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## 2022 Fayette County Commission Minutes

FAYETTE COUNTY COMMISSION

REGULAR SESSION

JANUARY 5, 2022

FAYETTE COUNTY COURTHOUSE

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

**9:00**

Commissioner Taylor called the meeting to order. Pledge of Allegiance was lead by Administrator Lanier.

### **Organization of the County for 2022**

Commissioner Louisos moves to approve Commissioner Taylor as Commission president; Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Brenemen moves to approve Administrator Lanier as purchasing agent except for Sheriff's Department purchases due to her son's employment there and Commissioner Louisos as back-up purchasing agent and primary for Sheriff's Department purchases; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Louisos moves to approve the previously-approved meeting calendar; Commissioner Brenemen Seconds; Unanimous Decision

**Exonerations, Orders to Combine or Divide Land, Refunds** Tara Tyree presented two consolidations; Commissioner Brenemen moves to approves the orders to combine -John Scalise and Donna Fields; Commissioner Louisos Seconds; Unanimous Decision. Forms still listed Commissioner Brenemen as president; Commissioner Taylor moves he sign; Commissioner Louisos seconds; Unanimous Decision

**Approve 1st Half January Payroll** Commissioner Louisos moves to approve; Commissioner Brenemen seconds; Unanimous Decision

**Approve Vouchers and Invoices** Commissioner Louisos moves to approve; Commissioner Brenemen seconds; Unanimous Decision

**Approve Prior Meeting Minutes** 12.3.21 and 12.21.21 Commissioner Brenemen moves to approve; Commissioner Louisos seconds; Unanimous Decision

**Approve Estate Settlements** Commissioner Brenemen moves to approve as presented; Commissioner Louisos Seconds; Unanimous Decision

### **9:30 Discussion & Decision: 911 GIS Mapping & Addressing**

Dalynne Sizemore - she does not have all the maps from the fire departments yet. Six of the 16 fire departments have sent theirs. According to text messages, the fire chiefs were told to have it in to 911 by January 3<sup>rd</sup> or the next meeting. Discussion on when and where the next fire association meeting is - believed to be next Thursday in Gauley River at 7:30pm. Joe Crist appeared by ZOOM; clarified the meeting times and when the maps are due (next meeting). Commissioner Taylor will attend and asks Ms. Sizemore to attend as well. Commissioner Brenemen suggests withholding monies from fire departments that don't comply. Commissioner Taylor feels that would be premature since the deadline had not yet passed.

**9:45 Discussion & Decision: 911 Job Descriptions and Building an Applicant Pool.** Commissioner Taylor asks that the 911 center review its job descriptions again to be more complete - asked them to send to Administrator Lanier by 1.14.22 for the 1.31 meeting; hoping to build an applicant pool. They have vacancies and applications, but had not moved through the hiring process because the 911 Center Director is out on extended leave. Commissioner Taylor directed acting 911 Center Director Tonja McMullen to review applications and interview and send recommendations to Administrator Lanier for hiring.

**10:00 Bid Award: Meadow River Rail Trail FEMA Remediation Project** Commission consultant Bill Hines came forward to briefly discuss the bid process; low bidder had a small math discrepancy; but otherwise meets all requirements. Commissioner Louisos moves to approve Goal Technical Bid; Commissioner Brenemen second; Unanimous Decision

**10:15 Discussion & Decision: Bill Hines & Matt Ford; Meadow River Trail (2016 flood damages) PW 573 - Current Status and Program Options and Extension Request Letter for Approval and Signature**

Commissioner Taylor thanked Mr. Hines for getting the paperwork to the Commission in a timely manner. Actively meeting with WVDOT. Three options (type from packet). There are issues "deficiencies" in our current plans that these options help address; specifically with the timeline. Commissioners Louisos and Taylor feel Option B is more realistic in timelines. Mr. Hines said C has the appeal of cost savings. Commissioner Taylor felt there was too much bureaucracy involved in Option C. Commissioner Louisos asked if they decided on option B could it start "today" - it could. The Commission doesn't want to drag this out any more than it already has. Commissioner Louisos moves to approve option B; Commissioner Brenemen Seconds; Unanimous Decision.

**10:30 Discussion & Decision: David Altizer Re: White Oak PSD sewer Extension and PER funding from County ARPA for New Haven PSD and White Oak Projects.** David Altizer of Thompson and Litton presented his finding -the extension will add 320 customers. Adding a pump station would cost 25 million, coming back to the main station would be 21 million. Commissioner Brenemen addressed the fact the New Haven PSD actually owns the sewer rights in that area. Asks that Kenny Hines talk to the New Haven PSD about signing an agreement with White Oak. PER funding - discussing whether there could be grants - and whether the County could be reimbursed. It does seem if the County pays for these reports upfront; they can be reimbursed. Mr. Hines brought up the concept of a "forgivable loan" and wondered if that might be a possibility. Commissioner Taylor discussed an email from Jina Belcher from NRGRDA explaining a funding source from a project called Dig Deep. More discussion on timelines; Administrator Lanier wants more clarification on how these monies could be allocated then reallocated. Commissioner Louisos wants to get this process moving since the state

is seeming to look for "shovel ready" projects to fund with its ARPA and Infrastructure monies. Commissioner Taylor reiterates that the only reason they are considering this is because of the impetus of the State allocating funds. Commissioner Louisos moves to allocate \$200,000 to fund the 5 PER reports from the County's ARPA funds at \$40,000 each; Commissioner Brenemen Seconds; Administrator Lanier asks for detailed invoices for each project to properly allocate the monies; Unanimous Decision. Commissioner Louisos asks that people present help with advocating for these projects at the state legislature.

**10:45 Discussion & Decision: Removal of Thomas Crowder Jr. as Executor of the Estate of Thomas Crowder Sr.** Phil Tissue appeared by phone; all heirs have been notified that someone else will need named administrator if Mr. Crowder is removed. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision

**11:00 John David: Presentation of Letter from City of Oak Hill and Submission of Requested Information from SALS** Commissioner Taylor moves to postpone until 1.31.22 meeting; Commissioner Brenemen Seconds; Unanimous Decision

**11:15 Discussion & Decision: Polling Place for Precinct 73** - polling place must be in 72, not adjacent to 73, because there isn't anywhere in 73 or 70. Commissioner Louisos moves to approve Chestnut Knob (which is in Precinct 72) as the polling place for Precinct 73; Commissioner Brenemen Seconds; Unanimous Decision

**11:30 Michael Callaghan, Re: Additional Counsel for the Environmental & Public Health Protection Unit** Michael Callaghan presented a proposed co-counseling resolution to approve additional counsel. Prosecutor Ciliberti discussed the fact that this would not cost the county additional money. Commissioner Louisos moves to approve; Commissioner Brenemen Seconds; Unanimous Decision. Adding him to the 1.21.22 agenda for an additional item. The Judge overseeing the case wants to see some of these claims settled.

**12:00 Presentation: Abbie Newell and Greg Urbanski - Fayette Trail Coalition Soft Surface Trails Plan.** Sharing their final plan with the Commission. Some federal funding made this project move along a bit faster. Ms. Newell discussed the partnerships with all the municipalities. Commissioner Brenemen asked if the projects were listed in some kind of order, Mr. Urbanski said not really, but that they were a bit of order of scope - Fayetteville Park is smallest, then Needleseye, then Fayette County Park, then Wolf Creek. This plan is a roadmap, what they would like to see, now we can look at how to fund these. Since there may other funds available for the Fayetteville Park and Needleseye, The Coalition is ready to focus on the Fayette County Park. Commissioner Taylor suggested they refrain from working on the Wolf Creek Park portion due to pending litigation.

Commissioner Louisos spoke to Jenna Grayson and Jina Belcher NRGDA about another project he is working on that could benefit from a mentioned funding earmark involving the national park. Next steps would be looking at funding sources for these projects that might require a Commission match and then bidding out individual projects. Commissioner Taylor asked if this group also coordinates with the larger trail authority, and they do - their focus is different. Commissioner Louisos asked about the earmark funding and would it be wise to go ahead and fund some preliminary reports so that when this kind of earmark money becomes available again we would be ready. Jina Belcher from NRGDA asked for Commissioner Louisos to send her any ideas of trails, she would gather some idea of costs and help write this kind of earmark request again.

**12:30 Presentation: Tom Louisos Grants for the Rt. 60 Historic Highway & EPA Brownfields Community-Wide Assessment Grant for State & Tribes**

Gabe Pena presented via Zoom. Mr. Pena, Commissioner Louisos, and some of the mayors along Rt. 60 held a meeting in December discussing development along Rt 60. The Appalachian Regional Development Authority will have a great deal more funding to allocate than it has before, and Mr. Pena is hoping we can receive some of those funds. There have been some changes in the amounts of funding for Brownfields grants. Explained a little more about how the grant funding works - that if we are awarded this money, it is definitely allowable to use the monies anywhere in our service area. And all areas are approved by the EPA so we have no chance of using the money incorrectly. Commissioner Louisos discussed some trails he has mapped surrounding the Rt 60 corridor.

**1:00 Discussion: Tom Louisos Kayak Rentals on the Gauley River, Swiss to the New or Kanawha Rivers** removed until Commissioner Louisos requests it be added.

**Exhibit List**

**9:10 Ruth Lanier, County Administrator - Exhibit A**

**1. Discussion & Decision: Review & Approval of Contract 19 Resolution #14 for New Haven PSD to be paid from funds the Commission allocated to the design phase of the project.** Funds were allocated by the Commission on 11/13/2015. Commissioner Taylor asked Lesley Taylor about this; these funds were previously allocated, Region IV only asked for the monies as needed. Commissioner Louisos moves to approve; Commissioner Brenemen Seconds; Unanimous Decision

**2. Discussion & Decision: Request from Upper Kanawha Valley Strategic Initiatives Council for EDA Grant Match** Mayors Greg Ingram and Anne Cavalier presented. UKVSIC has applied for a \$4.1 million grant. Asking the Commission for \$250,000 as a grant match for this grant (increased on the spot by Mayor Cavalier from the \$200K

requested in the agenda request). The deadline is January 31, 2022. Mayor Cavalier explained some more of the grants focus on developing walking trails and park spaces. She also described some more of the projects throughout the area from various funding sources. Some of the monies are being held up by Congress. There was discussion with Commissioner Taylor about the bridge and whether a pedestrian access is planned to enable park users to enter Montgomery, Commissioner Brenemen asked about one funding source in particular because the projects seem to overlap; if funding for that project is approved, it would lower the amount of this funding. Commissioner Louisos wanted to know if the mayors had asked the Kanawha County Commission for its share; it is scheduled for the next meeting. Commissioner Louisos also discussed some previous conversations he had had with the mayors about making this more of a step project that might be less costly. Mayor Cavalier explained some of the time constraints caused by grant funding, and explained how they had removed pieces of the project already. Commissioner Taylor asked about food truck access, and they have it planned. She also asked Mayor Ingram about which project is more important this project or the Baisi center upgrade (a previous meeting item). He feels the Baisi Center might raise more revenue, but would also be more attractive for private funding. Allison Smith, extension agent from WV State University, spoke about the many opportunities going in the Valley. She feels this project could be a big draw to the Upper Kanawha Valley. They will be meeting with Kanawha County on 1.20.21, Mayor Cavalier would like for the Kanawha and Fayette County Commission Presidents to meet to discuss it. Commissioner Taylor wants to give Administrator Lanier an opportunity to look at the budget to see if we would even have these funds to allocate before reaching outside the County. Special meeting is set at 1.21.22 at 9am to discuss this.

**3. Discussion & Decision: Request from Michelle Holly for approval of temporary part-time worker Lisa Keffer in the Elections Office**

Commissioner Louisos moves to approve; Commissioner Brenemen second; Unanimous Decision

**4. Discussion & Decision: Fayette County Park Sales & Use Tax Form for Approval & Signature and blanket approval to submit reports.**

Administrator Lanier asked if this be approved as a blanket approval unless there are changes. Commissioner Louisos moves to approve this signature and future stamping of names; Commissioner Brenemen seconds; Unanimous Decision

**5. Discussion & Decision: Request from Angela Gerald vacancies on Board of Zoning Appeals postponed from November 17, 2021.**

Commissioner Louisos moves to approve Rick Johnson for the vacancy; Commissioner Brenemen seconds; Unanimous Decision

**6. Discussion & Decision: Request from Diane Callison, Parks & Recreation Board Chairman, to appoint members to vacancies postponed from November 17, 2021** Presented a list of current members and by placing the five current applicants it fills their list with the exception of the high school student. Commissioner Louisos moves to approve all five applications; Commissioner Brenemen seconds; Unanimous Decision. Also had letters of resignation -Cliff Sullivan and Veronica Crosier. Commissioner Louisos moves to approve; Commissioner Brenemen seconds; Unanimous Decision

**7. Discussion & Decision: General agreement between the U.S. Department of the Interior, National Park Service, New River Gorge National Park & Preserve and Fayette County Commission to retain signs at the Russell E. Matthew Park I the Harlem Heights Community as part of the African American Heritage Tour** Commissioner Louisos motions to approve; Commissioner Brenemen seconds; Unanimous decision.

**8. Discussion & Decision: Request from 911 for Promotion and Pay Increase** Commissioner Louisos moves to go into executive session at 12:48 to discuss this agenda item; Commissioner Brenemen Seconds; Unanimous Decision  
Back from Executive Session at 1:33pm - Discussed a personnel matter of the promotion to Shift Supervisor and salary increase to \$30,240 for Sarah Hill. Previous employee and has certifications. Commissioner Brenemen moves to approve and Commissioner Louisos Seconds; Unanimous Decision

**9. Discussion & Decision: Order setting the 2022 Mileage Reimbursement Rate per U.S. General Service Administration (GSA)** Moving from 56 cents 58.5 cents per mile. Commissioner Louisos moves to approve; Commissioner Brenemen seconds; Unanimous Decision

**10. Discussion & Decision: Resolution of Participation & Cooperation as a Certified Development Community (CDC) and naming New River Gorge Regional Development Authority as Fayette County's Local Economic Development Organization.** Commissioner Brenemen moves to approve; Commissioner Taylor asks Prosecutor Ciliberti if the County then decides to create its own EDA, could it then be named. He felt it could. Commissioner Louisos; Seconds; Unanimous Decision

**11. Discussion & Decision: GST Support Contract for Renewal** Commissioner Taylor moves to approve Commissioner Louisos Seconds; Unanimous Decision

**12. Discussion & Decision: 2022 Budget Memo to Elected Officials** Commissioner Louisos moves to approve; Commissioner Brenemen Seconds; Unanimous Decision



**13. Discussion & Decision: 2022 Board of Equalization Letters to Prosecutor and Assessor**

Commissioner Louisos moves to approve; Commissioner Brenemen Seconds; Unanimous Decision

**14. Discussion & Decision: Memorandum of Understanding with the Supreme Court of Appeals for Family Law Judge facilities until 2026.**

Commissioner Louisos moves to approve; Commissioner Brenemen Seconds; Unanimous Decision

Motion to adjourn at 1:36pm

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

JANUARY 21, 2022

FAYETTE COUNTY COURTHOUSE

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

**9:00** Commissioner Taylor brought the meeting to order.

**Pledge of Allegiance** - lead by County Clerk, Michelle Holly

**Discussion & Decision: Allison Smith Re: Request from Upper Kanawha Valley Strategic Initiative Council for Funding & Support Letter for EDA Grant**

Mayor Ingram was present, as well as Allison Smith and the engineer working on the project. Commissioner Taylor discussed our current budget, and there is not enough in the coal reallocated budget for Fayette County to contribute to this project. Commissioner Louisos asked both cities about their budgets and questioned what they each spent of their ARPA funds. Commissioner Taylor discussed a bridge project (running cable across the bridge) with Mayor Ingram. Commissioner Louisos suggests that the Mayors make a budgetary ask so the County can figure it into the budget for next year. Kanawha County will only obligate monies for a year. Commissioner Taylor offers that the Commission can write a letter in support of the project and Allison Smith responds that would be very helpful. Commissioner Taylor moves to approve a letter of support; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision. Commissioner Taylor also offers to speak with the Tourism Board about this project. Commissioner Taylor moves to deny the funding request; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision.

**9:15**

**Ruth Lanier Exhibit A:**

**Approve Vouchers & Invoices:** Commissioner Brenemen moves to approve; Commissioner Louisos 2<sup>nd</sup> Unanimous Decision



**Approve 2nd Half Payroll for 1/30** Commissioner Taylor moves to approve; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision

**Approve Prior Meeting Minutes:** none to approve

**For Discussion & Decision:**

**1. Request from Fayette County Parks & Recreation Board to hold a Special Meeting on January 26, 2022 and permission to call special meetings without Commission approval for each instance.**

Diane Callison presented. The Board is asking to hold a special meeting to elect officers and to amend bylaws to remove the stipulation that all special meetings be approved by the Commission. Commissioner Taylor moves to approve; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision

**2. Request from Gabriel Pena, Resource Coordinator: GigReady Broadband Grant Commitment and Resolution and ARPA Funding Application Verification for Approval and Signature.**

Mr. Pena presented. Explains what this does and does not commit the County to - this will be a soft commitment - the County is not committing any monies now. This will allow them to look at ways to get the money for the match. Commissioner Louisos wants to ask the municipalities and the school board to commit some monies. Commissioner Taylor discussed GigReady, and a meeting she had with other County Commissions and Mitch Carmichael. They suggested for each individual group to submit requests but that the committee could also look at those as a whole. Discussed with Mayor Pridemore about working with Ansted on helping with their application - match monies. Also discussed how Rt 60 is a high priority for the Commission and that his ask of \$150000 is a nominal amount in what they are willing to spend. Commissioner Taylor asked Ms. Newell a couple of questions about a letter of support that was unclear - Ms. Newell and Mr. Pena explained it is a template - Mr. Pena feels it would be good on the application to get those letters out and back in to send as a packet. Discussion on who to ask to be on the Broadband Committee. Local business, education, health, and telecommunications. Commissioner Taylor asks to include a cover letter with app bringing to the committee's attention that this is part of a greater effort of the 5 counties. Commissioner Louisos moves to approve resolution; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision. Commissioner Taylor moves to approve letter with edits; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision. Mr. Tuggle asks if the Commission would consider reopening the RFP because they haven't really received a proposal (only a partial one from Shentel), Commissioner Taylor clarified we did have one from S&S and it wouldn't be fair to extend. Commissioner Taylor

requests that it would be fine if Shentel gets the rest of its materials in by the RFP deadline. Commissioner Taylor reiterated that the application should reflect the larger efforts of the municipalities and other counties.

**3. Letter to Elected Officials & Department Heads Re: 2023 Budget Preparations for approval & signature.**

Commissioner Taylor explains some changes they have made to request requiring entities to identify all outside sources of income. Commissioner Louisos moves to approve; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

9:30

**Mike Callaghan: Executive Session Re: Legal and Enforcement Strategy Fayette County Commission v National Grid NE Holdings 2, LLC et. al. 2:21-cv-307 SDWV**

Commissioner Taylor moves to go into executive session for legal advice at 9:47 (including a 10-minute break)  
Returned to session at 10:30am  
No decisions were made.

Motion to adjourn

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
JANUARY 31, 2022  
FAYETTE COUNTY COURTHOUSE PRESENT: ALLISON R. TAYLOR, JOHN G.  
BRENNEMEN, TOM LOUISOS

The Fayette County Commission met in a regular session this 31st day of January 2022 via Zoom. Commissioners Brenemen, Louisos and Taylor all attended in person.

Commissioner Taylor called the meeting to order at 9:00 a.m.  
The Pledge of Allegiance was led by Gabriel Pena.

The Commission reconvened as the Board of Equalization and Review.  
First case: Mr. Larry Love, was not in attendance. Commissioner Taylor motioned to reschedule his hearing for the February 16<sup>th</sup>, 2022 meeting based on Mr. Love's request of the County Administrator.  
Commissioner Brenemen seconded. Unanimous decision.

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Second case: Mr. Edward Garbett presented his petition, contesting the increase his property taxes given that he has not done substantial improvements to his property in the last year. Commissioner Brenemen asked how much his taxes were raised? Mr. Garbett responded \$350.00 or more. The Fayette County Assessor, Eddie Young was present and informed the Commission that Mr. Garbett's property value was \$55,300 for the years 2020 and 2021, then rose to an assessed value of \$82,420 for 2022. The actual taxes paid equaled \$708 for 2020 and 2021 and have been raised to \$1,053 for the 2022 year; which is a difference of \$345. The property is a 3/10-acre lot with a house located in Adena Village. Mr. Young went on to explain that values are derived using the County value, the property value is based on past and present sales in the area or comparable sales. Commissioner Taylor asked if riverfront properties are valued differently than non-riverfront properties in that area. Mr. Young replied they were and that this particular case of Mr. Garbett's property and others in the Valley saw significant increase this year because in 2020 when the schools and WVU Tech closed the assessor's office lowered the values to a difference depreciation table. Then in fiscal year 2021, there were five sales of residential real estate that were sold for more than appraised value, thus creating comparables. Everyone in Adena Village is being treated the same. Mr. Young further explained that he and his office are bound by State requirements and he must follow the guidelines set out by the State, i.e., comparable sales and current tax rates which he has no control over. Mr. Garbett is not arguing the logic, he stated that he hoped when the taxes were lowered that WV would continue to incentivize people to stay and start businesses. Raising taxes is just an added pain given the national inflation we are experiencing. Mr. Young stated he is just playing catch up, using information from fiscal year 2021 (07.02.2020 to 07.01.2021) sales, and if the info changes, then he will re-adjust rates. The real estate bubble could burst. Mr. Garbett reminded the Commission that the census data showed that Fayette County is losing people and these increases are not helping. Small towns are dying, and while he understands the logic, he does not understand what Fayette County is gaining by raising property taxes. Commissioner Louisos shared that the current Commission removed the Route 19 corridor management plan to show that it is taking action to improve things in the County but until new revenue comes, we can't do much. Commissioner Taylor further reinforced that she understands his frustration, there are applications in for broadband with the goal to bring broadband service all the way down 60; the County is using ARPA funds for infrastructure plans (water, sewer), as without the infrastructure we cannot attract businesses and grow the economy. There is a greater focus on the outer parts of the County by this Commission than any other. Commissioner Taylor motioned to take Mr. Garbett and Mr. Young's testimonies under advisement and a decision will be made on the final day of BOER, February 16<sup>th</sup>, 2022. Commissioner Louisos seconded. Unanimous decision. The BOER will reconvene on February 4<sup>th</sup>, 2022.

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No exonerations were presented from the Assessor. Assessor presented properties to divide and combined. Commissioner Brenemen motioned to combine and divide land as presented. Commissioner Louisos seconded. Unanimous decision.

Commissioner Louisos motioned to approve vouchers and invoices and release checks with the exception of the payment to the 911 center consultant as there was an error. Commissioner Brenemen seconded. Unanimous decision.

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

Commissioner Taylor presented the MOU with the WV Office of Technology for State Email Service. She hopes that in a year the County will have its own server and email service. Commissioner Taylor asked Prosecuting Attorney Anthony Ciliberti if he had a chance to review the document and were there any issues? Ciliberti stated he saw no issues. Commissioner Brenemen motioned to approve the MOU. Commissioner Taylor seconded. Unanimous decision.

