Action: All in Favor

12. Discussion and Decision Motorola Two Way Radio Contract for 911 Center Radio Room upgrade for approval and signature of President Brenemen

Upgrade of the consolettes the Emergency Services Director, Kevin Walker, discussed how this would save money \$106,337 if signed by 3.28.21- total contract is \$385,000. Would not be a lump sum, could purchase on a lease agreement for either five years at 3.19% interest for \$84,446 per year or seven years at 3.39% for \$62,690 per year. Current equipment was purchased the same way. Would be an upgrade. The current equipment is at "end of life"; which means we can't get replacements only repairs if parts are available. President Brenemen asked for clarification on which equipment - control units for dispatchers. President Brenemen asked for him to clarify when we'd have to pay money. Commission Taylor asked if this equipment would last at least through the contract - current equipment has lasted 10 years so yes it should.

Motion: Commission Taylor motioned to approve the five-year contract

Second: Commissioner Louisos

Action: All in Favor

13. Discussion and Decision: Approval to start process of Frontier phone system refresh for the 911 center for approval and signature of President Brenemen

The Emergency Services Director asked for a "refresh" of the Frontier system for \$179,000. Frontier will come in and install new switches; upgrade equipment. If we don't do this upgrade, our service contract will end 6/1/21. It would cost more if we had to buy a new system - a new system would cost approximately \$400,000. Payment plan in 25%-due when signing contract and ordering equipment; 50% is due when equipment is delivered and installation begins, 25% is due when project is completed. These expenditures are already in his capital outlay, both projects are in budget.

Motion: Commission Taylor motioned to approve

Second: Commissioner Louisos

Action: All in Favor

14. Discussion: Future Agenda Items

Commissioner Louisos asked Prosecutor Ciliberti to clarify some meeting procedures. Can we run over on time for agenda items? Commissioner Louisos discussed his mapping project with Mr. Wells. Commissioner Louisos asked Prosecutor Ciliberti if others could use the information the County created. Prosecutor Ciliberti explained proprietary information, and that it might be complicated to keep people from using it. Asked Pat Strader - Digital Relativity if they do any governmental pages. They several government pages; they are Visit SWV agency of record and they do work for NRGCVB. Pat explained there are several maps and GIS. Commissioner Louisos asked him how much his work costs. Discussion on whether the recreation website Commissioner Louisos wants is necessary. Commissioner Louisos reiterated that there was no contract agreement; asked that there be a presentation done on the current websites so he can see if they are as interactive as he wants. Commissioner Louisos clarified that if we wanted to make information available; anyone could use our information. 4.9.21 agenda: the Commission's Executive Assistant, Ami Dangerfield, read through the agenda as it now. 9:30 must stay the same because it has been published in the paper. 10:00 - presentation about the Farmland Protection Board (Michelle will explain the taxes/farmland monies). Commission Taylor asked Adam Hodges to attend in person to this meeting. Asked for more time for the 9:30 agenda item. Discussion on Commission Taylor asked how they decide what goes on the agenda versus exhibit. Commission Taylor requested they articulate the process in writing and check it through Prosecutor Ciliberti. Ami explained that if someone is presenting or it's an outside group it's on the agenda; typically exhibit items are in house or things that just need signatures. Commission Taylor requested that in the future there be list of people the commissioners have requested be present be on the agenda. Commission Taylor requested a special meeting for the economic workshop (11:00am Agenda item) rather than having it in regular session. Set a meeting 4.7.21 at 10:00am. NRGDA Director Jina Belcher needs info from this by 15th.

11:00 Economic Development Strategic Planning & Prioritization

Workshop with Commission Employees and FCC

Motion: Commission Taylor motioned to postpone until a special meeting 4.7.21 10:00am

Second: Commissioner Louisos

Action: All in Favor

11:30 911 Center Job Descriptions & Salaries

Motion: Commission Taylor motioned to take up this item in executive session because it involves personnel matters at 12:18 p.m.

Second: Commissioner Louisos

Action: All in Favor

Reconvened at 1:16 p.m. with no decision.

Motion: Commission Taylor motioned to postpone until 5.7.21

Second: Commissioner Louisos

Action: All in Favor

Motion: Commission Taylor motioned to adjourn at 1:48 p.m.

Second: Commissioner Louisos

Action: All in Favor

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

APRIL 7, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR, 64 Zoom
Participants

The Fayette County Commission met in a special session this 7th day of April 2021.

Discussion Re: Public Suggestions and Solutions of How to Financially Support & Assist the Fayette County Animal Shelter

President Brenemen described the procedure. Commission would not comment until all citizens have had a chance to speak. Each presenter would have 3 minutes, and then be muted. Asked for proper decorum. Commenters were asked to state their name and their place of residence.

Kathy Gerencer - (Fayetteville). Yielded the floor

Matt Wender - (Oak Hill). Felt it was strange to be offering solutions for a "county obligation" since he was a former commissioner. Projected revenues are running higher than previous year; President Brenemen answered that we were holding CARES money in case it needs to be repaid.

Anne Cavalier (Smithers - Mayor) - Felt we need to develop opportunities in tourism. We should prioritize things that bring new residents and businesses. Feels feral cats and dogs can cause problems ("small issue" that can cause larger issues.) We need an animal shelter for that and to prioritize funding for humane society as a help to tourism.

President Brenemen spoke about HRJ3 - could cut into our budget 2.25-3 million dollars.

Rebecca Lindsey (Lookout) - Asked about the budgeting for the Humane Society. Searched the auditor's webpage for published budgets.

Compared funding to humane society to other funds. Significant drop in 2019 that did not happen in other similar funding. Asked why the Humane Society was being asked to bear these losses. Was averaging \$250,000 until 2019, then drop below \$200,000. Some question on numbers from auditor.

Commissioner Louisos mentioned revenues, and Administrator Lanier explained how to request actual expenditures.

Ms. Lindsey spoke to finding out why there is animosity between the commission and the Humane Society. Commissioner Taylor spoke to how that may be a matter of perception. Asked for Ms. Lindsey's calculations and President Brenemen told Ms. Lindsey to call and speak to Administrator Lanier.

Rick Johnson (Fayetteville) Asked if it would save money if it was a kill shelter. That he has tried to have the shelter pick up animals and they are always "full." Might better serve if they were a kill

shelter to make room for more animals. Ms. Gerencer answered that "the humane society doesn't pick up animals and they are proud of the fact that they haven't had to euthanize because of space." That the issue at hand is the county budget that pays their payroll.

Sheriff Mike Fridley spoke to the budget. His office lost two positions. Most of his funding comes from the levy. Saw social media posts about the Sheriff's Department using grants and wanted to address that there aren't any grants. It's not only the Humane Society facing cuts. Commissioner Taylor commented that this the newest commission we have had in years. That they taking a very close look at expenditures to do the best they can for the county. That this budget is not "set in stone" and we have to adjust the budget all the time.

Chat question - does the Commission have a grant writer? Yes we do, but since the shelter is a private entity it has to apply for its own grants.

Kimberly Bennett (city?) asked Commissioner Taylor about her statement about funding and who is responsible for what. There is a lot of "talk" about that. Commissioner Taylor responded that her remarks were about grants in general. Payroll is the Commission's responsibility and they agree. Kimberly doesn't feel Commissioner Taylor explains herself well - that the general public needs to make sure the Commission is clear in the Commission's responsibilities regarding the Humane Society. Commissioner Taylor addressed this, and reiterated that there are many, many issues/areas that the Commission has to address and there are many perspectives on this issue and others.

Ms. Gerencer asked for the FCC's plan - President Brenemen answered that they would get 25% of coal reallocation (even if it's \$2500). That the American Relief Plan monies are federally earmarked for water, sewer, internet - that we're still waiting on guidance. Reiterated that coal severance is on the decline and we cannot rely on those monies any longer. The Commission is still working on finding funding, and we are waiting on more guidance.

Thomas Gerencer - Wanted to respond to Commissioner Taylor's statement she ran for clean water, that it was a false comparison. Mentioned the elevator repair - that the commission should be looking at all expenditures. That it's terrible the Sheriff lost two deputies; but that the shelter could lose 6 employees. Spoke to how making it a kill shelter still wouldn't help because that money is from humane society and not the Commission. Commissioner Taylor responded about the elevator issue; that there are expenditures that must happen to keep the County in compliance with the Americans with Disabilities Act; that she appreciated his comments about the kill vs no-kill shelter.

Rebecca Lindsey - Feels the animal shelter isn't being fairly funded. Feels it should be clearer that this is a County obligation, not "helping the shelter." That the Commission would be having a very different conversation about this if the humane society walked away. That the county should to be "bending over backwards" to satisfy their funding request - Commissioner Louisos responded that his suggestion is that the County take over supervising the shelter/supply a couple of employees, and the shelter continue to run and the humane society and commission work together. He wants to work with the humane

society (doesn't care how much they get in donations; what they spend it on).

Matt Wender - Shelter did get a lot of money in 2016 sale of Bob Korn's home but his bequest was for a spay/neuter program. Wasn't sure where Commissioner Louisos was getting his numbers. Said they tried to use DRC before, but it didn't work well. He mentioned that the animal shelter didn't have to be funded through coal severance - that the Commission can't blame all the funding shortfalls on lessening coal severance. Commissioner Louisos asked if the DRC workers were supervised by a County employee - there was not a dedicated supervisor. Commissioner Taylor had some questions as well. She met with the Nicholas County DRC and their animal shelter - they have a good system/relationship and it works well using DRC workers. She felt there were solutions to the issues the county had before trying to collaborate between the DRC and animal shelter. Mentioned some of the differences in Nicholas and Fayette County shelters; thought some of their procedures (taking feral cats; but also euthanizing) could be useful. Fayette County doesn't have the money to give to many entities - not just the shelter. Ms. Gerencer addressed some of Commissioner Taylor's concerns. Our shelter is multiple facilities so it needs more staff; their experience with day report was not the same (inconsistency in personnel, issues with supplies), and cleaning was much more complicated than presented. Kennel attendants are more than "cleaners" and the quality of care of animals would decline if they were replaced. That there are liability concerns using DRC workers. Addressed the Bob Korn donation from 2016 - donor restricted funds.; only for spay/neuter. Not a fair comparison between Nicholas and Fayette. Maybe the commission could use DRC in other areas and shift that money to the shelter. Still wants to know what the FCC plan is. Feels her question is still unanswered. Commissioner Louisos' plan is that by changing the Rt 19 plans that would bring more tax revenue for everyone. He asked about what animals the animal shelter takes. They do not take feral cats. Ms. Gerencer clarified that she wants to know the plan for this coming fiscal year. Commissioner Louisos clarified that the DRC workers were not supervised, and asked what qualifications a supervisor would need to have. Commissioner Taylor asked if there wasn't anything those workers could do if properly supervised. That the budget is more complicated than just giving over the money - and that we hope to move money around. Reiterated that she felt there were solutions to some of Ms. Gerencer's concerns with DRC workers. Conversation between Commissioner Taylor and Ms. Gerencer about how long it would take her to train DRC workers to clean; how long it takes, etc. (two days). Commissioner Taylor asked about feral cats - could Bob Korn money be used for trap and release. Ms. Gerencer reiterated this is just about the payroll. Commissioner Taylor stated that these programs within the shelter's budget need to be included in this conversation - that she needs to understand how this serves the County at large. The more she sees the value of a program - the better she is able to help them. Ms. Gerencer - compared budgets from state auditor, sees increases in other places or no decreases. Feels there is money in the budget for their request. That revenues are up - why can't the shelter get their money. The shelter still needs money for this fiscal year. Looking at contingency and roll over - seems to be plenty of money. Mentioned

a private conversation between herself and President Brenemen about extra revenue.

President Brenemen- thanked everyone for participating. Was glad to see people speak, but only had four cities represented. That he hoped for more proactive responses. Animal Shelter is open to the public T-F 11am to 4pm; Sat 12pm -4pm. Commissioner Taylor brought up municipalities helping with costs. President Brenemen clarified 24 public hours; Ms. Gerencer said that was due to funding cuts. Commissioner Louisos clarified there were still eight employees. More reiteration that this budget is not completely set; that they still need to move things around. Still need answers/guidance on COVID recovery monies. Complimented Ms. Gerencer on her advocacy of the shelter. Asked her if it would be easier if they had someone running the shelter and wanted to know about outbreaks of disease. She said those outbreaks are sporadic, but can happen. The outbreaks are better than they used to be.

Sheriff Fridley wanted to ask Ms. Gerencer about animals adopted locally vs. sent to rescue. Approximately 2013 animals were brought in last year; approximately 225 adopted locally, rest were sent to rescue. Also asked if there was an adoption fee - yes in local adoption. Commissioner Louisos asked about vet bills - total exceeds \$100,000, but she didn't have an exact breakdown. Rescues do pay some of those costs, but we still provide vet care for animals sent to rescue. Commissioner Louisos asked if we take animals from other areas. Ms. Gerencer answered they don't, sometimes partner with other places to transport. John asked about staff hours 8am-5pm, T-F, Sat-Mon 8-4.

President Brenemen wrapped up, thanked everyone, felt it was a good meeting. Ms. Lindsey will send her info and get info from Administrator Lanier.

President Brenemen talked about proper meeting procedure. Talked about public comment; setting rules. Maybe have a public comment section for comment not on agenda. Discussed issues with that - open meeting acts. Limit comment to 2 or 3 minutes (get opinions from counsel).

1. Discussion & Decision: Tri State Roofing and Sheet Metal Company Proposal for FCMB entry canopy repairs for approval and signature of President Brenemen

Commissioner Louisos motions to approve; Commissioner Taylor 2nd. All in Favor. This means Tri-State will not have to "remobilize" so it saves money to approve this now.

President Brenemen requested PSD discussion/information (4/20 9:30am) and dilapidated building discussion items (4/20) added to agendas.

11:00am Postponed From 3.26.21 ED Strategic Planning & Prioritization Workshop with Commission Employees and FCC

Commissioner Taylor spoke about the vision that we all have of making this a good place to live and visit. Felt we should prioritize certain areas on both the expenditure and revenue sides. Once we have the list of priorities; those can be further categorized/subcategorized according to need/geographic region. Mayors, NRRDA and Region 4 have been invited to the 4/9 commission

meeting. We need to figure out how to best spend what money we have. We have the people here that are experienced in doing this sort of development. Need to identify the key areas to focus on, need to consider all the possibilities. Commissioner Louisos brought up the Rt 19 plan; that it is a hindrance to development. Commissioner Taylor discussed ways to being in more development; that we are looking at a big picture. Discussed how to develop without over doing it - can our infrastructure handle things. Specifically mentioned internet - using cell towers for broadband. President Brenemen hopes we would get some good feedback from meeting with municipalities during the comprehensive plan. Commissioner Taylor wanted to move the meetings sooner; Commissioner Louisos agreed. President Brenemen mentioned NRGRDA and Region 4 as good resources. Commissioner Taylor mentioned differences in small and large business - maybe offer short term loans for small versus tax incentives for large. We need to consolidate efforts. Discussion about developing wisely - make sure don't cause problems with our solutions. Plans need to be more comprehensive, and find experts that can help. Wants these planning sessions to help us identify experts and areas to prioritize. Conversation turned back to Animal Shelter. Some discussion on how to compromise using DRC workers. How they could use this labor to help free up monies for more skilled labor. Commissioner Louisos feels the DRC should be utilized more for the benefit of the county; Commissioner Taylor agreed. Commissioner Louisos discussed we need to try to new things - we don't know if it will work until we try.

1:05pm Commissioner Taylor motioned to Adjourn; Commissioner Louisos 2nd; All in Favor

FAYETTE COUNTY COMMISSION

REGULAR SESSION

APRIL 9, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENNEMEN, TOM LOUISOS, ALLISON TAYLOR (also in attendance were 58 participants by zoom)

The Fayette County Commission met in a regular session this 9th day of April 2021.

9:00am Commissioner Taylor lead the pledge

Presentation - For Jerry "Bubbles" Brown; recognizing his service to the county. Commissioner Taylor read the proclamation and presented it to the family.

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young:

Exonerations -Presented to the Commission by Tara Tyree; new chief deputy for the Assessor. Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR.

Refunds - Commissioner Taylor motions to approve; Commissioner Louisos 2nd ALL IN FAVOR.

Credits - George and Nancy Pritt Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR.

Combine, Divide, and Segregate - Commissioner Taylor motions to approve; Commissioner Louisos 2nd ALL IN FAVOR.

Approve 1st Half Payroll: Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR.

Approve Vouchers and Invoices: Commissioner Louisos motions to approve; Commissioner Taylor 2nd ALL IN FAVOR. President Brenemen pointed out some high expenditures for the fire training center.

Approve Prior Meeting Minutes: No minutes were presented.

Approve Estate Settlements: Commissioner Louisos motions to approve; Commissioner Taylor 2nd ALL IN FAVOR. President Brenemen mentioned new procedure of only signing one document which will be kept on file, and settlement documents will be stamped with "approved" and the date.

9:30 Planning Commission recommendation for Amendment to Comprehensive Plan and also Planning Commission recommendation to Fayette County Unified Development code section 9005 Route 19 Overlay district: This item had to remain on agenda because it had been published. Did not have a quorum at Planning Commission meeting so this is postponed until after next meeting 5.10.21 - will be back on agenda 5.21.21. Angela Gerald, Zoning Officer, discussed that it is important there is a quorum - Commissioner Taylor suggested they look at members who do not attend. Commissioner Louisos motions to postpone until 5.21.21 at 10am; Commissioner Taylor 2nd; ALL IN FAVOR.

9:35 Discussions Re:

-Resource Coordinator's Reviews of Zoning Hearings per UDC Guidelines

-Potential New Amendment to UDC and Comprehensive Plan

-Planning Commission Restructure

Resource Coordinator is supposed to review any rezoning/new business and give a recommendation to Planning Commission. To change this, we can remove this requirement from the UDC, create a new board to do the review. Ms. Gerald felt that a new board would be better - "more eyes." There are different rules for creating different kinds of boards. Commissioner Taylor thinks an Economic Development Authority may be appropriate.

Commissioner Louisos - Explained the Route 19 Corridor Management Plan (1998) was attached to the Comprehensive Plan in 2001. The Commission can amend things; must go through the Planning Commission for recommendation, but the county doesn't have use its recommendation. There is a process, but as long as the legal steps are followed, the Commission can make changes. Mentioned it is important for the members of boards to have people who want to actually attend the meetings. Commissioner Taylor questioned whether the Planning Commission needs 14 members; maybe some of those could be on a new EDA. Mr. Brenemen said Commission will be starting public meetings with communities late summer - at least 4. Commissioner Taylor

requested more than that - each municipality. Commissioner Taylor asked an agenda item be added to 4.22.21 to discuss this matter.

10:00 Fayette County Farmland Protection Board - Discussion and Guest Lavonne Paden, State Farmland Protection Director

Lavonne Paden, Farmland Protection State Authority Director for WV, presented. Explained how the farmland protection process works within state code and was here to answer questions. Commissioner Louisos asked about ranking criteria - who developed it? Farmland came up with a program and a previous Commission accepted it. Typically the process is the property owner applies to FPB, they present the highest ranking properties to Commission for approval (really a failsafe to avoid impropriety on the Farmland Board). In Fayette, Evan Blumestein ranks the sites for easement (major factor is soil conservation). Ms. Paden suggested that if you have areas that the Commission wants to develop - the way to do that is use the ranking system (Commissioner Brenemen reprimanded Gene Kistler for speaking out of order). Said she would work with Adam Hodges to word/work things to help with economic development. The DOH can also use eminent domain if an easement in place that impedes a major infrastructure project. Commissioner Taylor asked how the state board is funded. Fee is charged on recording a deed. Commissioner Taylor asked for advantages of having a county board. Ms. Paden explained local is better. Commissioner Louisos asked why to people want easements. There are a variety of reasons; to preserve land, to use the money to pay debt on the land, most people if they want top dollar they will hold out for economic development. An easement is permanent - cannot be changed. Commissioner Louisos asked if we ever grant easements without paying - they can be "donated" - we only have had a few pieces. Commissioner Louisos said he isn't against the farmland board per se - he doesn't like the idea of individuals getting paid for an easement without using the land as a farm/production. Farmland protection is all about preserving what farmland WV has (1999 is when law was written) for future generations. Adam Hodges spoke about the Agrarian Commons - purchases the "eased lands" to turn them into producing farms. Commissioner Louisos asked for clarification if the Commission can pre-emptively ask for right-of-way on an easement. Ms. Paden explained it is better to try to get the right-of-way in place before the easement is recorded. Mr. Hodges said they try to anticipate those within the survey process. He explained our county process - the Farmland Board comes to the County Commission before anything happens so if the commission wants to add covenants, etc., they can. Very complicated process, not everyone wants to go through it. Farmland money can only be used for land purchase. Agrarian Commons will help make the Farmland Protection Board work even better by purchases/leasing farmland to actually produce. The WV Dept of Agriculture is looking at out of state owners.

Commissioner Brenemen asked for questions related to Farmland Protection. Kathy Gerencer asked about the specific properties on Route 19. Answered by Adam Hodges - it was the Brian Sparks property - it abuts the DOH right of way. Mr. Hodges asked if he could resubmit previous properties. Commissioner Taylor asked if she could meet with Mr. Hodges and Ms. Gerald to create a more streamlined process. Adam

offered his services even as he leaving the FPB. President Brenemen thanked the presenters.

Ruth Lanier, County Administrator - Exhibit A

1. Discussion & Decision Re: ARC POWER Planning Grant Proposal and approval of Gabriel Pena as the Authorized Representative to execute an electronic signature on the online application on behalf of the Commission. No financial match is required from the Commission. MOU with Sprouting Farms to be the non-profit fiscal sponsor.

Gabe Pena, Resource Coordinator, presented the budget for the grant of \$49,000. County must match; applied for some funding to help with match - was given 15,000, and Sprouting Farms agreed to be a fiscal partner since Just Transition had reservations about giving to a county government. Commissioner Taylor wanted Prosecutor Ciliberti to review these documents, but application is due before next meeting. MOU is standard to others we have had. Sprouting Farms has asked for \$1,000.00 to act as this fiscal sponsor for administrative cost; Mr. Pena is trying to have Just Transition pay that fee. Mr. Ciliberti reviewed documents. MOU was fine, brought a couple of issues in the covenant to the Commission's attention. Commissioner Taylor wants to discuss this further before agreeing to the Covenant. Commissioner Taylor motions to approve grant and authorize Mr. Pena to act as agent; Commissioner Louisos 2nd; ALL IN FAVOR.

2. Discussion & Decision Re: Request from Susannah Wheeler for Farm Apprentices Job Reconfigurations for Approval Commissioner Taylor motions to approve; Commissioner Louisos 2nd ALL IN FAVOR.

3. Discussion & Decision Re: Request from EnAct to reappoint Les Thomas Commissioner Taylor motions to approve; Commissioner Louisos 2nd ALL IN FAVOR.

3. Discussion & Decision: Information from Samantha Woods, Assistant Director of the Office of the Chief Inspector of the State Auditor's office Re: Accounting and Record keeping Requirements for Certain Federal Funding, Specifically CARES Act State Auditor has set a new fund number for ARP fund; Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR. New Account will be set up at FCNB per code.

4. Discussion & Decision Re: GPS Trackers for 911 vehicles

Commissioner Taylor motions to postpone until 5.7.21 given input some 911 Center vehicles may have a capability similar to the Sheriff's Office vehicles; Commissioner Louisos 2nd ALL IN FAVOR.

5. Discussion & Decision Re: Covenant for additional grant funding through SHPO for the FCMB Roof Rehab in the amount of \$2,700.00

Because there is more funding given, a new covenant needs recorded with the deed in the County Clerk's Office. Commissioner Taylor asked if Mr. Ciliberti had reviewed it as a legal document. Mr. Pena said we have time to enable Mr. Ciliberti to review. Commissioner Taylor motions to postpone until 4.20.21 to allow the PA to review the document; Commissioner Louisos 2nd ALL IN FAVOR.

7. Discussion & Decision: Appointment of employees and civil service members to the Wage and Benefits Review Board Sheriff Fridley asked that the Commission discuss with Chris Moorehead about the Civil Service issues once the Board stands up. He stated Deputy Nick Hall, chief of the Deputies Association was a good candidate to represent civil service employees on the Board. Commissioner Taylor stated she thought County Human Resource Officer, Joy Boyd, would be the proper representative for County employees. Commissioner Taylor motions to appoint Deputy Nick Hall and Joy Boyd to the Wage and Benefits Review Board as stated; Commissioner Louisos 2nd, ALL IN FAVOR.

8. Discussion & Decision: Request from the Fraternal Order of Police to use the Courthouse front and side lawn on May 14th, 2021 for their annual Law Enforcement Memorial Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR added the FCMB as a backup for rain.

9. Letter for approval and signature requesting reimbursement from the Supreme Court for rent for the Family Law Judge the amount of \$3,375.00 for the month of April 2021. Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR.

10. Discussion: Future Agenda Items 4.20.21 - Commissioner Taylor asked if we needed to allot this much time to each presentation; Ruth explained lay the levy. Added something to 9:10, speaking about Matt Ford. Commissioner Brenemen asked about minutes. Commissioner Taylor will get them finished. 10:00; asking Becky Sullivan, Pat Strader to explain CVB website. Commissioner Louisos has asked for a breakdown on what the 9 participants pay into NRGCVB/VisitSWV. 11:00am - may not need 30 minutes -11:30 Meeting with Stephen P. New. Mr. Ciliberti will be present for these discussions, re: dilapidated buildings. Commissioner Taylor asked for a copy of the current ordinance. Discussed that they can't list executive session on the agenda. Response to letter added.

4.22.21 - special. Discussed the possibility of election. Commissioner Taylor asked for a couple of formatting changes for special session agendas. Mr. Ciliberti asked about Summit Bechtel item. Commissioner Taylor explained we need feedback to give to the Legislature via the Auditor re: whether the tax-exempt status caused unfair competition with local businesses. Discussed sending a letter and how to sign it to invite people to a meeting.

5.7.21 Commissioner Taylor asked that items that may need to go into executive session be placed at the end of meetings for expediency. Add discussing Jail Bill and monitoring.

11:00 Workshop: Economic Development for the County with NRRGRDA, Region 4 and Mayors

Montgomery Mayor Greg Ingram, New River Gorge Regional Development Authority Chief Jina Belcher, Meadow Bridge Recorder, Fayetteville Mayor Sharon Cruikshank, Smithers Mayor Ann Cavalier, and Pax Mayor William Hughes all present either on zoom or in person. Commissioner Taylor spoke to the need of economic development targeted to each area. Goal is to make Fayette County a great place to live and visit - need to prioritize. Commissioner Brenemen mentioned the fact the

Commission wanted to do a variety of meetings times and places for the comprehensive plan.

Eric Pories - presented on community engagement efforts. Gave reasons why we need a concerted effort at organized community engagement. Need to meet people "where they are." Civic technology - using tech to engage and involve the community. Does not replace traditional methods; enhances it. This engagement goes both ways - the commission needs to commit to this process as well. Bang the Table - good company to use for community engagement. Mr. Pories is offering to help the Commission set up some of the community engagement/civic technology. Commissioner Taylor brought up that this will be a way to connect with people who might not otherwise be able to attend meetings/ participate. Commissioner Louisos asked if we would be able to target the audience - Could only people from Ansted be able to comment on Ansted items. Very comprehensive software. Asked Ms. Belcher if she was familiar with this software - had heard of it, but not used it much. She spoke about the need to get people involved - it has been difficult to get turnout to traditional meetings - especially from outlying areas/all communities.

Ms. Belcher addressed the group. Wants to identify infrastructure projects within various communities so they can be combined into larger projects to "rally" some of the funding - start prioritizing these projects. Has money to do site assessments; but doesn't have a list of sites! Needs a list of places of larger than 10 acres that needs potential infrastructure development. Commissioner Louisos asked mayors if they have given any of this info to Ms. Belcher - Mayor Ingram asked what kinds of infrastructure they are looking for. Montgomery is getting ready to advertise for an IT director; to create fiber lines at the county level- offer free WIFI and cable to citizens. Also wants to lay fiber cable across new bridge to Smithers, and build cell towers for eventual Hatfield/McCoy trail expansion. Montgomery is focusing on fiber/info tech infrastructure to make it more affordable. Also wants to work with county on GIS/Mapping. Commissioner Taylor asked about the areas between municipalities - that we need to "connect" as many as possible. Commissioner Taylor stated we would be doing a lot of the comprehensive plan in house, but really want to crunch the information to make it useful. Mayor Ingram spoke about a UKV regional plan and hoped the Commission could work with their group. Commissioner Louisos asked about fiber - Ms. Belcher is working on dedicated fiber; hoping to use the AEP small communities grant to maybe use APCO's existing fiber cable for some of these areas (currently only AEP can use that cable). Doesn't want us to duplicate efforts.

Williams Hughes, Mayor (Pax) connecting their water systems to two other water systems. Looking at backups in case their water system might fail.

Ann Cavalier, Mayor (Smithers) wants to know if there is a priority list for projects - do we have priorities. Smithers has a small water project that needs funding (\$40,000). Commissioner Taylor explained that is what the Commission is trying to do/ get started with. Mayor Cavalier suggested the Commission work with Jesse Richardson (WVU) to help build our comprehensive plan - maybe talk with President Gee

about getting help with the costs, given WVU's history with the Town of Montgomery and Tech. Commissioner Louisos asked Ms. Belcher what she needed - looking to build a list of infrastructure especially in relation to business development. John Tuggle is hoping to build a GIS map of current utilities. Region 4 and NRGRDA work together on many of these projects.

Sharon Cruikshank, Mayor (Fayetteville) Looking forward to a meeting 4.22.21 with Region IV - working with it on GIS mapping. Hoping the County and City can work together on Commissioner broadband. Also recommended Jesse Richardson.

Commissioner Taylor discussed the special meeting on 4.22.21 - exploring how Summit Bechtel affects businesses on the Plateau especially. Commission will also attend the Region IV Zoom at 9am that day. She also asked about a meeting between Region IV / Sen. Manchin and State Auditor on 5.11.21 at Nicholas County Armory at 10am. Region IV Director John Tuggle mentioned Region IV has a study on connectivity on its website.

Asked for comment from Meadow Bridge - they had previously sent a letter about their water system - asking for assistance. Commissioner Brenemen will follow up.

Brian Smith - asked for clarification on comprehensive plan bidding; also vouched for Jesse Richardson. Commissioner Taylor said we advertised for bid and received only two. The Commission is still deciding whether to do it in house or re-bid because the cost on both bids was prohibitive. Mayor Cavalier said it may be easier to contact Jesse directly. She offered to get in contact with him - Commissioner Brenemen accepted that offer with thanks.

1:20pm Commissioner Taylor motions to adjourn; Commissioner Louisos 2nd ALL IN FAVOR.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
APRIL 20, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR
To Be Approved..

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
APRIL 22, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a special session this 22nd day of April 2021.

10:00 Pledge of Allegiance

10:05 Discussion with Business Owners and Summit Bechtel Boy Scout Reserve Re: Impact on Local Businesses and Taxability

President Brenemen explained the reasoning from code 11-3-9(i) why we are having this meeting, and introduced himself and the other commissioners. Commissioner Taylor stated she felt this meeting was necessary after she attended a presentation at Summit Bechtel and felt the Commission needed more information to file a required report with the Auditor regarding the organization's tax exempt status. She invited Bill Garrett, Director of Business Development at Summit Bechtel, to discuss these issues. Also in attendance is Amy Grace, Comptroller for The Summit Bechtel Reserve.

Commissioner Taylor asked if Mr. Garrett had sent her an email he had mentioned to her at the Summit regarding advice he said he'd received from the county about whether the Summit was required to pay hotel/motel tax to the County - she had not received it. Gave a brief summary of the document - had spoken with "someone" in our tax dept and they said they were not subject to the hotel/motel tax because the lodge was not open to the "public." The Summit does pay a sales tax and a special tax that is earmarked for tourism/CVB.

Commissioner Taylor asked if Mr. Garrett would discuss some future plans for The Summit Bechtel Reserve.

"Four buckets" -

1. Scouting: Jamborees and smaller BSA groups
2. Public: Allowing more public events, (developed a partnership with Adventures on the Gorge), build more partnerships with local groups
3. Conferences:
4. Venue/Property Rentals: Groups like Spartan races, GNCC Motocross races; Jeep owners (FreedomFest this summer 9.11.21 in conjunction with GNCC races- goal of 20,000 attendees)

Trying to expand on these ideas to involve local vendors and hotels and help give them some income. (Commissioner Brenemen spoke to the fact the facility is in Fayette County). Commissioner Taylor asked Mr. Garrett how he would engage smaller businesses. He spoke about some efforts to involve local chambers to engage local businesses - basically wants to find out they can "help each other." Commissioner Taylor asked if he had specifically engaged the New River Gorge Central Visitors Bureau and the Visit Southern WV CVB. He replied he has spoken with Visit SWV (Lisa Strader) and has reached out to Jina. Ms. Taylor clarified Becky Sullivan is the head of NRGCVB. Commissioner Louisos asked how difficult it was to get other local businesses involved - he had heard these same speeches since 2019.

Mr. Garrett answered that he had been focused on BSA; but was reaching further afield now and that he is committed to helping Southern WV.

Commissioner Louisos asked for more information on their partnership with Adventures on the Gorge and costs, and about conference space use. They have not had many this past year (COVID). Only really had scouting conferences in last 12 months. Commissioner Louisos asked about where the conferences may be coming from (in state or out of state) Mostly out-of-state. Asked about number of attendees - max would be 300, but really only lodge 50 or 60. More details on property rental (like the motocross races) Mr. Garrett reiterated they were trying to engage more local vendors. Commissioner Louisos asked about where the racers stayed. Only a few in their lodging, some in area hotels (don't know the exact number) and many stayed in their own RVs. GNCC paid roughly \$55,000.00 to rent facility. Asked about how much GNCC charged; varied according to races. Approximately 5,000 people attended.

Commissioner Louisos asked about how the Summit's claimed \$70 million impact on the local economy is calculated. Mr. Garrett stated WVU put that together. The group looked at contracts with local vendors, payroll, are they paying proper sales taxes, impact on local community. Commissioner Louisos pressed on whether or not they included the amount people paid to rent the facility. Mr. Garrett offered to send the study to Ami to disseminate. Mr. Garrett spoke about their budget deficit (\$5.5 million) and these fees "aren't profit" and Commissioner Louisos clarified he just wanted to know if they were included in the impact.

President Brenemen asked about whether local vendors are charged to attend Jamboree, etc. Ms. Grace discussed the contract - typically based on revenue share (food vendor would pay a percentage of revenue as rent). Commissioner Brenemen asked about an application process. There will be one, and perhaps not use the current model and go to charging for "hard costs" - electric, water, etc. Asked Mr. Garrett about fee structure for 9.11 FreedomFest attendees. Trying to keep it "modest" - less than \$40 hopefully. Wanted to know how vendors would pay. Mr. Garrett discussed some differences large versus small.

Commissioner Brenemen addressed Ms. Grace and asked about the lodging and campground line on finance report. She did not have a copy of form, but feels they include everything on one line. 1.25% is only paid on Ruby Welcome Center sales, not on any of the on-ground facilities. Ms. Grace apologized for not being prepared. Commissioner Brenemen requested a breakdown/explanation of those lines be emailed to County Administrator Ruth Lanier. Commission Executive Assistant, Ami Dangerfield, offered to send contact info to Ms. Grace and Mr. Garrett. Commissioner Brenemen asked whether there were any other hotels or plans for hotels on the property. Mr. Garrett stated they were "lodging areas" and aren't necessarily well utilized - only able to stay there is if your organization leases other facilities on property. Commissioner Louisos asked how many rooms are in the lodge

(41) and 36 in another facility and clarified that the use of those rooms is typically included in the rental of other facility.

Commissioner Taylor asked how would the average person access staying at one of those facilities. Mentioned families staying there and skiing at Winterplace. Mr. Garrett stated that was a deal with Winterplace - they book troops of Boy Scouts and then Winterplace partners with The Summit Bechtel Reserve for lodging. Also asked about property improvements. New family camping tents as example. Mr. Garrett said they were paid for with gifts and donations. Asked Ms. Grace what did she feel fell under the 1.25% special tax. She responded it's outlined in legislation. "Non-scouting revenues" and Ruby Welcome Center giftshop. Mr. Garrett brought up the federal definition of non-related revenue.

Commissioner Louisos wanted to clarify about the leases/lodging. Example If you had a conference and paid them a lease of X amount that could include lodging and because it is all under a package, they don't feel they need to pay the hotel/motel tax. The costs for the room are included typically in the cost of a conference. Commissioner Taylor extrapolated then that the "troop" that made the Winterplace deal would be renting their facility and lodging would be included. Commissioner Taylor asked about the pricing structure with the Winterplace example - scouts are given a deep discount. Didn't have those numbers - troop would pay Winterplace and The Summit Bechtel Reserve separately. Commissioner Taylor pressed Mr. Garrett on local community engagement. Would locals get discounts, etc. Mr. Garrett said "pulling back the curtain" on The Summit Bechtel Reserve was a goal of his personally, but that most of his ideas are "just that". He mentioned a couple of ideas that were being executed (a drive-in movie at Ruby 6/5/21 and an Oct/Nov event).

Commissioner Louisos asked about the bunkhouses - 36 rooms sleep six each. Wanted to know about cost of building. Lodge rooms - 41 rooms, more like hotel rooms in terms of amenities. Wanted to know about the revenue loss was the 5.5 million an annual loss, what is the biggest reason for that loss. Mr. Garrett's reason was mostly "hard costs" - infrastructure related (electric, water, etc.) and maintenance on facilities. Facility use percentage is not very high. It was designed to house the National Jamboree, but also to be a part of the local economic engine but isn't meeting that potential yet. Commissioner Louisos wanted to know their "plan" to get to that potential. Mr. Garrett mentioned his three-year goal using the four buckets of revenue.

Commissioner Taylor asked if they would be willing to work with our local CVB to build a comprehensive plan to benefit the local community businesses, and work on a plan that would also open the Summit at discounted rates to local residents. Mr. Garrett responded in the affirmative, "How can we help each other". Commissioner Taylor suggested that they have some of these meetings out in the community and not all up at The Summit Bechtel Reserve. Reiterated his

commitment to West Virginia. Commissioner Taylor asked about transportation within the campus - they hire local school bus drivers, work with the groups themselves. Commissioner Taylor asked if these groups could be bused out into the community to help boost local economies. Mr. Garrett stated yes and mentioned the troops going out on community service.

Commissioner Louisos asked for some specifics on how the Summit would partner with CVBs. Mr. Garrett replied this was only in planning stages right now, each group determining what it wants to accomplish with the partnerships. Commissioner Louisos talked about the fact that the CVBs are funded by the hotel/motel tax, and that it isn't really fair for The Summit Bechtel Reserve to be advertised by the CVB without paying into the tax or paying to be promoted. Commissioner Taylor wanted to know if that "advertising/promotion" could go both ways - promoting the local CVBs on The Summit Bechtel Reserve website. Mr. Garrett said they would be willing. Commissioner Taylor talked about the public perception problem caused by the first Boy Scout Jamboree in 2013 where the participants were not permitted to leave the Summit campus, and that The Summit Bechtel Reserve needs to work hard to change that perception. She stated local businesses aren't seeing the benefit they were promised. Reiterated her plan to bring people into the local communities. That even if the Summit Bechtel Reserve's interpretation of the hotel/motel tax is correct (which she believes unlikely); there are still ways to show good faith to the community. Mr. Garrett agreed, said he had plans/wants to make those kinds of things happen.

Commissioner Louisos has asked The Summit Bechtel Reserve before to work with the County on a regional development plan last year and it wasn't met with much enthusiasm, Mr. Garrett offered to meet with Mr. Louisos.

Assessor Eddie Young spoke about being involved in this from the beginning - wanted to know whether they are competing with local business (used the example of Winterplace bringing people here and staying in "lodge" as opposed to AirBNBs. Mr. Garrett doesn't feel they are because their product is unique; not their intention to compete.

Commissioner Taylor asked about weddings; Mr. Garrett said even though they have had weddings, they weren't promoting and really not a business they want to get into.

Commissioner Louisos asked about the taxes; why did Mr. Garrett think they were tax exempt - all nonprofits are exempt from certain taxes, but he wasn't involved when those decisions were made.

Lisa Strader spoke. Local CVBs are linked on The Summit Bechtel Reserve's website. She feels they should pay the hotel/motel tax and that needs worked on - but felt that The Summit Bechtel Reserve would pay proper taxes and that the meeting between the Summit and the Visit Southern WV CVB on 4.21.21 was productive.

Jenna Grayson - How does The Summit Bechtel Reserve support local education? They partner with WVU for STEM camp and do some things more locally on sustainably. Do they provide these at cost or is there any profit made? "Very little revenue." Commissioner Taylor wanted to know if they could donate some of these services. Mr. Garrett said they work more "in kind." And different structures for nonprofit and for-profit organizations. Jenna is asking for more detail building some sort of resource for local educators (pricing, opportunities available). Mr. Garrett said he would be happy to speak with her and give his email address. (bill.garrett@scouting.org)

Commissioner Brenemen brought up issues Sheriff Fridley had with their move in/move out days regarding roads and traffic. The Summit Bechtel Reserve used state police who then couldn't handle the workload and Fayette County (and Raleigh County) Sheriffs' Department had to supplement.

Commissioner Brenemen thanked everyone.

Ruth Lanier, County Administrator - Exhibit A

AGENDA ITEMS - APRIL 22, 2021

- 1. Approve and authorize President Brenemen to sign proposal from Tri-State Roofing & Sheet Metal Company for masonry repairs at the Soldiers & Sailors Memorial Building** - Previously approved; being signed.
- 2. Discussion & Decision: Request from Kevin Walker to approve and authorize President Brenemen to sign the Tower Access Assistance Fund Grant Agreement with the WV Public Service Commission.** The total cost for the project is \$638,090.50. There is not a financial match required from the commission. Kevin Walker was on zoom for questions. Commissioner Taylor asked for him for the location- new tower Harewood. Will help with connectivity in the Valley area. Commissioner Taylor motions the Commission accept the money; Commissioner Louisos seconds; ALL IN FAVOR. Mr. Walker will submit a timeline and keep the Commission informed.
- 3. Discussion & Decision: Approve New 911 Dispatch hire at annual salary of \$22,068.80.** Applicant was hired from a previous advertisement. Bethany Stewart. Commissioner Taylor motions to approve; Commissioner Louisos seconds. ALL IN FAVOR. Commissioner Taylor recommended that hires that fall under the purview of the County Administrator should be approved by her, and she will advise the Commission. The full Commission should not have to approve additions to the County Administrator's staff. Prosecuting Attorney Anthony Ciliberti said the Commission has the ability to approve

hires, how they get there is up to the Commission. All Commissioners agreed this made sense.

4. Request from Allen Ballard to sign recertification of Community Rating System Through the DEPARTMENT OF HOMELAND SECURITY Federal Emergency Management Agency for Flood Insurance Rates. Commissioner Taylor motions to approve; Commissioner Louisos seconds; ALL IN FAVOR.

5. Discussion: Future Agenda Items - Commissioner Louisos discussed a letter from counsel that needs immediate/time sensitive matter - ending a lease, which he wants to get it done as soon as possible to be cautious. PA Ciliberti said it has to be an agenda item; discussed and decided on. Ms. Lanier said it is on the Agenda for 5.7.21

Commissioner Brenemen asked Mr. Ciliberti if he had reviewed an ambulance agreement. Mr. Ciliberti stated he didn't see the need for said agreement because he doesn't see how Fayette County benefits. Commissioner Taylor asked for clarification on what kind of agreement it is, a memorandum of understanding or a contract. Mr. Ciliberti stated since there is no consideration - it most likely doesn't meet the legal definition of a contract. Adding to 5.21.21 agenda. Revision of agreement/MOU between Jan Care and Fayette County. Commissioner Brenemen requested all ambulance companies be represented at meeting.

12:32 Commissioner Taylor motions to adjourn; Commissioner Louisos seconds; ALL IN FAVOR.

FAYETTE COUNTY COMMISSION
SPECIAL SESSION
MAY 3, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a special session this 3rd day of May 2021. All attended by Zoom

President Brenemen called the meeting to order at 10:00am

10:00 Approve and Authorize President Brenemen to sign MOU with Women's Resource Center

Commissioner Taylor motions to approve; Commissioner Louisos 2nd; All in Favor.

Commissioner Louisos motions to adjourn at 10:05am; Commissioner Taylor 2nd; All in Favor.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
May 7, 2021
FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

9:00

The Fayette County Commission met in a regular session this 7th day of May, 2021. Meeting called to order by President Brenemen. President Brenemen reminded participants of rules for citizen's comments.

Pledge of Allegiance - Commissioner Taylor

Exonerations - Presented by Tara Tyree, Chief Deputy Assessor -

Personal Property: Will Carpenter \$1,028.28; Rosie M. Nutter \$706.40; Roger B. & Donna S. Powers Sr. \$266.74; Alfred & Tammy Lynn Martin Jr. \$703.64; Jimmy & Beulah Blair \$536.46; Jesse H. Tilley \$116.20; Jesse H & Carrie Tilley \$397.10; Regina S. & David Gilliam \$920.50; Juanita Elizabeth Howell \$3.84; Deeanna A. Lawson \$184.16; Christopher Coleman \$65.40; Richard A. & Oneta Aleander \$140.26; Doris J. Jones \$416.58; Andrew & Christina Martin \$129.48 & \$152.00; Joyce E. Elder \$56.14; Gary W. or Behel Ballard \$76.62; Patrick Shane & Ashley McQuire \$54.18; Jeri N. Landers \$296.60; and Red Oak Grill \$260.88.

Real Property: George Dewitt & Nancy Pritt \$637.92; Midland Trail Community Center \$9,695.08, \$16,034.54, \$104.42, and \$1,150.30.

Commissioner Louisos motions to approve personal exonerations;

Commissioner Taylor 2nd; ALL IN FAVOR

Commissioner Taylor motions to approve real estate exonerations;

Commissioner Louisos 2nd; ALL IN FAVOR

Approve 1st Half Payroll - Commissioner Louisos motions to approve first half of payroll on 5/14/2021; Commissioner Taylor 2nd; ALL IN FAVOR

Approve Vouchers and Invoices - Ruth mentioned the jail bill is significantly lower, Commissioner Taylor commended Mr. Ciliberti. He thanked his whole staff for their efforts in following his new procedure of reviewing files more quickly. Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR

Approve Prior Meeting Minutes - Commissioner Taylor presented the following list of edited minutes: 1.26.2021,1.29.2021,02.03.2021, 03.05.2021,03.12.2021, 04.09.2021,04.22.2021. Should be caught up by next meeting Commissioner Taylor motions to approve; Commissioner Louisos 2nd; ALL IN FAVOR

Approve Estate Settlements - Commissioner Taylor motions to approve; Commissioner Louisos 2nd; ALL IN FAVOR

Combine, Divide, Separate. Commissioner Taylor motions to approve both; Commissioner Louisos 2nd ALL IN FAVOR

9:05 Lesley Taylor, Re: Request for the Commission to Approve and Authorize President Brenemen to sign the Small Cities Community

Development Block Grant Resolution of the Armstrong Public Service District Approving Invoices Relating to Construction and Other Services for Water Distribution System Upgrade Project and Authorizing Payment in the amount of \$17,008.02

PSD approved these invoices in April - all involved within the Armstrong/Deepwater upgrade. Commissioner Brenemen asked how the project was going; Ms. Powers thanked the commission for their efforts in helping the project "gain steam." Commissioner Taylor asked if this PSD could also service Kanawha Falls, and Ms. Powers said it would be an engineering question. Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR

9:15 John Shumate, City Attorney Presentation of Application for Minor Boundary Adjustments in Mt. Hope for Acceptance by Commission and set date for Public Hearing

Mr. Shumate presented maps of the areas the city wants to annex. Tract 1 is the water tower for the SB reserve and the roads leading around it. The residents involved in this tract have requested to be annexed. Tract 2 is the road leading to the water treatment plant for the city. Tracts 3 and 4 have residents with partial city services; this would fill in gaps. Mr. Shumate mentioned there are 56 residents of all ages for which he will need affidavits - does not feel he will have an issue as all residents have requested to be included in city limits. He also feels that this minor boundary adjustment will not exceed the percentage of property allowed by code. These boundaries will fill in gaps up to the Raleigh County line. Commissioner Brenemen asked if he would be able to file the amended petition in time for the June 18th public hearing. Mr. Ciliberti discussed when the Commission would need to publish for a public hearing. Mr. Shumate clarified he wanted to move this initial hearing to 6.18.21. Commissioner Taylor motions to postpone until 6.18.21 at 9:30am; Commissioner Louisos 2nd; ALL IN FAVOR

9:30 Postponed from 3.26.21: 911 Center Job Descriptions, Salaries and Vehicle GPS

Commissioner Taylor requested an executive session; Commissioner Louisos 2nd; ALL IN FAVOR - went into session. Back into session 10:12am. Commissioner Taylor reported on discussion - gave instruction to the leadership to come up with a plan for continuity/redundancy of personnel; cross training.

10:00 Rezoning Recommendations from Planning Commission: Nuttall LLC - Kanawha Falls Campground -Hidden Hills Farm

Angela Gerald presented. Planning Commission did not have a quorum again. Next meeting is scheduled for 6.7.21. Commissioner Taylor discussed that she asked Ms. Gerald to publish the alternate date as 6.7.21 as well so they wouldn't have to republish if there wasn't a quorum. Commissioner Taylor motions to postpone 6.18.21; Commissioner Louisos 2nd ALL IN FAVOR. Commissioner Brenemen announced that it is a hinderance to have people on these Commissions that do not show up, and there is an application process that is now being followed and Ami will post a link to the application.

10:15 Discussion & Decision: Regarding Altering Size of the Planning

Commission. Currently 14 people, only need 5. Commissioner Taylor mentioned several reasons we might not be able to achieve quorums. Dates and times are sporadic but set in their bylaws, gave some solutions having more meetings and a better time (evenings, etc.). Commissioner Taylor wants to have changes in place by 6.7.21. Commissioner Taylor asked Mr. Ciliberti if the PC has a set meeting date, do they need to have a public 30-day notice. Commissioner Taylor and Mr. Ciliberti discussed notice requirements - many are set in state code. Ms. Gerald said she would give their recommendations to the PC on 6.7.21. Ms. Gerald stated she liked a 7-member board as long as they are from as many areas of the county. Commissioner Brenemen asked that Ms. Gerald send applications to all current members, reduce the number on the board to 7, members need to be from various areas, request more meetings, and evening meeting times. Mr. Pena's office will be handling complaints about dilapidated buildings and trash (this is supposed to be a part of his office). Solid Waste should follow up on trash complaints. Deputies should follow up as well both kinds of complaints. Commissioner Taylor has asked the County Administrator to evaluate how the administration staff can help support Ms. Gerald and her position. Sheriff Fridley commented on how things have been done traditionally and gave an update on some current endeavors. Commissioner Taylor motions that the size of the Planning Commission be reduced from 14 members to 7; Commissioner Louisos 2nd; ALL IN FAVOR

10:30 Discussion & Decision: Community Meetings for Comprehensive Plan

Update Ms. Gerald suggested that Gabe Pena be here for this item as his office is involved in this process. The Commission needs to direct his office to schedule public meetings. Commissioner Taylor motions to postpone until 5.21.21; Commissioner Louisos 2nd; ALL IN FAVOR. Ms. Gerald suggested they think of questions they might want to ask during these meetings. Commissioner Brenemen also asked that the commissioners list all the towns and cities they should meet in. Gene Kistler mentioned the planning districts don't match magisterial districts (adds a MB area), and that visiting an area several times helps. Asked for Ms. Gerald's assistance on building these planning areas. Mr. Kistler asked if getting a professional involved was completely off the table - Commissioner Taylor said, no, but would most likely be more useful in the compiling phase. Is speaking with Lauren Weatherford (WVU) about getting involved

10:45 Postponed from 4.20.21 Dilapidated Building Ordinances

Discussion. Commissioner Brenemen motions to postpone until 5.21.21; Commissioner Louisos 2nd; ALL IN FAVOR

11:00 Discussion & Decision: Jail Bill & Possible Commission Funding for Home Confinement Indigent Clients

Commissioner Taylor asked Mr. Ciliberti about this funding. It is the client's responsibility to pay for costs of home confinement which causes some people not to qualify. It is much cheaper to use home confinement - 1500 in jail versus 300 for GPS monitoring. Could invoice the convicted person for these costs. Sheriff Fridley gave more information about how GPS monitoring is paid for. County already pays if person can't pay.