Letter to the WV State Tax Property Division extending permission to make adjustments until February 15, 2022. Commissioner Taylor shared that she had the letter revised to include more restrictive language, and PA Ciliberti stated he agreed with the revision. Commissioner Louisos motioned to approve the letter with the revision. Commissioner Brenemen seconded. Unanimous decision

Presentation of Foremost Insurance Co. Flood Insurance Policies expiring February 16, 2022 for 461 Laurel Creek Cut Off Rd, Fayetteville; 469 Laurel Creek Cut Off Rd, Fayetteville; and 547 Shelter Rd., Fayetteville. Commissioner Taylor shared that this is flood insurance coverage for the animal shelter expiring next month leaving the County uninsured. Commissioner Brenemen motioned to approve the policy. Commissioner Louisos seconded. Unanimous decision.

Tiffany Cottle presented via zoom the request for signatures on the exhibits associated with the Hazard Mitigation Federally-Assisted Acquisition Project for Kim R. & Kathy M. Eades and The Loup Creek Volunteer Fire Department, Inc., a WV Corporation. These have been open since the 2016 flood and it was not initially detailed that exhibits needed to be included with the corresponding deeds. Prosecuting Attorney Ciliberti stated that if they were not recorded with the deed originally, then it is necessary to rerecord the deed as a deed of correction. In doing so, mentioning that the exhibits were not attached and that the purpose of the deed of correction is to add the exhibits to the deed. These exhibits place restrictions on the property so they must be signed by the grantor. Commissioner Taylor

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recommended that the Prosecuting Attorney reach out to the original lawyer who created the deeds -Mr. Blankenship and settle this, and any others that may have errors. Commissioner Louisos seconded. Unanimous decision.

Request for White Oak PSD to reappoint Michael Whisman, II to the PSD Board, term to expire January 1, 2028. Brenemen to motion to approve the request. Commissioner Taylor seconded. Unanimous decision.

John David, SALS presented a letter from the City of Oak Hill and submission of requested information from SALS. Commissioner Taylor asked if there is a specific grant that SALS is looking for support on at this time. Dr. David replied: no, I am here to speak to the City of Oak Hill's request of the Fayette County Commission (FCC) regarding replacing the roof on the SALS building in Oak Hill. Commissioner Louisos inquired what funding the City of Oak Hill committed to? Dr. David responded: nothing yet, its support will be contingent upon what the FCC commits and that the code enforcement officer has access to the property which the officer has had had since the beginning. Commissioner Taylor replied to Dr. David that the Commission is not currently hearing any requests from community members for ARPA funds. She inquired what the estimate for the roof was? Dr. David informed the Commission the estimate is approximately \$70,000 for the roof over the gym, and that it is a 911 emergency center, on the national registry of places, and SALS invested \$100,000 in a sprinkler system for the first floor only. They are doing their best to keep the building in good condition. Commissioner Taylor wanted to know if SALS has applied to any historic building revitalization grants? Dr. David said: yes, we have applied but have not been accepted. Commissioner Louisos asked if SALS has any funds in their accounts to do this work? Dr. David replied that most of their funds are restricted and are used for programming. They are operating on fumes right now, so no, we do not have funds to do the proper roofing work. Commissioner Brenemen asked if SALS received any money from the County for the sprinkler system? Dr. David confirmed that yes, a few years ago they received a helpful but modest amount from the county \$5,000-10,000, thank you. Commissioner Brenemen further inquired whether SALS has the official Red Cross approval paperwork certifying the building as an emergency shelter? Dr. David assured the Commission he could provide the paperwork if needed. Commissioner Taylor would like to see that as the county EMS center believes the building is certified as a warming center and not a true emergency shelter. Dr. David, responded that they have documentation stating that is it a full emergency shelter. Commissioner Taylor wanted to know whether they have been open during these winter storms or not. It was stated that when they are requested, they open, but they cannot recall the last time it had been requested. In addition, the Oak Hill Fire Department has a key to use the building whenever needed.

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Commissioners Louisos and Taylor recommended that SALS fills out the County ARPA funding request that is hosted on the FCC website and then the Commission will evaluate SALS' request along with all other community requests. Dr. David understood and will look into that form, he wanted to note that SALS will provide labor as an in-kind match for grants. As a reminder to SALS for future meetings and grants, Commissioner Taylor shared with Dr. David that the commission needs information on each specific grants and cannot give blanket letters of support as they may have received in the past. They must get on agenda and go through the proper process like everyone else.

County Clerk Michelle Holly presented the ballot of commissioner names. Each election year, the County Clerk's office appoints the office of ballot commissioners, these officers ensure that election information is posted properly and properly certifies the ballots post-election. The parties that are able to nominate officers are the parties that received the top two highest number of votes in the previous election. Both parties appointed people: Democratic party appointed Jack Thompson and the Republican party appointed Joseph Re. The ballot drawing will be held on February 22, 2022. Commissioner Taylor inquired whether there could or will be substitution given COVID and increased absences of people. Ms. Holly was not aware of any substitutes but would look into it.

Discussion of the notice of change of polling place: moving Valley early and Election Day voting for precinct 47 to Montgomery Community Center 612 3<sup>rd</sup> Ave, Montgomery due to construction at current Montgomery City Hall. Commissioner Taylor's main concern is that the notice details whether the change is for just the primary or for both the primary and general elections. She thinks it should be the same place this year to avoid confusion. Ms. Holly agreed, and added that signs will be hung at the former place directing people to the new place to ensure people go to the correct place. Commissioner Louisos motioned to clarify both early and election day voting in the notice. Commissioner Brenemen seconded. Unanimous decision. In closing, Ms. Holly reminded the Commission that the County has to publish all precinct information and early voting locations, she is hoping that one publication can serve both needs.

Commissioner Taylor motioned for the Commission to postpone the 911 job description agenda item to the February 10<sup>th</sup>, 2022 meeting. Commissioner Louisos seconded. Unanimous decision.

Commissioner Taylor motioned to postpone the discussion by Mr. Phil Tissue for the estate of William Claggett Price to the February 4<sup>th</sup>, 2022 meeting. She recommended that the Fayette County Prosecuting Attorney reach out to Mr. Tissue to see if the Commission needs to sign the documentation because she believed it did not. Commissioner Brenemen seconded. Unanimous decision.

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Mr. Nick Mooney presented an update on grant application processes and results of grant applications submitted by Region IV for the Midland Trail Community Center. During the 2021 grant cycle they were not approved but are looking forward to grants in the 2022 cycle and wanted to present updated information to the commission.

The Midland Trail Community Center serves the greater Midland Trail, Gauley Bridge, Alloy, Falls View, Danese, Meadow Bridge, Mount Nebo, and Mount Lookout areas. Programs that they provide are: -youth sports -football and cheer (200 kids); basketball (150 kids), Little league (225 kids); wrestling (50 kids); and soccer will be coming soon. In addition to youth sports the facility provides open batting cages that are available to the public; fields for travel baseball and softball teams; conference space for Girl Scout meetings, ministry-based programs, Fayette County Teen Court, Active Southern WV programming, and other meetings and/or parties. This facility really helps support community development and on game days helps the local businesses with the influx of people coming into the area. Fees charged for the space are \$25 per hour, however it costs \$74 per hour to open the building so they are running at a deficit. They manage \$6,000 a year in scholarships to really give kids great opportunities in sports and academics. Future projects the Midland Trail Center are hoping to take on are to provide a trailhead parking to facilitate walking trails from Hawks Nest and finalize decisions whether they will improve or demo the classroom building. There are plans to make a greater push for membership to raise funds for problems the group faces. Currently a membership is \$50/year but they need more members for this to sustain the Center. The challenges for the space are the extremely high heating/cool bill and relative building maintenance on an old school building. The center has lost \$12,000 a year in revenue due to ending the relationship with the Fayette Board of Ed. Because of this the Midland Trail Center will now have additional space to provide for future revenue generation if they maintain the building and do not demolish it. The same resources are tapped over and over again in this community so Mr. Mooney is really trying to think outside the normal entities. One planned grant is the Small Community Block Grant for emergency shelter designation, prevention of future flooding, and handicap access improvements. This application will be submitted shortly. They are in great need of a generator and a HVAC system; any applicable grant funds would go directly to this. Currently uses a waste oil boiler and even that doesn't cut costs enough as it is a huge space to heat. Commissioner Louisos stated that he will try to provide any oil he can to them. They will also submit an ARPA application to the county to be reviewed with other community applications. Commissioner Brenemen suggested they work with Kevin Walker at the county 911 center to see if he is aware of any grants for generators. Reaching out to the tourism department and county resource coordinator's office to see what these offices could do to help was also mentioned by Commissioner Brenemen.



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Commissioner Louisos motioned to adjourn the meeting. Commissioner Taylor seconded. Unanimous decision.

The meeting was adjourned at 11:10am.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

February 4, 2022

FAYETTE COUNTY COURTHOUSE

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

**8:00 Pledge of Allegiance** lead by Clerk Holly

**Board of Equalization & Review Mineral & Industrial Hearing** - Convened at 8am; No one appeared. Commissioner Taylor stated the Board will reconvene on February 16.

**8:15 Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young** - Assessor Young presented one combination of property. Sharon Walters to combine two pieces of her own property. Commissioner Taylor moves to approve; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision

**Approve Vouchers & Invoices** - N/A.

**Approve Prior Meeting Minutes** - 11.17, 11.22, 12.15, 1.5 Commissioner Louisos moves to approve; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

**Approve Estate Settlements** - N/A.

**8:30 Discussion and Decision Purchase Requests for Farm** - no discussion or decision necessary; item removed.

**9:00 Discussion and Decision: Meadow River Rail Trail** Matt Ford presented. Chapman Technical has a "master" contract that includes all the FEMA required clauses; no money involved. Also had two other contracts for consideration. Matt Ford felt everything was going smoothly.

Consider Engineering and Construction Services Contract Signing (Master A&E Services Agreement) -Roger from Chapman Technical

Consider signing contract with Goal Technical, L.L.C. for FEMA Repair

Consider scope of work and fee proposal for bidding and construction services for Russellville Bridge. Roger from Chapman Technical presented. Putting our bids for a pre-constructed bridge has pros and cons; get a lot of bidders, but not ones necessarily experienced in building these types of structures. The bid proposal therefore contains many contingencies. He isn't sure about the bid qualification for FEMA.

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Bill Hines, consultant for the project, was present and asked for clarification on what exactly was voted on at a previous meeting - to ask for construction bids or to direct hire Chapman Technical. Bid Construction. FEMA does allow some qualifications in the bidding process. Mr. Hines felt the County could restart the 5G process if they wanted (to bid and hire an engineering firm), but he is worried about the time it would take. 5G is the state code that governs the procurement and construction of bridges and other architectural items. Mr. Ford felt these processes could be concurrent - bids can go out for the Russellville Bridge while a RFQ could go out to start the 5G process. Mr. Kennedy asked if that invalidated Chapman's contract. It does not necessarily do that, but Mr. Kennedy feels that if another engineering company is chosen it would delay the project. Mr. Hines agreed. Commissioner Louisos asked if that would cause problems, Mr. Hines answered it could. Commissioner Taylor asked what Goal Technical was hired to do - current FEMA repairs. She tried to clarify what was needed from the Commission - the FEMA repairs and whether to repair the bridge or choose an alternate route. Prosecutor Ciliberti discussed his concerns with the draft contracts. He is not fond of required arbitration or the language within the contract that could change the price of the contract. Concurrent discussions between Matt Ford and Commissioners and Prosecutor Ciliberti and Mr. Kennedy concerning the contracts at hand.

Commissioner Taylor asked for concrete next steps. Commissioner Brenemen discussed his experience with RFPs from a contractor's perspective.

Goal Technical Contract - Mr. Kennedy is going to answer Prosecutor Ciliberti's questions by email. One issue is an invalid contractor's license. Mr. Ford suggests that Chapman Technical take the contract back, address the Commission's concerns, get all documentation reviewed then place it on the agenda. Commissioner Taylor requests that they follow the deadlines the Commission has set for documentation for meeting. Prosecutor Ciliberti is mainly concerned with the opportunities of the contractor to charge more money. Everything will get reviewed and placed back on the agenda 2.16.22.

Russellville Bridge - Mr. Ford explained some options. His concerns are whether the DOT properly followed the 5G process in choosing Chapman to oversee this whole project so the conservative route is for Fayette County to do its own 5G process. DOT has its own process for choosing contractors that they say follow 5G process. The question is does Fayette County want to rely on the DOT's process or do they want to do it themselves.

Commissioner Taylor clarifies how she sees the issues - If we build the bridge and who builds it. And if they do build the bridge; is there any reason to not trust the DOT's process to select Chapman. Mr. Ford and Mr. Hines did not have concerns, but thought the FCC had concerns. Commissioner Taylor asked what is the status on the

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County's request for an extension from FEMA - very close; waiting on one piece of documentation.

Mr. Ford gave his suggestion: Bid out the construction on the bridge to see some costs then decide whether to build the bridge. There are issues doing the alternate route that would majorly delay the project. There are also major delays involved with the SOQ process. Mr. Kennedy suggests to bid out the bridge (even though it may cause some questions with FEMA). Consensus is to bid out the bridge.

Administrator Lanier states the Commission cannot sign these documents because they weren't received in time. Mr. Ford will find the specific documents needed for Commission review.

Commissioner Taylor asked for the scope of the master agreement. This agreement is required documentation for any kind of work to be done. It would currently cover their supervision of the Goal Technical Contract, and would extend to cover them for the bridge replacement if Chapman is chosen. Also called Minimal Contract Clause. Commissioner Taylor asks that it be placed on the 2.16.22 meeting.

Commissioner Taylor moves to postpone this until 2.16.22 meeting;  
Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision

Commissioner Louisos moves to adjourn at 9:45; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

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### FAYETTE COUNTY COMMISSION

SPECIAL SESSION

February 10, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN BRENNEMEN (attending via Zoom), TOM LOUISOS, (attending via Zoom) ALLISON TAYLOR

**9:00 AM Pledge of Allegiance:** Led by Commissioner Taylor.

Commissioner Taylor announced that due to the illness, she will make a motion at the end of the meeting to move all non-essential business to a special meeting on February 23, 2022.

**Board of Equalization and Review:** Nothing to present. Commissioner Taylor stated the Board would reconvene on February 16, 2022.

**Exonerations, Orders to Combine or Divide Land, Refunds-Eddie Young**  
None.

**Approve 1<sup>st</sup> Half February Payroll:** Commissioner Taylor moves to approve 1<sup>st</sup> half February payroll. Commissioner Louisos seconds. Unanimous Decision.

**Approve Vouchers and Invoices:** Commissioner Taylor moves to approve vouchers and invoices. Commissioner Louisos seconds. Unanimous Decision.

**Approve Prior Meeting Minutes:** Moved to next meeting.

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**Approve Estate Settlements:** Commissioner Taylor moves to approve the estate settlements of Daniel Allen Dobbs, Bobbie Lee Eder, Charlotte Snyder Frisby, William S. Greiner III, Jessie Oliver Parker, Linda Lou Shieler, and Zella Madge Weeks. Commissioner Louisos seconds. Unanimous Decision.

### **9:05 Ruth Lanier-Exhibit A**

**1. Discussion & Decision: 911 Deputy Director Job Description:** (moved to February 23, 2022).

**2. Discussion & Decision: Shooting Range Letter for Senator Baldwin:** Commissioner Taylor moves to approve the Shooting Range Letter for Senator Baldwin. Commissioner Louisos seconds. Unanimous Decision.

**3. Discussion & Decision: Letter to Fayette County Board of Education Re: Boomer Ballfield Transfer:** (moved to February 23, 2022).

**4. Discussion & Decision: Letter to State Leaders Regarding County Growth** (moved to February 23, 2022).

**5. Discussion & Decision: Department of Justice FY 2021 Grant Form for Signature:** Commissioner Taylor moves to approve signing the grant form. Commissioner Louisos seconds. Unanimous Decision. County Administrator, Ruth Lanier explains that Commissioner Brenemen will have to sign the form since it deals with the year 2021. Commissioner Taylor asks Commissioner Brenemen if he will give his approval for his signature to be stamped on the form. Commissioner Brenemen agrees.

**6. Discussion & Decision: Letter of Support for the Good Jobs Challenge Southern West Virginia Multi-Region Fiber Training Project:** Commissioner Taylor moves to approve the letter of support. Commissioner Brenemen seconds. Unanimous Decision.

**7. Discussion & Decision: Appointments to URA:** (moved to February 23, 2022).

**8. Discussion & Decision: Appointment of PJ Stevenson as Vendor Representative on Bridge Day Commission:** Commissioner Taylor moves to approve the appointment of P.J. Stevenson who already participates on the Bridge Day Commission. Commissioner Louisos seconds. Unanimous Decision.

**9:30 Budget Presentation: Deborah Hendrick, Circuit Clerk** (moved to February 23, 2022).

**9:45 Budget Presentation: Anthony Ciliberti, Prosecuting Attorney** (moved to February 23, 2022).

**10:00 Budget Presentation: Mike Fridley, Sheriff** (moved to February 23, 2022).

**10:30 Budget Presentation: Brian Sparks, WVU Extension Office** (moved to February 23, 2022).

**11:00 Page Kincaid PSD-update on reimbursement** (moved to February 23, 2022).

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**11:15 Discussion & Decision: 911 Starting Pay** (moved to February 23, 2022).

**11:30 Kevin Walker & Phillip Pack Re: Request to use additional funds to upgrade radio communication network** - this item was removed from the agenda because it was already handled within the 911 Center budget.

### **11:45 Update on Domain**

Commissioner Taylor moves that all other business remaining, except for the 11:30 item, which can be handled through County Administrator, Ruth Lanier, will be moved in bulk to the February 23, 2022 meeting in the same time slots. Commissioner Louisos seconds. Unanimous Decision.

Commissioner Taylor moves to adjourn the meeting. Commissioner Louisos seconds. Meeting adjourned at 9:11 am.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

February 16, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN BRENNEMEN, TOM LOUISOS, ALLISON TAYLOR

**9:00 Pledge of Allegiance** Led by Commissioner Louisos.

**Board of Equalization and Review Larry Love & any other petition brought forward** Commissioner Taylor convened the Board and asked for petitions from Mr. Love or any others. County Administrator, Ruth Lanier explains that Mr. Love has decided not to pursue his claim.

Fayette County Assessor, Eddie Young states that Clarence Blake is present regarding a petition. Commissioner Taylor asks about amount of increase on Mr. Blake's property. The Assessor stated amounts for both Mr. Blake's New Haven and Fayetteville properties. The assessor has adjusted the amounts since the petition was filed. Commissioner Taylor asks about adjustments for the property in Fayetteville. Commissioner Louisos mentions higher the higher tax rate in Fayetteville. Those giving testimony are sworn in. Commissioner Taylor asks Mr. Young if the \$34 for Fayetteville were adjustments. Yes. Commissioner Louisos asks about the property being in Fayetteville, He just wants to understand where the Fayetteville property is located. Mr. Young explains where the Fayetteville property is located. Commissioner Louisos asks if Fayetteville is part of the Board of Equalization's purview. Mr. Young explains that the County Commission, acting as the Board of Equalization has the whole county. Commissioner Taylor asks if they adjusted down. Mr. Blake's property has little accessibility Mr. Young went out to the property. Both properties were adjusted down to match the ones around them. Commissioner Louisos wants to go with assessor's recommendation. Mr. Blake says the New Haven property is on top of a mountain with no timber and no access. He can't

understand why he has to pay more for less. He says that there is no access to his Fayetteville property either and that it is worthless. Certainly not worth what he paid for it. He does not agree with upping the assessment. The assessor's office has it classed under woodland which is the cheapest class. There is not much lower you can go. Commissioner Taylor asks if it is taxed similarly to other properties. Mr. Young explains that all woodland has gone up. Mr. Blake states that another gentleman owns the road, otherwise Mr. Blake could not get in to his property. Commissioner Taylor says that on her part she sympathizes but everyone's values have gone up and she sides with the assessor. Commissioner Louisos agrees. Commissioner Taylor moves that the assessment from Mr. Young's office be upheld. Commissioner Brenemen seconds. ALL IN FAVOR.

Commissioner Taylor moves that the assessment regarding Mr. Ed Garvet from January 31<sup>st</sup> be upheld. Commissioner Brenemen seconds. ALL IN FAVOR.

Commissioner Taylor says that the Board of Equalization and Review will adjourn sine die.

**Exonerations, Orders to Combine or Divide Land, Refunds-Eddie Young Michael D. Toney has a consolidation. Commissioner Taylor moves to approve. Commissioner Louisos seconds. ALL IN FAVOR.**

**Approve Vouchers and Invoices-** Commissioner Taylor moves to approve voucher and invoices. Commissioner Louisos seconds. ALL IN FAVOR.

**Approve Prior Meeting Minutes-None.**

**Approve Estate Settlements** Commissioner Taylor moves to approve the estate settlements of David Bruce Barnhart, Billie Jean Bates, James David Berry, Robert Lee Cavalier, John Lawrence Puckett, and Ethel Marie Scarbro. Commissioner Louisos seconds. ALL IN FAVOR.

**9:05 Ruth Lanier-Exhibit A**

**1. Discussion and Decision: Reappointment to EnAct**

**9:15 Notice of Number of Election Officials and Emergency Absentee Voting Commissioners WV State Code 3.1.29-** Clerk Holly will need total a list of 195 elections officials. She has an order for the policy extending emergency absentee ballots to hospitals in adjacent counties or nursing homes. There is a third option for those confined to their home because of illness. She states that it is up to the County Commission to decide. The County Commission will be naming commissioners later on as well. Commissioner Brenemen states that he would support the first two options. Commissioner Louisos asks if the first two options would cover the third. Commissioner Taylor mentions those persons with home health. Clerk Holly gives an example of how the emergency ballot process works. Commissioner Taylor questions how the third option would be administered. Clerk Holly says that ballot commissioners are appointed separately, and one from each party would

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deliver the absentee ballots as needed. Commissioner Brenemen says the county has had very little use of this option. Commissioner Taylor wants to go for all three options. Commissioner Taylor would agree to all three options. Commissioner Brenemen agrees also to all three options. Commissioner Taylor moves to approve all three options. Commissioner Louisos seconds. ALL IN FAVOR. Commissioner Taylor moves to approve the list of 195 elected officials. Commissioner Brenemen seconds. ALL IN FAVOR.

Break 9:28

Back in session 9:35

**9:30 Budget Presentation: Michelle L. Holly, County Clerk:** The elections budget has no change from last year, except she added \$1,000 to overtime. They are having to move people voter by voter in the system. Clerk Holly requested an actual door on Elections to avoid unnecessary traffic. It is the only open door at the entrance, so the public comes in asking for information about other offices. She is looking for a grant to cover the cost. Looking ahead to the elections in two years, she wants to move to electronic poll books. They provide more security. They have the ability to scan voter IDs update voter information. It also checks for absentee ballots. There is a one-time expense of \$35,000. The yearly fee would not change much.