Commissioner Louisos asked if we could use these people in exchange for paying for this home confinement. IF it's the Sheriff's home confinement - no, but yes if they are a part of the community corrections program. Discussed what kind of consequences there would be if they refused. The DRC can house an additional 20 to 30 more participants. Mr. Ciliberti discussed the community corrections program in general - feels it is a good program; some magistrates don't use this option as much as others. It helps monitor people pretrial. Commissioner Louisos feels this would be a good expenditure if we could have these participants perform community service - that the commission could even offer to waive being reimbursed if they perform these duties. Sheriff Fridley clarified that this is already current policy, and many are on GPS monitoring because they have jobs. Sheriff Fridley checked on costs for DRC versus sheriff's department monitoring; the county already pays for most monitoring out of Sheriff's budgets. Biggest cost is for the device themselves. Commissioner Louisos asked about insurance for the devices. Sheriff Fridley also brought up getting the magistrates to take advantage of the program when sentencing. Commissioner Taylor motions to postpone until 6.18.21 so there can be further discussion at a jail meeting this week; Commissioner Louisos 2nd; ALL IN FAVOR

11:30 Discussion & Decision: County Owned Shooting Range and Public and Sheriff Availability and lease

Currently being leased by Fayette Gun Club, and paying 100 a year. Public can use it for a fee per round at limited times. Sheriff Fridley discussed the fact that they were removed from that range some time ago. Mentioned a building purchased by the DSA is now being used to store animal shelter things as well as a memorial bench. Commissioner Louisos asked if Sheriff Fridley had plans to make this shooting range a qualifying range for the deputies (he does). Commissioner Taylor wanted to make sure the shooting range and animal shelter can coexist. Commissioner Louisos wanted to make sure this range can be used by the public as well. Mr. Ciliberti clarified that he felt the issue is terminating the current lease and then further discussion on uses for this county property. Ms. Gerencer stated that they have not liked the proximity of this shooting range for a long time for the safety of their staff and the wellbeing of the animals. Ami read several comments from Zoom. Mr. Ciliberti brought up the relevant code about where firearms can be discharged. Commissioner Taylor addressed Ms. Gerencer's concern about debris and personal safety (the range is currently configured so that no one will get accidentally shot). Sheriff's Department hasn't used that range since 2014, and discussed that the Plum Orchard range isn't the best choice for our use. Rebecca Lindsay spoke about what terrible idea it was to have the shooting range next to the animal shelter; thinks the county could find a better solution. Commissioner Louisos asked why is this suddenly an issue - they have coexisted before. Commissioner Taylor addressed these concerns and that she feels there is a possibility of compromise - scheduling times, etc. It is also a manner of public safety to have well trained police officers. Ms. Gerencer stated that this issue has been brought up before but the commission hasn't done

anything. She had some other questions about placement. Sheriff Fridley clarified that the sheriff's dept needs a range to keep up training. Mr. Ciliberti reiterated that today's issue is the current lease with the shooting club. Commissioner Taylor clarified that the county will always be looking for an ideal place (addressing some comments from Zoom), that we need a good solution. Commissioner Louisos asked for Ms. Gerencer to restate her concerns: buckshot falling, safety of visitors, psychological distress on animals from noise, feels it is a liability. Ms. Lindsay asked if ARPA funds could be used to build a range, had some other ideas for compromise. Commissioner Taylor motions to withdraw from current lease and have Mr. Ciliberti send notice to current lessee; Commissioner Louisos 2nd; ALL IN FAVOR.

12:00 Discussion Re: Hotel Motel Tax Remitted to State from Air B&B Customers instead of County and late fees incurred

Commissioner Taylor discussed some of her issues with the ordinance; that further investigation into the problem uncovered it is not as large an issue as originally thought. Sheriff Fridley stated his views. Commissioner Taylor motions to withdraw this item until a later date; Commissioner Louisos 2nd. Commissioner Taylor asked for Anna Frost to work on a list of things to make the ordinance better.

12:30 Workshop with NRHS and Discussion & Decision of Renewal of Lease & MOU

Commissioner Brenemen welcomed Kathy Gerencer and Kiley Price. Commissioner Taylor addressed the current relationship between the NRHS and the Commission, and how to make it better. Brought in the MOU and how that relationship can form the specificity of the MOU. Commissioner Taylor felt the commission needs to address the funding and MOU as a unit - one informs the other, and both sides will have to compromise. On the funding issue 48500 more has been identified as additional funding, but that she didn't feel the shelter would get everything they asked for. Commissioner Brenemen feels the amount they can get to is 185000, but that the MOU must be updated and signed. He suggested having a workshop with Mr. Ciliberti, but they would have to give notice. Commissioners Taylor and Louisos suggested they instead give their needs/ideas to Mr. Ciliberti for the MOU and let him draft it. Then send it to NRHS for their comment. Hopefully have it done first meeting in June. Kiley Price (NRHS rescue coordinator) spoke about rescue process. That when animals are "promised to rescue" sometimes the rescues already have adopters for those animals; they want to keep good relationships with rescue partners and honor the work they have done. Commissioner Taylor also addressed the fees people need to pay to reclaim pets. Commissioner Taylor, Ms. Price, and Ms. Gerencer discussed how those fees are structured, and how they could be mitigated for sincere pet owners. Ms. Gerencer discussed some of the state codes governing what shelters have to do for medical care for animals. That Commissioner Taylor's suggestion of quarantining to lower reclaiming costs isn't feasible. Commissioner Taylor requested NRHS come up with solutions and costs for revamping reclamation process and feral cat issue. There is a TNR program; community involvement needed. The Shelter has a few traps it can loan. Perhaps the reclamation fees can be mitigated.

Commissioner. Taylor asked if there was an up-to-date list of all items the shelter needed or was requesting. There is. Commissioner Taylor asked if an apparently domesticated cat was brought in; would the shelter accept it. Commissioner Louisos asked for an immediate cost for bringing in a stray (\$50 for medical care). Some discussion on the endowment, how it is worded - doesn't seem to be in writing - she offered to send the application as that seems to be the only thing. Commissioners Louisos and Taylor asked for more clarification on how the funding is spent. Feels that spaying or neutering shelter animals is an operational cost, and shouldn't use the endowment. Commissioner Taylor asked again the distinction between an animal before and after adoption - could that "Korn" money be used to spay or neuter before adoption. Ms. Gerencer explained the distinction, and felt that the commission always asks about that money. Commissioner Taylor explained that some of it is perception - people need the issues and restrictions on these funds explained more thoroughly. Commissioner Taylor offered her presence in a dunking booth to raise funds for the shelter. Ms. Gerencer presented two letters from other animal shelter executive directors giving their experiences on using DRC participants in their animal shelters. Commissioner Taylor feels some of these issues could be mitigated, that a compromise could be found - that the commission wants to make use of community service. Ms. Gerencer also presented the "Five Freedoms" as described by the American Veterinary Association; and also recommends 15 minutes per animal of basic interaction per day - doesn't feel these needs would be met by using DRC participants. Ms. Lindsay asked for some clarification on whether the DRC participants be supplemental to current employees or as replacements (Commissioner Louisos felt it was both). Said financially it didn't make sense to not fully fund the shelter's payroll request. That for that 160,000, the county gets 133,000 in "in-kind" monies from NRHS in fundraising. Gave figures on how much it would cost to become a "kill shelter." Commissioner Taylor summarized some of the Commission's concerns and reiterated that the Commission isn't against the shelter, suggested that the NRHS look at this financially. Ms. Lindsay presented some more information to that end. Presented that while the coal severance numbers have drastically dropped, it has not been more than 5-10% of the overall budget. That an approximately %5 cut overall would cover the complete loss of coal severance monies. More discussion on other budgets and how they could be cut. Commissioner Taylor reiterated that our budget is not set in stone; how things need to be juggled. Ms. Gerencer summarized her understanding that the MOU/lease would need negotiated before funding would be allocated. Tom Gerencer spoke about Commissioner Taylor's comments about motivating people and disproportionate time spent on this issue. Said it was because there was a disproportionate cut in the shelter's budget. Commissioner Brenemen reiterated the extra money in the 2021-2022 budget is being held to repay inaccurate CARES ACT funding expenditure. Ms. Gerencer reiterated their position that what the county gets for their money with shelter vastly outweighs the cost of fully funding their request. Asked the Commission to consider some ordinances (spay/neuter

specifically) that would help. Commissioner Taylor motions allocating the \$48,500 grant money to shelter; Commissioner Louisos 2nd; ALL IN FAVOR. Commissioner Taylor motions to postpone MOU agreement until 6.18.21; Commissioner Louisos 2nd ALL IN FAVOR.

Ruth Lanier, County Administrator - Exhibit A

1. **Approval of Response Letter to the WV State Legislature Re: BSA Summit Bechtel** Made minor edits; discussed some of the hotel/motel tax. Commissioner Taylor wants to make sure we collect the data needed for this letter for the future. Commissioner Taylor motions to approve with her edits; Commissioner Louisos 2nd ALL IN FAVOR

2. **Approve and sign letter requesting reimbursement from the Supreme Court of Appeals for Rent for the Family Law Judge in the amount of \$3,375 for the month of May 2021.** Commissioner Taylor motions to approve; Commissioner Louisos 2nd ALL IN FAVOR. Ms. Taylor brought up the "refreshment" expense, asking it be looked into.

3. **Postponed from 4.20.21 WVCORP Renewal, with discussion of Health Department and Solid Waste coverage.** Health department removed their vehicles from plan/quote. Solid Waste did not have a quorum. Commissioner Louisos motions to approve with stamped signatures. Commissioner Taylor 2nd; ALL IN FAVOR

4. **Discussion & Decision: Farmland appointments of Rachel Carter replace vacancy of Russell Hypes, farmer and Andrew Davis to replace vacancy of Adam Hodges, NRGRDA representative, terms to expire May 16, 2025.** Commissioner Louisos motions to approve; Commissioner Taylor 2nd ALL IN FAVOR

5. **Discussion & Decision: Beautification Committee Reappointments for Allen Ballard, Tommy Harris, Angela Gerald, Amanda Skaggs, and Ami Dangerfield.** Only person missing is a County Fire Chief. Commissioner Taylor asked if any of these boards/commissions could be consolidated. Commissioner Louisos agreed with her thought. Wondered if things could be reconfigured. Commissioner Taylor requested a special meeting (5.25.21 at 10am) to discuss what boards we have; what dictates having that board or created it (code, ordinance). Wants a comprehensive list of these items. Commissioner Brenemen discussed the relative time crunch. Commissioner Taylor motions to postpone until 6.7.21; Commissioner Louisos 2nd ALL IN FAVOR

6. **Discussion and Decision: request from Susannah Wheeler for Addendum to Independent Photography and Videography Contract for New Roots Farm.** Commissioner Louisos motions to approve; Commissioner Taylor 2nd ALL IN FAVOR

7. **Approve and sign order acknowledging the substitution of securities held by Fayette County National Bank.** Commissioner Taylor motions to approve; Commissioner Louisos 2nd ALL IN FAVOR

8. **Discussion: Future Agenda Items.** Discussion on time frames and giving groups appropriate presentation time. things involving internal presentations can be more flexible.

Commissioner Taylor motions to adjourn 4:30pm, Commissioner Louisos 2nd ALL IN FAVOR

FAYETTE COUNTY COMMISSION

REGULAR SESSION

May 21, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

Meeting called to order by John Brenemen

9 am Pledge of Allegiance led by Ron Perdue

Second half payroll approved by unanimous vote.

Approval of vouchers and invoices by unanimous vote.

Estate settlements approved for: Mark Stanley Adkins, Betty C. Brown, Frederick Christopher Carl, Ralph Joseph Criniti, Shirley Mae Harron, Ruth Ann Hayes, Woodrow Wilson Payne, Carma Lee Peters, Mary E Powers, Victoria Santos Timbayan, Nola May Vaughn and Robert Eligah Warren, AKA Robert Eilijah Warren by unanimous vote.

Delinquent land list for 2020 presented by Terri Robinson. Motion to accept by Commissioner Taylor 2nd by Commissioner Louisos. Accepted by unanimous vote.

Senator Baldwin introduced infrastructure issue regarding broadband: the basic idea is to provide broadband ARP funding and federal money available for mapping. Local leaders to do local maps so actual data can pinpoint areas for improvement. Proposal offered for commission's perusal. Commissioner Taylor had discussion about mapping sewage and water, as well. Can process be used for this? Answer was yes if persons had expertise. Discussion of fiber optic being used. Frontier and Shentel are main providers. Possibility of using APCO for fiber discussed. Discussion of satellite use to cover rural areas. Commissioner Taylor asked if creating council is what is being asked and was advised that an advisory council for broadband is being recommended. Region IV is bringing another option.

June 11, 2021 at noon Senator Shirley Love signs to be erected.

John Tuggle of Region IV discussed broadband speed and fixed wireless and fiber. Starlink Beta proffered for those at the end of a long road and money available through ARDOF and other federal money is

available. WV qualified for \$238 million in aid. ARDOF supposed to cover 90 percent of those with connectivity issues. Commissioner Taylor asks how other counties are prioritizing coverage. Are EMS a priority or unserved or underserved areas? Answer is that prioritizing varies from county to county. Need maps to ascertain coverage and speed. Officers need cellular towers, not broadband. Developing different areas for coverage for EMS a priority or growing areas? Hopes of growth expansion. Montgomery installing its own. Is that a trend? Yes, buoyed by infrastructure dollars. Town or county is actually building network which drives up competition and drives down prices. Successfully done in OH and places across the nation. Position of state government in forcing companies to fulfill duties ask by Commissioner Taylor to Senator. Companies have lot of lobbying power. Amendment to broadband bill was voted down, brought back the next day and put through then voted down again. Mr. Tuggle joined discussion about available money for broadband pulled from bill due to lobbying from companies. Talked about boots on the ground to gather local data because of lack of connectivity to constituents. Connectivity varies and are not included in testing. Pocahontas County is surveying population to help groups get info on connectivity issues. Big problem is that big companies have a monopoly and it is difficult to get coverage out to population. Rural America has to be subsidized in order to provide coverage. Mapping from the FCC is incorrect and funding is not available because FCC mapping says area is served. Commissioner Louisos asked if map is being built using GIS showing what service is at location to be put on map. How is map to be formatted and information gathered. Key is having instruction to test speed to homes. Who are you working with to get that? Atlas is being used. It works with Ezry, which the county uses. Commissioner Taylor asked if cell phone providers being considered to help with coverage. Broadband commission more worried about connectivity about broadband issues. Need fiber to home connection for optimal coverage whenever available. Cell initiative to be used for remote, but expense is high. Commissioner Taylor suggests that try to get word out through schools about survey. Need group on committee to address issues specific to education or medical or business etc. Diverse people on council to address special attention to specific contacts. Broadband forms generated, but participation was small. Commissioner Louisos wants goal date from completion of mapping. Within a few months is the goal. COVID increased interest in broadband, so the sooner, the better. Blueridge uses door to door. Commissioner Taylor met with Jina Belcher of the New River Gorge Regional Development Authority and discussed sewage and water mapping. Could both be addressed with broadband mapping. GIS application will be coming soon to address water and sewer. Broadband is door to door across the whole county. Difficult to do both at the same time. Commissioner Brenemen asks if momentum will increase due to interest increasing. Since enhancement council created, there is increased interest. Consortium of 11 counties to try to develop coordinated effort for connecting counties is challenging because of funding. Three more counties joined initiative for coordinating effort for broadband. Community Development Block Grant money can help initiative. The FCC hamstrings efforts. Commissioner Taylor asks if a study helps with FCC. One must petition FCC, but have to have good data to challenge coverage maps by FCC.

Commissioner Brenemen asked for a quick synopsis on Gauley River PSD. GRPSD is struggling with operations. Outages that affect other PSDs capability needs help to operate system. Ways being discussed about helping O & M agreements (operation and maintenance agreements) because of bonds that don't match up and cause issues. Easier for PSDs to share resources. Commissioner Brenemen says that Kanawha Falls and Summersville sent in to help, but GRPSD leaves others to perform work. Needs to be coordination of efforts to stabilize GRPSD. Commissioner Taylor asks if these PSDs need to Have O & M agreement.

Break

Commissioner Brenemen called meeting back to order.

Angela Gerard said Planning and Zoning Commission met on May 10 at Memorial Building. They are asking for study to be done before making changes to comprehensive plan. Commissioner Taylor asks about funding for plan to hire engineering firm and timeline for funding to take place. Wants to focus on timelines, so FCC is not constantly churning on these things.

Commissioner Brenemen says to wait till all over the county comprehensive plans being addressed all at once instead of focusing on one area. Likes idea of engineering firm. Plans need to change but not be tossed out. No one can address several issues at once. Things need to be in place for areas that we are in. Commissioner Taylor notes that she had asked Gene Kistler if he could come up with ideas to make plans more palatable, but he says we are not ready. No solutions. All or nothing. Logical solution needs to be provided. Need people in community to contribute expertise to solution not banging on the problem. Engineering firm supported, but needs to be accomplished soon. Have about 3-year window before losing interest. Trying to play catch up. Commission welcomes input. Don't need large plan, but issues can be addressed by covenants.

Commissioner Louisos addressed code and ordinance of Fayette County RDC plans should require review with check list. Mr. Zink and Mr. Gray filled out applications for re zoning. Nothing was submitted under required info to be re-zoned. Commissioner Louisos read from meeting minutes on Mr. Zink's property. Gene Kistler explained restrictions for Route 19 applications. Mr. Gray questioned by Adona Pugh as to whether this falls under Route 19 restrictions. Applications were approved. Mr. Hall provided no info to planning commission. No info under required info. Never followed requirements. Songer filled out 2/3 of info required on planned development B2. It was approved. Needed to be rezoned, but requirements were not followed. Solid Rock went straight to board of zoning appeals. Approved. Problem with zoning. Needs to be addressed. Cannot pick and choose who gets to do what. Procedure needs to be followed. Commissioner Brenemen asked if we determined Solid Rock is on county property. Hopes they check on burning trees. Was advised that they were working with the state on that. Commissioner Louisos asks commission why required recommendations not followed. Commissioner Taylor said that one cannot have selective enforcement because it creates liability. Believes that compromise to be had here. Corridor overlay is not necessarily the vehicle. Willing to accept funding to have engineering firm to advise on plan. Main concern is timeline. Issue being kept at bay by not

having quorum. Jina Belcher: overlay and comp plan. NRRDA helpful in finding funding. Happy to oversee process and fund study that determines business for Route 19 plan. Need to determine infrastructure funding available over the next 12 months. Set comp plan priorities making business tolerance overlay. How do we modify so all areas are addressed? Comp plan and overlay discussed. Commissioner Breneman asks for time line. Needs to be completed by January. Not a problem to have that timeline met. Commissioner Louisos: has to be approved by FCC by October or November. Advertised RFP for comp plan. WVU law and ARM GEI consultants responded, but costly. Jina Belcher suggests to put it out to firms for 14 days for external input and target a couple of Appalachian firms for business focuses. Interesting opportunity for Fayette County for development. RT 19 overlay can be done first then comp plan. Outdoor plan needs to be addressed. Need the right firm for proposal to address all areas. Looking at a quarter of a million dollars. Unbiased approached from industry perspective. Commissioner Louisos asked if grants will be provided. So much in infrastructure funds. Looks for quickest returns. Where is money spent to receive that funding. Will they take into consideration where biggest return on investment exists? Infrastructure has to be identified as to priorities. Where is the biggest bang for the buck? How to stretch funding to match funding. Prioritize funding areas. Need impartial party to assess development needs over 3 5 years. Where are county funds best used. US econ development funding may be available so independent firm needed to prioritize funding areas. Tom Louisos last 10 years lost coal severance money. Commissioner Taylor will study make recommendations for first and second priorities. Make take a couple of contracting firms to pull information together. Return from investment study needs localized analysis basically a tax study. Commissioner Louisos need proposals by OCT. Resource Coordinator Gabe Pena will send current RSP to Jina to put to other firms. What kind of incentives could be proffered to encourage development? Formal incentive analysis needed to make recommendations John Brenemen multiple meetings need in all areas of county. After commission approval of RSP it will be sent out to various firms for proposals. June 4 agenda. Commissioner Taylor asks what kind of help do you need from commission. Make decision on group to decide on contractor. Identify who will be core project team to facilitate process in a timely manner. Commissioner Taylor motions that vote be moved to June 4 Unanimous vote to postpone vote.

Meeting called back to order by Commissioner Brenemen

Bill Hines from AEMS consultant for Meadow River Rail Trail. Going back to 2016 going through staff and documents to get work in order. Proved recommendation to FCC re forward steps to take. Eco tourism delay will be significant. Recommendation letter. Where we need to be. Need to some admin cleanup. FEMA will recognize Dept of Highways but wants to talk to FCC. Need certain steps completed to get grant funding. Certain path needed. 2016 flood impact discussed. Need to forge forward where it is. Current partners WVDOT and Chapman industries will stay. WVDOT has monies. Leave the funding there and coordinate with them. Miss reg window if anything is changed. Set requirements need to be met. If anything changed, we would have to start over. FEMA will appreciate expediency. Technical expert in place

that has pre flood status. Leave team intact and proceed ASAP. May need interim decisions from FCC to show best effort for FEMA request for time. Need Public Notice 2 days for those decisions in between meetings. Re Hiring construction contractor. May be able to delegate. Commissioner Taylor moves for acceptance Commissioner Louisos seconds Unanimous acceptance. Matt with AEMS r/w certificate Chapman Technical needs signed for Russellville Bridge. Letter proffered. County Attorney will review and doc will be signed on June 4 meeting. Commissioner Taylor moves that if attorney approves letter County Admin will stamp motion to second Commissioner Louisos Unanimous decision. After bids come in bids will be higher, so difference will be needed prior. Greenbrier County work will start this summer.

County Administrator Ruth Lanier: Gauley River ending 2020 same repeat offences. Not doing right things to customers. Commissioner Brenemen two people on board passed away, positions filled but no money nor workers exist to serve customers. Commissioner Brenemen talked with PSC and vote of no confidence required to them to step in. Commissioner Taylor: how does this comport with John Tuggle's statement about O & M agreements? Grants that City of Summersville cannot absorb. Only Kanawha and Gauley River 7 million in debt could reach 13 million. People on fixed income could be affected. Board making bad decisions. Commissioner Taylor asks for clarification on what FCC needs to do. She would like more detail. Commissioner Brenemen stated the FCC needs to get it to the PSC by June 1, so that they can take over. FCC will have to absorb debt if GR goes bankrupt. Need to get this process in train. Commissioner Taylor stated she is not prepared to vote without plan before more information provided about plan to move forward. Need debt examined and county attorney review. Specifics on debt needed. See if May 27 meeting can be arranged.

Support letter for city of smithers unanimous decision to approve.

At Thomas Gibson Lawrence A unanimous decision

Revert URA excise tax funding back to county. Commissioner Louisos says County Commission sends excise tax to URA and it is being sent to the farm. Needs to be brought back to County Commission control. URA account that is being spent on the farm to be transferred or spent down logistics discussed. Purchase order basis or annual budget discussed. Commissioner Taylor says work with County Administrator over best way to keep flow going smoothly. Susie Wheeler, farm director, has discussion about account streamlining and management for farm. Commissioner Louisos motion to revert excise tax from URA to County Commission budget. Commissioner Taylor seconds. Unanimous decision

Discussion about Wolf Creek litigation and effect on county and URA board. Mr. Taylor, legal counsel present. Commissioner Louisos says the URA and County Commission cannot compromise. Meeting suggested to discuss issues Jeff Proctor & Commissioner Louisos discuss options on project to help county. Commissioner Taylor says lawyers needed if discussion happens. Administrative issues need to be clarified as to

transfer of data. County Commission attorney, Mr. Taylor, says that authorization is needed by County Commission, but URA is a separate entity and County Commission does not control day to day issues. FOIA requests to URA were being answered by County Commission. There needs to be separation of URA and County Commission, so the County Commission has no liability. Jeff Proctor asks if URA disbands, who absorbs debt. Mr. Taylor responds that all property owned by URA revert to creditors. The County Commission is not liable for loan. Discussion about URA acting out of statutory bounds. Issues about debt by Wolf Creek and effects. Discussion of Ms. Wheeler's county commission employee role. Options agreement discussed and how collaborative efforts and functions of employees. Clarification needed.

Commissioner Taylor moves to postpone Michelle Holly and Lisa Garrett agenda item until next meeting due to Ms. Holly's absence. Commissioner Louisos seconds, and item is postponed by unanimous decision.

Depository item moved to the June 4 meeting.

SHPO Covenant discussion additional funding for FCMB roof rehab. Look at term of years. Commissioner Taylor wants to keep term of years low for grants. Examine how term of years is negotiated as it is too restrictive. Commissioner Taylor moves that grant funding be approved. Commissioner Louisos seconds Unanimous decision

Voice mail storage discussion. RFQ suggested by Commissioner Breneman. Start getting quotes. Commissioner Taylor agrees.

Executive Session at 12:05.

Session called back in order 1:27

Results of executive session are that, specifically, how Fayette county employees providing support for URA re Wolf Creek. Due to arguments that an employee is employed in dual capacities is a conflict-of-interest County Commission can still be held accountable regarding decisions and actions of employees. County Commission should not have any employees that provide support to separate legal entities. Given litigation between URA and County Commission, it is not advisable to have employees in dual capacities without agreement in writing. Commissioner Taylor moves that county commission employees currently providing support to URS cease today. Commissioner Louisos seconds. Unanimous decision.

Commissioner Taylor suggests that employees that have been providing support to URA scan any documents pertaining to URA and furnish to attorney Taylor, who will provide copies to URA. Letter to be drafted to that effect.

Commissioner Louisos motions for meeting to be adjourned at 1:34. Commissioner Taylor seconds. Unanimous decision.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

May 27, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENNEMEN, TOM LOUISOS, ALLISON TAYLOR

President Brenemen called meeting to order 10 am

Pledge of Allegiance-All, led by Carl Harris.

Commission Executive Assistant Ami Dangerfield presented a request from Benjy Simpson to use Memorial Building for Bridge Day. Commissioner Taylor wants all Bridge Day stuff to come through at the same time. Commissioners Breneman and Louisos concur. Issue will be brought up at next regular meeting. Commissioner Taylor moves that request by Benjy Simpson, Bridge Walk, to use Fayette County Soldiers and Sailors Memorial Building for Bridge Day Rappelling Orientation on October 15, 2021 from 6-10 pm be approved. 2nd by Commissioner Louisos. Unanimous decision

Discussion re: letters and order designating depositories of public monies, specifically, Fayette County National Bank, Chase, Pendleton Community Bank, BB&T/Truist, United Bank, and City National Bank. Ms. Dangerfield will send letters. The letters were consolidated this year, into one letter and four orders. Commissioner Taylor moves that letters be signed. Seconded by Commissioner Louisos. Unanimous decision.