Clerk Holly says that regarding the regular clerk's office budget there is not a lot difference. She is asking for a three percent cost of living increase for all of her employees. She used last year's budget numbers. She is not using all of her budget because the new person hired is not making as much as the person he replaced. She is asking for money to redo the front office; new desks because it makes it safer and more secure. She would like to get the probate area fixed. She estimates approximately \$2,000 for cubicle walls so that it would be more private. Revenue for the clerk's office was approximately 1 million dollars of which about half goes to different state and county agencies. She explains where part of the money goes. Angela Gerald and Allen Ballard run zoning monies through the clerk's computer system for accounting purposes. There is approximately \$400,000 left. Revenue was up. She was conservative in her numbers but that there have been more people buying property. Clerk Holly says that last year approximately \$5,700 was spent on the county clerk's office. She says that they might need to have that money separated. According the West Virginia State Code § 59-1-10(a) (8), two dollars of a ten-dollar fee collected on every deed of conveyance, with or without a plat, deed of trust, fixture filing and security agreement concerning real estate lease. Commissioner Taylor asks about farmland money. Do we know what would happen if we did not collect that money? Clerk Holly explains that \$20 goes to state farmland protection. A transfer tax of 2.2 percent per \$1,000 goes to county farmland; if it did not exist, that money would not be collected. Instead of a total of 7.7, just 5.5 would be collected and that would be divided between



county and state. Commissioner Louisos asks what happens if the County Commission did away with farmland. Clerk Holly explains when transfer tax money is collected, \$20 goes to state farmland. Those fees would not go away if farmland did not exist. But of the Transfer tax, State gets so much and the county gets so much eventually that whole 5.5 would be for the county use. Commissioner Taylor points out that the County Commission is trying to encourage merit-based raises. She wants Clerk Holly to consider merit-based raises. Clerk Holly says that she needs to have a formal evaluation process in place. Commissioner Taylor says that Clerk Holly has almost a year under her belt. If given the choice, would Clerk Holly prefer merit-based or cost of living raises. Clerk Holly states that she would be fine with merit-based raises. She wants to keep good people and wants to be sure they are paid well. Commissioner Taylor states that the County Commission wants to hold on to all budget requests before a decision is made.

**9:45 Budget Presentation: Wayne Workman, Park & Garage:** There is an increase on both the Park and the Garage budget most of the increase on park is two vacancies with \$13,000 for the increase in insurance. That amount could stay or come off depending upon who is hired. Commissioner Brenemen says that utilities are going up and maintenance and supplies will go up. The County Commission will have to take that into consideration when doing budgets. He gives examples of what the County Commission will have to take into consideration. Mr. Workman states that a drum of washer fluid went up \$60 per drum, there was a \$700 per drum increase for oil and agrees that everything going up. Parts are scarce with long waits. Commissioner Brenemen says that some electrical parts are scarce. He asks if there is anything special for park expense. Mr. Workman says that everything is more expensive. Commissioner Brenemen restates the difficulties of the budget. Mr. Workman says there are maintenance fluctuations; 14 to 15 thousand dollars for paint for the pool. Maintenance numbers will come down after spring projects are completed. Commissioner Brenemen suggests buying in bulk to save money. Mr. Workman asks for an increase on salaries of employees of .48 cents. Inflation is causing suffering for everyone. He cut what he could. There is a \$7,000 difference in insurance for single v married employees. Everything is moving. Commissioner Taylor asks if maintenance positions are posted. Mr. Workman says that he interviewed a person yesterday. Commissioner Louisos asks about actual expenses versus covid impacted expenses. Mr. Workman says that part timers have worked due to the two vacancies. Commissioner Brenemen says one thing that helped was the event that was held in October and asks if Mr. Workman has considered doing extra events. Mr. Workman already has an Easter event planned, a trout derby and he is looking at craft fair at the Memorial Building. He states that April and May are hard months due to weather. He tries to plan around everyone and tries to do weekends. Commissioner Brenemen says that Christmas Land was great. He complements Mr. Workman on job well done. Mr. Workman states an increase from \$68,000 to \$93,000 in revenue. Mr. Workman states that he did the same thing on the garage

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as the park and agrees with merit-based raises. He would like a .74 raise for Angela, junior was the .48.

5-minute break at 10:05

Back in session 10:08

**10:00 Budget Presentation: Gabe Pena, Resource Coordinator:** Mr. Pena presented a budget request for \$91,432. The attached addendum has the amount of \$64,528 factoring in the fact that the cost total is down eight percent from last year. The addendum shows a \$21,904 contribution from farmland work plan of which 60 percent is spent on grant management. Paperwork Mr. Pena provided shows that the Resource Coordinator's Office is managing \$649,500 in grant funding to the end of fiscal year 2023. Mr. Pena goes over potential grants. They have a number of grants for 2023. He asks for any additions to the list. He lists Board of Administration work for Farmland Protection, Solid Waste Authority, Fayette County Planning and Zoning and the County Commission. He included a job posting for assistant and resource coordinators, as Mr. Pena will be leaving on March 4. Commissioner Brenemen congratulates Mr. Pena and wishes him well on future endeavors. The County Commission prefers that all resumes go to the County Administrator, Ruth Lanier. Commissioner Taylor states that the County Commission has not decided to post yet. They are looking at revamping the County Administrator's office.

**10:15 Budget Presentation: Solid Waste Authority:** Aletha Stolar, Fayette County Solid Waste Authority chair begins by saying that the SWA has an excellent working board. Two of the staff are phenomenal. Tommy Harris, Litter Control Officer, pulls in a lot of other resources. Ami Dangerfield, financial person, keeps them on track. Their membership in WV Corp. is due to Ms. Dangerfield. It reduces the insurance. Abby does an excellent job putting packets together. Gabe Pena does a phenomenal job of writing grants. Ms. Stolar presents a \$30,000 budget request. The SWA is asking for the same amount as last year. There is a seven percent increase in salaries. Inflation is factoring in for the seven percent increase. A new thing added to the request is office supplies and office postings. Grants need be bid at class 5 which can be expensive. They do get grants to support funding initiatives. The tipping fees they receive have to be used for certain items. Commissioner Brenemen adds that he straightened them out on board procedures regarding voting. He is helping them out as much as he can. Ms. Stolar would like to hire someone to help Tommy Harris.

Commissioner Taylor moves to go into executive session at 10:21 regarding EnAct. Commissioner Louisos seconds.

Back in session at 10:37.

Commissioner Taylor moves that regarding the EnAct reappointment, the County Commission will be open to accepting applications in the future. Commissioner Louisos seconds. ALL IN FAVOR.

**10:45 Budget Presentation: Eddie Young, Assessor:** Commissioner Brenemen says that the dilapidated building bill may pass. There will be training with assessor staff on what properties look like.

Mr. Young begins by saying that the assessor's office budget consists of salaries and benefits with a little bit of travel, a little bit of education and training. Commissioner Taylor asks if there are any other funds not coming from county. Mr. Young says that the PVC fund is submitted to County Administrator, Ruth Lanier, every year. The PVC budget is approved differently. Mr. Young explains the procedure. Half of office is staffed through the PVC, half through the county. The assessor's office buys any vehicles or computers with PVC funds. The flyover they do comes out of PVC funds. The County just pays salaries. Commissioner Louisos asks when flyover will be on the website. Mr. Young says the information is done; they just have to get with them. Mr. Young will have to talk to Jamie Smith, Mapper. Commissioner Louisos and Mr. Young discuss when the flyover will be available. Topography is done with state funds.

**10:45 Budget Presentation: Teresa Gregory, Community Corrections-** Postponed.

**11:00 Budget Presentation: Allen Ballard, Building & Angela Gerard, Zoning:** Allen Ballard states that the budget for Building Safety is the same as last year. He states that contracted services went up \$5,000. Commissioner Taylor wants to know if we are doing inspections on behalf of municipalities and not getting paid. Mr. Ballard explains the procedure. They are paying for half on electrical inspections for Oak Hill and Fayetteville only. Not to other municipalities. Commissioner Brenemen says Valley has their own person. Commissioner Louisos goes over how the costs are paid. Commissioner Taylor says that the County Commission pays for half. She wants copies of the agreements.

Angela Gerald, Zoning Officer, states that a salary increase was done in December; otherwise, it is the same budget as last time.

**11:15 Budget Presentation: Anthony Ciliberti, Prosecuting Attorney:** Mr. Ciliberti talks about what he believes his office has achieved during their first year. He had ideas about reducing the jail bill and immediately took steps to reduce it. The simplest step was to review the bill. It was discovered that it is not uncommon for the correctional authority to bill the county after the person is convicted. The State picks up the tab after incarceration. The jail is not getting it right. He explains the procedure and states that the jail is still making significant mistakes up to five figures. His office is expediting the handling of felony cases. Mr. Ciliberti explains the time line and cost as a result. He says that cases are assigned immediately and are being reviewed earlier. His office works with defense council to get those persons out that cannot post bond.

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His office is using the Day Report Center and GPS for release of persons. Another thing his office does is to work with defense attorneys regarding speaking with the Public Defender's Office about getting people out earlier. He focuses on the calendar year rather than the fiscal year. Mr. Ciliberti goes over the numbers on his presentation. The jail bill since Mr. Ciliberti took office was \$970,308, which is a half million dollars under budget. There is no reason for Mr. Ciliberti to believe that this is not going to continue. He states that the jail bill will never be zero. He cites case about tanning bed illegal video. The person pled to 10 misdemeanors. The county will have to pay for this, but it is worth the money to have this person in jail. Mr. Ciliberti says that salaries for Class I Prosecuting Attorneys are set by the legislature. Mr. Ciliberti goes over staff raises. Jennifer Crane especially, is deserving of a raise. Her skill set is gained by spending time trying cases. She had the double homicide case prosecution of Hayden Dixon. He was sentenced to life. Henry Joe Ward, who tried to shoot a deputy was tried by Ms. Crane. He was convicted on all counts and sentence to 9.5 years. Ms. Crane's salary is at \$79,000 per year. A comparable person would be hard to find. Mr. Ciliberti is requesting a raise to \$90,000 for Jennifer Crane. Mr. Ciliberti says that Sarah Smith is someone who is aggressive in prosecuting her cases. He cites case where in a felony conviction of Brian Willis, and Henry Joe Ward, Ms. Smith was co-counsel. Mr. Ciliberti commends Ms. Smith's impressive work ethic. He asks for a \$4,000 per year increase for Ms. Smith. Mr. Ciliberti speaks about Chris Burdick, who handles all the abuse and neglect cases which are very trying and stressful. Mr. Ciliberti states the judges provide him with feedback on the prosecuting attorneys and he has had good reports on Mr. Burdick. Mr. Ciliberti asks for a \$4,000 increase for Mr. Burdick. Mr. Ciliberti states that Tyler Rohrbaugh is in the army reserves with JAG Corp. at the moment, but says that Mr. Rohrbaugh's first trial on his own, he saw that Thomas Banks was prosecuted and sent to prison for five years. Mr. Ciliberti would like to raise Mr. Rohrbaugh's salary by \$3,000 per year. Chelsea Walker is currently paid \$66,000 per year. She has only been with them for a year. She helps the sheriff with conservator and habeas cases. Mr. Ciliberti asks for a raise for Ms. Walker of \$1,200 per year. Mr. Ciliberti says that the average rate for lawyers in West Virginia is \$109,000. Regarding the salaries for support staff, Mr. Ciliberti says that the average salary for paralegals statewide is \$48,000. He says that it is rare for Marilyn Pridemore not to be at the office after 4 pm and prior to 8 am. She is the office manager and Mr. Ciliberti is asking for a \$3,000 per year increase for Ms. Pridemore. Mr. Ciliberti states that Jessica Shockey is a legal assistant who organized the office regarding grand juries where there can be 80 different cases in two days. He explains the difficulty in scheduling duties for Ms. Shockey and asks for a \$3,000 in pay for Ms. Shockey. Mr. Ciliberti says that Tracy Boyd is the legal assistant for Mr. Burdick, and prepares all documents relating to abuse and neglect

case. He asks for a \$3,000 increase for Ms. Boyd. Mr. Ciliberti asks for a \$1,999 per year raise for Haley Hopkins, legal assistant to Ms. Smith and Ms. Walker and a \$1,004.04 annual raise for Katlyn Dorsey, legal assistant for magistrate court cases and receptionist. Mr. Ciliberti states that the balance of the budget has not increased, except dues and subscriptions. The County has been paying for LexisNexis outside of his budget. The other line item is for bar dues of \$1,500. Mr. Ciliberti is asking that The LexisNexis subscription be made part of his budget. The subscription to Circuit Express was cancelled toward the end of 2021. Mr. Ciliberti has started sharing the cost of parking with the sheriff at \$1,200 per year. Mr. Ciliberti explains that parking fee are paid out of the asset forfeiture fund. He says the County Commission has asked for information regarding additional funding sources. The asset forfeiture account is explained. Ten percent goes to his office and 90 percent goes to the investigative branch. Currently, there is \$20,450 in this account. The issue in 2021 was getting petitions addressed. Mr. Ciliberti says that no deposits had been made to this account, but estimates that annual deposit in the future will be \$6,000. Some years will be higher than others. Mr. Ciliberti speaks about pending cases. He says that he is not averse to filling in some of the budget. It has been difficult to look at last year's numbers. He can't really tell what expenditures were prior to him taking over the office. Mr. Ciliberti states that the County Commission must be mindful that it's not going to be a huge budget increase, only 3.94 percent and that his employees have earned it. Commissioner Taylor asks if the animal shelter has asked for funds from asset forfeiture? Mr. Ciliberti says no. He explains the line item for professional services. Veterinarians and other professionals are often called in to testify in animal cruelty cases. He does not mind giving some of the asset forfeiture funds to the animal shelter. He thinks it is appropriate to help. His office tries to get restitution, but it is difficult to actually get the money. Most of the time it never happens. Commissioner Brenemen thanks Mr. Ciliberti for his efforts in reducing the jail bill.

The budget presentation for 911 will not be done today, due to a pending order. County Administrator, Ruth Lanier, points out that the Park was not aware of the order either.

**11:45 Discussion and Decision: Meadow River Rail Trail-Consider signing contract with Goal Technical, LLC, for FEMA Repair. Consider scope of work and fee proposal for bidding and construction services for Russellville Bridge. Consider Engineering and Construction Services Contract Signing (Master A&E Services Agreement)** Prosecuting Attorney, Anthony Ciliberti, and the County Commission discuss not liking the arbitration clause in the agreement. Mr. Ciliberti says the contract amount is not the actual contract amount. The County Commission will have to make a judgment call on accepting the risk of price tag increases. Mr. Ciliberti and Commissioner Taylor discuss costs going up. Mr. Ciliberti suggest that the contractor would not

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want to take that language out. Commissioner Taylor wants the arbitration clause removed.

Commissioner Taylor moves to postpone the 911 budget presentation to February 17, 2022. Commissioner Louisos seconds. ALL IN FAVOR.

Commissioner Taylor comments that prior to final decisions of the County Commission on budgets, if there is cost of living increase it should be across the board. She needs to know from all offices how to prioritize who gets raises. Mr. Ciliberti suggests that department heads need to be the bad guys instead of the County Commission. Commissioner Taylor and Mr. Ciliberti discuss Jennifer Crane's raise.

Five-minute break 11:23

Back in session 11:31

Regarding the Meadow River Rail Trail contracts. Prosecuting Attorney, Anthony Ciliberti says the other attorney pointed out that the agreement would be removing arbitration clause. Mr. Ciliberti does not like arbitration clauses. The Chapman contract regarding deviations in scope of work will have to have written notice and approval for any changes. He added notice and payment provisions to the draft. Mr. Ciliberti asks if there are any objections to these changes. Commissioner Taylor moves that the contract with changes by Mr. Ciliberti and Michael Taylor be approved. Commissioner Louisos seconds. ALL IN FAVOR.

County Administrator, Ruth Lanier, will sort out the paperwork, which will have to go back to the contractor. If the contractor has any issue, they will get with Ms. Lanier. Commissioner Louisos asks if anyone else has issues. Michael Taylor has an issue with the arbitration clause only. Bill Hines (via Zoom) states that the process needs to be done as soon as possible. They will be under a mid-month reporting timeline. Commissioner Taylor says the changes have been made and Ms. Lanier will get them on the right letterhead. She explains what has been taken out and says that arbitration clause takes the court out of the process.

Commissioner Taylor moves to adjourn. Commissioner Taylor seconds. Meeting adjourned at 11:39.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

February 23, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN BRENNEMEN, TOM LOUISOS, ALLISON TAYLOR

### **9:00 Pledge of Allegiance**

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

- none

**Approve 2nd Half February Payroll** Commissioner Taylor moves to approve: Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision

**Approve Vouchers and Invoices:** Commissioner Louisos moves to approve; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

**Approve Prior Meeting Minutes:** none to approve

**Approve Estate Settlements:** Commissioner Taylor Moves to approve; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

**9:05 Ruth Lanier - Exhibit A**

**1. Discussion & Decision: 911 Deputy Director Job**

Description: postponed until 3.2.22

**2. Discussion & Decision: Boomer Ballfield:** Asked Diane Callison, Parks Board Chairman, her thoughts on transferring the ballfield to the BOE. She felt the Park Board would agree. Tim Peyton, Board of Education, explained what it would want to be responsible for regarding maintenance and upkeep - it would not want to deal with major issues (underground plumbing; major electrical work). He also discussed some of the improvements it would be willing to make - new aluminum bleachers; safety netting; fencing. Commissioner Brenemen asked about the school above the field; how long it had been unoccupied. Some discussion on access to the field and roads surrounding, perhaps closing off some of those access points. Commissioner Taylor suggests a nominal lease instead of an MOU. She feels it would give the BOE more freedom to make changes and enforce policy. Mr. Peyton said he didn't want to speak for the board about changing that "terminology" but would be willing to discuss that with the board. Commissioner Taylor clarified that they want to have some agreement just want to have it make the most sense; She and Prosecutor Ciliberti discussed some of the wording - it would need to include the nominal fee phrase. Commissioner Taylor moves to pursue a lease agreement with the BOE regarding the Boomer ballfield; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision. Commissioner Taylor moves to allocate the funds at a maximum of \$5,000 to remove the dangerous bleachers and section of fencing. Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision.

**3. Discussion & Decision: Letter to State Leaders Regarding**

**County Growth** Commissioner Taylor moves to postpone until 3.2.22; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

**4. Discussion & Decision: Letter to Municipalities Re: GigReady**

**Technical Assistance** Commissioner Taylor moved to approve; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

**5. Discussion & Decision: Appointments to URA Commissioner**

Taylor moves to postpone until 3.2.22 meeting; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision



6. **Discussion & Decision: Request from Fayette County Parks & Recreation Authority Board for Camp and Shelter Fee Increases** Diane Callison; Parks Board, asked for certain fee increases. These increases are due to rising costs, would even out the fee structure. Has not had any increases in these fees since at least 2016. Discussion on why there might be a tiered structure based on desirability. Commissioner Taylor also inquired about half-day rentals, but Mr. Workman, Park Director, didn't feel it was a viable option. Commissioner Taylor moves to approve the increases; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision

**9:30 Budget Presentation: Deborah Hendrick, Circuit Clerk;** needs to postpone due to family emergency; Commissioner Taylor moves to remove from agenda until the Circuit Clerk places back on the agenda; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

**9:45 Break**

**10:00 Budget Presentation: Mike Fridley, Sheriff**

Discussed the Concealed Weapons and Asset Forfeiture accounts. There are two different types of asset forfeiture - administrative and civil each with different requirements. Prosecutor Ciliberti and Sheriff Fridley have set a threshold of \$1,000 to "go after" these monies. Some of this money is to go to the Prosecuting Attorney's office (which hasn't been allocated in the past). Prosecutor Ciliberti and Sheriff Fridley have worked out a better procedure so this happens going forward. Commissioner Taylor asked what is purchased from this money.

Body Armor - 12 deputies need replacement plus 2 new. This amount is larger than normal - must be replaced at certain intervals by code. Overtime increase - of \$40,000 between the general and levy funds K9 - same as last year

Regional Jail - lowered by a conservative amount. He is also working with municipalities to recoup those jail costs when possible.

Commissioner Taylor asked if the same procedure could be used with municipalities and animal control.

Fire Arms Training - finally found practice rounds. Asked for an increase because the costs of ammo have risen significantly.

Vehicles - received 3 new cruisers in a mid-year budget request.

Asking for five new vehicles for the upcoming year. These would go out to state bid.

Body Cams - 10 new body cams. Commissioner Taylor asked if Prosecutor Ciliberti had the proper software to use the footage in court.

Weapons - received all ordered last year. Wants to outfit the deputy vehicles with dual mount weapons holders as well.

Commissioner Taylor asked if these items were in priority order - Sheriff Fridley answered they are not really.

Pay Raises - asked for across the board raises for everyone in his office.

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Commissioner Brenemen asked about the maintenance costs on vehicles - they have gone down with a newer fleet. Nothing major needed, couple of warranty fixes. He is still using some of the older vehicles. Commissioner Brenemen asked Chief Deputy Perdue for the maintenance report so they can look through the list together. Commissioner Taylor asked if Sheriff Fridley can send a breakdown of deputy pay raise versus other staff.

Sheriff Fridley discussed the differences in pay across the state with deputies and also with municipal police. He wants to make his pay competitive. The levy pays for several of his positions. Some discussion on Smithers charging a fee for nonresidents to work within city limits and whether that fee should be charged on deputy sheriffs. He also discussed different budget scenarios - he has a minimum increase budget and one that includes the pay increases he wants to implement. Commissioner Taylor asked about a levy increase; how the levy works. The FCC decides how much to ask for and places it on the ballot. Sheriff Fridley discussed he wants to keep good deputies and people can work for other nearby areas for more money.

### **10:30 Budget Presentation: Brian Sparks, WVU Extension Office**

He is not requesting any additional monies from the FCC for this Fiscal year.

### **10:45 Discussion & Decision: 911 Pay**

Commissioner Taylor moves to go into executive session at 10:39am  
Returned from executive session at 11:16am  
Discussed raises for dispatchers at 911. Evaluated the current salaries and reviewed the budget. Did discover a miscalculation in how the hourly wages were done (being paid for four hours not worked since the '90s). Starting pay would increase from 10.69/hr to 12.69/hr. After probationary period or completion of training, pay would raise to 13.19/hr. Discussed specific salaries for specific employees. Commissioner Taylor moves to approve raises as stated effective 3.28.22 pay period; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision.

Commissioner Brenemen moves to adjourn; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

MARCH 2, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN BRENNEMEN, TOM LOUISOS, ALLISON TAYLOR

9:00

**Pledge of Allegiance** lead by Administrator Lanier

**Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young**  
- none

**Approve Vouchers and Invoices** - Commissioner Taylor moves to approve; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

**Approve Prior Meeting Minutes** Minutes from the following meetings were ready for approval. 1.5.22,1.31.22, 2.4.22, 2.10.22 Commissioner Taylor move to approve; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision  
**Approve Estate Settlements** none

**9:05**

**Exhibit A**

**1. Discussion & Decision: Resolution approving invoices relating to Armstrong PSD Deepwater & Powellton Water Distribution System Rehabilitation Project 18SCBG0004**

Commissioner Brenemen moves to approve; Commissioner Taylor 2<sup>nd</sup>; Unanimous Decision

**2. Discussion & Decision: MOU with AWAY (Women's Resource Center)**

Prosecutor Ciliberti has reviewed. Commissioner Taylor moves to approve; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision

**3. Discussion & Decision: WV Opioid Settlement MOU**

Prosecutor Ciliberti has reviewed; Fayette County will receive close to 1.5 million from the settlement though he feels it is hard to quantify an amount that the opioid crisis has caused. Sheriff Fridley asked if he would still need to be deposed - this may be a different case or there are several plaintiffs listed on this case. There are several restrictions on spending the monies. Commissioner Taylor moves to approve; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision

**4. Discussion & Decision: Letter to State Leaders Regarding County Growth**

Commissioner Taylor asked for feedback; Commissioner Brenemen and Commissioner Louisos both liked the letter. Commissioner Taylor moves to approve; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

**9:10**

**Sheriff Mike Fridley - Permission to Send Tax Reminder Cards**

The last two years they sent approximately 11,000 cards for a cost of 5700 dollars.