ARP deposit has been made at Fayette County National Bank needs to substitute securities. Order needs signed by Commission to allow that. Commissioner Taylor moves that order be signed. Second by Commissioner Louisos. Unanimous decision.

Resource Coordinator Gabe Pena-Need resolution for WVDOH Alternative Grant for Infrastructure for parking lot At Fayette County Park by the trout pond and trails. Grant to be \$30,000 (requires a 20% match of \$6,000). County Commission to provide fund match. Funding applies only to parking lot. Commissioner Taylor says the commission needs to be able to set priorities. Why is this request coming in so late? Gabe Pena sent email about letter of intent to be sent to DOH, then County Commission is invited to apply. Short window for application. Commissioner Taylor wants these grants to be on the agenda rather than notifying by email. Commissioner Taylor moves to postpone this resolution request till June 4 meeting. Need input from Park Director, Wayne Workman. Second by Commissioner Louisos. Unanimous decision.

Commissioner Taylor addresses agenda for ADA accessible playground equipment for Fayette County Park \$92,000 was the cost of cheapest equipment found, which is a 50% match program. Potential of going after grant funding. Priorities are to replace pump system at the pool. Proposals in packet re pump and filtering system. National Pool (according to email from Mr. Workman) prices will be honored from January. No email from National Pool. Pump is priority. Commission says that an email from National Pool necessary to approve request. National demonstration site funding for playground is 50-50 match. Commissioner Taylor wants to wait on this till hear from Mr. Workman on money making projects before committing dollars to playground equipment geared to ADA accessible inclusive playground everything from wheelchairs to the blind. Deadline June 2. Commissioner Louisos agrees with Commissioner Taylor to wait to hear from Mr. Workman. Commissioner Brenemen would like to see other options. Questions about playground equipment need to be answered about accessibility for all. Commissioner Taylor wants to wait on decision and suggest that Mr. Pena work with Mr. Workman for a wish list and pricing for putt-putt golf and to set priorities. Commissioner Taylor moves that County Commission does not pursue the grant for national demonstration site statewide initiative application for Fayette County Park. Second by Commissioner Louisos and he also adds that the county commission needs to look at this grant next year. Exhibits to be attached to minutes. Unanimous decision.

Mr. Pena asks for permission to address a proposal earmark request from Senator Shelley Moore Capito that is due May 28, 2021 to cover pool upgrades. Congressional spending request need to be sent to Senator Capito's office for funding. Match request still being addressed. Call to USDA for match requirement. Hopeful that at least 50 percent coverage would be received. No obligation on County Commission. Commissioner Taylor moves and second by Commissioner Louisos to permit Mr. Pena to send letter to Senator Capito requesting funding for improvements to Fayette County Park.

Mr. Pena mentions that regarding the meeting on June 3, 2021, the draft MOU is prepared. Mr. Pena to send to all commission members.

Commissioner Taylor has questions about the vote of no confidence regarding Gauley River Public Service District. There has been no testimony in favor of this, and how is continuity for customers to be achieved. Can Gauley River's debt can be dealt with in other ways? The Commission needs

information about what the plan is moving forward. Leslie Taylor from Region IV says that the Gauley River PSC customers will never be left out of water. Wilderness, Summersville, and Kanawha PSCs have been chipping in to help with fixing lines etc. Gauley River PSD does not work after 4 pm, so customers are sometimes out of water over the weekend. Gauley River PSD purchases water from Kanawha and Summersville PSDs. Gauley River PSD does not have its own water treatment plant, but sometimes sells water to Wilderness PSD service area to service high camp for young life. Gauley River PSD will most likely be absorbed by Kanawha Falls PSD who would then have MOU agreement with Summersville PSD. If it were absorbed by Kanawha Falls PSD, Kanawha Falls PSD would take on debt and Summersville would aid in addressing debt. This vote of no confidence is just the first step in larger plan. Carl Harris of Kanawha Falls PSD says that Gauley River PSD personnel leave at 4 pm, leaving Kanawha Falls or Summersville PSDs to finish job. Public Service Commission has to be requested to investigate. Commissioner Taylor asks if is it time to proceed. Commissioner Brenemen urges the need to get PSC involved. Commissioner Taylor asks if the Commission votes no confidence, does that remove the board? Mr. Harris says that it doesn't remove the board, it just gets the PSC involved to investigate the board. Commissioner Louisos wants clarification. If the County Commission does this vote and nothing happens will be the commission be liable. Leslie Taylor says the answer is no. Mr. Harris says that the commission is not looking at dissolution, just a merger. Commissioner Louisos wants to make sure that signing the vote of no confidence does not make the commission liable. Commissioner Taylor asks Mr. Harris to keep the commission apprised. Leslie Taylor tells the commission that rate payers ultimately pay the debt of Gauley River PSD. Mr. Harris agrees and says that one rate for Gauley River PSD customers and Kanawha Falls PSD customers have a separate rate. Leslie Taylor says that in 2004 or 2006, Deepwater PSD and Armstrong PSD merged and Deepwater PSD customers paid separate rates to pay off debt. When Deepwater debt is paid off, they will go to one rate. Gauley River has how many loans? 4-5. PSC will establish rates so the district rates will pay off debt. Gauley River PSD is current with debt, but not reserve monies. They have about 106%. Supposed to be 140%. Leslie Taylor shows Gauley River PSD's debt on screen so County Commission can look at it. The listing was current as of 9/4/2020 and the bonds are listed in order of maturity. Majority of bonds are USDA development bonds, which are hard for a municipality to take on. Kanawha Falls PSD and Summersville would have to have an agreement so that City of Summersville would pay Kanawha Falls PSD a certain amount of dollars per month. Gauley River PSD is currently trying to get project approval to get waterline replaced that ultimately goes to the prison. They are having trouble with financing. No lending institutions will look

at them because of debt. 11% rate hike needed to meet obligations. Commissioner Brenemen asks about debt figure. Mr. Harris responds that is it roughly 7 million dollars.

Commissioner Louisos moves and Commissioner Taylor seconds to vote no confidence in Gauley River PSD. Unanimous decision.

Leslie Taylor will ask Dave Akers at PSC for particulars of the process.

Commissioner Brenemen and Mr. Harris discuss current upgrade of water line. The board is not able to touch money in reserve account. Problem with pump that pumps water to tank that goes to the prison. Should have been back up pump but wasn't there. Pumps were sent out for repair with no record. \$5000 for some pumps and \$80000 for others. Pump's cost of repair and replacement cost is close. There needs to be a new pump ASAP. Total Project cost is \$55 to \$60 thousand for new pump. Old pump would cost almost as much to repair as new so no plan to sell the old. Part of money being requested is for a backup pump Commissioner Brenemen given several PSDs one of which had a \$17,000 pump that they spent several thousand over that on repair. That PSD has turned things around and already paid money back. Mr. Harris says that the PSD is paying current bills and has no other debt other than loans. The PSD consolidated loans to reduce payments. Revenue accounts that the PSD did not have, they now have. Commissioner Brenemen and Leslie Taylor worked together on improving procedures. Commissioner Louisos clarifies that Mr. Harris is asking for \$60,000. Financially, what would be paid back. Commissioner Brenemen says that ARC money could be given toward purchase money for pump. Commissioner Taylor asks if any municipality could contribute. Mr. Harris says Gauley Bridge is the only one. The board cannot use reserve while sewer project is pending. Sewer project finished, when? Waiting on electrical panels. August for first phase finish if all things go well.

Clarification that pump request is for water pump.

Future Agenda Exhibit to be on June 18 regarding Mr. Harris's request. Kanawha Falls bridge where water line goes across is okay for now since there is no stress on bridge. Use bridge piers if needed. Best option was bridge and problems can be dealt with if needed.

Fayetteville is on call for fires in that area. Problems with getting there.

Commissioner Taylor moves that the County Commission approve letter to Mayor Kessinger for congressionally-directed funding

for RV Park in Mount Hope. Commissioner Louisos seconds.
Unanimous decision.

Commissioner Brenemen discusses how people heard about New River Gorge National Park. CBS broadcast has had an impact on getting new people into area

Commissioner Taylor moves to adjourn meeting. Commissioner Louisos seconds. Unanimous decision to adjourn meeting at 11 09 am.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

June 3, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

10:00

The Fayette County Commission met in a special session this 3rd day of June, 2021. Meeting called to order by President Brenemen. President Brenemen reminded participants of rules for citizen's comments.

Resource Coordinator Gabe Pena set this agenda. URA met - has not made a decision as they haven't spoken to counsel. Wasn't sure if revenue accounts should be moved to FCC or Agrarian Commons. New Roots Community Farm Director Susie Wheeler spoke, that her perspective is that by removing the URA from the equation, it makes the eventual transfer to Agrarian Commons easier. Will streamline this process; hopefully remove some complications. Commissioner Brenemen agreed to leave the Agrarian Commons out of things would be more prudent. Urban Renewal Authority (URA) board member Matt Wender spoke that while he felt the URA and FCC have the same goals in mind for New Roots, but wanted to understand why the FCC felt this step (of removing URA from New Roots) is necessary. Michael Taylor (counsel for FCC in this matter) discussed the reasoning - by statute the URA has interest in New Roots that it should not; that its power is limited by statute. Mr. Wender said, wouldn't it be easier for the URA to go back and make a redevelopment plan for the property to bring them into compliance. Mr. Taylor said the URA is working so far outside its scope that it wouldn't be possible. Joy Marr (Farmland Protection Board vice chair) mentioned the FCC did give FPB permission to work with URA on New Roots so isn't it the FCC's fault. Susie asked for clarification on whether activity on the farm was ok, Michael Taylor said what is happening is fine; it's just the statutory limitations of the URA. URA member Gene Kistler said there is a redevelopment plan that needs approved by FCC, there was a FCC member on the board. Michael Taylor said having a member on the board doesn't mean much, the FCC must act as a body. Gene Kistler asked if

Michael had seen the new plan, he had it meets statutory requirements but not in effect because it hasn't been approved. Susie wants to look forward - does the current plan going forward meet with FCC approval. Commissioner Taylor explained her stance that the FCC is trying to get things cleaned up regarding the URA and the farm is part of that; but that the FCC wants to protect the farm. Commissioner Louisos felt this meeting was to keep all parties informed of what was happening. That we should let the lawyers get things straightened out then come back and everyone can agree or disagree. That all this is trying to avoid further lawsuit. Commissioner Taylor explained more discrepancies (which were not likely done with bad intent) that now need fixed (URA using county assets in grant applications, etc.) Commissioner Brenemen said the Commission wants the farm to succeed and that they feel it should eventually go to the agrarian commons. Commissioner Louisos reiterated that Michael Taylor is the only one who knows how to make this follow code and he should structure things and bring it back. Joy Marr asked Commissioner Louisos if the prosecuting attorney couldn't do this work, why are we paying Michael Taylor. Commissioner Louisos said we needed someone with more expertise; Commissioner Taylor further explained the Prosecuting Attorney had many responsibilities and that we needed someone who could focus exclusively on this issue so it can be promptly resolved. Steve Eades discussed the restructuring of all boards/committees. Wanted to know if the FCC would tell the URA and/or planning commission what their responsibilities and duties as a board would be going forward. Commissioner Taylor explained they were trying to make things more efficient; to comb through the committees and make sure they meet code and are necessary. "Things we've always done might not be what we need today."

President Brenemen brought meeting back to order...

Abbie Newell from the County Resource Coordinator's Office wanted to know if the resource coordinator's office isn't supposed to be doing URA work; can she do things for the Farm? Commissioner Louisos asked if the County Administrator or financial specialist could take care of that until it's cleared up. Susie reiterated she wants to make sure all the nuts and bolts; internal procedures (paying bills, operating expenses etc.) get taken care of. Specifically mentioned the excise tax fund. Susie feels she is now working in a gray area as a county employee - where does she send invoices, etc. Abbie also felt it was a gray area. Commission Taylor stated Resource Coordinator Gabe Pena was asked to get all that documentation together - it needs sent through counsel. Susie wanted more clarification; Commissioner Taylor said she should work with the County Administrator on accounting for the Farm.

Commissioner Brenemen asked if it was premature to move the farm from URA to FCC; Michael Taylor said as county employees they should have always been going to the County Administrator when dealing with county money. He also wanted to clarify the Resource Coordinator's Office should work with URA, not for URA. The resource coordinator can provide assistance, but can't do things for them (answer FOIA requests, sign documents). All the FCC is trying to bring the URA

back into compliance of the code. URA board member Jeff Proctor spoke that because the FCC created the URA they should be liable and that they would be in compliance if the Commission would approve their revised plan and this lawsuit that was mentioned was dismissed; Michael Taylor addressed his concerns - they are trying to clean things up to remove or limit reliability of the County. Susie again asked for clarification on some specifics - Commissioner Taylor said her questions constituted legal advice and she felt needed discussed in executive session, and had wanted to see URA counsel attend the meeting. Commissioner Taylor went through each agenda item, gave a brief overview of FCC position.

Joy Marr spoke in support of the farm; wants to work with FCC to make sure the farm continues and is willing to do whatever they need to make that happen.

Gene Kistler felt that what Commissioner Louisos wants to do would work best - have Michael Taylor draw up everything and then have this discussion.

Revenue account needs more clarification - about the money currently in the account - the URA was asked to take a formal action in transferring monies to County.

Commissioner Taylor motioned to postpone discussion of the MOU until a special meeting on 7.22.21 to give Michael Taylor and staff a chance to review and revise the MOU. Commissioner Louisos seconded. Unanimous decision.

Michael Taylor gave opinion that the URA vote to terminate lease of farm, FPB accept it, then make a new lease with FCC.

6. Study by NRGRDA found that Wolf Creek was not optimal for industrial use as perhaps the County wanted. IF that is the case; perhaps we should look at subdividing the property. Gene Kistler 910 Acres; most is prohibitive to develop; about 120 acres past the DEP up to Gatewood. That the trails can increase the developing potential. That there could be a way to sell the 700+ acres to the WV land trust with a grant construct from WVHDF; so that the FCC can focus on selling/whatever the other. URA would like to find an exit plan for Wolf Creek. Commissioner Taylor asked that the URA bring its plans to the FCC. Tom asked what other recreational development they plan to spend money on. Gene Kistler talked more about the trail development, how that helps. There is a 7-acre site that needs utilities - could cost 200,000. Oak Hill is reluctant to extend sewer to an area they haven't annexed. Commissioner Taylor asked that the URA discuss that issue with Oak Hill City Manager Bill Hannabass. How this would change the redevelopment was brought up; Matt Wender asked if the County would use infrastructure money to extend the road out to "the cemetery,"

Commissioner Taylor motioned to go into executive session at 11:30am to discuss an emergency personnel matter which will be on tomorrow's agenda.

The meeting was adjourned at 11:54pm.

FAYETTE COUNTY COMMISSION

REGULAR SESSION

June 4, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENNEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a regular session this 7th day of May, 2021. Meeting called to order by President Brenemen. President Brenemen reminded everyone of the full schedule and time constraints for adding items to the agenda

9:00 Pledge of Allegiance

Exonerations - Eddie Young (Tara Tyree) - presented real estate exonerations, Commissioner Louisos motioned; Commissioner Taylor 2nd, ALL IN FAVOR

Approve 1st Half Payroll Commissioner Louisos motioned; Commissioner Taylor 2nd, ALL IN FAVOR

Approve Vouchers and Invoices Commissioner Louisos motioned; Commissioner Taylor 2nd, ALL IN FAVOR

Approve Prior Meeting Minutes no prior minutes

Approve Estate Settlements Commissioner Taylor motioned; Commissioner Louisos 2nd, ALL IN FAVOR

Ruth Lanier, County Administrator - Exhibit A

9:15 Public Bid Opening: Phase II HVAC Upgrade at Courthouse Annex; WVCIA Cycle 18 - 4 bids Casto Technical 212,500, Daughtry 213,000, Harris Brothers 227,500, Pennington Brothers 209,600 Bids will be sent to the Engineering/Architect firm to see if the bids meet our specifications.

9:30 Discussion & Decision: Request from Dreama McDaniel to resign as Executrix in the Estate of Dennis Gwinn

Liz Campbell, attorney for Dreama McDaniel - She is unable to make a fair accounting, would like to resign. Has performed some of the tasks, but can't complete them. Some of the difficulties were discussed. Prosecuting Attorney Ciliberti asked about Ms. Henson's age; she spoke about she was willing to take care of the accounting; that she was willing to have Ms. McDaniel resign. Ms. Henson is of age and is sole beneficiary. Commissioner Taylor motions to refer to a fiduciary commissioner for accounting and have Dreama McDaniel resign; Commissioner Louisos 2nd; ALL IN FAVOR

9:45 Discussion & Decision: Petition Submitted Contesting Will of Odessie Ruth Long and Requesting the Current Fiduciaries be Suspended.

All parties were present. Clerk Holly explained the Commission's role in these matters, Commissioner Taylor thinks this case should be referred to the Circuit Clerk because there is a question of testator competency raised in a confidential conservator/guardianship hearing; Commissioner Louisos 2nd; ALL IN FAVOR. PA Ciliberti will provide an order reflecting their decision.

10:00 Mike Callahan, Special Counsel for Code Enforcement Agency: Update on Johnson Branch -Suit has been filed on behalf of FCC on this matter. Introduced (?) Simonton - Environmental Engineer. Commissioner Taylor motions to go into Executive session at 10:10am; Commissioner Louisos 2nd; ALL IN FAVOR
Returned from Exec Session at 10:46; no decisions made.

10:30 Discussion and Decision: Kenney Hayes, Preliminary Engineering Review for unserved areas along Saturday and Sunday Roads in the New Haven PSD Area Mr. Hayes also introduced another PSD member Don Hart. They are requesting some assistance in expanding/readying water mains for possible expansion/ projects. Currently in projects 18 and 19 which expands service to outlying areas. Wants to be ready to receive funds for infrastructure if/when it becomes available. This request would help serve an additional 100 homes or so. If they tried to fill in all the blanks; it would cost close to 23 million dollars. But they are open to doing phases. Commissioner Louisos wants a map of the areas still needed; Mr. Hayes said they were done by Thomas and Litton and would be glad to share maps. Commissioner Taylor suggested a workshop of all the PSDs to work with NRGRDA about grant funding/federal funding. Mr. Hayes would like support for a PER (preliminary engineering report) that would help identify where it would be best to start (40,000 would be the cost for the study). He feels now would be a good time. Commissioner Brenemen asked if WVAW could help with costs of study - Mr. Hayes knew they would give money when new customers are brought onto the system, but didn't feel they would assist with the study. Commissioner Brenemen thanked him and requested a workshop with all PSDs and Region IV and NRGRDA to discuss getting this funding.

11:00 Discussion: Postponed from 5.7.21 Dilapidated Building Ordinances

Commissioner Brenemen discussed municipal ordinances regarding dilapidated buildings. PA Ciliberti discussed we already have the ordinances; it could just be enforced more vigorously. That Some towns have vacant structures ordinances making property owners register vacant buildings with increasing fees. Smithers also has ordinances that allow the city to issue multiple citations for violations. Commissioner Taylor mentioned Land banks like in the city of Huntington. She asked about whether the existing ordinances are limited to residential or if could apply to commercials. County Zoning Officer Angela Gerald said the vacant registry is only available to municipalities. PA Ciliberti is advocating for trying to get owners of dilapidated buildings to convey property to the FCC. The Commission could then find funding to clean up the property and sell the property. Some discussion about the Solid Waste Authority's role. PA Ciliberti asked the commission to decide how they want to proceed. They want him to work on ordinances and to research land banks. PA Brenemen asked it be added to a future agenda.

11:30 Discussion & Decision: Ambulance Contract with 911 Center Commissioner Taylor and PA Ciliberti have discussed the current agreement and had concerns it wasn't perhaps a proper agreement, but has since gotten information that not having this agreement could impede service to outlying areas of the county. Feels with this new

information that a decision on this agreement could be premature. Commissioner Brenemen feels this agreement needs updated and signed yearly. Commissioner Taylor asked for some compliance metrics be involved in any agreement going forward and the current contract/agreement needs to be updated. Commissioner Taylor asked for any comments from the community participants. Debbie Dunn and Tom Ballard - Priority Ambulance; doesn't want to take things from Jan Care; but wants to get the closest Ambulance to the person in need. Feels the closest ambulance should receive the call. She wants to work together with other companies to serve the county - patient care. That it is law that the closest appropriate ambulance be called in an emergency.

Todd Cornett - JanCare; The FCC should attend to all the county's needs. That he agrees with Ms. Dunn that if he doesn't have an ambulance in an area AND hers is closest, she should get the call. Commissioner Taylor asked him to limit comments to helping the FCC understand the agreement rather than respond to Ms. Dunn. 2011 Jan Care purchased General - up until then there was significant competition. Danese and Meadow Bridge is a big problem with 911 because of the rural nature and difficulty in getting to the area. FCC had tried to help by purchasing an ambulance, etc, for the area. The 911 director at the time (2013) and Jan Care worked out an agreement that Jan Care would agree to have resources available in 4 zones. Uses their out of county resources to cover if needed - described how strategic and data driven it is to keep coverage in those 4 zones. Commissioner Louisos questioned why he has to keep pulling from other counties - did he not have enough ambulances in county? Mr. Cornett reiterated how this agreement decreases response times and does have mutual aid agreements with other companies to help cover. Commissioner Louisos asked him to explain what evaluation process they use - response times and whether they have to call in other companies. Commissioner Louisos also asked him if they have similar contracts with other counties. They do, but every county is different. Fayette County is more complicated because of its geography. He stated again "If JanCare doesn't have an available resource in a particular zone then 'we' should use the closest available resource." Commissioner Taylor asked if any of the agreements were similar to the agreement with Fayette County - not really. He explained Raleigh County's a bit more.

Commissioner. Taylor asked Ms. Dunn what their coverage area is - stationed in Oak Hill and covers all of the county.

Shane Wheeler - Chief Mount Hope Fire Department, discussed what a great problem we have so many ambulances that can serve the county. Chief Wheeler feels the county isn't doing a good job at checking the system/current agreement - that it needs to be looking at data regularly to make determinations. There are a lot of issues that affect coverage. Feels we need better activation of mutual aid agreements; need to explore all the options more closely; use data driven models. FCC is blessed that they don't need to be having funding discussions with ambulance companies. Commissioner Taylor asked if JanCare can provide locations of their ambulances to 911 - it isn't as simple as they would like. JanCare has called Mount Hope 314 times this year - only 7 or 8 times have they had to transport patients because JanCare couldn't be there at all. Most are responded in conjunction with JanCare. About 80-90 have just been standbys.

Emergency Services Director Kevin Walker and JanCare have worked to figure out how for 911 to know if an ambulance is available or not. Mr. Walker explained more about Spillman (a program that sees where trucks are). Discussion on whether Priority should be added - Chief Wheeler felt the whole system needs looked at. Discussion whether code indicates we should have an ambulance board/authority - Mr. Walker would like to reconstitute an advisory board to deal with these issues. Commissioner Taylor said this would be discussed at our 2:30 agenda item. She has talked with all the players in this and that it is a good idea to look at best practices of other areas and incorporate them into our agreements. Might be a good idea to hire an expert/consultant - someone independent and objective to look at things. Commissioner Brenemen wants another workshop to discuss this issue. He feels the more information we gather the better off we are - this issue will also be affected by more tourists in the area. No decision made.

12:00 LUNCH

Question from Kathy Gerencer - Thanked Allison for being willing to participate in the fundraiser tomorrow (at the Trail Expo). Several local politicians are participating.

1:00 Discussion and Decision: Jina Belcher, NRGDA RFP for Comprehensive Plan Study

Jenna Grayson, manager of strategic partnerships for NRGDA. Partnering with FCC to help build the comprehensive plan. Wants more than a general comprehensive plan. Commissioner Taylor requested that there be an engineering focus. Commissioner Louisos asked for an end date incorporated. Commissioners will give their notes to Jenna and they will approve a final RFP at 6.9.21 meeting. Jenna asked how they felt about creating a project team (this will be discussed at the 2:30 agenda item). Commissioner Louisos asked that the decision on which firm to use be done in consultation with the FCC, Jenna agreed. Discussion on more public meetings and varying the time of day. Commissioner Taylor asked Ms. Gerald send her comments as well. Commissioner Taylor motions to postpone until 6.9.21; Commissioner Louisos 2nd; ALL IN FAVOR Commissioner Brenemen thanked Jenna for presenting.

1:30 Discussion & Decision: Wayne Workman, Re: Park Priorities

Commissioner Brenemen discussed the fact that the county will buy uniform shirts for park workers and maintenance. The Park Director, Wayne Workman, advised the pool cannot open because of a lack of lifeguards. Only have 5 and need a minimum of 5, but really need 8 so staff can rotate. Hoping a new lifeguard class can get a couple more. Our pay is lower than other local pools, and other places have better "benefits." Discussion on ways to recruit more lifeguards. Discussion on what portion of the park must be used for Girl Scouts. Commissioner Taylor asked that the Resource Coordinator's Office (Abbie Newell and Gabe Pena) work with the Park Director to flesh out some of his ideas - timeline and feasibility. Discussed the return on investment. Would it be better to spend a little more up front for something that would make a lot more revenue? Discussed a mini golf course - costs and implementation. Commissioner Taylor mentioned ActiveSWV is starting a recreational swim team; maybe

we could host a swim meet. Commissioner Louisos asked Abbie to plot cabins or areas for cabins. Abbie spoke about how she and Gabe will work with Wayne to build a phased approach to development. She was excited about ideas and using the park as a connector to the Valley. Gabe mentioned involving the Parks and Rec Advisory Board. Commissioner Taylor asked about roads - State owned up to the gate of the park. There is Carnival Day on June 26th with Mark Hurt. Discussions on fundraising and ways to do that.