Total cost this year would .55 per card (.15 for printing, .40 for mailing) Because the cost would be under 6000, approval could be done by Commissioner Louisos. Commissioner Taylor suggests to add this line to Sheriff Fridley's budget for future years; Administrator Lanier agrees.

**9:15**

**Michelle L. Holly Co Clerk - Agreement to Continue Using Early Voting Locations: Fayette County Soldiers & Sailors Memorial Building, Montgomery Community Center, & Green Valley United Methodist Church**

Commissioner Taylor moves to approve; Commissioner Brenemen 2<sup>nd</sup>; Unanimous Decision

**9:30**

**Budget Presentation: Joe Crist, Fire Coordinator**

Joe and his assistant Becky are paid from this budget. No major changes. Explained the line items and minor changes. Money is

## 2022 Fayette County Commission Minutes

allocated to the individual fire departments based on population. Commissioner Taylor questioned the group insurance rates; Administrator Lanier explained those lines always have to be adjusted. Also was asked about the travel expense - the \$10,000 would be for four people to travel to a national conference. Also asked about checking accounts of individual fire depts. They have three - a state account, a fire levy account, and a local account. Commissioner Taylor asked how the allocations to the Fire departments are done. Fayetteville and Oak Hill are allocated quarterly. The other fire departments submit invoices to be approved and paid. This difference was set in 2010 -before Joe Crist was in charge. Those municipalities felt it was too difficult to go through the submission process. Commissioner Brenemen asked when they are audited - the individual departments are audited yearly per the levy agreement. The fire service coordinator is audited as part of the county. Commissioner Brenemen asked about copies of advertisements for the fire center bids; Administrator Lanier has them. He also asked about the mapping - the departments have until this Friday to turn them in. He will send the list of those who haven't turned them in to Administrator Lanier. Mr. Crist also plans to attend the fire meetings of those departments. Commissioner Brenemen suggests the Commission may have to withhold funds if we don't get this information. Commissioner Louisos discussed that it's sad for the people of Fayette County that they seem unwilling to provide this mapping information. Commissioner Taylor suggests that we offer to go to those departments and offer assistance.

**9:45**

### **Budget Presentation: Teresa Gregory, Community Corrections**

Discussed how the Day Report Center (DRC) is changing and growing and working towards the community service it was intended to be. Went over an increase in her salary and wages budget. Rents and utilities line was decreased significantly since the program was moved to the courthouse campus. She has also partnered with two counselling organizations so this cost has gone down as well. These changes mean her overall budget "ask" is virtually the same as last year. Ms. Gregory also prepared a report on how their programs save money on the jail bill. Because of incomplete records she was not able to do a fiscal audit for 20-21, but instead had to do a calendar year of 2021. Day report monitoring and GPS monitoring saved \$972,392.25 in jail costs throughout 2021. Commissioner Taylor asked about the county paying for the GPS monitoring. There are two programs - through DRC and sheriff's department. Prosecutor Ciliberti discussed these differences. People monitored by the sheriff's department have that GPS cost paid by the state typically (because they are typically felons). Prosecutor Ciliberti felt it would be within the Commission's purview to pay those costs for those the DRC is monitoring, but he hasn't heard of this being an issue. He feels the best first step would be to have him being informed if someone isn't paying their bill for monitoring. Commissioner Taylor wants to develop a mechanism by which those defendants that can't afford the monitoring can use community service to offset the cost. She asks Prosecutor Ciliberti and Ms. Gregory to work on a written proposal to

present the judges. Prosecutor Ciliberti mentioned that there would be situations where the County would not be able to recoup those costs. Ms. Gregory also discussed some program changes that would incentivize paying the \$30 monthly fee to participate in DRC. Discussion on the revenue and expenditures. Discussion on some test results that they receive - Commissioner Taylor suggests that Ms. Gregory share those results with the Prosecuting Attorney's office. She agrees to do that. Prosecutor Ciliberti asks that these screen results be sorted by criminal and abuse and neglect cases. It is helpful that DRC is closer. Ms. Gregory explained that they have worked on staffing so that whenever the DRC is open, they can drug screen.

Ms. Gregory is asking to reallocate one part-time employee to full time to improve the efficiency of the office and increase services/extend some hours. This would also eliminate paying overtime. Prosecutor Ciliberti asked if that employee has had BIPPS training. Commissioner Taylor suggested the commission could pay for training if there was an agreement that the employee would offer at least one class once training is complete. (The revenue from offering that class would offset the cost of the employee's training). Revenue is slightly up from previous years. The billing was a little behind and she is getting caught up. Commissioner Taylor asked about Warm Hands and Warm Hearts and whether DRC should be participating with them since it isn't a government entity. Ms. Gregory explained she didn't think they have participated with them in the last several months.

Apologized again for not having complete financial numbers and explained they are improving their accounting practices.

Ms. Gregory explained further her reasoning for moving one employee from part-time to full time based on her performance and the needs of the program. Commissioner Taylor asked Ms. Gregory about her ideas to expand the program into the Valley. Commissioner Taylor suggested she get in touch with Mayor Ingram in Montgomery and her counterpart in Community Correction in Kanawha County. Ms. Gregory feels this would be a great asset because lack of transportation is their biggest hurdle in expanding the program. Commissioner Taylor asked Administrator Lanier/Executive Assistant Dangerfield to get Ms. Gregory in touch with the regional transit authorities. Ms. Gregory discussed how many functions the DRC provides to their participants. Commissioner Louisos asked for figures from different entities that provide transportation and how we might be able to combine these monies and help fund a singular entity for programs. Commissioner Louisos thanked Ms. Gregory for her hard work; Commissioner Taylor agreed; Ms. Gregory thanked her employees.

**10:00**

**Discussion & Decision: Staffing, Salaries and Restructure**

Commissioner Taylor discussed that the Commission has discussed the possibility of granting a pay raise to the County Administrator without discussing numbers. Commissioner Taylor moves to increase the County Administrator's salary by \$10,000 per year effective the next pay period; Commissioner Louisos 2<sup>nd</sup>; Unanimous Decision.

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Motion to adjourn 10:28am

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

March 16, 2022

FAYETTE COUNTY COURTHOUSE

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

The Fayette County Commission met in a regular session this 16th day of March 2022 via Zoom. Commissioners Brenemen, Louisos and Taylor all attended in person.

Commissioner Taylor called the meeting to order at 9:00 a.m. The Pledge of Allegiance was led by Ami Dangerfield.

There were no Exonerations, Orders to Combine or Divide Land, Refunds to present.

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

No minutes presented for approval.

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

**County Assessor Eddie Young presented proposing to use the old zoning office in the courthouse annex as storage.** Currently the stairwells and other spaces are housing many materials that are no longer needed. He proposed cleaning the space out, selling old computers, and moving filing cabinets to other county spaces. Given the current state he believes it may be a fire hazard. The old zoning office presently functions as Litter Control Officer, Tommy Harris' office and Mr. Young would like to use it as record storage for assessor's files as it is underutilized and he is out of space. He will apply for grant funding that could cover record retention organization costs and it is possible that they could still fit a desk, chair, and phone for Mr. Harris in the space as well.

Commissioner Taylor would like to see the old files and materials to be purged first so the County knows exactly what it needs to store. Office space is at a premium and she does not want to see office space taken up as storage as it is needed for staff as the staff grows. Is it possible to scan and store files electronically rather than keep paper copies of

everything? Mr. Young will look into the State's record retention requirements to determine if that is possible or not. County Administrator Ruth Lanier recommended using space at the Memorial Building for additional file storage, which is where other county offices store their older files. Commissioner Taylor and Ms. Lanier also discussed the county's recent purchase of efficient scanners that could help with the process. Mr. Young agreed to purge what he can and will return back to the Commission to discuss further.

Discussion of having the County Fire Coordinator use a 30' building the county already owns but is not in use at the Fire Training Center to store additional supplies, i.e., hazard suits and air cylinders. If this can be coordinated, the supplies that are currently stored in the Fayetteville Mini Storage could be cleared out. Fire Coordinator Joe Crist agreed this would be a good solution and promised to look at the building soon, then make the necessary preparations to move it to the Fire Training Center.

**Request from Fire Coordinator, Joe Crist for approval and signature of truck replacements in Ansted and Gauley Bridge for FY 2020-2021 and 2021-2022.** Mr. Crist provided invoices for the commissioners to review. Commissioner Brenemen was curious what the timeline for the trucks arrival were. Mr. Crist estimates approximately one month. Commissioner Louisos inquired what the total equipment costs are and if they are purchased on credit or not. He was assured that the Fire Department does currently not own anything that is financed and any equipment that is retired is put out for public auction. Commissioner Taylor motioned to approve the truck replacements. Commissioner Brenemen seconded. Unanimous decision.

**Brooke Hutcheon presented the New River Humane Society budget request.** Since last year 2,777 animals were brought into the shelter. Over 500 were brought in by the County Animal Control Officers, which means over 1,500 were brought in by citizens; that equates to very large vet bills. Some animals are adopted locally but others are transferred out of the county to other fostering agencies which equates to high gas bills taken on by the Humane Society. The total annual cost to the run the shelter is \$350,000. Fundraising has been very difficult, they are short staff, and operating with no director. The Humane Society provides essential services to the County such as: spay and neuter programs, cleaning and caring for the animals, and



housing any animals that maybe involved in criminal cases. Commissioner Taylor asked what can be done about the 50% of people that brought their animals in because they cannot afford their pets. Ms. Hutcheon said she believes it due to the pandemic and either deceased or gravely ill family members that could not take care of their pets. The commission commended Ms. Hutcheson on her report. They asked if there was additional funding from municipalities. Ms. Hutcheson commented that it is a very small contribution, the largest contribution was estimated at \$1,500. Commissioner Louisos wants to know where all the other funding came from, he was informed that \$185,000 came from donations and fundraising. Commissioner Taylor reminded the Humane staff that the Prosecuting Attorney's office is willing to pay fees for any animal criminal cases.

**Kevin Walker presented the Office of Emergency Management (OEM) and 911 Center budget requests.** The OEM is a barebones budget request, primarily personnel costs. Mr. Walker noted that overtime costs are down, they pay \$36,000 for rent, OEM performance grant helps supplement salaries and the total budget request is \$161,515.

The 911 Center budget request does not represent any changes from previous years requests, all contracted and subscription services are the same. Service contracts consist of: two-way radios, HVAC, phone services, mapping software. The 911 Center earns \$100,000-\$200,000 in revenue, which is comprised of landline and wireless fees and are expected to continue to increase. The dispatchers were very appreciative of the raises that they were given. Training has opened back up and will resume next month in Charleston.

**Discussion regarding cameras at the 911 Center.** Commissioner Louisos would like more cameras so that operations can be better monitored, currently the commissioners and 911 Center management cannot view much. It was explained to Commissioner Louisos that Chief of Staff Tonya McMullen can see the dispatchers but cannot listen to the video feed due to HIPAA, she can however listen to the phone lines. The management staff is required to listen to 10% for quality assurance, Commissioner Louisos would like Ms. McMullen to listen to more, the requirement is not enough as if you cannot hear and see what is going on you are not able to effectively manage in his opinion. Commissioner Louisos believes that the Chief of Staff should be in the room with the dispatchers. Mr. Walker said that is why they have shift supervisors. The Chief of Staff is responsible for other high-

level operational items and the shift supervisors are focused on day-to-day activities and will bring any issues to the attention of the Chief of Staff. Commissioner Taylor would like to see a more professional atmosphere in the 911 Center. Mr. Walker and Ms. McMullen have shifted their schedules certain days so that each one of them comes in late and stays late to watch over and observe the evening shifts, this allows for better monitoring of multiple shifts. Commissioner Louisos further reinforced that as County employees we all have a responsibility to the public and we need to be as efficient as possible for the public. To do that any issue should be recognized as early as possible and taken care of quickly, which is why cameras and better monitoring of staff is needed. KTS installed the current cameras initially and will provide a quote for additional cameras. Commissioner Louisos will go with Sheriff Fridley to give his recommendation of where to place the new cameras and County Administrator Ruth Lanier can approve the expense since the amount will be well within her spending authority.

**Discussion & Decision: Montgomery High School Fire Remediation.**

The old Montgomery High School fire was not handled smoothly by County emergency services, it was very chaotic. Commissioner Taylor highly recommended that Mr. Walker create a streamlined standard operation procedure with Mr. Crist so that emergency services communication can flow properly and efficiently in emergency situation, as it should. Both Walker and Crist will work on creating such a plan.

To remove some of the fire damage the original estimate was \$5,000 for the excavator to tear down walls and the mayor of Montgomery was present to request an additional \$8,000 to complete the work to keep the public safe. The Commissioners agreed that the County should aid Montgomery in this emergency and the spending is under the County Administrator's purview so as needed this will proceed forward with collaboration from the City of Montgomery.

Commissioner Taylor motioned to adjourn at 11:04am. Commissioner Louisos seconded.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

MARCH 21, 2022

FAYETTE COUNTY COURTHOUSE

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

## 2022 Fayette County Commission Minutes

The Fayette County Commission met in a special session on March 21, 2022.

Commissioner Taylor called the meeting to order at 2:22 p.m.

Commissioner Taylor explained the process of choosing election poll workers, the role the Democratic and Republican Executive Committees play in recommending them, as well as an issue with the submission from the Republican Executive Committee because its members were concerned they did not have a chance to vote on the list submitted by the Chairman. Upon the interpretation of WV Code 3-1-30 by Prosecuting Attorney Anthony Ciliberti, that while the party executive committees may submit poll worker lists to the County Commission, it is ultimately the County Commission's decision who will serve, the Commission decided to proceed with a vote. Commissioner Taylor requested the other commissioners review the lists to determine if they had any objections to the poll workers submitted, and having none, Commissioner Taylor motioned to approve and appoint the poll worker lists submitted by the Democratic and Republican Executive Committees (even if the latter had not voted to approve the final list). Commissioner Louisos seconded. Unanimous decision.

Commissioner Louisos motioned to adjourn at 2:27 p.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

March 23, 2022

FAYETTE COUNTY COURTHOUSE

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

The Fayette County Commission met in a regular session this 23rd day of March 2022 via Zoom. Commissioners Brenemen, Louisos and Taylor all attended in person.

Commissioner Taylor called the meeting to order at 9:18 a.m. The Pledge of Allegiance was led by John Brenemen.

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There were no Exonerations, Orders to Combine or Divide Land, Refunds to present.

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

No minutes presented for approval.

Commissioner Brenemen motioned to approve presented estate settlements. Commissioner Taylor seconded. Unanimous decision.

**Discussion & Decision: Tiffany Cottle: EMPG 2019 Grant Award for Signature.** The state office is behind in issuing awards due to COVID. Commissioner Brenemen made a motion to accept the reimbursement for the EMPG grant. Commissioner Louisos seconded. Unanimous decision.

**Discussion & Decision: Tiffany Cottle, Planner, request for signatures Hazard Mitigation Federally-Assisted Acquisition Project Exhibit As for Kim R. & Kathy M. Eades and The Loup Creek Volunteer Fire Department, Inc., a WV Corporation for signature.**

Prosecuting Attorney Ciliberti was present to discuss property deeds as exhibits and confirmed that Tiffany Cottle will distribute the deeds, get all the signatures then return to Jamie Blankenship. Commissioner Louisis made a motion to approve. Commissioner Brenemen seconded. Unanimous decision.

**Discussion & Decision: Budget Revision**

County Administrator Ruth Lanier presented a spreadsheet with FY2022 budget revisions for the commission approval. (See below.)

**Discussion & Decision: New Roots Community Farms Personal Property Transfer**

Commissioner Louisos made a motion to transfer the property to the Urban Renewal Authority. Commissioner Taylor seconded. Unanimous decision.

**Discussion & Decision: Request from Fayette County Parks & Recreation Advisory Board for assistance with Lowes Hometown Grant**

Diane Callison, Fayette County Park board director and Wayne Workman Fayette County Park director presented the grant opportunity. The park board would like to nominate the Fayette County Park for the Lowe's grant. A nomination form must be completed and there will be a total of 100 grants funded throughout the country. Mr. Workman recommended two projects.

The first being updates to the bath houses to make them more efficient with low flow toilets and to update the interiors as it has been a very long time since that has been done. Commissioner Louisos thought it is a great idea and wanted to make sure there was enough water pressure for the low volume toilets. Mr. Workman believes there is. The second project would be constructing a wedding venue at the old horse arena which would increase the park's rental capacity. Mr. Workman stated that nearly daily the park staff receives calls regarding wedding and other rental needs. He believes the cost of this project to be an estimated \$100,000. Commissioner Brenemen thinks both projects are wonderful but the bathroom project should take priority as they have not been updated in a very long time. Commissioner Louisos motioned to approve pursuing these projects. Commissioner Brenemen seconded. Unanimous decision.

**Discussion & Decision: Letter regarding earmarks for dilapidated houses and sewer projects.** There is a letter drafted for dilapidated properties within Fayette County to be submitted as an earmark request to the federal government. Commissioner Taylor would like a chart added where it can easily show where the routes are with photos attached. The area of Route 60 and 612 has the highest concentration in the county. Commissioner Taylor motioned to approve the letter content with some minor formatting revisions. Commissioner Louisos seconded. Unanimous decision.

**Budget approval** -the FY2023 budget was submitted to the commissioners for approval. There were three options: first, as each department presented their individual budgets; second, with a 5% cost of living wage increase for all employees; and third, with a 5% cost of living wage increase for all employees and additional increases for entry level sheriff deputies, select prosecuting attorney salaries, and making a community corrections officer full time from part time. Commissioner Taylor prefers the third option. Commissioner Louisos made a motion to approve the third budget option presented. Commissioner Brenemen seconded. Unanimous decision.

Commissioner Taylor motioned to adjourn at 9:39am. Commissioner Louisos seconded.

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FAYETTE COUNTY COURTHOUSE  
ALLISON R. TAYLOR, JOHN G. BRENEMEN, TOM LOUISOS

**9:00** Commissioner Taylor called the meeting to order at 9:00 AM.

**Pledge of Allegiance** led by Sheriff Mike Fridley.

**Exonerations, Orders to Combine or Divide Land, Refunds** - Assessor Eddie Young presented both real estate and personal property exonerations as well as an order to combine lands. Commissioner Louisos moves to approve personal property exonerations, Commissioner Brenemen Seconds; Unanimous Decision Commissioner Brenemen moves to approve real estate exonerations; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to approve the order to combine lands; Commissioner Brenemen Seconds; Unanimous Decision.

**Approve 1st Half April Payroll** Commissioner Louisos moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**Approve Vouchers and Invoices** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** Commissioner Taylor presented completed minutes for 4.20.21, 2.16.22, 2.23.22, 3.2.22, 3.16.22, 3.23.22. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**Approve Estate Settlements** No Final Estate Settlements were presented.

**9:30 Request from Steve Pridemore, Mayor: Allow the Town of Ansted to hold an Online Auction for the Van Meter Property.** County Commission will accept online price as payment for the lien they currently hold against the property. If the sale price exceeds the bid price the difference will be returned to the Commission by the Town of Ansted up to the lien amount. Mayor Pridemore was present via ZOOM to answer any questions. The Town of Ansted needs to sell the property because of upcoming infrastructure projects. The lien the County currently holds on the property is for \$7900 while the property is currently appraising for \$2400. Commissioner Louisos moves to approve, Commissioner Brenemen seconds; Unanimous Decision.

**9:45 Discussion and Decision Revenue Exemption** The final rule for the America Rescue Plan (ARPA) funds states that Counties may exempt up to \$10 million dollars of their ARPA funds and place them in the general fund. Commissioner Taylor moves to approve exempting the County's entire balance of \$8.1 million; Commissioner Brenemen Seconds; Unanimous Decision.

**10:00 Public Hearing Case Z-533-22-1: Green Acres Rezoning from Rural Residential to B3.** Currently part of the property zoned as B3 and another portion is zoned RR. The Planning Commission met April 4, 2022 and recommended the Commission approve this request. (Planning

## 2022 Fayette County Commission Minutes

Commissioners Kevin Willis made the recommendation to approve; and Josh Davis Seconds; Unanimous Decision.) Commissioner Louisos moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**10:15 Aaron Mroz - EPA Property Access Agreement for County Owned Hazard Mitigation Properties in Minden to complete actions necessary to evaluate the extent of potential contamination from the Shaffer Equipment/Arbuckle Creek Area Site** Mr. Mroz, project coordinator for the EPA, is requesting an extension to access the property so they can determine the best course of action. Once the EPA finalizes what options are available for hazard mitigation, these options must be brought up for public comment. Mr. Mroz is hopeful to schedule a public meeting for early May and he will provide this information to the Commission. Commissioner Brenemen moves to approve; Commissioner Taylor seconds; Unanimous Decision.

**10:30 Discussion & Decision: Park Board Fees for Fayette County Soldiers & Sailors Memorial Building** Diane Callison, park board director, Marion Tanner, & PJ Stevenson, Park Board members were in attendance to present the board's fee structure for the Memorial Building. They are requesting to charge fifty dollars per hour for private events and those that charge an entrance fee, continue to charge a two thousand dollar per season league fee for sports groups, and to continue to allow certain public and community events to be held free of charge. Commissioner Taylor asked if their requested hourly rate is enough. Ms. Callison discussed comparable buildings and their rates and their board felt the fee was appropriate. The board is asking to set this fee schedule and evaluate it after a year. Commissioner Taylor would like a goal of the park board to be making the Memorial Building profitable enough to pay for its maintenance and upkeep. Commissioner Taylor would like this fee schedule to be effective immediately with events currently scheduled/approved for use to be exempt. It was not immediately clear what groups regularly use the Memorial Building. Administrator Lanier will discuss this with Okey Skidmore, Memorial Building Supervisor to get this information.

Commissioner Taylor moves to approve effective today; Commissioner Louisos Seconds; Unanimous Decision.

### **9:05 Ruth Lanier - Exhibit A**

**1. 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. Lesley Taylor, senior project analyst from Region 4, explained via ZOOM that the language was a standard form from Housing and Urban Development. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.



**2. Discussion & Decision: Approval Boomer Ballfield Lease with Fayette County Board of Education** Commissioner Taylor made minor edits per previous discussions which included a one dollar per year lease amount and a clause allowing the property ownership to revert back to County if needed. - Commissioner Louisos moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**3. Discussion & Decision: Request for approval of Homeland Security Grants by Corporal Michael Sifers, Fayette County Sheriff's Department.** Sheriff Fridley introduced Corporal Sifers as the Sheriff's Department grant coordinator and also thanked the Commission for the deputy pay raises. Corporal Sifers explained the purpose of these grants and explained more detail on departmental needs they were hoping to meet with these funds. The proposed purchases included a transport van, a ballistic shield, an evidence drying cabinet, an optical fingerprint scanner, and new video equipment for their interrogation room. Commissioner Louisos moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**4. Discussion & Decision: Request from Angela Gerald to appoint members to the Beautification Committee.** Ms. Gerald, zoning officer, presented the list of appointees that if approved would complete the committee. Appointees are Kevin Willis and Ira Rule as members-at-large, Shannon Estep as the Fire Chief member; Amanda Skaggs as the Health Department member; Allen Ballard as the Building Inspector member; and Tommy Harris as the Solid Waste Authority member. They are all to be appointed to two-year terms that will expire January 26, 2023. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**5. Discussion & Decision: Request from Angela Gerald to reappoint Dan Hill to the Board of Zoning Appeals, new term to expire January 1, 2025** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**6. Discussion & Decision: Approval of appointment of Jenna Grayson to URA** Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**7. Discussion & Decision: Budget Revision** Commissioner Taylor moves to approve as outlined; Commissioner Brenemen Seconds; Unanimous Decision.

**8. Discussion & Decision: State Auditor Elected Official Raises forms.** Ruth Lanier, County Administrator, presented a form required by the State Auditor so their office can determine whether the County can support the Elected Officials pay raises. Commissioner Louisos moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**9. Discussion & Decision: Rent for 911 Center.** Currently the Fire Association pays twelve thousand per year to rent office space in the 911 center and Emergency Services pays a yearly rental fee of thirty-six thousand. Administrator Lanier recommends that the Commission consider lowering the amount charged to EMS to match the Fire Association's yearly fee. Commissioner Taylor moves to reduce the amount the Office of Emergency Services pays to six thousand per office to make it on par with the Fire Association rent. Commissioner Louisos Seconds; Unanimous Decision.

**10. Discussion & Decision: Re: Lifeguards: County paying for certification & consideration of higher wages.** Park Director Wayne Workman was present to answer any questions. Commissioner Taylor asked if the wages were raised to \$12.00 per hour and life guards were reimbursed their certification fee, would that helpful in recruitment. Mr. Workman felt that pay rate might not be appropriate since he has full time employees making less money. Lifeguards in previous seasons have been working full time hours because of coverage; Mr. Workman states they really should have eight lifeguards to properly staff the pool hours, and they only had six last year. Discussion on whether they need to pay benefits if they work that many hours a week. Commissioner Taylor asked how many full-time employees make less than twelve dollars an hour, and it is three.

Commissioner Taylor moves to go into executive session for this agenda item at 9:52am.

Returned from executive session at 10:02am with no decisions made.

Commissioner Taylor moves approve paying for certification and to postpone the decision on wages; Commissioner Louisos Seconds; Unanimous Decision.

**11. Discussion & Decision: Letter Terminating the Fayette County Commission Involvement with New Roots Community Farm Grants.** Commissioner Taylor improved language in the letter to make clearer the date and terms of separation. Commissioner Louisos moves to approve with presented edits; Commissioner Brenemen Seconds; Unanimous Decision.

**12. Discussion & Decision: Approval & signature of iWorq annual agreement for the Building Department.** This would be for an addition to currently used software that would add a cloud-based component. This would make information available to the general public and also includes an online payment system. This software is also compatible with the county's mapping software, ArcGIS. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**13. Discussion & Decision: Reappointment of Tom Louisos to the New River Transit Authority Board for a term of 3 years, expiring April 19, 2025.** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**14. Discussion & Decision: Approval to submit earmark request for Fayette County Park Trail Infrastructure.** Abigail Newell, Resource Coordinator's Office, presented via ZOOM. Would like to submit this as the County's second priority earmark to Senator Manchin's office. There is no matching component. Commissioner Taylor moves approve; Commissioner Louisos Seconds; Unanimous Decision.

**15. Discussion & Decision: Approval of 911 Deputy Director Job Description and approval to post position.** Commissioner Taylor discussed her edits and additions to the job description to expand the role to a deputy director position. Commissioner Brenemen moves to approve and post the position; Commissioner Louisos Seconds; Unanimous Decision.

**16. Discussion & Decision: Request from Park Director Wayne Workman to approve and sign contract with Metrick Pest Control.** Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**17. Discussion & Decision: Support Letter for Region 4 Application for Senator Manchin's Congressionally Directed Spending for Fayette County Sewer projects.** Discussion on how the projects were organized and prioritized within the document. Commissioner Taylor asked why the Route 60 project as discussed by the Fayette County Commission previously was not included. Lesley Taylor, Region 4, explained via ZOOM that she had asked the director of strategic partnerships of the New River Gorge Regional Development Authority, Jenna Grayson, to discuss this with the Commission as it was unclear who should be the applicant since it involves several entities. Ms. Taylor felt the County would be the best applicant. More discussion on who should be

the entity applying and what projects should be included in each application. These applications are due April 10<sup>th</sup> at 11:59pm to Senator Manchin's office. Commissioner Taylor moves to approve the support letter; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to approve Region 4 submit an additional earmark request on behalf of the County for the portion of the Route 60 not included in the current Region 4 application. Commissioner Louisos Seconds; Unanimous Decision.

**18. Discussion & Decision: Review & Approval of Budget Letter for April 19 (Lay Levy)** Commissioner Taylor moves to postpone until 4.19.22; Commissioner Louisos Seconds; Unanimous Decision

Commissioner Taylor moves to adjourn 10:45am Unanimous Decision.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

April 19, 2022

FAYETTE COUNTY COURTHOUSE PRESENT: ALLISON R. TAYLOR, JOHN G.

BRENEMEN, TOM LOUISOS

The Fayette County Commission met in a regular meeting this 19<sup>th</sup> day of April, 2022.

The meeting was called to order at 8:36 am at the Fayette County Soldiers and Sailors Memorial Building.

**Public Inspection of the Voting Machines for Early Voting and Election**

**Day:** Present were: Commissioners Taylor, Brenemen & Louisos; County Clerk Michelle Holly & Elections Clerk Sara Tucker; Ballot Commissioner Joe Re & Jack Thompson; County Administrator Ruth Lanier; and Commission Employees Ami Dangerfield, Gia Tyree and Wilbert Lively. County Clerk Michelle Holly presented properly sealed & locked Express Vote machines for the Commission and Ballot Commissioners to inspect. Fayetteville 1 for Early Voting and Precinct 2 for Election Day.

Ms. Tucker printed a report stating the machines had zero votes and were empty. She then broke the seals to start the machines. Commissioner Taylor, Mr. Lively & Ms. Tyree cast test votes on the Early Voting machine. Ms. Dangerfield & Mr. Re cast test votes on the Election Day machine. Test voters were given different parties.

Ms. Tucker closed the polls on both machines and ran to reports to show the machines worked correctly and were in balance. The Commissioner and Ballot Commissioner signed the reports. Ms. Tucker will reseal the test machines and present a statement of all serial numbered seals for Early Voting and Election Day machines the Commission later in the meeting. The Commission recessed at 9:05 am to return to the courthouse.

Commissioner Taylor reconvened the meeting in the Commission Chambers at 9:15 a.m.

**Pledge of Allegiance:** Commissioner Taylor introduced Wilbert Lively as the new Commission Assistant and asked him to lead the pledge.

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

**Approve 2<sup>nd</sup> Half April Payroll:** Commissioner Louisos motioned to approve. Commissioner Brenemen seconded. Unanimous decision.

**Approve Vouchers & Invoices:** Commissioner Louisos motioned to approve. Commissioner Taylor seconds. Unanimous decision.

**Approve Prior Meeting Minutes:** None presented

**9:30 - Lay the Levy.**

Commissioner Taylor moves to approve the tax rates set by State Tax Commissioner, and to sign the order and levy rate sheets.

Commissioner Brenemen seconds. Unanimous decision. Clerk Holly will also sign the sheets.

**9:35 Emergency Polling Location Change: Precinct 65 from New River**

**Campground to Midland Trail High School** - Clerk Holly explained that due to declining health of the owner and condition of the building, it would be best to move Precinct 65 to Midland Trail High School. Commissioner moves to approve and sign the order. Commissioner seconds. Unanimous decision.

**9:45 Discussion: White Oak PSD funding request for Wastewater**

**Treatment Plant Bypass Elimination** - Commissioner Brenemen spoke about issue brought forward by White Oak PSD (WOPSD) Commissioner Mike Whisman regarding David Altizer speaking on behalf of the WOPSD to request funding without the board being available and knowing about the request. WOPSD Commissioner Larry Bledsoe states that wasn't exactly correct. There was an issue with a proposal and it will be presented today to clear up that error and discuss the bypass elimination. Matthew Peters with Thompson & Litton spoke about the confusion with the financial requests. The revised version was to capture pre-permanent financing items. Commissioner Louisos asks if there is a reserve account. Mr. Peters: they have self-funded the project so far. Commissioner Brenemen asks about other funding. Mr. Peters: Checked about the Clearwater State Revolving Fund Program, but hasn't heard back yet. Commissioner Brenemen states it has to be fixed, whether through a bank or grant. The County is limited in ARP funding. Lesly Taylor, Region IV Planning & Development, states if ARP funds are used, they can't be reimbursed. The consent order needs to have final design complete by August 2022. This doesn't fit as an emergency project for emergency funding. Commissioner Taylor would like to postpone until they can meet with Region IV. Mr. Bledsoe said they are a small PSD and it will take 50 years for them to pay for this project. They just need assistance getting the project completed.

**10:21am** The Commission entered into an executive session for the following: Personnel performance discussion; Interviews for 911 Deputy Director Position and Reorganization.

**3:55pm** The Commission reconvened from executive session.

**Personnel performance discussion:** no decisions made in session.

**Interviews for 911 Deputy Director Position and Reorganization** - Three interviews were conducted for the 911 Deputy director position. No decisions were made during the executive session. Commissioner Taylor moves to hold a special meeting on Monday April 25, 2022 at 9:00 for hiring decisions and continued reorganization discussion and decision. Commissioner Louisos seconds. Unanimous decision.

**Exhibit A**

**1. Discussion and Decision: Letter of support for earmark request for NRRDA Train Project** - Commissioner Taylor Commissioner moves to approve. Commissioner Brenemen seconds. Unanimous decision.

**2. Discussion & Decision: Approval and signature of MOU with Fayetteville PrK8 to use the Fayette County Soldiers & Sailors Memorial Building as an Emergency Evacuation Shelter** - Commissioner Louisos motions to approve and sign. Commissioner Taylor seconds. Unanimous decision.

**3. Discussion & Decision: Letter for Approval for Removal of Wrecker Company from wrecker rotation** - Commissioner Taylor motions to send revisions to Kevin Walker. Commissioner Louisos seconds. Unanimous decision.

**4. Discussion and Decision: Request from Tiffany Cottle, Planner, for Hazard Mitigation lease with Mary Abshire; lease with David Haywood** - Commissioner Louisos asks for photos to accompany further leases to ensure the properties are being properly kept. Postponed till May 4.

**5. Discussion & Decision: Wage Discussion for Lifeguard & Park Employees (postponed from April 6, 2022)** - Commissioner Taylor read proposals from Park Director Wayne Workman. Commissioner Louisos motions to accept Proposal 1: Increase to per hour wages as follows: Jerry Adkins \$15.00; Angel Duncan and Clarence Kerwood, Jr. \$14.00; Michael Fendley, \$12.50; Matthew Nelson & vacant position \$12.00. Lifeguards will increase to \$11.00 per hour. The Commission will also cover the cost for eight lifeguard certifications. Commissioner Brenemen seconds. Unanimous decision.

**6. Discussion & Decision: Signature of new MOU with Sprouting Farms to Transfer to New Roots Community Farm** - The Commissioners had insufficient time to review the draft MOU provided by counsel Michael Taylor. This is postponed until the special meeting to be held on April 25, 2022.

**7. Discussion & Decision: Request from Michelle Holly, County Clerk, Re: Appointment of two additional Fiduciary Commissioners** - Current Fiduciary Commissioner James Blankenship tendered his resignation in writing in between the posting of this agenda and the beginning of the meeting, causing this request to increase. Commissioner Taylor

recommends advertising for attorneys both inside and outside of immediate Fayetteville area due to potential conflict-of-interest issues locally. Commissioner Taylor motions to advertise for 4. Commissioner Louisos seconds. Unanimous decision.

**8. Discussion & Decision: 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** - Angel Gerald appears for Mr. Ballard and explained the Community Ratings System recertification. The CRS is a volunteer program and allows people with flood insurance to save 10%. Commissioner Taylor motions to approve and sign. Commissioner Brenemen seconds. Unanimous decision.

**9. Discussion & Decision: CFIA Phase III drawdown request in the amount of \$96,000.00** - This phase is to replace the HVAC system on the 3<sup>rd</sup> floor of the Judicial. Commissioner Taylor moves to approve and sign the request form and letter. Commissioner Louisos seconds. Unanimous decision.

**10. Discussion & Decision: Approval of Meeting dates July - December 2022.** July 13 & 27; August 10 & 24; September 7 & 21; October 5 & 19; November 2, 14 (General Canvass) & 23; and December 7 and if needed, the 21<sup>st</sup>. Commissioner moves to approve. Commissioner seconds. Unanimous decision.

Motion to adjourn at 4:08 p.m.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

APRIL 25, 2022

FAYETTE COUNTY COURTHOUSE

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

Commissioner Taylor called the meeting to order at 9:00 am.

**Pledge of Allegiance**

**Discussion & Decision: 911 Deputy Director Position and Reorganization postponed from 4/19:** Commissioner Taylor moves to go into Executive Session at 9:01 a.m. This item was originally scheduled for 9:30 a.m. however Prosecuting Attorney, Anthony Ciliberti has to appear in circuit court at 10:00.

**10:02 am** Commissioner Taylor states no decisions, but the County Commission has had discussions with personnel in the past year regarding concerns about the Fayette County 911 Center. The County Commission had studies done regarding improving the 911 Center. The



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County Commission held interviews last meeting and had discussions about a proposal for reorganizing the 911 Center. Commissioner Taylor moves that the Commission reorganize the 911 Center to have a structure with a director, deputy director, and an emergency services planner. Excepting the emergency services planner, who has his own duties, all other personnel will answer to the director through the deputy director. The emergency services planner will report directly to the director of the 911 Center. Commissioner Louisos seconds. ALL IN FAVOR.

The County Commission interviewed three candidates for the deputy director position and identified a candidate it felt was a good candidate for the 911 Center Director. The Commission believed applicant Gary Metzbower, a retired professional firefighter and deputy chief from the City of Baltimore, Maryland who has lived in Lansing the past seven years, fit the County's need for someone experienced who would not be subject to influence by local politics within fire and emergency services. Commissioner Taylor moves that an offer be made to Gary Metzbower for the position of 911 Director at a salary of \$60,000 per year. Commissioner Louisos seconds. ALL IN FAVOR.

Commissioner Taylor wants to recognize Kevin Walker for all that he has done while the Commission was deciding the best way to reorganize the 911 Center. The County Commission spoke with Mr. Walker regarding being the 911 Emergency Planner and he is willing to serve in that capacity and report directly to Mr. Metzbower. Commissioner Taylor moves that the County Commission provide Mr. Walker with a raise effective July 1, 2022 to \$50,000 per year. Commissioner Brenemen seconds. ALL IN FAVOR.

The 911 Deputy Director will be the current Fire Coordinator, Joe Crist, who is a retired deputy sheriff with a lot of experience. His duties will be combined. Commissioner Taylor moves that the County Commission accept Joe Crist in this position. Tom Louisos seconds. ALL IN FAVOR. Commissioner Taylor moves to increase Mr. Crist's salary to \$52,000 effective July 1. Tom Louisos seconds. ALL IN FAVOR.

Commissioner Taylor state that is all for 911 at this time. It will be placed on a future meeting agenda for further discussions.

**Discussion and Decision: Request for Federal Earmark Funding Support Letter from John David, SALS for Historic Oak Hill School New River Apartments-** Dr David comes before the Commission to ask for a support letter for earmarked monies in order to adapt the third floor of the historic Oak Hill School for apartments. He is trying to submit to the congressional delegation for the monies and has a feasibility study. There would be no cost to the County. They have a lot of people in

## 2022 Fayette County Commission Minutes

need. The interest is to keep the old buildings alive. Dr. David is a volunteer doing what he can to make a positive impact.

Commissioner Taylor asks if the city of Oak Hill has been contacted. Dr. David states that he has a letter of support from the City of Oak Hill. He presents a proposed letter of support.

Dr. David states that the third floor of the building is vacant. Commissioner Louisos is curious about the type of clientele. Dr. David states that low-income families would be the clientele. They partner with Raleigh County in assisting these families. He thought making Oak Hill the hub takes advantage of all the available amenities.

Commissioner Louisos asks if it will be short term occupancy. Dr. David says it won't be short term. It is not for shelter purposes, but long-term occupancy.

Commissioner Taylor asks if Kevin Walker has inspected the building to determine whether it qualifies as an emergency shelter and Dr. David says that Mr. Walker will be able to inspect the building in about two weeks.

Commissioner Louisos asks why improve the third floor and no other floors. Dr. David responds that engineering suggested the third floor.

Commissioner Taylor asks if it's accessible. Dr. David explains that the building will have an elevator. Commissioner Taylor informs Dr. David that the once elevator is installed it will be expensive to upkeep. Dr. David says they want the whole building to be accessible.

County Commission members discuss with Dr. David the difference in the cost ten years ago versus what the cost will be now, and whether or not the elevator itself is included. The \$3.5 million Dr. David is asking for from an old estimate will probably at least double in today's prices.

Dr. David says that he does not want to scare the congressional delegation and he is trying to be respectful to their situation. Commissioner Taylor says that ultimately, there is no problem "taking a swing at it." Dr. David will have to justify the amount they are requesting. Dr. David says if he can get support letters, he will have bargaining points for the third floor only, first. He would hate to see the schools decay from lack of care.

Commissioner Louisos says to make sure the amount includes elevator.

Commissioner Brenemen says Dr. David would be looking at at least \$350,000 in costs for the elevator right now.

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Commissioner Louisos asks, if Dr. David already has a support letter from the city of Oak Hill, why does he need one from the county?

Dr. David says that the instructions from Congress would like ample government support. He says that Region IV supports his request as well as the city of Oak Hill.

Commissioner Louisos says he would like to see the other letters of support. Dr. David says the other letters are very close to the one he presented to the Commission.

Commissioner Taylor asks if the fitness center is active. Dr. David confirms that Curves is open and operating.

Commissioner Brenemen suggests that the County Commission could do a letter of support contingent on Dr. David getting new numbers regarding costs for renovation, which would give Dr. David a better chance at receiving funding.

Dr. David says that he wants to present the letters to Carol Miller, Joe Manchin, and Shelley Moore Capito. Their deadlines are this week but some have been extended. Officially, the deadlines are at the end of April and are earmarked specifically for fair housing. Dr. David is not sure he can get new numbers quickly.

Commissioner Taylor asks if Dr. David knows that the work has to be completed in a year. Dr. David says he is aware of that and it should be doable.

Commissioner Louisos says he has an issue approving a letter of support that is showing costs from 2013. Dr. David said he did not have much time to get things ready.

Commissioner Taylor says there should have been enough time for price updates and adds that she has concerns that she hasn't seen a solid strategic plan to keep everything viable. She is concerned about the County Commission's reputation. There is very little money coming out and there is not as much credence in just throwing up requests with no serious direction. She advises Dr. David that he needs to narrow down the scope. Teen programs and dilapidated buildings need priority to best use available resources.

Commissioner Taylor says that the County Commission does put money into dilapidated homes and that is something that Dr. David might look into. Commissioner Taylor further states that Dr. David's proposal is outdated and she doesn't want to submit unstudied programs for scarce federal resources.

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The County Commission itself had wanted to submit a proposal regarding broadband but didn't want to submit a proposal for an unstudied program. That amount would have been \$125 million, but was not submitted because the Commission could not get the numbers together in time.

Commissioner Taylor says she is leaning against a letter of support; Commissioner Louisos agrees.

Commissioner Brenemen says that without new numbers in the proposal, he would say no.

Commissioner Taylor moves to deny a letter of support for Dr. David regarding Southern Appalachian Labor School's request for earmarked monies. Commissioner Louisos seconds. ALL IN FAVOR.

Commissioner Brenemen states that the earmarked funds are capped at a lower amount than what Dr. David is asking for and advises him to get the plan updated.

Commissioner Taylor adds that it is a great idea, but not fully fleshed out for 2022.

### **9:15 Discussion & Decision: Signature of New MOU with Sprouting Farms to Transfer to New Roots Farm postponed from 4/19**

Commissioner Taylor says that this agenda item is regarding the transfer of the farm from the County Commission to the farm nonprofit; basically, to further formalize the decision.

Commissioner Taylor moves to approve the signature of the new MOU with Sprouting Farms. Commissioner Louis seconds. ALL IN FAVOR.

Commission Taylor moves to adjourn. Commissioner Louisos seconds.

Meeting adjourned at 10:40 a.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

May 4, 2022

FAYETTE COUNTY COURTHOUSE

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

9:00

**Pledge of Allegiance** lead by Executive Assistant Ami Dangerfield  
**Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young** presented by Tara Tyree, Chief Deputy. Commissioner Taylor moves to approve refund, Commissioner Louisos seconds; Unanimous Decision. Commissioner Taylor moves to approve exonerations; Commissioner

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Louisos seconds; Unanimous Decision. Commissioner Taylor moves to approve consolidations, Commissioner Brenemen seconds; Unanimous Decision.

**Approve Second Half May Payroll** Commissioner Brenemen moves to approve Commissioner Louisos seconds; Unanimous Decision

**Approve Vouchers and Invoices** Commissioner Louisos moves to approve; Commissioner Taylor seconds; Unanimous Decision

**Approve Prior Meeting Minutes** none to approve

**Approve Estate Settlements** Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision

### **9:30 Discussion & Decision: SWA Board Appointments**

Discussion was held during executive session to advertise these positions before appointment. Commissioner Taylor moves to approve advertising these positions; Commissioner Louisos seconds; Unanimous Decision.

**10:00 Public Hearing: Ashley Vaughn Rezoning Request to Change from R-R to B-3** (Rural Residential to Business (tourism)). The requestor is hoping to build several "glamping" tents to rent to tourists. The planning commission recommended unanimously to approve this rezoning. Commissioner Brenemen had some questions about the project's septic system, Angela Gerald, Zoning Officer, explained the planning commission does not regulate that; the owner has an approved system signed by the sanitarian. Commissioner Taylor and Commissioner Louisos both commented that this may not be a rezoning issue, but could be addressed later in the process within the building department. Commissioner Taylor moves to approve; Commissioner Brenemen seconds; Unanimous Decision.

### **10:15 Mike Callaghan, Special Prosecutor Re: Legal Advice & Update**

Commissioner Taylor moves to go into executive session at 10:25am after a 10 min break to receive an update on the lawsuit MR. Callaghan is handling on the County's behalf.

No decisions made after discussion during executive session.

### **10:30 Discussion & Decision: 911 Center Reorganization**

Commissioner Taylor moves to go into executive session at 11:28am to discuss personnel issues related to the 911 Center's reorganization.

Reconvened at 12:51pm and no decisions were made. Commissioner Taylor proposed a reorganization that would include the new director and deputy director. All positions but the Emergency Planner would report to the Deputy Director and Director. The Emergency Planner would report directly to the 911 Center Director. Some positions would be combined and others would be eliminated. Commissioner Louisos has also suggested creating a GIS coordinator position that would work for the

county as a whole but have 911 responsibilities for mapping. The deputy emergency planner and mapping positions would be eliminated. Commissioner Taylor moved to undergo this reorganization effective July 1, 2022; Commissioner Louisos seconds; Unanimous Decision. Commissioner Taylor moved to increase the Fire Coordinator Assistant's Salary to \$36,000 effective July 1, 2022; Commissioner Louisos seconds; Unanimous Decision.

Commissioner Taylor moved to increase the IT position to \$40,000 effective July 1, 2022; Commissioner Louisos seconds; Unanimous Decision.