2:00 Commissioner Taylor motions to go into executive session to discuss a personnel issue regarding a county employee who has pending criminal charges

Returned to session 2:53pm - Ms. Taylor motioned that because of the nature of the employees' job and the nature of the charges, the employee be terminated from County employment effective today. Commissioner Louisos 2nd; ALL IN FAVOR. Ruth will draft the letter to payroll and Sheriff Fridley will inform the individual's supervisor

2:30 Discussion and Decision: County Boards - Reconfigurations, Members, Code Requirements, Associated Ordinances, and Support

Discussed to postpone until a later date, but discussing the project team for the comprehensive plan. Discussed several people from different areas of the County; Randall Patterson, Mayor Anne Cavalier, Steve Eades, James Tucker, Angela Gerald, Abbie Newell, Chief Shane Wheeler or Mayor of Mount Hope. Also discussed adding someone from the Boy Scouts. Commissioner Taylor motioned to postpone to a special meeting 6.11.21 at 9am; Commissioner Louisos 2nd ALL IN FAVOR

3:29pm Commissioner Taylor motioned to adjourn; Commissioner Louisos 2nd; ALL IN FAVOR

Exhibit A

AGENDA ITEMS - June 4, 2021

1. Discussion & Decision: Match for DOH Transportation Alternative Grant for Infrastructure at the Fayette County Park
(Requires a 20% match of \$6,000 for a \$30,000 grant.) and authorize President Brenemen to sign a letter authorizing Resource Coordinator Gabriel Pena to act on the Commission's behalf applying for the WV Department of Transportation funding for Trail Infrastructure project at the Fayette County Park. Commissioner Taylor motions to approve; Commissioner Louisos 2nd; ALL IN FAVOR

2. Discussion & Decision: Letter to Public Service Commission stating Fayette County Commission Voted No Confidence in Gauley River PSD - Email included, FCC needs to consult with counsel prior to putting something in writing

3. Discussion & Decision: Funds in Kanawha Falls PSD Reserve Account and Issue with Pump and lack of Back up Pump - Ms. Taylor talked with Jina Belcher at NRGDA about grant funding from federal infrastructure monies. Discussion on when to add this to a future meeting Commissioner Taylor motions to postpone until 6/18/21; Commissioner Louisos 2nd, ALL IN FAVOR

4. Discussion & Decision: request from Teri Harlan, Health Department Administrator, requesting reappointment of Terra Basham, term to expire June 30, 2023. Commissioner Taylor motions pro Nunc; Commissioner Louisos 2nd; ALL IN FAVOR

5. Discussion & Decision: request from Becky Kellum, Fayette County Public Libraries Director, requesting the appointment of Stephanie Tyree to replace Phil Tissue, term to expire June 30, 2026. And resignation of Bernice Clayton and notice of vacancy of term to expire June 30, 2023. Commissioner Taylor motions to accept Phil Tissue's resignation and Stephanie as replacement; Commissioner Louisos 2nd, ALL IN FAVOR. Commissioner Taylor motions to accept Bernice Clayton's resignation and post the vacancy; Commissioner Louisos 2nd; ALL IN FAVOR.

6. Discussion and Decision: request from Lesley Taylor to Sign Grant Amendment Number 1 for Armstrong PSD's Community Development Block Grant. Amendment modifies the period of performance to allow more time for project completion. A 24-month extension has been granted. Commissioner Taylor motions to approve extension; Commissioner Louisos 2nd; ALL IN FAVOR. Project should be completed by end of extension.

7. Discussion and Decision: Building Inspector Agreement with City of Oak Hill and Fayetteville for approval Commissioner Louisos motions to approve Oak Hill; Commissioner Taylor 2nd; ALL IN FAVOR. Commissioner Taylor motions to approve Fayetteville Commissioner Louisos 2nd; ALL IN FAVOR

8. Discussion & Decision: Approval of American Rescue Plan Account change to interest bearing and authorize signatories to sign Commissioner Taylor motions to approve; Commissioner Louisos 2nd; ALL IN FAVOR.

9. Future Agendas

June 9th -

911 recruiting and retention. Add to 9th or 18th? Kevin and Ruth will discuss his budget

June 18th

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FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENNEMEN, TOM LOUISOS, COMMISSIONER TAYLOR

Meeting called to order by Commissioner Brenemen at 9 am.

Pledge of Allegiance-Commissioner Taylor

Approval of RFP for Comprehensive Plan Study. Commissioner Taylor moves to approve the RFP for Comprehensive Plan Study. Second by Tom Louisos. Unanimous decision.

Department of Justice Community Corrections Grant available for \$110,500. Commissioner Taylor moves that Department of Justice Community Corrections Grant be accepted. Tom Louisos seconds. Unanimous decision.

Discussion of Boards: Beautification Board: Commissioner Taylor suggests that this board might have a great nexus with Dilapidated Buildings and URA. PA Ciliberti says that enforcement of dilapidated building code is through the beautification board. Commissioner Taylor wants an objective look at any boards that overlap, and wants people that don't answer to the County Commission to be on each board. There are to be three persons from Fayette County on the NRRDA board.

Jenna Grayson joined by Zoom, and was informed that the RFP for Comprehensive Plan Study had been approved.

It was explained that the Parks and Recreation Board takes care of the Memorial Building, 4-H Camp and Boomer Ball Field. This board was something that was under a previous director. Commissioner Taylor asks if it is needed. Commissioner Brenemen says the Parks and Recreation Board has come up with some good ideas for the park. Commissioner Taylor asks about whether the Parks and Recreation Board actually meet. How often does Code Enforcement meet? The board needs an official appointee from the commission. Mike Callahan is working on this. Ami Dangerfield goes to the meetings and listens, but feels that a commissioner should be on Code Enforcement. Commissioner Taylor offers to be on this board and asks that this be put on the County Commission agenda. Commissioner Taylor lists boards that do not need action taken. Civil Service needs two members. Commissioner texted Chris Moorehead to see if Judge Ewing has been replaced on the Public Defender Corporation Board. She also lists boards that she feels could be consolidated. Commissioner Louisos mentions the Community Emergency Response Team and the Emergency Services Advisory Board. Commissioner Brenemen agrees that they could be consolidated. Commissioner Louisos suggests that communication would be better if they were combined. PA Ciliberti states the Public Defender Corporation member breakdown: two are appointed by the County Commission. That would be the only time the Commission would have duties. Commissioner Taylor states that County Administrator Ruth Lanier supplied the Commission with an ethics opinion about boards and commission appointments of persons. PA Ciliberti and Commissioner Taylor have discussion about how replacement and dissolution matters are handled. PA Ciliberti says

that WV Code states that regarding a planning commission, the County Commission can remove members that do not fulfill their duties. If the County Commission creates a planning commission the opinion sets out the guidelines. He says the County Commission is essentially readopting the parameters. He would take the position that the County Commission is starting over. Original members would need to stay on until new members can be appointed. Commissioner Taylor says that they have received two applications for the planning commission. PA Ciliberti states that the Commission cannot just remove members unless the code specifically says. In this instance, PA Ciliberti says they are essentially reconfiguring the planning commission. The County Commission wants to reduce members from 14 to 7. He says that the Commission needs to start over because they need to clarify and set out process they want to follow. Discussion about specific issues like having a quorum. PA Ciliberti says procedures and the process need to be laid out. Wv Code gives the Commission authority to set up planning commission, but is silent on the process. Commissioner Louisos says the Commission needs to vote on the process of modifying membership. PA Ciliberti would like the legislature to spell out the process, but they do not. Commissioner Taylor suggests that as long as the Commission documents the reason for modifying the planning commission, they should be okay. She says that this needs to be put on the agenda to be voted on, perhaps the first meeting in July. There are positions that have appointment expirations on August 3, 2021 (5 total). They can be factored in to the process. Commissioner Taylor suggests that the Commission do as PA Ciliberti advises, advertise and set for the agenda on the 9th of July. Only two of the members have not shown up for meetings in the past year. PA Ciliberti asks for a copy of planning commission members and their term expirations. Commissioner Louisos talks about a Zoning Board of Appeals meeting about Solid Rock that should have been sent to the Planning Commission. Angela Gerard explains that the Zoning Board of Appeals meets frequently and members are active. Commissioner Louisos states that he is not picking out people, but this subject should not have been in front of that board. Angela Gerard and Commissioner Louisos have discussion on this subject. Commissioner Taylor says that Chris Moorehead got back to her on Judge Ewing's place on the PDC. Chris Frost replaced Judge Ewing so there is nothing for the County Commission to do. The State Bar appointed three members, the County Commission appointed the other two, who are civilians.

Building Commission only meets when they have to sign documents. The County can't purchase property, so that is the only time the Building Commission acts. Commissioner Taylor says that we are not required to create a building commission. Commissioners to put on County Commission agenda for June 18th, to eliminate the Building Commission. Commissioner Taylor suggests that Code Enforcement could be consolidated since the same people are on multiple boards. Commissioner Louisos thinks that Beautification and Emergency could be put together. Discussion about having emergency services being put together. Commissioner Taylor speaks about creating county emergency

services and the need to create a response team comprised of people on this board. It is a statutory requirement that each county is required to do this just for HAZMAT response. This could be organized into regions because of the size of the state. She will put this before legislature to do this. A handful of people on board have knowledge of this HAZMAT response. Back and forth conversations about emergency response board and if they have official responsibilities.

Historical Landmarks Board discussion. It is needed because of grants. The board is stagnant now.

The Commission needs to get someone on the Health Department Board. Commissioner Taylor thinks that after new legislation, a commissioner would need to be on the board as a non-voting member. Needle Exchange needs to be addressed. One for one needle exchange was passed into law. Commissioner Brenemen will have copies of every new law that was passed and will bring to meeting next Friday, June 18th. Commissioner Taylor reminds the Commission that they need to appoint a commissioner to the Health Department Board by July 1, so that needs to be addressed at the June 18, 2021 meeting.

Discussion about CAEZ (Central Appalachian Empowerment Zone) board and whether the commission can dissolve it. CAEZ helped Mount Hope get a million dollars to tear down dilapidated buildings. Discussion about how intertwined the boards are. Commissioner Taylor not comfortable dissolving it, says we will revisit if and how it may be dissolved, or if the Commission has to be involved.

Commissioner Taylor gets back to emergency services. LEPC makes sense to put under there. Need to investigate a Community Emergency Response Team. Enhanced telephone could also be included. Discussion about consolidation of boards. The Commission would have to look at codes to ascertain how this could be carried out. Commissioner Taylor wants to look at people's qualifications to be on the 911 board. The Commission should expect input from these boards. There needs to be qualified people on these boards and there is a need for an overall advisory board for health. A suggestion is to keep both boards, but put them under the emergency response umbrella, health emergencies to be specific. The Commission would have to consult with Fayette County Health Department Director Teri Harlan before meeting to vote. Commissioner will look at codes and send information to commissioners as to what she thinks should happen. All need to fall under umbrella of advisory board. She will come back with function and responsibilities. She asks that it be put on July 23 meeting, and will try to get the key players together prior to that meeting. Commissioner Taylor will want someone from 911 to work with her on this.

Commissioner Brenemen says that Solid Waste Authority operates by themselves. Commissioner Taylor states that the Commission can eliminate the SWA. Gabe Pena says that the SWA oversees what used to be the landfill. It is asked, why do we need a whole authority, if we make the function part of the board? Commissioner Brenemen says that

you have either a SWA, or a regional board. Commissioner Taylor and Tom Louisos want to consolidate, while Commissioner Brenemen is concerned that they are required by code. Commissioner Louisos says he is not talking about picking up tires or anything. SWA gets tipping fees from Raleigh County. The board currently uses tipping fees to pay a salary. It is suggested that the Commission needs to get with the commissioners of Raleigh County and discuss consolidation. May consolidate Beautification under Solid Waste. Discussion around the table about consolidation of Beautification and Solid Waste. Code states specific people be on the Solid Waste Board. Commissioner Louisos and PA Ciliberti discuss code applications. Commissioner Taylor asks about code section applications for enforcement code under solid waste. The Beautification Board votes on whether the buildings need to come down. Commissioner Louisos says that they are basically doing basically the same thing, so could be consolidated, and there should be meeting minutes regarding this. Commissioner Brenemen has been told of conflicts. Commissioner Louisos says the Commission needs to research this subject and consolidate the two boards.

Commissioner Taylor asks about consolidating Parks and Recs and Historical Landmark. Board member Ami Dangerfield says they are not the same and need to stay separate. They don't function the same way.

Answer to SWA/ Beautification. PA Ciliberti sees a problem with this. Under WV Code Beautification has to have certain people on the board. Members of that board come from certain positions. More members are needed on Beautification, but not on SWA. Commissioner Taylor asks whether these boards are required. The answer is that if there is no county mechanism to deal with dilapidated buildings if there is no beautification board. The question is raised as to whether the county commission can adopt an ordinance, and if they have to follow parameters under WV code. The issue is that the ordinance may fail to meet code. Beautification code allows action to be taken against dilapidated buildings. Consolidation needs to be addressed in Charleston. When a dilapidated building is torn down, a contract has to be produced and the contractor has to provide receipts that waste was sent to a certified dump site. One contractor, Empire Salvage, has their own DEP approved dump. Commissioner wants these two boards to meet together and come up with plans to facilitate them. Commissioner Brenemen says that Tommy Harris, Litter Control Officer, is trying to get as much done as he can, but does not have much support.

Commissioner Taylor wants the various boards to advise the Commission, not wanting the commission to have to try to become experts on these topics. She wants items drafted and presented to the County Commission by experts on these boards.

Commissioner Brenemen suggests that the Community Corrections Board is the only one that would fall under SWA. Discussion between Commissioner Taylor and PA Ciliberti about functions. Commissioner Taylor wants them under the same umbrella, so that items can be referred to the Commission and the commission can have them come in

and update the Commission on questions they have. Beautification has dual problems of funding and getting a quorum. The Commission does not want county employees to be on the boards.

Discussion by Ciliberti about how the dilapidated buildings are addressed in Smithers.

The sheriff is responsible for enforcing the orders by the County Commission. Commissioner Taylor still feels that these boards need to be consolidated. Both boards are concerned with cleaning up the county. Commissioner Taylor wants to look at ordinances and decide what is to be enforced. The Commission needs to create something where the boards meet together, but vote separate.

Commissioner Taylor says that an advisory board needs to be created, so combine them and create a name. She asks if committees take action and advisory boards just suggest the action. The Commission needs to call them by what they do. Commissioner Brenemen says there is a lot of talk at the capitol about changes to Beautification. Commission agrees that consolidation is necessary. Commissioner Taylor will write this up and get it on the agenda.

Commissioner Taylor wants to include The Boy Scouts of America on the project team to advise NRRDA on the comprehensive plan. They have resources to advise the Commission on the comprehensive plan. Commissioner Louisos would rather have Region IV than the Boy Scouts. He thinks Boy Scouts are more focused on themselves. Commissioner Taylor wants to have their participation and suggests that Boy Scouts might be able to help and it would involve them in the community. The question is raised that the Boy Scouts are a private entity and would that be prudent. Commissioner Taylor still wants to involve Boy Scouts. They are advised that there is a shakeup with management at Boy Scouts right now. Jenna Grayson asks that Commission not name a specific person, but Boy Scouts as an organization. Commissioner Taylor feels that the business development person for Boy Scouts needs to be involved. The Comprehensive Plan Project Team to advise based on score sheets what firm is used. Commissioner Taylor and Jenna Grayson have discussion about needing these people to have input. Good idea, but need more from Jenna. Commissioner Taylor and Commissioner Louisos discuss how the team would function. Commissioner Taylor wants to get people off of the mountain and involved with the community. Commissioner Louisos asks if people will meet every month? Perhaps by Zoom. He questions information input. Commissioner could be on the project team. Project team creates the criteria and does the actual scoring. Everything has to be in on July 5. Jenna has a list of scoring criteria. Discussion about the scoring firm and their capabilities. Commissioner Taylor asks if the project team would score individually and not as a board. Scoring would be compiled and the best firm chosen by those individual scores. If they vote and are over the scoring an objectivity issue arises. Bill Garrett's name can be given to the firm. County Commission can be involved as one unit or have just one member. Commissioner Louisos is suggested as the County

Commission member. Commissioner Taylor wants to change the County's relationship with the Boy Scouts from what it used to be. Commissioner Louisos will try to suspend disbelief. James Tucker, Abigail Newell, Angela Gerard, Randall Patterson, Steve Eades, Commissioner Louisos, and a representative from Region IV Planning and Development are named to be on the Comprehensive Plan Project Team. Commissioner Taylor moves that these 8 individuals be the Commission's recommendation for appointment to the team. Commissioner Louisos seconds. Unanimous decision. Ami Dangerfield will write up order today for commission to sign.

Commissioner Taylor wants Abbie Newell and Angela Gerard to work with her on consolidation to be put on July meeting. Planning Commission needs to come up with process.

Civil Service board needs a person representing a low-income area. Commissioner Brenemen lists boards that they are not touching. He asks if Planning Commission is really needed. Commissioner Taylor says we need to advertise for Civil Service and other boards. Civil Service makes sure people are signing up properly for draft. Commissioner Brenemen will have new updated national code.

Ami Dangerfield reads Comprehensive Plan Project Team order aloud. Commission approves the letter, with suggestions on term ending date.

Commissioner Taylor would like to look more into Civil Service and what it does and advertise, perhaps posting on community connection items on tv stations. A press release is suggested. Commissioner Taylor talks about Parks and Recreation boards. We need to create agenda items for these boards. Wants recommendations to the Commission from these boards. Wants everything to be part of the plan. Region IV going to work on mapping to inform the firm for the comprehensive plan. Commissioner Taylor wants recommendations on how to implement the plan. Where are we going to get the most bang for our buck. Commissioner Brenemen cites statistics on how many homes don't have water and sewer.

Commissioner Louisos makes a motion to adjourn. Commissioner Taylor seconds. Unanimous decision. Meeting adjourns at 11:42 am.

FAYETTE COUNTY COMMISSION
REGULAR SESSION
JUNE 18TH, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

Meeting called to order by Commissioner Breneman at 9 am.

Pledge of Allegiance led by Eddie Young.

Land Book pages signed (previously approved).

Commissioner Louisos moves to approve second half payroll. Commissioner Taylor seconds. Unanimous decision to approve second half payroll through 6-30.

Voucher for van presented. Commissioner Brenemen has a problem with approving van when they are in the hole money-wise. LFPP grant may be available. URA has money for May and June. No money going into accounts until July (Revenue and Excise money. Discussion about funding for van. The Commission does not want to penalize the farm, but the Urban Renewal Authority (URA) has not released the funds. Susie Wheeler, Farm Director, says the checks are cut, but have not been presented to the County Commission. Once approval on budget revision has passed, the van can be purchased. URA's last meeting did not have a quorum. Commissioner Louisos does not know of any time that the URA has not had a quorum. Commissioner Taylor says that it looks like a good deal on the van and 1/3 of the cost will be covered by the grant. Commissioner Taylor moves that van purchase for the farm is approved. Commissioner Louisos seconds. Unanimous decision.

Commissioner Taylor moves that the vouchers and invoices be approved. Commissioner Louisos seconds. Unanimous decision.

Estate settlements-Commissioner Louisos moves to approve the final settlements for the following estates: Charles Robert Bennett, Elsa Anna Bragg, Maxine Melvina Gibson, Jerry Downing Green Jr., Sedalia Hamrick, Judy Lee Kidd, Junior Meador, Everette Addison Parks, Larry Micheal Rogers, Elisa Susan Rose, Ernest Richard Scarbrough, Adele Aloise Terry, Alice Ruth Tolley, and Myron Elliott Wood. Second by Commissioner Taylor. Unanimous decision.

Order to move estate of Odessie Long to Circuit Court- Commissioner Taylor had a question about whether the County Commission had authority to freeze estate accounts. Commissioner Taylor and PA Ciliberti discuss and PA Ciliberti adds asset freezing to the order on the estate of Odessie Long. The order is signed.

Katie Johnson Fayette County Health Department presents ICE (Integrated Community Engagement). It is data-based work in collaboration with WVU and Fayette County Schools. This data is based on kids relating their risk factors. Protective factors are team court and transportation aid. Two years in and COVID data suggests that the kids were more protected with less unsupervised time. ICE works with 30 different agencies about how to protect the kids. If community owns the data, they are more involved. For every \$20 spent, \$20 will be saved. Future decision makers and workforce will be improved. It is based on a 5-year plan. Community wants to see some summer programs for youth. Some counties are doing outside park programs. Need communication with partners. They would like to open dialogue with the County Commission and keep them informed of progress. Grow Ohio Valley is collaborating with them, as well as several other counties and several state politicians are involved. Commissioner Brenemen

questions if local politicians have been contacted. The answer is yes. 72% of kids did not participate in any organized programs. Commissioner Taylor talks about kids that are out after midnight and asks about curfews in municipalities. Data will be provided to the Commission. Commissioner Taylor continues by asking about New Roots farm participation. They are considering being provider for those coming out of teen court. She asks about transportation issues. NRTA has increased routes, but suggests that Dept of Education is providing buses. Commissioner Taylor asked about Boy Scout camp participation. Boy Scouts are willing to become involved. Isolation is definitely a big risk factor. Commissioner Taylor wonders about penalties about underage tobacco sales. Data suggests that adults/family members are providing tobacco products to the kids. Commissioner Brenemen says that the Commission will help as much as they can. Commissioner Taylor asks what are effective penalties that exist for curfew violations. Teen court is suggested. Discussion about what is an effective means of dealing with penalties. Iceland has contracts with parents and it has worked well. They are trying to involve parents. Commissioner Taylor suggests tracking apps education for parents about tracking kids' phones. Commissioner Louisos says that kids can get around the app, but it is worth exploring. Discussion about spending energy on holding kids accountable and building the kids up with programming. Commissioner Taylor wants parents to know where the kids are and there are apps for that. Dr. Stewart, Fayette County Health Officer, says that Iceland creating an expectation for parents. There needs to be a change in culture for what is acceptable for kids. Need to empower parents and get back to the communities as a whole being involved. Katie Johnson says that the later we can delay age of initiation the better we are. Jim at Fayetteville Baptist may be a person to ask because he teaches the parents what to look for as far as the internet. Katie Johnson says that transportation to and from the park would be helpful. Trying to get lessons at the pool, but lifeguards were in short supply. Commissioner Louisos suggests pool event for free. Katie Johnson suggests summer and winter passports. Commissioner Brenemen hopes that lifeguards can be found this year. Commissioner Taylor taught swimming and would be willing to help and clarified that County Commission involvement would be in curfew and penalties. Based on data what should the Commission do? Katie Johnson will research and let the commission know.

John Shumate canceled his presentation of application due to lack of documents.

Discussion about Annual Transfer Orders for Worthless Check \$935.75, General School \$109,912.62, and Magistrate \$20,061.44. General School is for fines. Election Levy transfers funds from law library and fire so they pay to support that levy. Commissioner Taylor moves to approve Commissioner Louisos seconds. Unanimous decision.

Commissioner Taylor moves to approve request from Town of Fayetteville to use the Courthouse lawn or part of the 4th of July

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Heritage Festival events. Commissioner Louisos seconds. Unanimous decision.

Commissioner Taylor moves for approval of courthouse lawn use for Bridge Day Chili Cookoff festivities to be held October 14, 2021. Commissioner Louisos seconds. Unanimous decision.

The request from Farmland Protection Board to reappoint Commissioner Brenemen for a term of 4 years has been taken care of, it just needs to be signed.

Commissioner Taylor moves that letter to WV Alcohol Beverage Control Administration acknowledging that the Fayette County Commission is aware of the Spartan Race events will be taking place on August 28 & 29, 2021 at the Summit Bechtel Reserve be approved. Commissioner Louisos seconds. Unanimous decision.

Commissioner Taylor moves that list of PSD members be sent to Secretary of State Mac Warner and the Public Service Commission. Commissioner Louisos seconds. Unanimous decision. Commissioner Taylor asks why Page-Kincaid PSD is still on the list. Commissioner Brenemen stated it is because of sewer. WV American Water has not completed paperwork since it can take up to a year. by the end of this year, some movement should be seen regarding Page-Kincaid.

Break at 9:50.

Back in session at 10:06.

County Administrator Ruth Lanier reads minutes from Planning Commission about Backus Mountain rezoning. Commissioner Taylor moves that the Planning Commission's decision regarding Backus Mountain rezoning be approved. Commissioner Louisos seconds. Unanimous decision.

The Planning Commission voted to deny Deepwater Road rezoning. Commissioner Taylor agrees based on testimony from members of the community present and the Planning Commission minutes it is not a good idea to rezone that property. She moves that they go with the Planning Commission's denial rezoning Deepwater Road from rural residential to business tourist by Demarcus Smith. Commissioner Louisos seconds, but asks about access. Community member stated it is a very small road and lane. Opposition to the rezoning person explains that this location is very difficult to navigate. There are already too many drugs in Deepwater and the tent camp would add to that. Commissioner Louisos questions about property downstream from Demarcus Smith property. There is discussion about 4 wheelers and problems rezoning will cause. Tent camp would be a disruption. Unanimous decision.

Nuttall, LLC asks for reclassification. Motion by Commissioner Taylor for approval of Nuttall LLC's request per the recommendation of the Planning Commission. Commissioner Louisos seconds. Unanimous decision.

Break at 10:20.

Commissioner Brenemen calls meeting back in session at 10:45

Carl Hanson came in support of gun club. He is in favor of gun club existing. He states that it is a source of recreation and feels that the gun club can share with police dept. At some times, they have several people involved in the gun club. There is nowhere else to shoot. Beckley gun club's skeet is not operating and Pipestem is far to travel to shoot skeet. This gun club is local. It is a way to hunt without actually going hunting. It is open to the public on Tuesdays and Saturdays. Dues are comparable to other gun clubs. The gun club doesn't advertise very much, but is a source of recreation. Commissioner Louisos thinks that something can be worked out with the Sheriff's Department. Commissioner Taylor says that the club is using public land to shoot and is only open to the public twice a week and that is a concern. The County Commission is not trying to disband the club. Mr. Hanson states that the Gun Club gives money to the animal shelter. He says the public doesn't know about it. Commissioner Taylor says that there are objections about the effect on shelter animals. The Sheriff's Department has no place to qualify. The Gun Club is a private institution that has anytime access and the public is only allowed two days a week. Nice facilities, but the issue is using public land. There needs to be a workshop to explore issues of balancing residents access with the gun club. Mr. Hanson states that the gun club doesn't shoot on Sundays until after noon on Sundays because of church. They are diligent about upkeep of facility. Commissioner Louisos asks Sheriff Mike Fridley about having days that might be set aside for officers. Sheriff Fridley says his chief deputy met with the treasurer and spoke with Mr. Pugh and that the facilities could be used with minimal upgrades. DSA would purchase some items to add to facility. Sheriff Fridley objects to public access as far as damage to equipment. He says that they would be willing to partner with the gun club in ordering extra lanes etc. Commissioner Taylor says that deputy qualifications are top priority and everything else will follow. The deputies need to be able to practice as well as qualify. There is a public safety issue if the deputies cannot maintain shooting proficiency levels. Sheriff Fridley said that Mr. Grose wants the police department to be involved. Contracts will have to be drafted and a schedule would have to be addressed. Discussion about times, and feasibility of scheduling practices for deputies. Sheriff Fridley says that deputies just need a place to shoot. He says that it can work out. Discussion about selling timber on certain county property to help pay for renovations at the gun club. Commissioner Taylor says the bottom line is that the County Commission is open to renegotiating contract to include the police department and the public. Kathy Gerencer, Humane Society Director, via Zoom says that the Humane Society never received money from the gun club. Mr. Hanson agrees that it was hearsay on his part. Humane Society objects because it is traumatizing to animals, and other options exist. She asks what shooting range does the Sheriff use now. Commissioner Taylor says that the Sheriff is begging borrowing or stealing a place to qualify. Plum Orchard bumped them and

other places closed. Sheriff Fridley says that the prior County Commission denied an option to have the range at the County Park. Commissioner Taylor says that that will be explored, but for now they need to get the deputies a place to shoot. Kathy says that the trade-off would be minimal and deputies could travel to Boy Scout Range. Commissioner Brenemen says the County Commission will be looking at a workshop with several people involved. Commissioner Taylor comments that Terry Groves and Dave Pugh who asked to be on the agenda for this discussion did not show up.