Commissioner Taylor moves to raise the training coordinator salary to \$45,000 effective July 1, 2022; Commissioner Louisos seconds; Unanimous Decision. Commissioner Taylor moves to post the combined GIS/mapping position immediately; Commissioner Louisos seconds; Unanimous Decision. It was anticipated the IT person would perform minimal mapping functions until a GIS person was hired and trained.

**10:45 Discussion & Decision: Letter responding to Mount Hope Fire**

**Department Letter** Mount Hope Fire Chief Shane Wheeler had sent a text message to Kevin Walker and Commissioner Taylor questioning whether proper procedure had been followed during a recent emergency and stated he was concerned for public safety if proper procedures are not followed. The Commission and 911 center conducted an investigation and while it found some procedures were not followed as written, these deviations never threatened public safety - in fact may have inadvertently enhanced public safety. The employees involved were spoken with about following procedure. Commissioner Taylor moves to approve the letter responding to Chief Wheeler's concerns with edits; Commissioner Brenemen seconds; Unanimous Decision.

**11:00 Sheriff Mike Fridley: Tax Office Publication List for Approval**

Commissioner Taylor moves to approve; Commissioner Brenemen seconds; Unanimous Decision.

**9:05 Ruth Lanier - Exhibit A**

**1. Discussion & Decision: White Oak PSD Funding Request.** Lesley Taylor from Region IV appeared by ZOOM to discuss other funding sources that may be available to the PSD. Thompson and Litton (the engineering firm for this project) is working on a facilities plan that may be helpful in receiving a design loan from the WV Department of Environmental Protection's Clean Water State Revolving Fund. Commissioner Taylor asked if this decision could be postponed until this other funding source can be investigated, and stated the Commission is not inclined to allocate any of the ARPA funding at this time. Their deadline for submitting this project to the Public Service Commission is February 2023. Commissioner Louisos asked about the discrepancy in the two funding requests. The gentleman from Thompson and Litton explained this was a mistake; that the firm first supplied

an amount for only the engineering work, and then felt it would help the PSD if they sent a more complete overview of all project costs. Commissioner Taylor moves to consider this request along with all other PSD requests during the June 8<sup>th</sup> meeting. Commissioner Louisos seconds; Unanimous Decision. Commissioner Brenemen addressed some of the line items, specifically a \$20,000 meeting line item and an accountant fee of \$30,000 - it was explained that the company would give any unused money from those line items back to the project. Commissioner Brenemen stated that the Commission would be looking at these applications closely and it would be helpful if the engineering firms worked with the Commission and PSDs to keep costs low. Keli Ratcliffe, Client and Community Development Manager from Thompson and Litton also addressed the Commission to apologize for any confusion and that they would be grateful for any funding they could receive.

**2. Discussion & Decision: Friends of Coal Auto Fair Funding**

**Request.** Commissioner Taylor discussed this request, and while this group supports very good charities, since the Commission has no formal policy on how to approve these types of community requests, she does not feel it is appropriate to grant any of these types of monies at this time.

**3. Discussion & Decision: Riverside High School Funding Request**

Andy Kees, coach of the Riverside archery team, addressed the commission. They do not receive school funding because it is not considered a sport (not recognized by the Secondary School Athletic Commission). Commissioner Brenemen addressed State Senator Rollan Roberts who was in attendance who explained that there was funding available through local legislators if it was requested. Commissioner Taylor moved to write letter of support for this request; Commissioner Louisos seconds; Unanimous Decision. Commissioner Taylor moved to deny both the request from the Friends of Coal Auto Fair and the one from Riverside High School until a policy for these types of requests can be established; Commissioner Louisos seconds; Unanimous Decision.

**4. Discussion & Decision: Natural Flood Insurance Acknowledgement of Receipt from FEMA for Fayette County Commission Owned Properties at 461 Laurel Creek Cut Off, 469 Laurel Creek Cut Off and 547 Shelter Rd.** Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision.

**5. Discussion & Decision Approval to Submit DOH Transportation Alternatives for Fayette County Park Trail Infrastructure**

Abigail Newell, Deputy Resource Coordinator, discussed this funding opportunity. There is a letter of intent due May 23<sup>rd</sup> 2022, and the grant application is due the end of June. Discussion on what priorities the Fayette County Parks & Recreation Authority Board and the Fayette Trail Alliance have for these trails - the Commission



would like to know that this trail system is high on both priority lists. Ms. Newell stated she knew it was the number one priority of the Fayette Trail Alliance, but would communicate with the Parks Board for their priorities. This grant, if awarded would require a \$60,000 match. The Resource Coordinator's office is also awaiting notification on a separate grant for the park's pool system that will require a \$30,000 match. Commissioner Taylor moves to approve the letter of intent; Commissioner Brenemen seconds; Unanimous Decision.

**6. Discussion & Decision: Request from Fayette County Parks & Recreation Authority Board for Marion Tanner, Diane Callison & Katie Johnson, Terms to Expire June 30, 2022.** It was noted that due to the Board's bylaws, members can only hold two consecutive terms. Commissioner Taylor asked Ms. Newell to research the exact particulars of that term limit since this board was recently reconstituted and seems to be an active and engaged group of board members. Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision.

**7. Discussion & Decision: Request from Fayette County Health Department for Updates Harm Reduction Support Letter**  
Commissioner Taylor moves to approve; Commissioner Brenemen seconds; Unanimous Decision.

**8. Discussion & Decision: Response to Letter from WV Legislative Auditor's Office request for Fayette County Wrecker Rotation Information**  
Commission is in the process of revising this policy; Commissioner Taylor addressed Kevin Willis, who was in attendance, who was valuable in bringing some issues with this policy to the Commission's attention. Commissioner Taylor moves to postpone until June 8<sup>th</sup>, 2022; Commissioner Louisos seconds; Unanimous Decision.

**9. Discussion & Decision: Proclamation Objecting to Appalachian Power's Request Rate Increase**  
Commissioner Taylor moves to approve signing the proclamation; Commissioner Louisos seconds; Unanimous Decision.

Motion to adjourn at 1:00 p.m.

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FAYETTE COUNTY COMMISSION  
EMERGENCY SESSION  
MAY 9, 2022  
FAYETTE COUNTY COURTHOUSE PRESENT: ALLISON R. TAYLOR, JOHN G.  
BRENNEMEN, TOM LOUISOS

The Fayette County Commission met in an emergency meeting this 9<sup>th</sup> day of May, 2022.

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The meeting was called to order at 3:35 pm.

This meeting is to address the Emergency Absentee Ballot Commissioners for the Primary Election to be held May 10, 2022. Two Emergency Absentee Ballot Poll Workers of differing parties deliver Emergency Absentee Ballots and verify the identity of voters hospitalized within 7 days of the election who request a ballot.

County Clerk Michelle Holly suggests David Bennet (R) and Michael Phares (D). Commissioner Taylor motions to approve Mr. Bennett & and Mr. Phares (D) as Emergency Absentee Ballot Commissioners. Commissioner Louisos seconds. Unanimous decision.

Commissioner Brenemen, appearing on the ballot, abstains.

Motion to adjourn at 3:39 pm.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
MAY 16, 2022  
FAYETTE COUNTY SOLDIERS & SAILORS MEMORIAL BUILDING  
PRESENT: ALLISON R. TAYLOR, JOHN G. BRENEMEN

The Fayette County Commission met in a special meeting this 16<sup>th</sup> day of May, 2022. Commissioner Louisos was absent due to a family obligation.

The meeting was called to order at 9:18 am.

Commissioner Taylor leads the Pledge of Allegiance.

**2<sup>nd</sup> Half May payroll:** Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

**Election Recall Amount:** Commissioner Taylor motions to set the recall Election Bond amount at \$300.00. Commissioner Brenemen seconds. Unanimous decision.

**Hand count Audit:** Commissioner Taylor randomly and blindly draws precincts 12 & 42 to be counted by hand.

Canvass performed.

The Commissioners stayed present and verified and declared the unofficial primary election results at 4:13 pm.

Results will be certified at the May 25<sup>th</sup> meeting.

Motion to adjourn at 4:15 pm.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

May 25, 2022

FAYETTE COUNTY COURTHOUSE

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

The meeting was called to order by Commissioner Taylor at 9:00am.

**9:00 Pledge of Allegiance** Lead by Commissioner Taylor

**Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young**  
- none were presented.

**Approve Vouchers and Invoices** Commissioner Louisos moves to approve. Commissioner Brenemen asked about a payment to the New River Humane Society (NRHS) - it is a reimbursement for their payroll expenses; these are typically paid monthly. Commissioner Brenemen Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** Commissioner Taylor moves to approve minutes from 1.21.22; Commissioner Brenemen Seconds; Unanimous Decision.

**Approve Estate Settlements** - none were presented.

**9:05 Certify Primary Election Results** Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**9:15 Discussion & Decision: Lisa Garrett: Probate Issue Discovered with Mary Elizabeth Burnside Estate**

Mary Bailey, executrix, presented. She had in her possession two wills of her mother's at the time of the original probate and a less current one inadvertently was used to begin the administration. Prosecuting Attorney Anthony Ciliberti Jr. suggests this be considered an oral order by the executrix to set aside the previous administration of the estate and proceed with this new will. Commissioner Taylor moves to approve to set aside the incorrect will and proceed with the administration of the newer will as presented. Commissioner Louisos Seconds; Unanimous Decision.

**9:30 Discussion & Decision: GigReady Technical Assistance Discussion for Creation of Executive Committee and Consolidation**

Fayette County, Nicholas County, Town of Ansted, and City of Montgomery were requested by the Economic Development Council to form an executive committee of 3 to 5 members to formulate a plan if these entities are to receive some of the state allocated funds for broadband. This committee must meet weekly. Commissioner Taylor suggested that the five members be from each of the 4 entities as well as a representative from Region IV. Amanda Smarr, Region IV Project

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Assistant/GIS Coordinator, explained via ZOOM that Region IV would be involved at the state level and would certainly provide assistance, but didn't necessarily need a seat within this committee.

Commissioner Taylor moves to approve Commissioner Louisos from Fayette County, Mayor Steve Pridemore from Ansted, Thomas Baker from Montgomery, Amanda Smarr from Region IV and a to-be-named person from Nicholas County; Commissioner Brenemen Seconds; Unanimous Decision.

### **10:00 Discussion & Decision: New River Humane Society**

Commissioner Taylor presented a draft lease agreement and Memorandum of Understanding (MOU) to Executive Shelter Director Brooke Hutcheon and shelter employee Crystal Arrington for them to discuss with the board of NRHS. Commissioner Taylor requested an answer back from the NRHS board by June 7<sup>th</sup> so it can be discussed at the Commission's meeting on June 8<sup>th</sup>.

Ms. Hutcheon asked about veterinarian costs and who determines whether the animal needs emergency or regular care when an animal is brought in by animal control. Commissioner Taylor discussed the fact of liability and if the animal control and/or the shelter decide the animal doesn't need care and it later dies then the County could be liable. Ms. Hutcheon countered that they also have to look at the cost for a family to reclaim their animal if wanted. She suggests an "emergency contingency fund" that the money could be used from and then be reimbursed if possible. Commissioner Taylor felt that the fees brought into the shelter (which should be set by the County by statute) could be used. Ms. Hutcheon and Ms. Arrington agreed. More discussion on responsibilities of Animal Control versus the Animal Shelter, making sure proper information is relayed to veterinarian upon intake (severity of issues) and scanning for microchips before bringing animals to the shelter. Commissioner Taylor suggested that animals on a "stray hold" be quarantined until that hold is up to avoid unnecessary vaccinations. Kathy Gerencer, member of the NRHS Board, spoke via ZOOM regarding why quarantining during the stray hold would not be possible. Commissioner Taylor asked the cost of the vaccines and what all medications are given to animals brought in. Ms. Hutcheon went through the process: first the animal is checked for a microchip and if the microchip is properly registered and if not, the animal is given a series of vaccines, dewormer, and flea medication. Commissioner Taylor also asked about developing a program to help get animals microchipped (either by the County requiring it or facilitating it). Ms. Arrington asked about lawncare and maintenance and Commissioner Taylor explained it was in the lease and that she wants their board to discuss the documents and get back to the Commission with their comments. Ms. Hutcheon asked about livestock, that she thought it had been resolved the animal shelter does not house livestock. Commissioner Taylor explained that perhaps they themselves cannot house livestock, but the NRHS needed some sort of arrangement or MOU with places that can house those animals if needed.

There was then discussion on responsibilities of animal shelter versus the County and items such as maintenance at the shelter and fees not being sent to the County that were not being executed per the previous lease agreement. Ms. Gerencer again addressed the Commission asking if these documents being discussed were prepared by Prosecuting Attorney Ciliberti. Commissioner Taylor explained it was a collaboration with the Commissioners, Sheriff's Department, Animal Control, and outside counsel from Bailey and Wyant. Two instances were mentioned where animals were collected by animal control but not given to the shelter. Ms. Gerencer spoke about these instances and how it negatively affects the animal shelter. Commissioner Taylor requested they send these types of complaints to Administrator Lanier as well as the shelter. Ms. Hutcheon also discussed other recent instances of animals brought in by animal control that seemed to be owner surrender and explained this is an issue because the shelter has a waiting list for owner surrenders. Commissioner Taylor again asked for feedback before June 7<sup>th</sup> for both the draft lease agreement and the MOU.

**Exhibit A - County Administrator Ruth Lanier**

**1. Discussion & Decision: Fayette County Park Trail Grant App**

**Finalization & Resolution for Signature** Abigail Newell, Resource Coordinator's office presented via ZOOM and reported that she had presented this to the Fayette County Parks and Recreation Board as requested and they will make this project its priority. Commissioner Louisos and Commissioner Taylor discussed the idea of applying for the grant and not being able to accept the grant if matching funds are not available when the grant is approved. Commissioner Taylor moves to approve applying for the grant; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor asked if this needs to be a resolution and asked for a couple of edits to the letter before signing. Ms. Newell explained that the grant requires the governing body to sign a resolution and agreed to make the necessary grammatical edits to the letter to be done before this meeting adjourned.

**2. Discussion & Decision: Re-place Earl Manley to Wrecker Rotation:**

Mr. Manley is in compliance as of 05.04.22 and reinstated as of that date so he would not lose business while he waited for the next Commission meeting. Letter signed nunc pro tunc (retroactively) to May 4<sup>th</sup>, 2022. Commissioner Taylor moved to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**3. Discussion & Decision: Letter to Municipalities Regarding Fees Based on Percentage of Animals**

Commissioner Taylor asked Executive Assistant Ami Dangerfield to send a draft of this letter to Michael Taylor, outside counsel for the Commission, and move it to a later agenda. Commissioner Taylor explained that the state code allows the county to collect a portion of the animal control fees from municipalities when animals are collected within city limits. Commissioner Taylor moves to postpone until 6.29.22; Commissioner Brenemen Seconds; Unanimous Decision.

**4. Discussion & Decision: Request from Deputy Michael Sifers to submit 2023 Court Security (CS) Program Grant Application and for President to Sign.**

This is a non-matching grant; it would replace the distress system within the courthouse complex as well as security cameras for the annex building; the County also needs new metal detectors for both circuit courtrooms as well as magistrate. Total grant would be between \$60,000-\$83,000 depending on the type of metal detectors purchased. Commissioner Taylor asked how long would it take to receive these monies and if needed, for Corporal Sifers to come back and ask the Commission for assistance. Commissioner Taylor moves to sign the application letter once finalized; Commissioner Louisos Seconds; Unanimous Decision.

**5. Discussion & Decision: Board of Appeals for Building Code**

Allen Ballard, Fayette County Building Inspector presented. This board is required if someone wants to appeal a decision made by the building inspector. Mr. Ballard has had difficulty finding qualified and objective individuals. Commissioner Taylor wants to advertise for the positions. Commissioner Louisos feels he might know a couple qualified individuals who may be interested. Board does not necessarily have to meet until there an issue. Positions will be advertised.

**6. Discussion & Decision: Updated Registration Letter for a .gov domain for approval & Signature of President**

The company the company through which the County is working to obtain the .gov domain, Verisign, requested more information and a new application letter sent from the County. Commissioner Taylor asked what their timeline might be and for Executive Assistant Dangerfield to attempt to find this information before the June 8<sup>th</sup> meeting and to prepare a letter requesting an update if their timeline is not satisfactory. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**7. Discussion & Decision: Payment of attorney fees for Code Enforcement legal work.** Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**8. Discussion & Decision: Support letter for grant application for Southern West Virginia Bike Trail Network Project.** Commissioner Taylor moves to postpone until 6.8.22; Commissioner Louisos Seconds; Unanimous Decision.

Motion to adjourn at 11:03am

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

JUNE 8, 2022

FAYETTE COUNTY COURTHOUSE PRESENT: ALLISON R. TAYLOR, JOHN G. BRENEMEN, TOM LOUISOS

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

Pledge of allegiance was led by Prosecuting Attorney Anthony Ciliberti.

**Exonerations, Orders to Combine or Divide Land, Refunds and Discussion & Decision Re: Judith K. Harris Request - Eddie Young**

Commissioner Louisos motions to approve personal property exonerations for William & Katherine Lawrence \$170.38; Paul D. Fox Jr. \$497.62; Dustin & Tasha N. McVey \$107.14; Kevin & Kimberly Willis \$40.28; Sarah E. (Mabes) Coleman \$359.00; Leroy & Penny J. Zemone \$373.70; Pamela Klug & Roger Whitmore \$50.98; Dorothy Gail Phillips \$17.68; Lisa Dawn Scott Queen \$31.12; Nannette R. Wendell & Robert C. McEldowey \$337.40; Erlinda J. Proctor \$16.52; Ricky L. Manuel \$2,541.82; Benjamin A. Cogar \$77.24; Tammi Moore \$200.60; David E. & Pamela E. Myles \$1,223.92; Debra L. & Wallace J. Dunlap \$25.34; Christopher Stapleton \$224.80; Donald F. & Nadean A. Adkins \$51.48. Commissioner Taylor seconds. Unanimous decision. Commissioner Brenemen motions to approve real property exonerations to cancel tax in the amount of \$3.84 & \$8.46 for the Secretary of Veteran's Affairs. Commissioner Taylor seconds. Unanimous decision. Commissioner Taylor motions to approve Orders to Combine or Divide and Segregate Land for Melvin Adair & Audrey Painter. Commissioner Brenemen seconds. Unanimous decision.

Mr. Young presents a mineral rights/well issue from Judy Harris. Ms. Harris did not receive tax tickets and didn't pay taxes for several years and the property was sold to state. Requests that Mr. Young exonerate the \$3,000 fee to redeem due to no tickets sent. Mr. Young



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quotes WV Code 11A-1-8 regarding failure to mail/receive tax tickets and the responsibility of the taxpayer to still pay taxes. Relatives with same interests received and paid their tickets which were linked. Ms. Harris believed she had linked accounts as well and paid only 1 ticket. Most of the fees are penalties and interests. Mr. Young will research other interests and report back later today.

**Approve 1st Half June Payroll** Commissioner Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

**Approve Vouchers and Invoices** Commissioner Louisos motions to approve. Commissioner Brenemen seconds. Unanimous decision.

**Approve Prior Meeting Minutes** none presented.

**Approve Estate Settlements** Commissioner Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

**Discussion & Decision: Prosecuting Attorney Anthony Ciliberti New Hire Request.** Commissioner Louisos motions to approve Mr. Ciliberti's request to hire Wes Toney. Commissioner Taylor seconds. Unanimous decision.

**Discussion & Decision: Petition in the Estate of Teddy Ewing Sr.** Sherry Ewing appeared. Mr. Ewing was her father-in-law who left properties to her and her ex-husband, Kevin. A house left to their son who is now deceased. Kevin Ewing never paid child support and rented out the house. Kevin Ewing only needs to sign and notarize these documents to finalize both estates. Parental rights are being removed, but were not finalized at time of the son's death. There is a court order to sell his interest in property for back child support and this has already gone through Family court. Commissioner Taylor motions to refer to Fiduciary Commissioner Phil Tissue. Commissioner Louisos seconds. Unanimous decision.

**Discussion & Decision: Request from Amanda Smarr, Region 4, for approval and signature of Fayette County Asset Mapping CDBG-MIT Application and Fayette County Broadband Study Final Performance Report.** Commissioner Taylor motions to approve the asset mapping. Commissioner Louisos seconds Unanimous decision. Commissioner Taylor motions to approve the Fayette County Broadband Study Final Performance Report. Commissioner Louisos seconds. Unanimous decision.

**9:30 Annexation Application from City of Smithers** - Morgan Spolarich for Brian Parsons for approval to run the annexation legal ad. Mr. Ciliberti reviewed documents and says this is an efficient and effective method as opposed as conducting an election. The coal company will convey via quit claim deed the property to City of Smithers. There is one property owner within the area and the letter

states they are already in agreement with the annexation. Mayor Anne Cavalier thanks the FCC - this will be a good thing for the children of Smithers. Commissioner Taylor motions to approve running the legal ad. Commissioner Brenemen seconded. Unanimous decision.

**The Commission enters into an Executive Session for legal discussion re: Time extension for New River Humane Society MOU and Lease at 9:37 a.m.**

The Commission exited executive session at 10:16 a.m. The FCC was advised to grant an extension due to multiple counsel involved having COVID. Commissioner Taylor motions to grant a two-week extension till June 21. Commissioner Louisos seconds. Unanimous decision.

**Discussion & Decision: Project & Financial Updates from WV American Water Page Kincaid PSD Gauley River PSD, Kanawha Falls, Armstrong PSD**

The Commission held discussion with West Virginia American Water (WVAW) the WV Public Service Commission, Armstrong PSD, Gauley River PSD, Kanawha Falls PSD and Summersville Municipal water.

Brooks Crislip with WVAW spoke regarding Page Kincaid. The acquisition was completed in December 2020 and closed late in 2021. They are now providing water to that district and made upgrades and changes.

Commissioner Taylor asked about sewer. Mr. Crislip said it has been evaluated but they are not moving forward yet. The focus at time was solving water issues and they haven't returned to sewer.

Commissioner Brenemen has been in communication with Mr. Crislip. Sewer was to stay with PKPSD for now, But funds from WVAW haven't been received. WVAW took care of a bank loan. Additional debts came to light after closing. The deficiency on the FCC side was discovered after wire transfer to Page Kincaid PSD. They are willing to make this whole and take care of the FCC's outstanding money due.

Commissioner Brenemen asked everyone to introduce themselves: WVAW - Chris Callis - (Aquatic Engineer; Rob Passamore - VP Legal; Mike Raymo Director of Engineering; James Corbitt - Summersville City Superintendent; Zach Wright - Thrasher; WV PSC - Jonathan Fowler; Christopher Howard, legal; Roger Estep. PKPSD - Jim Elmore; GRPSD - Ralph Arthur; Attorney Jim Kelsch; Page Kincaid & Armstrong PSD Attorney Phil Tissue.

Mr. Fowler states at this time there is no case on Armstrong. WVAW stated they might be filing a case and hoping for a regional solution. Mr. Passmore stated there are 30 WVAW customers in Montgomery Heights receiving water from APSD, so WVAW is aware when there are issues with APSD quality and service. They have early-stage ideas of a regional service. Would just like the FCC to be aware of issue their customers are experiencing.

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Gauley River does not have central wastewater. Mt. Olive prison is served by KFPSD sewer. Residential customers...

Commissioner Taylor asks about the next steps. Kanawha Falls and Summersville discussed a solution but it may not be a long-term plan for the prison. The solution was rejected by Gauley River.