Lauren Weatherford, Associate Professor MPH, WVU Family & Community Development Agent, gave an overview of Community and Economic Development Basics. Commissioner Taylor asked her to come and educate the County Commission on what they can do. Lauren stated she will use this as an initial dive in and the Commission can ask questions as she goes. There are two parts. An Extension Service Basics pamphlet was offered to the commission for their perusal. Commissioner Brenemen is on the committee for the Fayette County Extension Services. They help approve employees, budgets, etc. There are five employees. Ms. Cassandra Bandy is a county paid employee; the other employees are from WVU. Brian Sparks is the Agriculture & Natural Resources Agent for Fayette and Nicholas Counties. Lauren Weatherford doesn't think that people realize how many faculty members are available to the county. WV State Code sets the partnership. WVU provides one agent per county. There is a partnership with Nicholas County to provide more than one agent. The pamphlet explains staff and county input. WVU is currently putting in about \$150,000 toward faculty support. Listing of areas of impact. Not just 4-H, but substance abuse and youth. Commissioner Taylor asks if they work with ICE and the answer is yes. WVU Extension Services will partner with the youth reporting center. Commissioner Taylor ask JR Davis with 4H center to link up to aid youth. Discussion about growing flowers and Bessie's Floral is willing to invest. Brian Sparks is working to find a grower. Lauren Weatherford asks that the County Commission contact them with any questions and suggestions. Commissioner Taylor speaks about prevention health and about asking Fayette County Health Department Director, Teri Harlan, to link up with New Roots. Lauren says it is all about partnerships because Brian and Lauren are only in the county part time. FRN is one of the strongest partnerships they have. Community and Economic Development is addressed. How do you balance outcome need to process? Finding a happy medium is the goal. Key themes listed. Commissioner Taylor questions meaning of environment as listed in the pamphlet. Lauren Weatherford cites as examples: streets, infrastructure, schools and business opportunities etc. She explains growth vs development and common obstacles. Development is the picture beyond growth. Finding balance is key. Conversation about Route 19 not being the whole, but a part of the county growth. Focus on not depending on "they", but the entire community. Bigger picture needs to be looked at. Leadership questions are listed. Commissioner Taylor says that the Commission needs input regarding economic incentives to bring in outside companies to bolster

county revenues and draw people into the area. Lauren Weatherford says that the Commission needs to consider what happens down the road from short term tax incentives. Common pitfall is that businesses come in and take the short-term incentives and then leave the area. Need to create environment where developers would come into the area and stay. Tax incentives can be tricky but the topic needs to be explored. Schedule times to revisit plans every 5 to 10 years. List if elements required by WV code. Commissioner Taylor says that she was not focused on tax incentives in particular, but incentives in general. Removing red tape is a big incentive. Lauren Weatherford speaks about common CED studies. Lauren Weatherford stresses the asset map and says that managed growth is a key factor. Can we handle it if we have more things happening? Very relevant for what the county is facing. Input from community is needed and a workshop is advised.

Mr. Robinson with AEP (via Zoom) speaks about the transmission project starting in early 2022. It is a 15-mile project replacing old lines and one they have been having liability issues with. Mr. Sean Lopez is the project manager. Others presenting are Chris Pinaterro Scott Woody and Leah Jackson. Mr. Lopez gives overview of project. The project is in the Kincaid area going into the Fayetteville area as well as Scarbro, Oak Hill and Victor. They will be building about 59 miles of 69 KV lines. The biggest benefit will be two sources going into the Fayetteville station. They are building a new station in victor to replace an older station. Commissioner Taylor questions what is the purpose of the County Commission's involvement in this presentation. This is a heads up about the project, so if landowners have questions, the Commission will be aware. Chris Pinaterro talks about the structures to be erected on the site. Most is on a new right of way and not on existing right of way. There are 10 miles of removal that are not on handout map. For the Victor project, the structures are explained. Leah Jackson shares siting maps (GAI consultants) show route of transmission lines and breaks them down into corridors. Most of the property is fairly undeveloped. Property is right off of Route 19 for the Whitewater Substation. She goes into detail on a google map showing routes in and out of substation and options for transmission lines. The new lines come into the Fayetteville Substation along an existing right of way. She goes over the new substation at Victor and shows various ways that can be used for ingress and egress of transmission lines. Three options were presented. Jessica Wright, Project Specialist and Nichole Hodges give dates of open house for the community to be involved. They will be sending info to landowners for their input. Jessica Wright goes over timelines for project movement. There will be a virtual town hall for the Kincaid area on June 30 at noon and 5 pm.

Region IV 2nd public hearing regarding CDBG for health department application. They will be asking for \$2 million. Commissioner Taylor moves that the grant application be approved. Second by Commissioner Louisos. Unanimous decision.

Fayette County Asset Mapping CDBG-MIT Application regarding water and sewer mapping. The cost will be \$250,000 to map assets in Fayette County MOU will be with this application as well. Commissioner Taylor wants significant notice so prosecuting attorney can review documents. The application needs to be signed ASAP. The MOU can be signed after review of document. Commissioner Taylor asks that the commission be informed as early as possible. Commissioner Louisos thought it had something to do with mapping of broadband. The maximum amount will be needed to map water and sewer, so broadband was not included. Commissioner Taylor moves that application is approved and based on prosecutor's advice the MOU as well. Commissioner Louisos seconds. Timeline is not known exactly, usually about six months. Looking at next year at best. Unanimous decision.

Break at 12:20.

Back in session 12:39

MOU decision about NRHS. Commissioner Taylor wants to leave current MOU in place with only a deadline added. Kathy Gerencer states that other items in MOU have not been decided. Discussion about costs being specified as far as plumbing issues and grounds maintenance. Building and facility grounds discussion about to whom direct requests are sent. The roof is leaking. Maintenance says this issue needs addressed. Cost may be an issue. Commissioner Taylor says that the process is to submit to the County Administrator. Kathy Gerencer asks who pays for the audit. The County Commission pays for the audit. She says the grounds maintenance issue was left out of new agreement. She adds that vetting costs need addressed in regard to court cases. In some instances, animal autopsies are required. PA Ciliberti cites a case that a necropsy was necessary in order to determine cause of death, because no external injuries were found. Usually the Humane Society pays, but they would like to get out of it. The Humane Society doesn't have a vested interest in the case. On average the Humane Society loses money because they are not being reimbursed. PA Ciliberti states that restitution is asked for, but not paid in most cases. Commissioner Taylor and PA Ciliberti discuss ways that monies could be recovered at pretrial in cases where applicable. Commissioner Taylor suggests a timeline of monitoring. Commissioner Louisos asks who brought charges in the case Ciliberti cited. The vet fees vary by case. Blood screens and fecal analysis are required in some cases. Costs by case can be anywhere from \$40 up to hundreds of dollars. Most cases are pled down to misdemeanors. The Humane Society cites a recent hoarding case where the vet bill would have been expensive and the Humane Society felt that bill would not be able to be met. Commissioner Taylor questions what is the standard for prosecuting these cases. PA Ciliberti says that it is on a case-by-case basis. Lack of funds is not an issue in most cases, but some are. Commissioner Taylor wants clarification of what reimbursement is being asked for. Vet care in seized cases is what reimbursement is being asked for. Ballpark figure? Anywhere from one to five thousand dollars. The prosecuting attorney may be able to help with that. May

be able to use discretionary funds to help pay for the seizure of animal vet cost. Asset forfeiture money is a possibility. Kathy Gerencer and PA Ciliberti should get together about process for reimbursement. Commissioner Taylor adds that PA Ciliberti should educate Kathy Gerencer about evidentiary preservation procedures for these cases. Documentation, photos etc. Sheriff Fridley says that Richie Gibson has had classes for animal cases. Oak Hill donates money to cover salary. Discussion about funding from municipal areas. Fayette County is expected to foot the bill, no matter what jurisdiction. PA Ciliberti doesn't want the investigation to be hamstrung by lack of testing because of costs. Kathy Gerencer states that the Humane Society is not set up for large animals and they were asking that those animals not be brought to them. They do not have the people or the facilities to take care of large animals. She suggests that animals are farmed out. Brian Sparks was suggested as someone to contact when large animals were involved. Discussion about farm animal seizure being sent to 4-H instead of the Humane Society. Commissioner Taylor suggests that the Sheriff tell animal control of such. She says the main thing is to enforce a date on records to be submitted the 15th of each month. Sheriff Fridley will pass this on to Russell. Commissioner Taylor suggests that notes be incorporated into the MOU and PA Ciliberti will create the document and submit it for approval. Commissioner Louisos asks if rescue animals are given to Fayette County residents first. Intake process is described by Kathy Gerencer. The info goes into the data base. The rescue coordinator is a volunteer. She networks after five days. Opportunity is there for adoption after that. The Humane Society takes animals to rescue at least once a week. Virginia, Pennsylvania, Washington, DC and other parts of WV are rescue partners. Commissioner Louisos asks about financial issues per animal when they go to rescue. Commissioner Louisos and Kathy Gerencer discuss issues that arise when a rescue is committed to, in essence, who bears the cost? The Humane Society provides basic vaccines and basic care, but spay/neuter costs are not included. Commissioner Taylor asks if Commissioner Louisos wants language inserted in MOU addressing procedures for Fayette County residents. Kathy Gerencer wants to make note of an adoption fees issue. She contacted local vets about costs. The Humane Society gets a significant discount from the veterinarians. A \$150 adoption fee to \$175 is basic. From Oak Hill Animal Hospital, it is \$168 for a male puppy and \$183 for female puppy. Fayetteville vet office is similar. An adult dog is \$235 for a male and a female is \$265. Weight adds \$150 to cost. Commissioner Louisos questions costs in Nicholas County. Nicholas County gives vouchers for spay/neuter, Fayette County does not. Commissioner Louisos questions how many twenty dollar spay/neuters are done per year. Kathy Gerencer cites that 375 were done in a seven-month period. The grant they received last year was for \$15,000 and they exhausted that grant in a five-month time period. The grant has dwindled year by year. It is estimated the Humane Society aided over 800 animals this past year. Commissioner Taylor moves that allocation matches that from last year plus \$10,000. That amount would be an additional \$63,000. \$132,500 from general funds and

\$48,500 from Cares Act money. The total would be \$181,000 Commissioner Louisos seconds. Kathy Gerencer objects, asking that the full amount be given since the amount of money asked for just maintains the Humane Society. The Humane Society asked for \$201,000, which is not a great amount. She states that she is disappointed in amount given. Commissioner Brenemen says that right now this is all the Commission can do, but they will look for ways to come up with the rest. Commissioner Taylor stated the Commission did not grant anyone their full budget request and wants a reporting of what the money being granted will cover. She says to let the Commission know the full implications of what the Humane Society is able to do and what they are not with the money. Unanimous decision. Commissioner Taylor asks about how the fundraisers went for the Humane Society and how they went. She volunteered the Commission to help with fund raising to help offset funding shortages. Other fundraising opportunities are explored.

Commissioner Taylor motions to adjourn Commissioner Louisos seconds.

Meeting adjourns at 1:56 pm

FAYETTE COUNTY COMMISSION
REGULAR SESSION
July 9, 2021
FAYETTE COUNTY COURTHOUSE
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

9:00

The Fayette County Commission met in a regular session this 9th day of July, 2021. Meeting called to order by Commissioner Brenemen.

Pledge of Allegiance -

Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young (Tara Tyree) presented personal exonerations for James Betts Jr. & Marian Wallace \$ 1,040.30; Mark A. Tincher \$451.30; Jose Jian & Maria D. Ayala \$33.06; William Jr. & Beth M. Smith \$617.16; William T II Louisos \$480.38; Kimberlee K. (Crist) Nuckols \$307.80; Angela D. Martin \$154.86; Loretta Ann Collins \$672.64; Michael A. Sr. & Hattie Cottle \$1,168.46; Randall S. or Amanda Prince \$924.00; Roy/Dianna Eastman \$69.54; and Peggy Sue Bibb \$304.04 & \$287.16. and real estate exonerations for Shari L walker \$256.20; Emily Pannell & Cory Whaples \$338.18; Midland trail Community Center \$93.42 & \$1153.76; George Dewitt & Nancy R Pritt \$637.94; Jerry Johnson II \$76.86 & \$210.60; Franklin Dale & Elizabeth Murdock \$152.18; John p David & Jeanne Young \$39.20 & \$20.76; and Thomas L & Elizabeth Bass \$24.60, \$53.80, \$41.50, \$41.50, \$12.30, \$21.52, \$26.14- Commissioner Louisos motions; Commissioner Taylor 2nd; ALL IN FAVOR

Approve 1st Half Payroll Commissioner Louisos motions; Commissioner Taylor 2nd; ALL IN FAVOR

Approve Vouchers and Invoices Commissioner Louisos motions; Commissioner Taylor 2nd; ALL IN FAVOR

Approve Prior Meeting Minutes - Minutes were presented from 2/11/21, 2/17/21, 2/22/21, 2/25/21, 5/3/21, 5/7/21, 5/21/21, 5/27/21.

Commissioner Louisos motions; Commissioner Taylor 2nd; ALL IN FAVOR

Approve Estate Settlements for the estates of Jerry David Adkins, Patricia Ruth Church, Toney Colagrosso Jr, Michael Dallie Goff, Michael Alan Hill, Linda Kay Jones, Zelma Earline Price, Shirl Reed, Linda Gail Richardson, John Clyde Robinson, William Otis Stone, Dremia Jean Stonier. Commissioner Louisos motions; Commissioner Taylor 2nd; ALL IN FAVOR

9:05 Discussion & Decision: Lesley Taylor, Region 4, Re: Resolution 13 of the New Haven PSD requesting the Commission to draw down funds in the amount of \$2,335.00 from Contract 19

In 2015 a loan was approved for 50,000 for a particular area - this is to pay an invoice regarding this loan. Commissioner Louisos motions; Commissioner Taylor 2nd; ALL IN FAVOR Commission will send a check to New Haven PSD for amount to pay invoice.

9:10 Discussion & Decision: Amanda Smarr, Region 4 Re: Fayette County Broadband Planning Grant Time Extension Approval

State has requested an extension to finish and close out this part of the project. Waiting on an audit report to finish the close out.

Commissioner Louisos motions; Commissioner Taylor 2nd; ALL IN FAVOR

9:15 Discussion & Decision: Randy Prince & Joy Marr Re: Potential Farmland Conservation Easements for Sparks, Jarrett and Rogers

Mr. Prince presented as chairman of the Farmland Protection Board the conservation easements for 3 properties. Jarrett farm - Commissioner Louisos asked if the property owners would give the County Right of Way easements as a requirement of the conservation easement. Bill Hauer (treasurer for FBP) asked how that would be enforced.

Commissioner Louisos feels that if the County is paying for these easements, then they shouldn't be allowed to refuse ROWs for utilities or otherwise impede development around the property. Prosecuting Attorney Ciliberti did not see it as feasible to do these types of prospective easements. Commissioner Louisos suggested plotting certain pieces to make it more amenable to property owners.

Commissioner Brenemen brought up the concept of eminent domain as well. Commissioner Louisos asked for a map to each property. Mr. Hauer explained some of the process. They can't even get an appraisal until the county approves. Mr. Hauer pressed Commissioner Louisos to say what he exactly objected to - paying these people for development rights? Explained that these are private land owners that want to keep their property as farmland. Commissioner Taylor asked if we had a way to compel these owners to keep these properties as productive/working farms. There isn't. Mr. Prince explained that this is just a step in the application process. Commissioner Taylor motions to allow the application process to proceed; Commissioner Louisos 2nd; ALL IN FAVOR. Commissioner Louisos reiterated his stance

that the private owners could apply for and get a conservation easement without the farmland protection board - Mr. Hauer explained again that this is done to protect farmland. Commissioner Taylor explained that the issue is that these easements benefit the property owner, but the County doesn't get anything in return, including a guarantee it could farm the property in the future if necessary.

9:30 Resource Coordinator's Office Quarterly Report and Forecast

Resource Coordinator Gabe Pena presented - Highlighted some current grants. The SHPO grant for the roof is almost completed. Courthouse Improvement -Dan Sneed sent report. Working in the Valley for Brownfields work. RPMB grant, FY21 is moving. USDA grant moving, will file an extension, (one more).

Pending grants - SHPO grant for the masonry work Commissioner Brenemen asked if we had to have offices in the Fayette County Memorial Building for this - no, only for CFIA grants. POWER grant for planning - help with transition of the farm. DOH transportation alternative - trail head parking. WVDEP recycling grant -to look into developing a transfer station. Was awarded a beginning farmers grant for New Roots.

Upcoming -CFIA grant 100,000 for 20% match (in Sept). RPMB - all office holders, commission decides priority (in Oct).

Land and Water Conservation Grant for the water pump upgrades at park. Administered by Dept of interior

WV consolidated technical Assistance Program - ARC - planning grants Commissioner Taylor requested Mr. Pena be present at the Aug 6 meeting for the discussion of combining the beautification committee with planning commission; Mr. Pena mentioned the amount of grant money in the Valley for planning; he is working on reapplying for a planning grant to start the work for redeveloping Collins Middle School.

His office is still working on transitioning the farm; still helping with administration. Provides administration. Commissioner Brenemen asked how are duties split/assigned within the resource office. Mr. Pena explained how things are split - typically Mr. Pena works with outside contractors, etc. Abbie Newell does a lot of the admin work. Commissioner Brenemen mentioned the amount of work Abbie does, Gabe does most of the actual writing of grants with assistance.

Commissioner Brenemen requested that County Administrator Lanier create job descriptions/narrative for the Resource Coordinator's Office. Commissioner Taylor agreed, and mentioned Ms. Lanier is already working on this in a general sense. Abbie spoke that she is in very much a supporting role and feels Mr. Pena is quite busy; New Roots Community Farm Director Susie Wheeler agreed. They both feel the office works well. Abbie thanked the Commission for allowing them this time to update the Commission.

10:00 Discussion & Decision: Attorney Stephen New Re: Legal

Discussion Commissioner Taylor motions that they go into executive session to protect attorney/client privilege. Commissioner Louisos 2nd ALL IN FAVOR 10:22

10:55am - back in session. Counsel will continue to pursue possible litigation; no other decisions were made.

10:30 Discussion & Decision: Aaron Mroz Re: United States Environmental Protection Agency (EPA) obtaining access to several parcels owned by the Fayette County Commission in Minden, West Virginia

EPA needs access for testing county owned property as part of the superfund site. Commissioner Louisos asked if this testing has been done before - residents sign off on this access each year. This particular property was tested in 2019. Commissioner Taylor asked what progress was being made. This superfund site is on a priority list - Mr. Mroz is hopeful that data collected this year will lead to the feasibility study to find a remedy and present it. Commissioner Taylor asked who is doing the actual testing and if they are testing soil as well as water. Commissioner Taylor asked if there were timelines in those contracts. Commissioner Taylor motions to approve; Commissioner Louisos 2nd; ALL IN FAVOR

10:45 Postponed from 5.7.21: Discussion & Decision: Jail Bill & Possible Commission Funding for Home Confinement Indigent Clients

Commissioner Taylor discussed this - that it would help the jail bill if the FCC was willing to pay the confinement device fee if an indigent client was ordered home confinement and are not able to pay the fee. The Commission would rely on the recommendation of the Prosecuting Attorney in determining who would qualify for this funding. Commissioner Taylor motions; Commissioner Louisos 2nd; ALL IN FAVOR

Ruth Lanier, County Administrator - Exhibit A

1. Discussion & Decision: County Participation in Central Appalachian Empowerment Zone. Commissioner Taylor tried to be in contact with this group, but received no reply. Commissioner Taylor motions to cease participation in this organization until and unless they reengage the FCC. Commissioner Louisos 2nd; ALL IN FAVOR

2. Discussion & Decision: Park Sales and Use Tax report Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR

3. Discussion & Decision: Inspector Agreements between Fayette County Commission and Michael T Rose and Jason T. Davis, respectively. July 1, 2021 - June 30, 2022.

Electrical inspectors for the Building Commission. Commissioner Taylor asked if these were competed or if these "are just guys someone knows." Requested the Allen Ballard spoke about the process - that these men have been our inspectors for 16 years, very few people have the required qualifications. Commissioner Taylor motions to approve; Commissioner Louisos 2nd ALL IN FAVOR

4. Discussion & Decision: Request from Fayette County Health Department Administrator Teri Harlan to reappoint Jerry Allen and

Cindy Chamberlin to the Board of Health for 5-year terms, to expire June 30, 2026. And appointment of Commissioner to Board of Health.

Cindy has sent in her application; Jerry has not. Commissioner Taylor motions to postpone Mr. Allen's appointment until 7.23.21; Commissioner Louisos 2nd ALL IN FAVOR. Commissioner Taylor motions to reappoint Ms. Chamberlin; Commissioner Louisos 2nd ALL IN FAVOR. Commissioner Louisos motions to appoint Commissioner Taylor to the Board of Health; Commissioner Taylor 2nd, ALL IN FAVOR. Ms. Dangerfield will type an order to appoint Commissioner Taylor and can use stamped signatures. (Mr. Allen's application was received via email after original motion was carried) Commissioner Taylor motions to reappoint Mr. Allen; Commissioner Louisos 2nd ALL IN FAVOR.

5. Discussion & Decision: Request from John David, SALS, for a letter of support to renew the Housing Preservation Grant from the USDA. Commissioner Brenemen asked Ms. Dangerfield to follow up on building permits issued to Mr. David. Ms. Gerald brought some permits into the commission chambers from the building/zoning office - he has only applied for 8 in 4 years, but mostly for electrical work. Commissioner Brenemen doesn't feel Mr. David is being upfront about the amount of work they are doing. Commissioner Brenemen requested that Ms. Lanier and Ms. Gerald work with PA Ciliberti to draft a letter to SALS regarding these discrepancies. Commissioner Taylor questioned whether we should be signing support letters to an organization that may not be able to pass an audit. Commissioner Louisos motions to approve signing the letter; Commissioner Taylor 2nd ALL IN FAVOR.

6. Discussion & Decision: Appointments to two seats on the Non-Motorized Trail Authority.

Andrew Davis for two-year term
William Wells for four-year term
Ms. Taylor asked if these terms, both presented as four-year terms, should be staggered. Ms. Newell read the qualifications of these members from the board's bylaws and the Commission changed the appointments to match these requirements. Commissioner Taylor motions to approve William Wells for a four-year term; Commissioner Louisos 2nd ALL IN FAVOR
Commissioner Taylor motions to postpone appointment for two-year term until all applications can be reviewed- until 8.3.21; Commissioner Louisos 2nd ALL IN FAVOR

7. Discussion & Decision: Request from Sandra Steele, Administrator, Loving Arms LLC/Kyle's Place, Oak Hill to use the Fayette County Memorial Building as a secondary emergency shelter.

Commissioner Brenemen explained why they are asking for this; this would be a backup to a backup. Commissioner Taylor spoke to her concerns - she would like to see MOUs with these organizations to outline all the requirements needed/ who is responsible for any liability. She wants this discussed with PA Ciliberti for legal

ramifications. Commissioner Taylor moved to postpone until the 1st meeting in August; Commissioner Louisos 2nd ALL IN FAVOR

8. Discussion & Decision: Request from the Sarah Coffey, Event Promotor, Captain Thurmond's Challenge, to use the Courthouse lawn, parking lots and front entrance on Saturday August 7th, 2021.

Commission Taylor asked that the letter include the conflict with Farmer's Market

Commissioner Taylor motions to approve with stamped signatures and edits; Commissioner Louisos 2nd; ALL IN FAVOR

9. Discussion & Decision: Request from Fire Coordinator Joe Crist for approval and signature of Pumper Replacement Agreement (2 copies) for Boomer Volunteer Fire Department: This will allow BVFD to make a payment on their cab and chassis and receive a \$10,000.00 discount if paid before July 15th.

Discussion on if there is code that needs to be followed on these replacements. Commissioner Louisos has asked for this information before. Since this is time sensitive Commissioner Brenemen asked that this be approved and have Joe Crist at next meeting. Commissioner Taylor discussed the fact that anyone on the agenda needs to be present at Commission meetings to answer questions. Commissioner Taylor motions to approve; Commissioner Louisos 2nd; ALL IN FAVOR

10. Discussion & Decision: Request from Prosecuting Attorney Anthony Ciliberti to hire Allison Hornsby for his secretary/receptionist position. Some discussion on qualifications and salary. Commissioner Louisos motions to approve Allison Hornsby at salary; Commissioner Taylor 2nd; ALL IN FAVOR

11. Discussion & Decision: Approval of WVCORP FY 2022 Policy is less than last year. Commissioner Louisos motions to approve; Commissioner Taylor 2nd; ALL IN FAVOR

12. Discussion & Decision: Coal Severance Fund Budget Revision #1 for FY 2022. Approximately \$20,000 different (more) than estimate. Not complete because bank statements were not available. Commissioner Taylor motions to approve with Commissioner Brenemen's signature when complete; Commissioner Louisos 2nd; ALL IN FAVOR

13. Discussion & Decision: Changing Commission meeting dates from Fridays to Wednesdays. Commissioner Taylor asked that maybe they consider the yearly schedule (not all months need 2 meetings, etc.) Commissioner Louisos agreed, as long as it works with the administrative needs. Can also use Zoom to handle some of the routine matters. Commissioner Brenemen wants to meet at least monthly; code only requires quarterly. Commissioner Louisos mentioned all the work the front office does. Commissioner Taylor asked Ms. Lanier to develop a schedule that works for her office and accommodates annual budget and project deadlines. Ms. Lanier discussed that the meeting schedule doesn't have to be set yearly. Can be 6 months or less even.

July 22nd Special, July 23rd Regular. Setting first meeting in August to the 4th; Then Commissioner. Taylor requested that Ms. Lanier and Ms. Dangerfield present a meeting schedule to the rest of the calendar year.

14. Discussion: Future Agenda Items

7.23.21 - 11am; Re: Gauley River PSD Commissioner Taylor requested that all parties be here. Commissioner Brenemen stated the Summersville Mayor; Engineer for city of Summersville. John Tuggle, Leslie Taylor; Carl Harris; Discussion between Commissioners Taylor and Brenemen about who should invite whom.

Commissioner URA has a Preplanning meeting July 15th at noon in the Commission chambers.

Commissioner Brenemen reported on his meetings with NRGRDA - The HIVE has moved out from under the NRGRDA umbrella because of how well they have been doing. And reports that they are doing better with spreading their reach through all counties under their purview.

Also met with Solid Waste Authority. Commissioner Brenemen discussed some administrative difficulty they were having and how he assisted them is getting them straightened out.

Spoke with Secretary Ruby (tourism) as well. Reports there should be more funds coming from tourism for Fayette County.

Commissioner Taylor motioned to move to executive session at 12:45 to discuss the support letter for SALS; Commissioner Louisos. 2nd ALL IN FAVOR

Returned at 1:03pm. Discussion a support letter from FCC to SALS.

Unless and until SALS complies with county code requirements,

Commissioner Taylor feels they can't write letters of support.

Commissioner Taylor motions to rescind a letter approved earlier in this meeting; Commissioner Louisos 2nd; ALL IN FAVOR.

Commissioner Taylor motions to adjourn; Commissioner Louisos 2nd; ALL IN FAVOR

FAYETTE COUNTY COMMISSION

REGULAR SESSION

July 23, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR (Arrived at 10:11 am)

Meeting called to order at 9 am by Commissioner Brenemen.

9:00 am Pledge of Allegiance led by Assessor Eddie Young.

Commissioner Brenemen states that each person attending by Zoom has two minutes to speak and asks that everyone complete the survey.

Exonerations, Orders to Combine or Divide Land, Refunds-Assessor Eddie Young presents requests from Shelley R Burks & Donald R. & Barbara A Smith to consolidate real estate for assessment purposes. He also presents Exonerations for real property: Cynthia A, Mullins \$ 524.18 &

\$13.06; Joseph Michael Bohn \$516.26; Eric L. & Bonnie Pugh \$256.20; Church of Christ Trsts \$1,704.92; Raymond B. Fillpot \$782.52; Donald Clifford Flint \$256.20. Commissioner Louisos makes a motion to approve these requests. Commissioner Brenemen seconds. ALL IN FAVOR.

Second Half Payroll-Commissioner Louisos makes a motion to approve second half payroll. Commissioner Brenemen seconds. ALL IN FAVOR

Vouchers and Invoices-Commissioner Louisos makes a motion to approve the vouchers and invoices. Commissioner Brenemen seconds. ALL IN FAVOR.

Estate settlements-Commissioner Louisos makes a motion to approve the estate settlements of Edward Lynn Aldridge, Robert Edward Canterbury, James Jerry Cole, Sr, Patrician Ann Copeland, Jess Earl Cunningham, Jr., John Richard Harrah, Paul Lantz Hess, James Edward Jeffries, Sr., Edward Alan Kline, Gary Randolph Legg, Harry E Nichols, Shelia Sue Stone, and James Lee Thomas. Commissioner Brenemen seconds. ALL IN FAVOR. Commissioner Brenemen regrets that the list is getting longer.

Discussion and Decision: Request from Fayette County Health Department for a letter stating that Fayette County has not issued bonds in excess of \$5,000,000.00 in the current fiscal year as of July 23rd. Teri Harlan from the Fayette County Health Department explains that federal law requires that the bank have a letter in order for the Health Department to possibly get a loan for another building. The Health Department may end up with two buildings. Commissioner Louisos asks if the Health Department will eventually come back and ask for the County Commission to underwrite funds. Commissioner Brenemen explains that in order to get a loan, the banks need to know the County has not issued bonds in excess of \$5,000,000. Commissioner Louisos motions to approve the letter stating that the County has not issued bonds in excess of \$5,000,000.00, Commissioner Brenemen seconds. ALL IN FAVOR.

Discussion & Decision: Request from Teri Harlan & Anita Stewart for a support letter to continue to provide Harm Reduction services including syringe service program-Commissioner Brenemen states that he wants anyone needing a support letter to be present to make a presentation. Teri Harlan asks that the County Commission give the Health Department a letter supporting harm reduction. 2017 saw a high number of overdoses and overdose deaths. The county was number one in hepatitis cases and 27th on the list of most vulnerable of an HIV outbreak. Teri Harlan gives rundown of care provided and states that the main goal is to keep people safe and alive no matter what it took. The Health Department worked really hard to build a good program. FMRS and New River Health are partners. She is proud of the program. Last year saw improvements in rates, but COVID happened and overdoses skyrocketed. Last year the Health Department took 100 people to treatment. Every deputy received a Narcan kit. The purpose of legislation is that every participant must meet standards. The Health Department needs a letter of support in order to function in each

municipality. She says they are on the agenda for the next Fayetteville meeting. They have always had a strong partnership with the County. Dr. Stewart, County Health Officer, joined by Zoom. Commissioner Brenemen spent many hours on the phone with Teri Harlan, working hard to get needle for needle exchange. Commissioner Brenemen compliments Dr. Stewart and Ms. Harlan for their efforts and states that he is in favor of the needle exchange. Commissioner Louisos motions to approve a letter of support to continue to provide Harm Reduction services including syringe service program. Commissioner Brenemen seconds. ALL IN FAVOR.

Comments are made that the County Commission is changing meetings from Friday to Wednesday.

Discussion & Decision: Matt Ford & Roger Kennedy Re: Engineering Services Proposal from Chapman Technical Group for FEMA repairs to the Meadow River Rail Trail.

Matt Ford & Roger Kennedy are present to present an Engineering Services Proposal from Chapman Technical Group for FEMA repairs to the Meadow River Rail Trail. Matt Ford states that he is the Meadow River Rail Trail Team Leader. The group is at phase where an engineer is needed to repair the trail. Fayette County received approximately 1.1 million dollars to repair Russellville Bridge, but did not repair the trail. Chapman Technical Group did the other work on the other projects. Roger Kennedy from Chapman Technical Group states his background and states that the Proposal is for the 11 remaining sites in Fayette County damaged in the flood. They have done the site work, and developed plans put it out for bids. Markup took it up to \$52,874 and those are 2016 numbers. A certain amount of work has to be put into bidding the work, labor and time etc. They anticipate looking at the culverts. Cleaning out the culverts is specialized and they need to have alternates to replace pipes instead. If pipe is completely full, it may be cheaper to replace the culverts. Commissioner Brenemen asks have they run into any mussels in the river that will hold up the process any longer. Chapman Technical Group has conducted several studies on invertebrates and other species through the WV Department of Highways. There is a bat habitat and timing will come into play on the bat habitat. The entire reach of 17 miles has been studied for all of these creature and Chapman Technical Group is confident that permits will be obtainable. Commissioner Brenemen says the wheels fell off of the wagon. Commissioner Brenemen asks County Administrator Ruth Lanier if we have coverage. County Administrator says yes, we have coverage. Commissioner Louisos motions to approve the Proposal from Chapman Technical Group. Commissioner Brenemen seconds. ALL IN FAVOR. Matt Ford states that approval will be obtained before awarding contracts.

Bill Chapman states that there is enthusiasm about getting to work on time estimation. The State is pinging them on status. The State is on board to expedite. There will be a protracted relationship with the money stream. The State may hand us the 25%. They are paying bills out of two funds and will give the County a ledger and will work with Roger and company to come up with updated estimates. The original unit

cost was a guess and a conservative guess. FEMA understands that and will take one dollar for one dollar. That will put FEMA in the passenger seat where they work best. Commissioner Brenemen asks that Bill keep in touch with County Administrator Ruth Lanier.

Five-minute break at 9:33.

Back in session 9:38.

Discussion & Decision: Susie Wheeler, staff plan for New Roots Community Farm Job Description approval and approval to hire Flannery Mikusa. Susie Wheeler from New Roots is present to go over the job description first and then staff plan for October. She is looking to hire a person for 28 hours a week. Funding is from the revenue account and a grant is the works for September. She would like to hire a volunteer that has been working there. Commissioner Brenemen says that everything is about the same as far as production. Susie Wheeler agrees, and says that this is the first real year of solid production and they are shooting for \$100,000 this year. Commissioner Brenemen says that New Roots has done a great job and anyone would be pleased. Commissioner Louisos questions why the figures are not matching. Susie Wheeler explains the difference in the figures. Commissioner Brenemen asks if the grants are in line that will cover everything. He says that he keeps seeing nice tomatoes. Susie Wheeler says that Thursdays between 1-6 p.m., people can come to the farm and buy produce. She asks for approval of the job description and hire date. County Administrator Ruth Lanier says it is the practice to post the positions, but it is difficult to find candidates. Commissioner Brenemen says to publish on Indeed and the volunteer can then apply. Susie Wheeler asks for what time frame? County Administrator Ruth Lanier says to post the job for three days. Commissioner Louisos motions to approve employee description and posting. Commissioner Brenemen seconds. ALL IN FAVOR.

Discussion and Decision: Dave Perry Re: Consideration of Potential CARES and/or General Fund monies for Community Feeding Program. Dave Perry states that this is several months in coming. He says that he has attended a lot of Commission meetings. He applauds the Fayette County Commission and their efforts. Mr. Perry gives the commissioners a copy of household assistance food programs. He has future expenditures guidelines and on December 30, sent a letter asking for approval for funding for the Household Assistance Program. In May, Dave Perry sent County Administrator Ruth Lanier another letter which indicated timing etc. He then found out the money went to the animal shelter. Dave Perry expressed disappointment in this decision and is present today, asking for funds. He would like to increase program funds and is requesting \$5,000. It would be nice if the County Commission could commit some monies to the food program, (partial funding or total funding). Commissioner Louisos says that letter was so long in coming, the money had to be used elsewhere. Commissioner Louisos and Dave Perry have discussion about timeline requirements. Dave Perry says he was not aware of time constraints. He does not

think it is an unreasonable request. Commissioner Brenemen reiterates that they asked for more information and did not set a date. He also states that the County Commission is waiting until October to distribute money and consider needs versus what is actual and will discuss other requests. Dave Perry says he is reasonable and will accept a lesser amount. Commissioner Louisos says again that timeline was stated in email. Dave Perry says that he never got a specific date, and is unaware of the described email. Commissioner Louisos says that funding was not going to be held. Dave Perry disagrees and says that he fulfilled specifications. Commissioner Brenemen says that he would like to say that if we had a chance to do this, is it something that you are doing right now, or can it be discussed in October? Commissioner Louisos asks if Dave Perry would come to a meeting in September to talk about funding starting in October. Dave Perry says that Commission meetings should not be reduced to one meeting per month and people need to access the County Commission. He also states that people are more important than animals. Since he is no longer in politics, he does not have to be politically correct. He compliments Commissioner Taylor (who is not yet present), on her advocacy with the Bridge Day Commission not to charge rafting companies \$50 per bus for bussing customers across the bridge on Bridge Day.

Break at 10 am.

Back in session 10:06

Public Hearing: Discussion and Decision on Route 19 Corridor Management Plan and Discussion and Decision on Route 19 Overlay District Article 9005 of the Unified Development Code-the public hearing was posted in the newspaper and the County Commission asked the Planning Commission to come back with a plan of study. The County Commission tabled this topic from the May 21 meeting. The Planning Commission's recommendation was to do a study on what the County Commission wants changed and why. Commissioner Louisos is going to take care of that. Commissioner Brenemen reminds Zoom attendees that they are to raise their hands and they have two minutes to speak. He thanks Prosecuting Attorney, Anthony Ciliberti, for being present by Zoom and hopes that Mr. Ciliberti feels better.

Commissioner Louisos needs a small break.

Commissioner Taylor Arrives at 10:11 and Commissioner Brenemen calls meeting back in order at 10:13.

Commissioner Louisos addresses the Route 19 Plan. He states that it restricts development. Not one utility will come into an area with such restrictions. Commissioner Louisos wants water and sewer to everyone in Fayette County. Commissioner Louisos says the Route 19 plan was added to the comprehensive plan. He wants to keep scenic, scenic, and development developed. He states that allowing select entities to be given rezoning without going through proper channels is illegal. Property owners and developers have been misled by this plan. He wants people to answer for not following guidelines and asks why

properties got rezoning that did not follow the guidelines. He states that he is talking about everyone. Commissioner Brenemen asks for input. Sharon Crookshanks, Mayor of Fayetteville, says that she is unaware of Teri Harlan being on next month's scheduled meeting agenda. She asks if Commissioner Louisos reached out to the people involved. Commissioner Louisos says that plenty of people have showed up at meetings, but with no alternative plan. Sharon supports the plan but cannot answer the question about 9005 or other questions Commissioner Louisos asks. She says that Brookfield is moving to Route 19. She advises fixing the plan, not throwing it away. Commissioner Louisos says that initially, when came to this, he wanted to do away with entirely, but Commissioner Taylor talked him into waiting and referring it to the Planning Commission. The only thing Commissioner Louisos has heard was to keep everything. Mayor Crookshanks agrees that the water and sewer are important and there is a way to fix the plan. She suggests that those involved with the plan form a group to look at it and discuss the issues. Commissioner Louisos has waited six months and all the talk is to keep the plan as is. Mayor Crookshanks states a history of everyone working together, Fayetteville and Fayette County. All areas want to grow. At a Region IV meeting signage was discussed to local businesses. About small businesses as well as the bigger businesses. Several area mayors got together about signage. Commissioner Taylor went to Dixie's and noticed a local sign saying New River Bridge, which is very outdated. Mayor Crookshanks says that at 2:30 there will be an unveiling of new signs. She invites the County Commission to attend if possible. Mayor Crookshanks states that 9005 is an ordinance. Mayor Crookshanks updated Commissioner Louisos and he and the mayor discuss the planning commission. Commissioner Louisos says the issue is that since November or December no one has come forward with suggestions about how to update the plan. Commissioner Taylor agrees the process is cumbersome. Commissioner Louisos says that most people don't understand the process. Mayor Crookshanks encourages the new committee to go into the ordinances and read them carefully and amend where necessary. Commissioner Louisos says that the firm that originally devised plan did that. Angela Gerald says the Route 19 plan was in place before the new comprehensive plan. Commissioner Taylor asks Mayor Crookshanks what the Town of Fayetteville does to consider development requests on Rt. 19 in the absence of a Plan like the County's. Mayor Crookshanks says that low light to reduce pollution and signage that can only be so high. The right side of Route 19 is under Fayetteville. Commissioner Taylor confirms that the town council has the ability to deny requests. Mayor Crookshanks stated Fayetteville is in the process of redoing planning and zoning. Council addresses issues and it is sent back to planning and zoning until council approves. Commissioner Taylor compliments Mayor Crookshanks on her input and great ideas. Commissioner Brenemen says that he will not approve billboards, strip clubs, etc.

Dave Perry asks to speak. He says that as he recalls, the origination of this was out of Maryland. There were public meetings sparsely

attended. Local people were not included. He approves of the County Commission's efforts. Nothing else has been presented in many years, so every decision is predicated on this premise. He adds that there are too many spot-zonings and thinks that plan is too restrictive. Another county commission did not want certain things developed. Along the route there is nothing from county line to county line. Dave Perry says that everyone is gearing for the new businesses coming into area stemming from the national park. He remarks that the design of a camel was by committee. He encourages the County Commission to move aggressively and move forward. He says there are rumors of a new road to connect the turnpike. Commissioner Louisos received a letter from CENTEC Engineering, and says the County Commission makes the decision. Dollar General wants to come in, but cannot meet Route 19 regulations. Commissioner Louisos is adamant about getting rid of the management plan. He says that 9005 is ridiculous and needs to be done away with. Mayor Crookshanks applauds Commissioner Louisos for wanting to protect the scenic considerations. Commissioner Louisos says that certain parts of the county should be used for certain things. He says if there is no development allowed, no utilities will come in. Commissioner Brenemen says that out of the people who built along Rt. 19 the questionnaire was not filled out or only partially. Those who did fill out the questionnaire were not approved. Commissioner Taylor states that if Commissioner Louisos moves to eliminate she will second. The County Commission is interested in keeping the quality of life we have. The plan is unnecessarily restrictive and arbitrarily enforced. Recommendations from the Comprehensive Plan study are going to be implemented before the end of the year. 9005 will be updated according to the comprehensive plan recommendations. The Town of Fayetteville has been able to handle zoning decisions along Rt. 19 with no cumbersome paperwork. Commissioner Taylor wants to eliminate cumbersome process to submit applications. The County Commission has the ability to vote against them. She feels like it is a good idea to get out of the way of people who want to come into the area and develop. Developers are going to go into other counties that do not have a 100-plus question questionnaire just to apply to build. Commissioner Taylor offers the fact that a comprehensive plan is coming, and Commissioner Louisos is on the selection board. A well-reputed firm has bid. In this case, it is much ado about nothing. Route 19 is still attractive and they will have a planning board soon that can be relied upon. Angela Gerald says that 9005 is an additional layer. The area will still have to be zoned. It is not going to be a free for all for undesirable businesses. Commissioner Taylor and Angela Gerald discuss the several layers that people are going to have to go through, citing the various boards and that highly qualified people from all areas of the County need to be on the boards to give the County Commission expert input. Commissioner Louisos moves that the Route 19 Corridor Management Plan is removed from the comprehensive plan. Commissioner Taylor seconds. ALL IN FAVOR. Commissioner Louisos moves that 9005 overlay to the zoning code be removed. Commissioner Taylor seconds. Angela Gerald requests the County Consider a land use plan and Commissioner Taylor agrees.

Commissioner Brenemen agrees that once input is received, they will sit down and discuss it. ALL IN FAVOR.

Break at 10:53.

Back in session 11:08.

Discussion and Decision: Joe Crist-Explanation of Pumper Contracts and Levy Contract and Signature of Levy Contracts- Motion by Commissioner Louisos and second by Commissioner Taylor to approve contracts. Commissioner Brenemen asks Joe Crist for what fire department? Joe Crist says to Montgomery Fire Department. Commissioner Taylor asks if Joe ran the contracts by Prosecuting Attorney, Anthony Ciliberti. Commissioner Taylor feels that Mr. Ciliberti needs to look at the contract prior to the County Commission signing. She rescinds her second of the motion by Commissioner Louisos. PA Ciliberti (attending by Zoom), says that the County Commission can scan and email it to him. Commissioner Taylor says that they will revisit this subject later in the meeting. Commissioner Louisos will meet with Joe Crist independently, on that and other items.

Discussion and Decision: Revisiting No-Confidence Vote of Gauley River PSD-Individuals from Summersville PSD, Wilderness PSD, Gauley River PSD are present, with two of its commissioners, Teddie Elliot and Juanita Phillips. Also attending are Robert Shafer, Mayor of the City of Summersville; Garrett Cole and Craig Chapman, Nicholas County Commissioners; John Tuggle, Executive Director, and Lesley Taylor, Senior Specialist from Region IV. Commissioner Brenemen reiterates Zoom protocol. He states that we are here to discuss the vote of no confidence in Gauley River PSD. Commissioner Taylor wants to apologize to Gauley River PSD commissioners for not reaching out to them before the last hearing. She learned that Gauley River's legal counsel, James Kelsh, with Bowles-Rice, LLP, has experience working with the West Virginia Public Service Commission. Carl Harris from Kanawha Falls PSD has legal knowledge as well. Commissioner Brenemen explains the regulations and (reading from the Gauley River PSD audit) asks if all Gauley River PSD's three accounts are up to date. Mr. Kelsh explains that the WV PSC has changed some of their policies. He relates updates to policy and says the rates have dropped. Working capital is up and never drops off and the annual report will reflect this. Commissioner Brenemen asks again if all three accounts are all up to date. Mr. Kelsh reports that there are only two accounts, but accounts are not fully up. Commissioner Louisos states that the minimum bill is \$54.22. Commissioner Brenemen states rates and that Gauley River PSD is rated 334 Out of 367. He also says that rate increase will put them as the highest in the state. Counsel acknowledges that rates are high and says that rate is service-based. A rate increase with the current interest rate will allow Gauley River PSD to refinance and save money. A big factor is that they purchase water from Summersville PSD and Kanawha Falls PSD. A credit from Kanawha Falls PSD for installing meters that overcharged is hoped to be received soon. Gauley River PSD runs at 1.7 percent. Commissioner Brenemen asks if bonds are up to

date. Mr. Kelsh responds that Gauley River PSD has never missed payments on bonds. He explains the formula and repeats that Gauley River PSD has never defaulted on bonds. He says that Kanawha Falls PSD has defaulted prior to changes within Kanawha Falls PSD. Capacity development is viability scored 80. Kanawha Falls is marginable. Commissioner Brenemen says we are not comparing PSDs. He then asks how many customers are in default? Counsel says none. Commissioner Brenemen says during audit of 2020, audit was for 2019 and 2020, because Gauley River PSD has not filed annual report. Mr. Kelsh says that Gauley River PSD uses QuickBooks and it is impossible to meet auditor's standards. Rod Lowe has the hardest audit standards. Commissioner Brenemen read deficiencies in Gauley River's material misstatement and these were repeated from 2019. Mr. Kelsh says that software is a common finding with a small public service district. The Auditor found that Gauley River PSD is involved and risk is inherent with small public service districts. Commissioner Brenemen says there was a shortfall of rates. The same thing with 2019. Counsel responds that Gauley River PSD will file for a rate increase. Gauley River PSD did not want to impose them because of COVID. Gauley River PSD has a good track record of getting annual reports in on time. 2019 and 2020 had coverage ratio issues. This will be taken care of with rate increase. Commissioner Brenemen says they are still dealing with rate increase that they were aware of in 2019. He says the Gauley River PSD has never gotten below 100%. The PSD hit financial issues. They asked for money from the County Commission and were given funds to replace losses. The PSD was taking money from deposits and using money for other things.

Commissioner Louisos asked how many customer complaints. Counsel says there are no complaints on service and three complaints on billing. Juanita Phillips comments on customer security deposits. She says that is not the case; that they use ASI Walter Frazier software and they transferred what the software said. Since then, the process is okay. Commissioner Brenemen asks that the County Commission be notified and asks if minutes are sent in. Commissioner Taylor comments that the Commission was advised Summersville PSD and Kanawha Falls PSD have had to bail out Gauley River PSD and that Gauley River PSD personnel leave at a certain time and leave other public service districts to finish alone. Stephanie Frame, Administrative Assistant interjects to explain that one time when work was stopped, they were going to need flaggers and a contractor suggested that work resume another day. Gauley River PSD only has two field operators, Lovell Truman and Daniel Cherry. Gauley River PSD had a leak on Memorial Day and their operators worked through the holiday weekend to repair it. She states that there is no need to have a general investigation. No need to have Gauley River PSD absorbed. The West Virginia PSC does not expect to deal with these. Commissioner Louisos asks about water quality. How many public service districts in West Virginia are at 80%?

Mr. Kelsh says that most of failed systems are water associations 90 percent of the public service districts are viable.

Commissioner Brenemen asks Scott Rader from Wilderness PSD to speak. Mr. Rader says that basically, in a nutshell, he has seen a train wreck coming that will affect Wilderness PSD's ability to service their customers. Since 2016, they have had requests that they not purchase water from Gauley River PSD. He repeats that he does not want Wilderness PSD's ability to service customers to be affected. In order for Wilderness PSD to do our job, we do not have the option to turn the pumps off. He wrote a letter to the Gauley Rivers PSD board and pointed out deficiencies. He said he wanted to avoid a train wreck. The County Commission wants a copy of the letter that Mr. Rader sent to Gauley River PSD. The County Commission will send a copy to Prosecuting Attorney, Anthony Ciliberti. Commissioner Louisos ask how the water is supplied by Wilderness PSD. Mr. Rader says that Meadow River is the main supplier at one-half million gallons a day. Wilderness PSD has their own plant and it runs 16 hours a day, which is the reason for interconnection with the other public service districts. He does not want more than 16 hours run time per day. The interconnection is part of a plan started in 1990. Commissioner Brenemen asked if a building complex (Young Life) coming in. Mr. Rader says yes and says that 60,000 gals per day usage is estimated for this camp. As many as 700 people in a seasonal capacity expected. Wilderness PSD does not have the capacity to supply the needed gallons without adding a third shift, and that is not advised. Summersville is connected to Gauley River PSD and then to Wilderness PSD. Commissioner Brenemen restates the usage needs and asks if Gauley River PSD can provide this. Commissioner Louisos is confused. He says Summersville has a water treatment plant that can be expanded. Mr. Rader says it all goes back to funding. In order to keep small plants from having to be upgraded, Gauley River PSD went up Route 39 and Summersville was connected the last year. In 2016, a booster station was added. The plan is to buy water as needed. Commissioner Louisos asks if Young Life was coming about in 2016. Mr. Rader says that the original concept was to build a regional plant. He states that Wilderness PSD was funded through a loan to go with a small amount of grant money. Mr. Rader is not 100 percent certain about knowledge of Young Life at the time, but wilderness was in favor of a regional plant. He stats that as costs go up and rates go up, the best way to address it from a financial standpoint. To boil it down, hoping to identify problems. Certain resources available, Battle Run Campground is the biggest. If a leak occurs or down time occurs, Mr. Rader cites an example of a leak being detected and his people get on it immediately. He says if you use all available resources, the issue can be addressed. He says that you don't call the customer and ask them to stop using water for a time. Occasionally, one has to ask for assistance. Commissioner Brenemen asks if Wilderness Pubic Service's main concern is continuity of service and the extra need for 60,000 gallons. Mr. Rader states that sometimes the plant has to run 24 hours a day to address a failure. He is hoping a new facility will address some problems with a forty-year-old system. Commissioner Louisos asks if the problems have been documented. Mr. Rader says that he is naïve and does not always document problems. He cites a January 21 leak between the meter of

Summersville and Gauley River PSD. No customer was out of water, but Gauley River PSD waited until the next day to respond. Three days went by and Wilderness PSD was buying water and their plant was running. A threat was made to cut off the valve, so Wilderness Public Service District's plant was shut down to protect the equipment. Commissioner Brenemen asks how much water Wilderness Public Service District buys from Gauley River PSD. Mr. Rader does not have that number, but it is significant. He hired another person as of May of this year and water purchase has diminished. Mr. Rader cited the Flood of 2016 that damaged lines and caused a significant amount of water to be purchased. Commissioner Louisos asks about Zoar Pressure Zone. Mr. Rader state that Zoar Pressure Zone has 400 to 500 customers. Wilderness PSD is not going to be able to supply Young Life when it is fully online. This regional plan will allow Wilderness PSD to supply customers. Mr. Rader expresses doubts about Gauley River PSD being able to supply water if something happens. He is afraid of pressure supply drains and inability to service. Mr. Rader says the Wilderness PSD is working proactively to supply quality service. Commissioner Brenemen asks how often meters have to be changed. Rader says West Virginia Public Service Commission made some changes to how often meters have to be changed, but says that residential meters are changed approximately every two years.