Mr. Crislip: regionalization would provide better service. There are 3 PSDs serving a small area. Consolidation is an opportunity for the residents.

Commissioner Louisos asks if this would include sewer. Mr. Crislip: the proposal is only for water which is all that the PSC requested.

Discussion of how this might affect the consumers. Mr. Crislip: there are programs to assist low-income residents. Increases are spread across 30% of the state. Upgrades are spread throughout entire state which equals pennies increases on everyone's bills. Prefers Private Public Partnership to keep bills lower.

Project Updates:

**GRPSD:** Gauley Bridge to Belva line upgrade from KFPSD project. This is a \$5.3 million project. \$2.4 million loan and \$2 million grant. Will raise rates \$2.00/month. 1/24 completion.

Infrastructure Council project is a smaller and faster grant. \$1.8 million to take more water from Summersville. Would create redundancy for greater reliability for the prison and residents. All grant funded. 11/23 completion.

GRPSD Debt - \$7.2 million debt to USDA. Will be \$9.6 million when completed with this project.

**KFPSD:** Commissioner Brenemen asked about the water line across the Kanawha Falls/Boonesborough bridge. Is there a plan to move it? Jonathan Grose, KFPSD: the state says no to putting it in water due to protected mussels. There is an agreement with state to put it on bridge. The state will assist with replacing if bridge is replaced.

Commissioner Brenemen asked about the telemetry. Mr. Grose: KFPSD does not have access to see levels for Gauley River so that they can turn it off and on. Mr. Kelsch said that can happen.

KFPSD has a rate case pending on the water side. There has not been an increase in 10 years. Effective date is later this year.

**APSD:** Mr. Tissue states that Armstrong PSD was not involved in the prior meeting. APSD has a certificate of convenience or necessity. Project replacement of Powellton tank and water line. APSD is not involved in official proceedings.

**Summersville:** Mr. Corbitt states Summersville is also doing a rate increase. They average 3 million gallons per month to GRPSD at \$3.90

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per thousand. KFPSD sends 6-7 million gallons to GRPSD at \$3.95 per thousand.

Commissioner Taylor asks the PSC and WVAW about their next steps.

Mr. Crislip states the PSC asks for progress updates by July with follow up meeting in August/September with proposals.

Mr. Grose states KFPSD's main focus is supplying their constituents For WVAW to take over, they will need to make a 5-7 mile connection line, not including under the river to connect to Armstrong Creek with a sewer plant on the opposite side of river. This will be very expensive. Current WVAW tariff is \$20 higher than Fayette County. With paying off debt and upgrades, rates will increase even more. Confident their plan with GRPSD and Summersville will work and keep costs down. KFPSD has serviced the prison since it opened with no problems except this one instance. Being able to monitor the telemetry readings will eliminate a problem like February 22 happening again. They are doing what the PSC asked and taking the steps to move forward. All issues have been remedied. The 3 PSDs are doing what the PSC told them to do.

Commissioner Brenemen asks about PSD staff. KFPSD has 16 total employees including a General Manager and 8 in field working on water and sewer. GRPSD has 2 field workers, office and field manager, no GM. APSD has no staff due to upgrades.

Commissioner Taylor asks about boring under river and the mussel issues. Mr. Grose states no testing has been done on that yet. The 2016 flood remediation showed that wouldn't be the best route.

Mr. Kelsch states the \$1.1 trillion Congress Infrastructure Act hasn't yet gone into effect. This is the best funding climate right now and it will benefit the public. WVAW cannot apply for this funding but the PSDs can.

Zack Wright, Thrasher, clarified how the aforementioned projects will increase water to the prison. Improving 6 inch line to an 8 inch line and increasing redundancy for continued service if KFPSD experiences issues.

Commissioner Taylor asks about Public Private Partnerships and grant funding. Mr. Kelsch states a PPP with WVAW turns the PSD into an alter ego of WVAW and allows for grant opportunities.

PSC attorney Chris Howard: The FCC can join as a party in the proceedings. Mr. Ciliberti says that gives FCC right to be heard. Commissioner Taylor just asks to keep the Commission informed.

The Commission takes a 10-minute break at 11:22 a.m.

The Commission reconvenes at 11:49 a.m. reconvene from Break

Mr. Young returned with update on the Harris well issue. The property has been in her name since 2014 and she did not pay taxes on 8 accounts - only 1. 20% of the \$3,000 is taxes, and the rest is penalties and interest. There are 6 owners per well. 3 have separate tickets, the other 3 have combined tickets. Not sure why this is. Everyone else has been paying taxes. WV Code states 1 year from the day of tax ticket comes out or discovery of error to protest the ticket. This has been 7 years. The Assessor did not have the correct address until 2021. Mr. Ciliberti agrees that exonerating this sets a poor precedent. Commissioner Taylor moves that the FCC deny the request for exoneration. Commissioner Brenemen seconds. Unanimous decision.

**Discussion & Decision: New Wrecker Policy Approval and Response**

**Letter.** 911 Director Gary Metzbower, Kevin Willis DTE Towing and Mike Fox, Bud Fox Towing, are present. They will use the New River Gorge Bridge as the dividing line. If there is an event on the Bridge, that will be a judgement call. Commissioner Taylor asks if this will deny business. The plateau had previously included the northside of bridge. The current rotation is causing backups. Wrecker services are calling within themselves and outside of wrecker rotation to cover events. Anywhere in the county can be accessed in 45 minutes. Mr. Metzbower states wreckers should not be acting as emergency response vehicles (using excessive speed, lights, etc...)

Mr. Fox states he's been on the rotation for 22 years. The bridge as dividing line is a good idea. The plateau side never gets called across the bridge, but the north side always responds to plateau. It should be the closest wrecker gets the call for interest of public safety.

This new policy clears up the issues with being in business in 2 years and people buying established businesses and then the original company opens a new company, flooding the rotation.

The new policy will also include information about people finding which company has their car. This will be on the June 16<sup>th</sup> agenda.

**Discussion & Decision: Danese PSD Appointment.** Commissioner Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

**Discussion & Decision: Library Board Appointment** Commissioner Louisos motions to approve. Commissioner Taylor seconds. Unanimous decision.

**Discussion & Decision: Solid Waste Authority Appointment.** There were 2 applicants - Adam Hodges, the current board member, and County Zoning Official Angela Gerald. Commissioner Taylor thinks Ms. Gerald would be the better candidate based on her work with dilapidated housing and the direction the Commission wants the SWA to go, and to evaluate whether it is necessary. Commissioner Taylor motions to appoint Angela Gerald. Commissioner Louisos seconds. Unanimous decision.

**Discussion and Decision: Meadow River Rail Trail Proposed Scope of Work.** compared to Approved PW Scope of Work and Documentation for Omitted Site. Bill Hines on Zoom. Mr. Hines has updated the Request for Information (RFI) as of this morning. Due at the close of business on June 13. The missing site was just due to a GPS mistake. Commissioner Louisos asked if Chapman Technical is behind. Mr. Hines said it's not behind, it's just based on logistics and working from photos and not on site. They are doing good work.

Ruth Lanier, County Administrator, can sign the cover letter along with the RFI. The RFI is responding to 2 questions. The 2<sup>nd</sup> question is a non-issue. Commissioner Taylor motions to stamp the cover letter once all commissioners approve of the language. Commissioner Louisos seconds. Unanimous decision.

**Discussion and Decision: Records Management Preservation Board Grant Award Certification for Approval and Signature.** Commissioner Taylor motions to approve and sign the certification. Commissioner Louisos seconds. Unanimous decision.

**Discussion & Decision: Payroll Calendar Change.** This issue was explained. No need to act.

**Discussion & Decision: Holiday Changes.** The holidays will stay as designated. Ms. Lanier will send an email to the elected officials.

**Discussion & Decision: Joe Crist, Acting 911 Director Retroactive Pay.** The Commission entered into an executive session for an employee issue at 12:30 p.m. The Commission exited executive session at 12:40 p.m. All other payment adjustments for the 911 employees were effective as of 7/1. Joe Crist's was April 15<sup>th</sup>. He assumed responsibilities and did not get compensation for these responsibilities. Commissioner Taylor motions to adjust pay beginning 4/15 from \$43,900 to \$52,000, a different of \$843.75 which will be on his next paycheck. Commissioner Louisos seconds. Unanimous decision.

**Discussion & Decision: Budget Revision Commissioner.** Louisos motions to approve the budget revision. Commissions Taylor seconds. Unanimous decision.

**Discussion & Decision: Brownfields Grant** Ami Dangerfield, Executive Assistant, presented documents for the commission to designate Ruth Lanier as their Authorized Representative to sign grant documents on behalf of the Commission, and a letter to request an Intergovernmental Review. Commissioner Taylor asks about locations for the grant. Ms. Dangerfield and Ms. Gerald explain how our grant is not at the point to officially choose locations. The Region IV Brownfields Grant is a year ahead and has the flexibility to go into municipalities. They are working on property lists to prioritize for decision. Commissioner Taylor motions to approve and sign the Intergovernmental Review request letter. Commissioner Louisos seconds. Unanimous decision. Commission Taylor motions to designate Ruth Lanier as the Authorized

Representative with the understanding she will coordinate with the Commission on any decisions related to the grant. Commissioner Louisos seconds. Unanimous decision.

Motion to adjourn at 12:55 p.m.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

June 16, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: COMMISSIONERS TOM LOUISOS, ALLISON TAYLOR

**8:00am Pledge of Allegiance** lead by Commissioner Taylor

**Exhibit A, Ruth Lanier, County Administrator**

- 1. Discussion & Decision: Request from Farmer, Cline, and Campbell; Petition and Order to appoint Sheriff Mike Fridley as Administrator of the Estate of Teresa C. Maddy**

Administrator Lanier asked Anthony Ciliberti Jr., Prosecuting Attorney, if he had reviewed this order. He feels this is most likely a precursor to some litigation - for the estate to hire a lawyer there must be an administrator and apparently no one had come forward. The Commission does have the authority to appoint the Sheriff in these instances. Commissioner Louisos moves to approve; Commissioner Taylor seconds; Unanimous Decision.

- 2. Discussion & Decision: Request from Gary Metzbower, 911 Director, Temporary Licensee and Access Agreement with Kanawha-Gauley Coal & Coke for tower site**

Administrator Lanier asked Joe Crist, 911 Deputy Director and Philip Pack, IT and Mapping Specialist for 911 to explain - it is an extension of the current agreement to increase accessibility of the new tower site. Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision.

- 3. Discussion & Decision: Fayette County Community Corrections Grant Award Agreement for approval and signature and approval of Resolution authorizing President Allison R. Taylor to act on the Commission's behalf and sign**

Prosecutor Ciliberti discussed that this award is substantially larger than last year. Commissioner Louisos moves to approve; Commissioner Taylor seconds; Unanimous Decision.

- 4. Discussion & Decision: Request from Matt Ford, Greenbrier Environmental: Signature of Change Orders for Additional Work Performed by Goal Technical on the Meadow River Rail Trail**

Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision.

- 5. Discussion and Decision: Request from Sean Maguire & Peter Murphy for letter to the WV ABC verifying the Commission is aware of the**



**Spartan Race scheduled for August 27-28 at the Summit Bechtel Reserve**

Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision.

**6. Discussion & Decision: GIS Coordinator Hire**

Commissioner Louisos discussed this position. This employee will work with various agencies to create informational maps for the county, citizens, and tourists and work on 911 Center mapping issues. Based on interviews previously conducted and the recommendation by the County Administrator, Commissioner Taylor moves to approve hiring Dina Higginbotham at a starting salary of \$42,000 a year; Commissioner Louisos seconds; Unanimous Decision. Hire to begin immediately.

**Project and Financial Updates from the following Public Service Districts (PSDs)**

**New Haven**

David Altizer, Project Manager for Thompson & Litton (T&L), presented a report of all ongoing T&L projects for New Haven PSD; Commissioner Taylor requested that in the future documents of this type be submitted for review by the Commission before the meeting.

Projects entitled Contract 18 Extension and Contract 19 Extension are nearly to their construction phases and are scheduled to be completed in 2024. These plans will extend service to 122 new customers.

The Whispering Pines Extension will only extend service to six additional customers, but is a necessity because these customers have no other source of water. The PSD has applied for a West Virginia Infrastructure and Jobs Development Council (WVIDJC) Critical Need Grant that would fully fund the project, including engineering reports. Estimated completion would be 2025.

The Old Gwinn Road, White Road, and Lucas Road Extensions affecting 108 potential customers have all had their preliminary engineering reports submitted to the WVIDJC. That organization will consider each funding proposal at their June 28<sup>th</sup> meeting. Estimated completion is in 2025.

Commissioner Taylor asked if New Haven PSD has any maintenance issues like some others. Lesley Taylor, Senior Project Specialist at the Region IV Planning & Development Council, explained they are in a Public Private Partnership with West Virginia American Water so that company is responsible for actual operations. Commissioner Louisos asked what the cost might be to run conduit suitable for housing fiber cable while the other pipes are run - Mr. Altizer said the engineering costs would be minimal, but there would be additional construction costs. Keli Ratcliffe, Client & Community Development Manager for T&L, said she would be glad to research and get the Commission approximate costs involved with adding the additional conduit.

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Kenny Hayes, New Haven PSD board member, presented their latest audit to Administrator Lanier

### **White Oak**

Matthew Peters, Project Manager for T&L, presented on two projects for the White Oak PSD. The first has two phases. The first phase, an upgrade to the solids processing unit and treatment facilities, is under construction now. Phase Two involves removing a bypass and increasing capacity of the treatment facility so overflow will not enter Dunloup Creek. Also included is a study funded by the DEP that will identify other potential issues. The second project, the Carlisle to Kingston project, is in the planning stages with a goal of submitting the Preliminary Engineering Report to WVIDJC in July 2022. The Commission had previously requested this extension be explored, and had allocated \$40,000 to assist funding this preliminary engineering report.

### **Danese**

Melanie Cadle, Danese PSD, presented and explained that they have expanded quite a bit and feel they have reached all customers except those which are simply not feasible. Engineering firm E. L. Robinson is researching a maintenance project on the original part of the line with a preliminary cost estimated at 6.5 million dollars. This project is in the beginning stages of looking for funding, etc. This cost would replace main lines only. Commissioner Taylor asked what the total cost would be to do a total replacement, and it would add 1.2 million. Commissioner Taylor asked Region IV to work with the PSD to find different funding sources and perhaps the additional funding needed to complete a total replacement of this area. She also stated that the Commission is willing to work with the PSD especially on the engineering costs.

Commissioner Taylor motioned to adjourn at 9:08am; Commissioner Louisos seconds; Unanimous Decision.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

June 29, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

Meeting called to order by Commissioner Taylor at 9:03 a.m.

Pledge of Allegiance was lead by Commissioner Louisos.

**Exonerations, Orders to Combine or Divide Land, Refunds** Commissioner Taylor moves to approve the order to combine for Robert E. & Emma J.

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Holmes; Charles Edward Jr. & Phyllis Jean King; Keith Doherty; Teddy H. Jr. & Karen F. Rider; and Melvin Adair & Audrey Painter.

Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to approve personal property exonerations for Donald F. & Nadean A. Adkins \$46.10 & \$44.18; Danielle Leigh Phillips \$227.02; Lenda H. Limerick \$3.84; Dianna L. Janney \$45.00; Franklin R. (Frank) George \$2,167.36; Glenda J. Sone & Debbie Holly \$661.76, \$661.76, & \$661.76; Melissa S. (Harrah) Campbell \$372.20; and Douglas L. Kincaid \$3.84 ; Commissioner Brenemen Seconds; Unanimous Decision.

**Approve Seconds Half June Payroll 06/30** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Vouchers and Invoices** Commission had some questions on Fire Levy expenditures; Commissioner Taylor asked if there were any that were so time sensitive to not wait until the 7.20.22 special meeting for that purpose. An insurance payment and CapitalOne payment needed to be approved now, and Montgomery's truck payment will be approved at the 7.13.22 meeting. Montgomery Chief Filiaggi spoke and discussed not having a proper introduction to 911 Director Gary Metzbower, and was fearful that he was not going to listen to the fire chiefs, and was fearful of "going backwards." Commissioner Taylor also clarified that Director Metzbower is looking at policies and trying to work with the fire coordinator to work on those policies. Another chief also felt he should have met with the chief's sooner. Commissioner Taylor discussed that at the fire coordinator's suggestion, Director Metzbower considered the cost of diesel gas and felt he would save the county money and by attending the next meeting, which was scheduled to be held at the 911 Center. Commissioner Taylor hopes that the chiefs will be able to work with Director Metzbower and find ways to improve the processes about which they had been expressing concern to the Commission. Commissioner Taylor moves to approve all expenditures except the remaining Fire Levy expenditures that could wait; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to postpone all fire levy purchases with the exception of the those mentioned above to the 7.20.22 meeting; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** none to approve.

**Approve Estate Settlements** Commissioner Taylor moves to approve for Frederick Marvin Buckley; Robert Gene Carter; Annalee Pearl Compton; Hermel Newton Fink, Jr.; Bessie Retha Fox; Karen Spake Gardner; Elena Green; John Lee Holley; Faye Frances Holliday AKA Faye G. Holliday; Joseph Ellis Hylton, Sr.; Barbara Lou Jones; David Francesa King; Gloria Mae King; John Lackey; Harold Leo Legg, Jr.; Willa J. Messer; Daniel Wayne Moss; Gladys Kay Pack; Rose Marie Porta; Donald Delbert Pugh; Jesse Marchant Purvis; Larry Franklyn Richardson, Sr.; Leonard Mont Smith; Loretta Sue Smith; Daisy Graley Stover; Daisey Virginia Taylor; Jaunita "Juanita" Wickline; Barbara Grace Wood. Commissioner Brenemen Seconds; Unanimous Decision.

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**Eddie Young- Land Books for signature** Tara Tyree, Chief Deputy Assessor presented. Commissioner Taylor moves to approve the 2022 land books; Commissioner Brenemen Seconds; Unanimous Decision.

**9:30 Discussion and Decision-ARPA funding awards.** Administrator Lanier informed the Commission that some of the ARPA monies (total of \$500,000) must be spent by 6/30/22. She proposed the following projects:

Ansted VFW, Repairs and Utilities, \$10,000

White Oak PSD, Upgrades, \$114,000

Midland Trail Community Center, \$250,000

Falls View Community Center and Polling Location, \$6,000

Town of Pax, Water system upgrades, \$120,000

Commissioner Taylor moves to approve the requests as stated, Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to amend the amount allocated to Town of Pax to 112,000 based upon information that was what it needed. Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to allocate up to \$15,000 to the Town of Ansted for a flagpole repair/painting and flag replacement at the Veteran's memorial. Commissioner Louisos Seconds; Unanimous Decision.

Reconvene at 9:50am

**10:00 Discussion and Decision: Bid Opening for Fire Training Center turn out gear, paving, and demolition of concrete pad.** Commissioner Taylor asked that future agenda requests especially on public noticed items, be coordinated. Joe Crist, fire coordinator, discussed an issue with a "bid vendor" rewriting their advertisement with incorrect dates and times. Prosecuting Attorney, Anthony Ciliberti Jr., read through the various legal advertisements and determined which ones had a deadline. One bid was received this morning from DanHill Construction for one of the projects without a deadline. Commissioner Taylor suggested the Commission have a special meeting with the 911 center and the fire association to discuss these issues as well as purchasing authorization. Commissioner Taylor also suggested holding these sealed bids until this special meeting. Commissioner Taylor asked for this meeting to be held 7.20.22 at 9am. Commissioner Taylor moves to postpone and re-notice the bid opening until 7.20.22 at 9am. Benny Filiaggi, Montgomery Fire Chief, spoke about needing to get their fire hose testing done before school starts because of needing to use the Valley Pk-8 as the testing site. He also asked for a list of topics to be discussed. Commissioner Taylor asked for Director Metzbower and Mr. Crist to work with the fire chiefs for particular topics on this meeting. Commissioner Louisos Seconds; Unanimous Decision.

**10:15 Discussion and Decision:**

- **Pumper Replacement Agreement Nuttall Volunteer Fire Department**

Commissioner Taylor moves to postpone until 7.20.22; Commissioner Louisos Seconds; Unanimous Decision.

- **Zoning Waiver for Harewood Tower Site** Mr. Crist and Angela Gerald, Zoning Officer, presented. She explained that the Commission can waive parts of this process - fees, hearings, etc. (which is often done for these cell towers). The cost of these fees is approximately \$5000. Commissioner Taylor asked if the possibility of grant funds could be used to pay these fees in the future. One of the fire chiefs spoke that he thought this matter was completed. Commissioner Brenemen moves to waive all related fees regarding this tower; Commissioner Taylor Seconds; Unanimous Decision.

Philip Pack, 911 Mapping also spoke by phone, explained that they would like the hearing waived as well. Commissioner Brenemen moves to waive the public hearing requirement; Commissioner Louisos Seconds; Unanimous Decision. Ms. Gerald asked that Mr. Pack provide some documents to her office for the record.

**10:30 Discussion and Decision: Wrecker Rotation Policy** Commissioner Brenemen analyzed all the wrecker reports from January until current. Director Metzbower has requested the street line for a particular territory be moved from Route 60 to Laurel Creek Road. He also suggested this policy be revisited in 90 days. A & E towing owner spoke about some Kanawha County wrecker companies working in the area. There was discussion on whether out of county wrecker companies should be on our wrecker rotation. Glen's Towing specifically was mentioned - they are not a Fayette County company which is a requirement, but they are the only AAA endorsed wrecker, and the only wrecker with some equipment. Commissioner Louisos asked Michael Taylor, outside counsel for the Fayette County Commission, for his opinion about having Glen's Towing on the rotation. Mr. Taylor discussed the need for an appeals process, and that the Commission can shape their policy however they wish. Several other wrecker service owners spoke about their experience (Chad, Kevin Willis, Mike Fox). Commissioner Taylor moves to approve the amendments to the policy with a 90-day review; Commissioner Brenemen Seconds; Unanimous Decision.

Reconvened at 11:22am

**11:00 Discussion and Decision: Matt Ford Corliss Road Temporary River Access for MRRT Construction** Matt Ford, President of the Greenbrier Environmental Group, presented via ZOOM. This is an encroachment right-a-way permit to allow use of a county road for some of the construction work. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**11:15 Comprehensive plan update NRRDA and Houseal Lavigne** Withdrawn from the agenda per Commissioner Taylor.

## 2022 Fayette County Commission Minutes

Commissioner Taylor moves the Commission enter into an executive session for legal counsel at 11:27am to discuss New River Humane Society MOU and Lease, NRHS letter to the municipalities, and vouchers and invoices.

Reconvened at 1:23pm

Counsel has advised some minor modifications to the lease and MOU. Counsel also gave advice on whether the Commission could wait to approve certain vouchers and invoices until after the special meeting on 7.20.22.