Break at 12:06

Back in session 12:15

Commissioner Brenemen asks Mayor Shafer to step forward. Mayor Shafer says that in listening to what he has heard already, he struggles with a response. First and foremost, Summersville PSD has about 2,900 customers. They completed their water system about 2007. It operates at about 30% of capacity. The State wants regionalization. Summersville was challenged with costs. From a financial standpoint, they did not dig into the other system. It is about the customers, not the public service districts. He has heard information that he disagrees with. He knows the systems, not just utilities. He has a good rapport with all parties in the room. He knows that Summersville monitors the Enon tank. Summersville PSD has a great working relationship with all parties. There were issues with getting bulk water to Wilderness PSD, to keep them from having to raise rates. He says there are a lot of details about Young Life camp. Scott used 60,000 gallons. Summersville has issues that must be fixed to keep the level of service up. It is the truth about the valves being shut off. Summersville PSD has helped Gauley River PSD a lot in finding leaks in their system. Mayor Shafer thinks that the skill level of the people working the system is affecting the issue. Operations in the standpoint of workers needs attention. He knows that the phone system is shut off at 4:30 and they do not take calls. One of Summersville PSD's people is a customer of Gauley River PSD. Mayor Shafer was never an advocate of Gauley River PSD having that end of Nicholas County. Mayor Shafer suggests that we have a round table discussion and get everything taken care of. Commissioner Louisos really likes that idea.

Commissioner Louisos asks if the main problem is that Gauley River PSD does not open the valve to Wilderness Public PSD. It is stated that Wilderness PSD pays their bills and not been delinquent. Summersville PSD averages three million gallons of water a month to Gauley River PSD and Wilderness PSD buys 24,000 gallons of water per month. Mayor Shafer states that Wilderness PSD worries that water will be needed Gauley River PSD won't supply. Mayor Shafer looks forward to hotel/motel stays due to the Young Life. Commissioner Louisos asks if Summersville PSD can supply the water. Mayor Shafer says yes.

Commissioner Taylor asks if Mayor Shafer communicated the issues with workers to the Gauley River PSD board. Mayor Shafer said he did not personally and the Gauley River PSD commissioners stated they had not heard the complaints. Commissioner Brenemen asks if Mayor Shafer has had complaints about Gauley River PSD. Mayor Shafer does not know exact numbers, they forward them to Gauley River PSD. Mayor Shafer acknowledges that there is a difference between Summersville PSD and the smaller public service districts.

Carl Harris from Kanawha Falls PSD speaks next and says they he got involved originally a few years ago and understood that Gauley River PSD was interested in merging with Kanawha Falls PSD. Mr. Harris thought Gauley River PSD was interested in merging. Gauley River PSD thought Kanawha Falls PSD was trying to take over. Mr. Harris had a meeting recently with Commissioner Louisos back then about problems and if Kanawha Falls was interested in getting involved. He does not know current situation. If there is a time for a merger, they would address it then. He acknowledges the meter error and states that a refund will be forthcoming to Gauley River PSD. Mr. Harris states that Kanawha Falls PSD is a third-party bystander.

Stephanie Frame, Administrative Assistant at Gauley River PSD says that she and Tammy Roop, who is the Office Manager are close to customers, and have had a good relationship since early 2019. She states that the person who turned off the phone at 4:30 no longer works for Gauley River PSD, and now works for Kanawha Falls PSD. She states that Mr. Rader was asked to turn off the Wilderness PSD plant equipment. She states that she is offended that Gauley River PSD has been talked about for months, and says that Mr. Kelsh feels that Gauley River PSD is a well-run public service district. Commissioner Taylor and Commissioner Louisos apologized for not having Gauley River PSD at the previous meeting and Commissioner Taylor says that it was their fault, that the County Commission betrayed their trust by failing to ensure they were invited to the last meeting. Ms. Frame states that there are only two of them in the office. Both workers see everything and the board gets copies of everything. They try to separate duties as much as possible, but the ladies work together most of time. The duties are shared due to the small stature of Gauley River PSD. Commissioner Taylor asks if any other complaints are known to Ms. Frame. Ms. Frame says that they have timecards to prove the opposite of what is being alleged about employees leaving the job. If possible, they respond immediately. In a blind curve, the job had to

be postponed due to need for daylight. Commissioner Taylor asks if it is your belief that Gauley River PSD can supply water to Wilderness PSD? Ms. Frame answers, yes.

Commissioner Brenemen applauds Tammy Roop, Office Manager for Gauley River PSD for alerting him to problems.

Scott Rader would like to add clarification to the situation in January he had previously stated. Mr. Rader said there was $\frac{3}{4}$ to a mile of line to examine to find a leak. Gauley River PSD took longer than was acceptable to find and repair this leak. A warning was issued to Gauley River PSD that it was unacceptable not to find the leak in timeline. Mr. Rader states that Wilderness PSD does not leave a job until it is done. They have never walked away from a job.

Commissioner Taylor asked if Gauley River PSD responded to the July 2020 letter from Wilderness PSD. Mr. Rader says that he was told that the leak was a telemetry problem. Ms. Frame interjects to say that Gauley River PSD was told only on Monday that there was an actual leak and states that the leak was difficult to find. She says that Gauley River PSD did not refuse to come out on Sunday, that they were told that it was not necessary. Commissioner Brenemen asks how many gallons are coming in on average per month? Mr. Kelsh supplies printout that has total gallons of water purchased by everyone is 607,855. That is incorrect, the amount billed for 151,083 million gallons was \$607.855. Juanita Phillips says that the 12,590,250 gallons average is going to be incorrect. They failed to have master meter flowed. The average is off by 25%. Mr. Kelsh says that the unaccounted-for loss is 7%. An unidentified employee of Summersville PSD interrupts to say that everything is accounted for water loss. Sometimes you are estimating.

John Tuggle with Region IV clarifies the meeting with Gauley River PSD. He says that Gauley River PSD did not ask for the meeting. Gauley River PSD was down to one member. It is difficult to get leadership to step up. Region IV's main concern is to address capital projects and teams. There have been concerns brought up and Region IV is trying to bring the players together. Region IV doesn't deal with operations, just the dollars and if it will work. They depend on the agencies to get information and if the project is going to work. In 2018, he said consolidation may be needed because of workforce problems. If you can combine efforts, that may be helpful. We are losing population. They need to consider those issues when they come up, but if there is a concern, they act. Commissioner Taylor asked Mr. Tuggle if he first brought this problem to Commissioner Brenemen's attention, and Mr. Tuggle stated he did not and did not. Hearsay and concerns perhaps. He can't address that. Commissioner Taylor and John Tuggle have heard the same concerns. The recommendation is to bring everyone to the table and sit down and hash it out. Commissioner Taylor asks if Region IV would facilitate that meeting. Mr. Tuggle says, yes. Commissioner Taylor wants to make sure level heads prevail.

Commissioner Louisos compliments Mayor Shafer for addressing this issue. Commissioner compliments Scott Rader for the attempt to resolve

the issue, and asks if John Tuggle will try to schedule this meeting? He says he will get together with the parties to set a time. Commissioner Louisos asks Mr. Rader if they purchase all their water, (1/2 million gallons per day)? Mr. Rader says no, they have their own plant.

Commissioner Brenemen asks if Mayor Shafer monitors the telemetry. Is there any way to figure out how many gallons Gauley River PSD are down? Mayor Shafer says that they do let Gauley River PSD know. Summersville fills Gauley River PSDs tank and shuts it off when full. Mayor Shafer says that what we have to do is for customers and financial aspects as well. He is confident that Summersville is representing the facts. Would like responsibility for a regional plant. Mayor Shafer is for consolidation. Summersville has not tried to take over Gauley River PSD, but is standing at the door because it's for the people. Mayor Shafer says to have the meeting.

Commissioner Juanita Phillips from Gauley River PSD says that there have been misrepresentations at the meeting today. She worked at Gauley River PSD and retired in 2016. The person who replaced her was not a good manager. "Talked the talk, but couldn't walk the walk." Mr. Deering passed away and Juanita was appointed to the PSD board but not notified. A year later, Teddie Elliot was going to retire, which would have left only one member. Ms. Phillips monitors every aspect from checks to time cards and feels that Gauley River PSD is feasible and agrees that a meeting is the best idea. Mr. Kelsh asks that the County Commission take action to reconsider. Commissioner Brenemen wants to thank everyone for coming and asks Gauley River PSD how many licensed operators do you have? The answer is one operator and one water distribution operator. The water distribution operator does not get a license. That person is not qualified to work in a water plant. Commissioner Taylor moves that based upon the testimony the County Commission rescind its vote of no confidence in Gauley River PSD. Commissioner Louisos seconds. Commissioner Taylor adds that when meeting with all parties takes place, they will get a new hearing on the books to review the progress. ALL IN FAVOR.

Break at 1:07

Back in session 1:16.

Commissioner Brenemen states that Number One on the Agenda Items List was taken care of.

Order naming Fayette County National Bank, Truist/BB&T and Pendleton Community Bank as depositories of county monies. Commissioner Louisos makes a motion to approve. Commissioner Taylor seconds. ALL IN FAVOR.

Prosecuting Attorney, Anthony Ciliberti joins by Zoom and says that the two contracts are the same. Will follow up next meeting. Re: Joe Crist.

Beautification Committee- follow up item from prior meeting about committees Commissioner Taylor feels that county employees serving on

boards is a conflict of interest. She feels like there is a lot of duplication on the boards. She wants to consolidate beautification and solid waste. Commissioner Taylor asks the chairperson of solid waste, Aletha Stolar, what she thinks of consolidating the two boards. Ms. Stolar doesn't think the boards should be consolidated. She is trying to imagine how consolidation would affect meetings. Solid waste is under the state says Commissioner Brenemen. Prosecuting Attorney, Anthony Ciliberti does not think it is feasible for the boards to be combined because of statutory regulations affecting persons to be on beautification board. The board has to have a ranking health officer, county engineer, etc. Mr. Ciliberti cites specific requirements for each board and says that the regulations conflict. DEP and PSC regulate. Commissioner Taylor says she did not realize there was a conflict if they used the combined requirements for a combined board. Commissioner Taylor and Mr. Ciliberti discuss requirements for each board and how they are incompatible. Commissioner Taylor and Executive Assistant, Ami Dangerfield search for codes. Commissioner Taylor says that she takes Mr. Ciliberti's word on this and the issue is moot. Commissioner Brenemen says he wants to add one thing about meeting last night. Tommy Harris, Litter Control Officer for Fayette County, is being asked to paint numbers on the New River Gorge Bridge. Commissioner Taylor adds that it only needs to be done about every three years. Tommy Harris needs four workers able to work consecutive days. There is problem getting Day Report Center workers for consecutive days. Commissioner Taylor will work on that. Commissioner Brenemen suggests Tommy should be able to focus on dilapidated housing. Commissioner Taylor agrees he needs more time to focus on his primary job. Tommy Harris states that he has cut the grass at Wolf Creek Park three times in the last month. Commissioner Taylor asks how Tommy Harris' position is funded. The County Commission in part. Aletha Stolar said she needs to talk to Jeff Proctor to advise him the Urban Renewal Authority needs to take responsibility for Wolf Creek Park maintenance. Commissioner Louisos suggests that needs to happen ASAP. Tommy Harris says the park is good for another week so Aletha Stolar has time to talk to Jeff Proctor. Tommy Harris takes a full day to deliver food from the food bank to the Valley. Commissioner Taylor asks who purchases the food. It comes from Gassaway, from the Mountaineer Food Bank. Commissioner Taylor and Commissioner Brenemen discuss using the day report van. Commissioner Taylor wants to know why they can't use the van. She is told that solid waste has the dump trailer and pickup. Commissioner Taylor asks Tommy Harris whether or not Meadow Bridge has a distribution. Tommy Harris says no. Commissioner Taylor says they will look into whether an alternate solution in how to deliver food is available.

Funding for Dilapidated Housing- Commissioner Taylor states that this issue is huge and asks if the Commission is going to address funding for the beautification committee. She is going to suggest that they strike that from the agenda too. She doesn't feel that they can discuss funding yet. Prosecuting Attorney, Anthony Ciliberti says that Beautification ordinance doesn't need updated. Commissioner Taylor

says that request was only valid if it was combined with the Solid Waste Authority.

Create Emergency Services Response Advisory Board and Consolidate LEPC and EETSAB Boards. Commissioner Taylor says there is a meeting on Tuesday where a consultant is being brought in to assess E-911. She wants to wait until after the consultant has time to assess, and has recommendations.

Reporting Structure for DRC Employees and Center—Commissioner Taylor says that she thinks that the employees should report to the County Administrator and leave the bigger decisions to the Community Corrections Board. She spoke with Sheriff Fridley, who told her he had no objection. He also had notice this issue was on the agenda and chose not to participate. Prosecuting Attorney, Anthony Ciliberti suggests that the board should be implementing policy and procedure and not overseeing employees. Commissioner Taylor state that she heard that one of the judges, she thinks Judge Blake, wants probation to move to the Health Department building and wants Mr. Ciliberti to consider and follow up on whether the county could place the day reporting center and probation in the same building if configured properly given the similar nature of their missions. Mr. Ciliberti says the Supreme Court controls probation. Commissioner Taylor wants to know if there is a conflict if they were walled off and the space was there, with shared space for certain purposes. She added that the Family Treatment Court probation officer is in Judge Ewing's space at this time, so when court is in session or closed, they can't use the space. Commissioner Taylor is not convinced that both organizations could not share the space. She asks how to advise the employees they will report to the County Administrator. Should it be in the minutes? Mr. Ciliberti advises that it be part of the minutes and then to send a letter to the board. Commissioner Taylor moves that the County Commission through its County Administrator assume administrative responsibility for day report center employees from the sheriff. Commissioner Louisos seconds. ALL IN FAVOR.

General Budget Revision #1 for FY 2022 and Order for Approval and Signature. County Administrator, Ruth Lanier sates the budget is \$80,000 less than estimated. Tax collections in June were really bad. Commissioner Taylor moves that the budget revision is approved. Commissioner Louisos seconds. ALL IN FAVOR.

Recommendation from Architect Dan Snead of low bid for Annex Phase III HVAC Project. Pennington was the low bid. County Administrator Ruth Lanier states we have the grant. Commissioner Louisos moves to approve Dan Snead's recommendation of low bid. Commissioner Taylor seconds. ALL IN FAVOR. Commissioner Taylor asks that Executive Assistant, Ami Dangerfield email all people involved and let the County Commission know of the start date.

Commissioner Brenemen wants something said to the magistrates about them dismissing citations for litter when the defendant claims no money to pay the fine. Commissioner Brenemen asks that Prosecuting

Attorney, Anthony Ciliberti talk to Tommy Harris so he can give Mr. Ciliberti the particulars. If the violator has no money to pay the fines, maybe community service could be suggested. Mr. Ciliberti says he will see what he can find out. Executive Assistant, Ami Dangerfield will send Tommy Harris' contact info to Mr. Ciliberti.

Request from Kenneth Hayes, NHPSD Chairman to reappoint Donald Carte for a term of 6 years, term to expire July 31st 2027. And letter to Roma Lively regarding the end of his term for approval and signature- Commissioner Louisos moves for approval of reappointing Donald Carte. Commissioner Taylor seconds. ALL IN FAVOR. Regarding the letter to Roma Lively, Commissioner Taylor wants future letters from the Commission to individuals to be more formal, i.e. "Dear Mr. Lively" rather than "Dear Roma." Commissioner Taylor moves to accept the letter to Roma Lively. Commissioner Louisos seconds. ALL IN FAVOR. The County Commission wants to send a letter to Mr. Lively thanking him for his service and adding that he is welcome to serve on any other county board.

Request for three grant support letters from John David, SALS- Commissioner Taylor talked to an Oak Hill City Council member regarding Mr. David's request for support letters. Oak Hill says that there were non-compliance issues in the City of Oak Hill as well. Commissioner Taylor is concerned about Mr. David's apparent pattern of noncompliance as evidenced with County and City code and does not want to put the County's or the County Commission's reputations on the line if grant regulations are not being followed. Commissioner Taylor moves that the County Commission deny grant support letters for Mr. David. Commissioner Louisos seconds. ALL IN FAVOR.

Request from Jocelyn Sheppard, President of Appalachian Botanical Co. for a support letter for an Abandoned Mine Land (AML) Pilot project to develop 42 acres at South Fork Creek in Fayette County to develop a lavender farm. Commissioner Brenemen states again that if someone is asking for a support letter, they must come in and present them so the County Commission can ask questions and find out what they need to know. County Administrator, Ruth Lanier, suggests that this is something that needs to be done going forward. Commissioner Brenemen asks if this is a Fayette County company and will hire Fayette County people. Commissioner Taylor says she thinks that it is based in Boone County, but she knows that it employs a photographer from Fayetteville. Commissioner Brenemen would like more information. Executive Assistant Ami Dangerfield says the company is based in Pennsylvania, but wants to grow the lavender here. Commissioner Brenemen would like to phone Jocelyn Sheppard and talk to her on Monday. The decision is made that Commissioner Brenemen will call while in this meeting and put it on speaker.

Commissioner Brenemen has questions. He would love to meet sometime and introduce other county commission members. He asks if the company is located in West Virginia. Ms. Sheppard says she started out in Fayetteville, but she ended up in Boone County. She reminded

Commissioner Brenemen that she had spoken with him about a high tunnel. The company moved to a Pennsylvania Operating Company because she wanted to be able to apply for funds, and by the time the hoops were jumped through, they ended up in Alloy. Commissioner Taylor asks where South Fork Creek is located? Ms. Sheppard says it is about one-fifth of a mile off of Midland Trail where it curves to Glen Ferris. Commissioner Taylor says she advised the Commission a Fayette County resident, Chad Foreman, works for her. Ms. Sheppard confirmed he is the Communications Manager. Commissioner Brenemen asks if Ms. Sheppard has considered the veterans in the area. Ms. Sheppard says the company has hired veterans who can't function with normal jobs. She is open to hiring veterans and she has experience with hiring disabled persons. Commissioner Taylor tells Ms. Sheppard that Raleigh County has a veteran's court and suggests that the prosecutor's office there could be contacted for referrals. Ms. Sheppard says the company has behavioral healthcare and they do counseling onsite. Commissioner Taylor responds by saying that there is also a VA facility in Beckley. Commissioner Brenemen asks if the company is eventually going to harvest oils. Ms. Sheppard says they will have onsite distillation and behavioral counseling. Commissioner Brenemen wants to travel by and see the facilities. Ms. Sheppard invites the County Commission to come to Boone County to see the facilities there. Commissioner Louisos asks if Ms. Sheppard is kin to Mike Sheppard, but Ms. Sheppard does not think she is related. Commissioner Taylor thanks Ms. Sheppard for taking the call and wanting to come to Fayette County. Commissioner Taylor moves to approve the letter of support. Commissioner Louisos seconds. ALL IN FAVOR.

Jenna Grayson (via Zoom) suggests teen court as a possibility for lavender as well, and would like one time per month to update the County Commission on the comprehensive plan.

Commissioner Brenemen wants to add that from now on that when people want a support letter, they must come in.

Discussion & Decision: Letter to Connie Lupardis, Central Appalachian Empowerment Zone the WV (CAEZ) Executive Director, noticing the Fayette County Commission's withdrawal from the program. Commissioner Taylor wants to quickly review the letter to CAEZ. Commissioner Taylor moves for approval of the letter to Connie Lupardis. Commissioner Louisos seconds. ALL IN FAVOR

Commissioner Brenemen and Commissioner Louisos discuss a meeting on Thursday.

Commissioner Brenemen says that when we change dates on meetings the August 4 meeting needs to stay.

Discussion & Decision: Proposed new calendar. County Commission members discuss meetings calendar. Commissioner Taylor moves that we approve the meetings calendar (the first one) and has discussion of conflicting dates, due to other board meeting dates. She asks that County Administrator, Ruth Lanier, and Executive Assistant, Ami

Dangerfield, make sure on those days, the County Commission meeting is short. Two weeks in between meetings calendar includes modifying deadlines for major holidays in November and December. The County Commission will meet if they have a need in between meeting times. Commissioner Taylor moves to approve the new meeting calendar dates and suggests the media be alerted to the change. Commissioner Louisos seconds, saying that meetings can be added as necessary. ALL IN FAVOR.

Commissioner Taylor addresses the bussing remark by Dave Perry earlier in the meeting. She says that one of the rafting companies abused the bus pass a few years ago, so the Bridge Day Commission started charging a \$50 fee per bus to deter future offenders. Commissioner Taylor did not agree that all rafting companies should have to pay fees for passes due to the poor actions of one. She thinks the deterrent should more properly be a large fine and/or a year's suspension of pass privileges rather than the current policy. It seemed the issue was financial until someone stated the Bridge Day Commission only makes about \$2,000 from the passes. Then, the suggestion was that the problem was security and the expense would limit the number of passes requested by each company. Commissioner Taylor believed the Bridge Day Commission could mitigate this concern by restricting bus passes to the number each company requested the past two years and requiring the BDC to vote on any additional passes requested. She also thinks the BDC should stop giving out courtesy passes if security is a concern. The BDC voted to keep the current policy four to one, but she intends to pursue it next year.

Prosecuting Attorney, Anthony Ciliberti, speaks via Zoom, addressing unfavorable comments by a Zoom attendee, (No More Hot Dogs). He suggests that if people are going to comment, they be required to provide their full names and participate by video. Commissioner Taylor agrees, stating that pre-COVID, a person had to be present in person at the meetings. She adds that the person who made the unfavorable comment can contact her in person and have a discussion about any concerns. Mr. Ciliberti advised that it be put on the August 4th agenda to implement. Commissioner Taylor asks if the County Commission can place reasonable restrictions on Zoom meeting attendees. She and Mr. Ciliberti discuss laws and implementation. Mr. Ciliberti says that the Commission could require that persons who want to address the County Commission attend in person or via Zoom, using video and their full name, to keep the tenor of the meetings professional. Mr. Ciliberti says there is no requirement that the County Commission have Zoom meetings, but applauds the County Commission for doing so. Commissioner Taylor likes the idea of having meetings via Zoom. Commissioner Taylor asks that this be placed on the next meeting agenda, adding that potshots are petty. Commissioner Louisos agrees, saying that those who comment without identifying themselves are cowards.

Notice of Boomer Ballfield Ownership -County Administrator Ruth Lanier notified the Commission that the Board of Education is amenable to the transfer of Boomer Ballfield from the Fayette County Commission. The

County Commission is spending anywhere from \$1,400 to \$2,000 a year on the ballfield. This will be voted on at the August 4th meeting.

Beautification Board-Prosecuting Attorney, Anthony Ciliberti says we need vacancies on the Beautification Board filled. Commissioner Brenemen says we need to find another fire chief. Commissioner Taylor will address that. Question is raised as to where funding is going to come from when demolition is ordered. County Administrator, County Administrator Lanier says that once you have people on the committees, that issue will be addressed.

Future Agenda Items-Junior Davis, WVU Extension Office, Jenna Grayson on the comprehensive plan.

Commissioner Brenemen doesn't want to speak for the other commissioners, but he asks that when the County Commission is shown items for two weeks in the future, please keep agenda as is, and stop adding items, except for emergencies. Commissioner Taylor and Commissioner Louisos agree. Commissioner Taylor agrees with the agenda, but wants to look at time frames. She asks that thirty minutes should be an exception made by County Administrator; any more than thirty must be approved by the County Commission. Executive Assistant, Ami Dangerfield, asks if the County Commission wants to have people being appointed to the various boards to be present at the meeting. Commissioner Brenemen wants to add an Executive Session on August 4, 2021, to deal with employee issues.

Commissioner Taylor moves to adjourn. Commissioner Louisos seconds.

Meeting adjourns at 2:47.

FAYETTE COUNTY COMMISSION

SPECIAL SESSION

July 27, 2021

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, TOM LOUISOS (By Phone), ALLISON TAYLOR

Meeting called to order by Commissioner Brenemen, who then asks Commissioner Taylor to speak.

Discussion & Decision: Emergency Services Consultant

Commissioner Taylor states that the reason for this special meeting is because of complaints about the E-911 center, some fair and some not. Given the volume and nature of the complaints, the County Commission wants to hire a consultant from outside the area to get objective feedback on the changes the Center needs. Commissioner Taylor lists Cynthia Hart's qualifications and academic credentials and that her quote meets the County Commission's spending criteria and does not have to be bid out. Commissioner Taylor wants to try to pull the trigger on this and get things moving due to the importance of this matter. The County Commission will make public the proposal and minutes from the meeting and the County Commission will sign the document Cynthia Hart sent to them with her contract deliverables. Commissioner Taylor asks that Cynthia meet with the County Commission

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and talk about concerns and issues in an executive session on August 4, 2021. Cynthia Hart, who is present via Zoom indicates that she is available to meet in executive session on August 4, 2021. Commissioner Taylor tells Kevin Walker, OEM Director, who is present via Zoom, that he will be included in part of this executive session meeting. Commissioner Taylor has passed Ms. Hart's proposal and CV, which Commissioner Taylor requested, to each commissioner to read. Based on those qualifications, Commissioner Taylor moves that the County Commission hire Cynthia Hart as a consultant per her proposal as presented. Commissioner Louisos seconds. ALL IN FAVOR. The fee for Cynthia Hart's consultancy will be \$15,000, which covers 6 months consulting. Commissioner Taylor explains that Cynthia Hart, who is a 911 Center Director in another county does this work while using her annual leave and she has done this for two other counties who are now running as smoothly as a well-oiled machine.

Commissioner Taylor moves that the meeting be adjourned. Commissioner Louisos seconds.

Meeting adjourned at 1:08 pm.