- 1. Discussion & Decision: Bridge Brew Works State ABC letter for outdoor extension.** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
- 2. Discussion & Decision: Support Letters for City of Mount Hope**  
Andy Davis, NRGDA, presented a proposal to do work on the Dunloup Stream restoration project - asking for a letter of support.
  - a. CDBG-MIT Grant application for Dunloup Creek stream Restoration Project** Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.
  - b. Sidewalk repair project** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
- 3. Discussion & Decision: Support letter for Bill Wells trail system**  
Bill Wells, MST, presented. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
- 4. Discussion & Decision: Support letter Suicide Prevention signs on New River Gorge Bridge.** Stacy, hospice nurse, has proposed adding these signs to the bridge to help deter suicide attempts. Commissioner Taylor moves to approve resolution; Commissioner Louisos Seconds; Unanimous Decision.
- 5. Discussion & Decision: Appointment to Enact Community Action Board- Selena Vickers** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
- 6. Discussion & Decision: New Mileage rate effective July 1, 2022**  
Commissioner Taylor moves to approve increasing the reimbursement to the federal rate of \$0.625 per mile; Commissioner Louisos Seconds; Unanimous Decision.
- 7. Discussion and Decision: Building Inspection Agreement City of Oak Hill** Updated letter sent by the city. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
- 8. Discussion & Decision: FCC is looking for a building in town to house the probation office and seeks an appraisal.**
  - a. Engagement Letter Fred Hess- CPA.** Will update our financial statements among other works. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
  - b. Request for appraisal** Commissioner Taylor moves to approve moving ahead with an appraisal and funding for said appraisal up to \$1700; Commissioner Brenemen Seconds; Unanimous Decision.

9. **Discussion & Decision: National Opioid Litigation Election and Release Forms.** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
10. **Discussion & Decision: MOU with Workforce Investment Board Career Connections Youth Program** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
11. **Discussion & Decision: Budget Statement for signature** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
12. **Discussion & Decision: New River Humane Society MOU and Lease;** Michael Taylor, counsel for the FCC, and the counsel for the NRHS are in negotiations on this MOU and lease. Mr. Taylor discussed one issue in particular with owner surrender and animal abandonment. Commissioner Taylor moves to approve minor edits and present it to NRHS for review; Commissioner Louisos Seconds; Unanimous Decision.
13. **Discussion & Decision: Letter to Municipalities regarding Humane Society contributions.** Commissioner Taylor moves to approve with edits; Commissioner Louisos Seconds; Unanimous Decision.
14. **Discussion & Decision: Active Southern WV mini grant** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
15. **Discussion & Decision: WV Corp Renewal** Commissioner Taylor moves to renew this policy; Commissioner Brenemen Seconds; Unanimous Decision.
16. **Discussion & Discussion: Letter to Public Service Commission and Secretary of State for PSD Board Members** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
17. **Discussion and Decision: Request for Proposals-**
  - a. **Brownfields Consultant** Commissioner Taylor moves to postpone until 7.13.22; Commissioner Louisos Seconds; Unanimous Decision.
  - b. **Graphic Design for logo and web** Commissioner Taylor is requesting an RFP for a professional to design a logo and website for the county. Commissioner Taylor moves to approve publishing the RFP; Commissioner Louisos Seconds; Unanimous Decision.
18. **Discussion and Decision: HAVA SVRS Labor Sub Grant Reimbursement Request** Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.
19. **Discussion and Decision: Order approving Fayette County depositories.** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
20. **Discussion and Decision: Transfer Orders for General School, Magistrate, and Worthless Check funds. Monies are transferred to the General Fund.** Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.
21. **Discussion and Decision: Support letter for City of Ansted for Transportation Alternatives Grant Fox Branch Trestle Project.** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.



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Motion to adjourn 1:55pm; Unanimous Decision.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 13, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

Commissioner Taylor called the meeting to order at 9:02am and lead the pledge of allegiance.

**Exonerations, Orders to Combine or Divide Land, Refunds-** Assessor Young explained the Assessor's office is fixing issues found since they "closed the books," and it is July so people will be receiving their tax tickets which creates more exonerations than normal. Commissioner Brenemen moves to approve Real Estate exonerations for Vicki C. Harris \$421.20; Woodrow W. Champe \$7.70; Secretary of Vetrans Affairs \$268.24, \$3.84, & \$9.22; Randy Prince \$867.98; Pocahontas Land LLC \$277.46; Margaret A. Orkis \$34.00; Maple Eagle Murray \$7.70; Christopher R. McNeely \$689.86; Adena Joy Ryan & William Patrick \$1,369.50; Bonnie S. Troyer \$7.70; Daniel & Emmi Honacker \$109.98; George Dewitt Pritt \$260.56; and Thomas H. & Mindy Ewing \$2,231.26. Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to approve the order to combine land for Keith Doherty; Commissioner Brenemen Seconds; Unanimous Decision.

**Veltex Corporation** - Tommy Bailey, COO for Veltex presented via ZOOM. This company purchased a building in Mount Hope for a substance use disorder facility and is seeking to have their property taxes waived. He gave examples of how needed this type of business is in this area and their relationships with the local community. Commissioner Taylor discussed that state code prohibits the county from giving tax breaks to for-profit organizations and they are hesitant to set this precedent. Mr. Bailey asked for the specific code reference to give to his counsel. Commissioner Louisos asked for the exact tax figure and was given approximately \$35,000. Assessor Young relayed the code reference is §11-3-9. He suggested Veltex contact the legal division of the property tax division of the State Tax Department and ask for a taxability ruling. Commissioner Taylor moves to deny their request; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Seconds Half July Payroll 07/15** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Vouchers and Invoices** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** none.

**Approve Estate Settlements** Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**9:30 Becky Sullivan: CVB Financial Update** Becky Sullivan, Director of NRGCVB, presented. The CVB is funded by the hotel/motel tax. Because if travel to the area, their budget saw an increase in 2021 of about \$60,000. Saw a thirty percent increase in visitors to the CVB. Commissioner Taylor asked why some rafting companies are seeing a decrease, and Ms. Sullivan feels they are comparing to the high numbers of 2021. Commissioner Taylor also feels it could be the increase in gas and food prices. Ms. Sullivan explained the CVB is heavily involved in mobile digital advertising. Commissioner Louisos asked about daily visitors, and because of local events they are seeing an increase in visitors as well.

**Discussion and Decision: Updates to Bridge Day By Laws** - Updated bylaws were approved by the Bridge Day Commission on 5.18.22. A working group of members of the Bridge Day Commission met and discussed making these edits. Commissioner Taylor explained the changes, which was largely simplifying the bylaws and removing extraneous parts. Also added were some penalties for groups withdrawing from the event after committing, and more clearly defined the duties of various subgroups. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

Request for appointment of Sheriff Fridley and Lori Tabit to Bridge Day Committee Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**10:30 Discussion and Decision: Jamie Blankenship for the Estate of Timmie Arrington** - James Blankenship, Fiduciary Commissioner, presented he was erroneously appointed because it was a small estate; he will prepare an order to this effect. Commissioner Taylor moves to approve the removal of Mr. Blankenship from this estate, and Commissioners give permission to stamp their signatures once the order is produced; Commissioner Louisos Seconds; Unanimous Decision.

**10:45 Discussion and Decision: Jamie Blankenship Fiduciary Commissioner Request for Fox Estate** - a Report of Claims was prepared with no objections; Commissioner Taylor moves to approve the order; Commissioner Louisos Seconds; Unanimous Decision.

**11:00 Discussion and Decision: Casey Bowling infrastructure request** - Casey Bowling presented via ZOOM, working on developing the nine and a half acres beside of Lowes in Fayetteville. He is hoping to add a hotel in this space and has found a Hilton developer willing to build a Hampton Inn. They are asking the County to help with some of the infrastructure funding needs (the total amount is 1.1 million) - hoping for monies from the County, and the State. Commissioner Louisos asked Mr. Bowling to explain some more of the infrastructure

needs - this money would provide utilities to all these parcels. Commissioner Louisos stated he is uncomfortable using the ARPA funds to help fund a for-profit business; that the ARPA funds are better spent on residents that don't have water or sewer access. Discussion on the purchase price of the parcels, and whether Mr. Bowling will sell the parcels or lease the parcels. Commissioner Brenemen asked for the Town of Fayetteville's response to his presentation, and Fayetteville told them they did not have a vehicle for economic development. Commissioner Brenemen also asked about Mr. Bowling's state level request and it is under review. Commissioner Louisos also asked for the cost to build infrastructure to just the hotel, but Mr. Bowling was unable to provide that cost. Mr. Bowling also asked the record to reflect that Commissioner Louisos has a large piece of property across the interstate from these parcels. Commissioner Louisos responded that he's never asked the County for money for his property either. Commissioner Taylor added that Commissioner Louisos asks these questions of any fiscal request. More discussion on whether this request by a private business was appropriate.

Commissioner Taylor moves to go into executive session regarding this issue at 11:31am

Back into session at 11:47am. Commission received some legal advice/guidance from Prosecuting Attorney Ciliberti Jr. regarding the implications of setting this kind of precedent. The Commission does not have a policy or procedure for this type of request, and they are more concerned with providing infrastructure to large areas as opposed to private entities. Commissioner Taylor moves to deny; Commissioner Louisos Seconds; Unanimous Decision.

Commissioner Taylor also explained that the Commission is focusing on getting infrastructure to the area of route 19 and route 60, which the Commission has prioritized for economic development.

#### **9:05 Ruth Lanier - Exhibit A**

- 1. Discussion & Decision: Budget Revision for Coal Severance Fund -** Revenue for this fund was better than projected so surplus will be earmarked for dilapidated housing. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
- 2. Discussion and Decision: Order for Annexation of Smithers -** approved in June, only need to sign the order. Commissioner Brenemen moves to approve signing; Commissioner Taylor Seconds; Unanimous Decision.
- 3. Discussion and Decision: Vehicle needs at 911 Center -** Phillip Pack, 911 Center IT and Addressing, needs a new county vehicle because his current one cannot be fixed. Commissioner Taylor asked Gary

Metzbower, Director of the 911 Center, for a vehicle inventory, and the justification for individual vehicles rather than a motor pool. Administrator Lanier asked Director Metzbowyer or Kevin Walker, Director of Emergency Services, to look at state bid procedures for purchasing a new vehicle.

**4. Discussion and Decision: Website services contract with GST -**

Commissioner Taylor discussed her issues with the current draft of the website design, and that administration of the website is different. Andrew Parker, from GST, explained they had asked the county for examples, and not receiving any, went with a basic template model. This would also be a cheaper option for the County. Commissioner Taylor explained that in this instance the County has different priorities and is looking for a more customized design. Trina Nous from GST spoke via ZOOM that she would be happy to redesign something with this newer information. There was discussion between Mr. Parker, Commissioner Taylor, and Administrator Lanier about payment on a previous contract year for website design. GST will use this previously signed contract to resubmit a better design. Commissioner Taylor moves to approve the GST maintenance contract; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to postpone the website services contract until 7.27.22; Commissioner Louisos Seconds; Unanimous Decision. Trina will send proofs to Administrator Lanier before next meeting.

**5. Discussion and Decision: Update on domain and email -** Our .gov domain has been approved and GST is just waiting on usernames. There was discussion on how to transition from wv.gov addresses and what kind of overlap may be needed. Commissioner Taylor wants to build a policy that requires the use of these emails for County business. (Commissioner Taylor also asked Prosecuting Attorney Ciliberti to develop a FOIA policy) Mr. Parker estimates it would take a day or two to get the emails set up once they receive the list of usernames. Commissioner Taylor will also call a meeting of the wage and benefit review board to discuss email particulars with other Elected Officials.

**6. Discussion and Decision: Pumper replacement agreements -** Gary Metzbowyer, Director of the 911 Center, explained that these had already been ordered and the Commission would not necessarily be able to stop purchase. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**a. Montgomery Volunteer Fire Department**

**b. Nuttall Volunteer Fire Department**

**7. Discussion and Decision: Sales order Software Systems Postage for tax statements -** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**8. Discussion and Decision: Request for Proposals for GigReady Consultant and Engineer; Vote to release information regarding mapping to Thompson and Litton** - Commissioner Taylor moves to approve Engineering RFP; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to approve ISP RFP; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor strikes the vote for releasing the information since it is already public information.

**9. Discussion and Decision: Request for Proposals for Brownfields Consultant** - Ami Dangerfield, Executive Assistant for the Commission, presented; the County is seeking a qualified environmental consultant as part of the Brownfields Grant. This consultant's fee will be the bulk of the grant monies award. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**10. Discussion and Decision: Signature for FOIA online database access forms** - Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

Commissioner Taylor moves to adjourn at 11:57am; Commissioner Louisos Seconds; Unanimous Decision.

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FAYETTE COUNTY COMMISSION

SPECIAL SESSION

July 20, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: COMMISSIONERS TOM LOUISOS, ALLISON TAYLOR, JOHN BRENEMEN

**9:00 a.m. Pledge of Allegiance** lead by Ami Dangerfield.

**Fire Levy** - Commissioner Taylor explained the purpose of the meeting was to create a dialog between the Fire Fighter's Association, The 911 Center, and the Commission. It is the Commission's job to oversee any spending of taxpayer monies, and this Commission has been looking at several different groups to make sure everyone follows statutory requirements for spending. It is also being held for the Commission to hear concerns from the fire departments.

Steve Cruikshank, president of the Fire Fighter's Association, spoke. He was only elected in June, and trying to get up to speed. Their main issue is changes Gary Metzbower, Director of the 911 Center, started making immediately upon hire - with no notification to the fire departments. Mr. Cruikshank feels they should have input into these policy changes and be consulted before changes are made. Commissioner Taylor and Mr. Cruikshank discussed the contents of a letter he sent the 911 Center Director pertaining to an agenda sent to the FFA that stated 911 Center director and personnel were not welcome to attend FFA meetings. (Mr. Cruikshank explained that was for the

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particular meeting referenced in the letter). Mr. Cruikshank also felt some of lack of communication was on their end - that he felt sometimes the fire coordinator did not accurately portray information from the FFA. Commissioner Taylor explained once the Commission expanded the job description of the fire coordinator, his salary was now paid by both the Commission and the Fire Levy. Commissioner Taylor discussed that the FFA could not run the 911 Center, but she certainly wanted input from the FFA if policies weren't working or needed amended. Mr. Cruikshank spoke about the Fire Levy - he wrote the original in 1981, but acknowledged there may have been revisions. Commissioner Taylor discussed that they want make sure things are done correctly from this point forward, and Director Metzbower is looking at all the 911 policies. Delaying of reimbursements is also a concern. Benny Filiaggi, Montgomery Fire Chief, spoke, asking if there was some wrong doing; Commissioner Taylor explained that was not the concern, but that making sure things are done correctly going forward. As of this date, the County doesn't have current signed agreements from any fire department - it is unclear why there aren't. Commissioner Taylor questioned why Fayetteville and Oak Hill sign different agreements (they are given lump sum quarterly payments). Mr. Cruikshank said he remembered when all the contracts were the same, and then the County Commission wrote a different one for a municipality and that theirs may be different because their accounts are audited through the municipal audits every year. Commissioner Louisos wanted to know why some fire departments get more funding. Mr. Cruikshank explained it has to do with different equipment needs of different sized departments. He also mentioned what they felt were excessive call outs because of dispatching changes, raising costs for the fire departments. Commissioner Brenemen asked Mr. Cruikshank to clarify that the different amounts are based on the "fire map" of the area served. Mr. Cruikshank said yes, that he used to estimate it on census numbers, and then he inquired about the map supposedly to be made by the County. Commissioner Taylor explained they just hired someone for the position that would draw the map with the information provided by the fire departments. Discussion held on 911 Advisory Board and Emergency Services Council. Also discussed Director Metzbower's hire - applied for the advertised Deputy Director position - and the Commission decided to hire him for the Director's position instead. Mr. Cruikshank asked if it was only advertised on Indeed, it was, but that is how all county jobs are advertised. Commissioner Louisos mentioned he has been trying to get all interested parties with the 911 center together since he became commissioner. Commissioner Taylor moves that Commissioner Louisos facilitate talks between the Fire Chiefs, the 911 Center and the Commission; Commissioner Brenemen Seconds; Unanimous Decision.

Commissioner Taylor recommends that the Commission approve current invoices and this working group work out some policies to standardize spending - policy for purchasing Class A uniforms was specifically mentioned. She also wants them to look at the individual agreements

## 2022 Fayette County Commission Minutes

and whether they need amended. Discussion on how old equipment is sold and whether they are following statute for disposing of county property. Mr. Cruikshank explained the Fire Levy doesn't pay the whole purchase price and they use that money toward the purchase of newer equipment. Commissioner Taylor asked about specific equipment purchases for the training center and Mr. Cruikshank explained their reasoning for needing extra gear (it gets used more). Commissioner Taylor also asked who investigates injuries/death on a fire site for worker's compensation. Deaths are investigated by NiOSH - it was unclear who if anyone investigates worker's comp injuries.

Mr. Cruikshank reiterated the Fire Departments want to work together with the 911 center and the Commission for the good of Fayette County.

Commissioner Taylor moves the approve current reimbursements;  
Commissioner Louisos Seconds; Unanimous Decision.

Aric McGinnis, vice president of FFA, spoke about the dedication and expertise of the Fire Chiefs. Also advocated for good communication between the association and the county and to work together. He feels Fayette County has some of the best firefighters and departments in the state, and they deserve the best.

Commissioner Taylor explained that she hopes this working group can help standardize and explain things to her so that she can explain it to the taxpayers. Mr. Filiaggi spoke and agreed, that new equipment is one of the biggest topics they speak about to voters with the levy. Also advocated for open communication between the departments and the 911 Center.

The Commissioners and 911 Center Admin are invited to visit the Fire Training Center. Details of this visit will be decided later.

Mr. Cruikshank asked they revert the dispatch rules to previous versions until the working group has some recommendations. He feels they cause some over response. The Nuttall Fire Chief spoke, also asking they revert to previous mutual aid agreements. Rod Perdue and Benny Filiaggi also spoke about communication needs, felt they should have met Director Metzbower sooner. They also want to revert to previous automatic aid agreements. Discussion on zones and how the particular needs of Fayette County could change what the "closest department" is. Tim Richardson, Oak Hill Fire Chief, also asked Director Metzbower to look at the previous automatic mutual aid agreements. Director Metzbower explained his decision of sending the closest two departments. Discussion on the CAD program and does it have the capability to give dispatchers all this information. Commissioner Taylor mentioned the 911 Center will not interfere with mutual aid agreements, but may supplement with additional resources if needed.

Mr. Cruikshank announced the Fire Chief selections for the working group. Mr. Coleman - Nuttall, Mr. Vernon - Fayetteville, Mr.



## 2022 Fayette County Commission Minutes

Richardson - Oak Hill, Mr. Filiaggi - Montgomery. Meeting set for Tuesday July 26, at 4pm at the 911 Center.

Commissioner Taylor mentioned she didn't feel the bids were properly re-advertised and asked the working group to look at these procedures as well. Because of this, they will not open these bids today.

Dalton Berry, Pax Fire Department, spoke about the reimbursements as well, Commissioner Taylor reiterated that there were no previous delays, and only this latest one was 3 weeks late after the Commission asked if a delay to this date would cause a hardship. Mr. Filiaggi discussed more of his process for sending in invoices for reimbursement. John Vernon, Fayetteville Fire Chief, also discussed why they and Oak Hill get quarterly payments. Discussion on their agreements and what information they need to release to the county.

Mr. Cruikshank asked about reimbursement checks again, Mr. Coleman also mentioned it was not a budgeting issue, but they didn't know about a possible delay. Commissioner Taylor asked the group to examine procedures to ensure fire departments were not in a position where they would be short funds as described.

Commissioner Taylor moves to adjourn at 11:22 a.m.; Commissioner Louisos Seconds; Unanimous Decision.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

JULY 27, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

Commissioner Taylor called the meeting to order at 9:00am and lead the pledge of allegiance.

**Exonerations, Orders to Combine or Divide Land, Refunds** - Assessor Eddie Young presented orders to Combine or Divide and Segregate Land for Edward Ray Scott; Judith Ann Miller; Bohdan Beitz; Terry Sigler; and Johnnie D. Perdue III. Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision. Assessor Young also presented a correction of assessment for Rightenour Family Revocable Trust to correct the ticket name, legal and value. Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision. Assessor presented a refund for Ida Lopez in the amount of \$83.12. Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision. Also presented personal property exonerations for Kenneth R. & Cheri Louise Sexton \$573.00; Virgil R. McAllister \$113.44; Deborah Ann Geiger \$74.86; Randy Dwain Luna \$78.38; Rebecca Nicole Gilbert \$31.50; Yuan Ren Shi \$154.16; Keith D. (KD) Morton \$433.44; Clyde L. Dorsey \$489.16; Juanita Elizabeth Howell \$3.80; Billy J. Butler \$ 3.80; Basil Ray Jr. & Violet M. Flint \$109.60; Pamela Bailey \$113.14 & 113.14; Daniel Y. Uchimoto \$355.18;

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Paul W. or Irene Martin \$243.44; Patrick C. or Marsha L. Moore \$288.90; Clarence R. or Judith A. Smith \$832.02; Jennifer D. Trent \$696.30; W baker Management Inc \$12,659.56; Clarence & Helen Powell \$160.24; Barry S. & Diane Groat \$433.58; Stephen F. Skidmore \$484.90; Richard Ellis & Dorothy L. Vaughn 149.34 & 156.80; Eric K. & Bonnie G. Pugh \$889.90. Commissioner Louisos moves to approve; Commissioner Taylor seconds; Unanimous Decision. Assessor Young presented real estate exonerations and discussed particular exonerations for Pocahontas Land Company. 56 parcels of mineral rights were double assessed. Commissioner Louisos moves to approve real estate exonerations for Ina Lopez \$85.26; Charles Sanford \$19.22; Charles M. Patterson \$4.88; Perry Family Irrevocable Trust \$306.20; Patrick M. McGraw \$470.32; Katie L & Logan Dickerson \$2,883.02; Gwendolyn L. Blankenship \$760.92; Michael Charles & Brenda Hunt \$806.26; Perry Critchley \$92.22, and Pocahontas Land LLC 17.42, 9.74, 18.46, and 63 tickets for \$7.70 each. Commissioner Taylor seconds; Unanimous Decision.

**Approve Second Half July Payroll 07/29** Commissioner Taylor moves to approve; Commissioner Brenemen seconds; Unanimous Decision.

**Approve Vouchers and Invoices** Commissioner Taylor moves to approve; Commissioner Brenemen seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** no minutes to approve.

**Approve Estate Settlements** Commissioner Taylor moves to approve estate settlements for Ruth Pauline Adkins; Theodore Charles Baber; Margaret Susan Broughton; Drema May Cowles; David Wayne Ellison; Leslie Edsel Green; Emery Lee Lanham; Thelma K. Sharp; Kenneth Robert Skaggs; Freda Mae Williams; and Rita Carol Workman. Commissioner Brenemen seconds; Unanimous Decision.

### **9:05 Ruth Lanier - Exhibit A**

- 1. Discussion & Decision: Planning Commission Reappointments for Carl Harris & James Tucker** Commissioner Taylor moves to approve both reappointments; Commissioner Brenemen seconds; Unanimous Decision.
- 2. Discussion and Decision: New Haven PSD request for appointment of Charles Small due to resignation of Imogene Pennington** Commissioner Louisos moves to approve; Commissioner Taylor seconds; Unanimous Decision.
- 3. Discussion and Decision: General County Budget Revision** Commissioner Louisos moves to approve; Commissioner Taylor seconds; Unanimous Decision. Commissioner Taylor commended Ruth Lanier, County Administrator, on her hard work.
- 4. Discussion and Decision: Letter Regarding After Hours Meetings in the Courthouse** Commissioner Taylor recommended that because they must pay county employees to stay after hours, they not allow

private groups and county groups with their own budgets to use the commission chambers for meetings after regular courthouse hours. Commissioner Brenemen moves to approve the terms as explained by Commissioner Taylor; Commissioner Louisos seconds; Unanimous Decision.

5. **Discussion and Decision: JAG grant documents for Approval and Signature** Commissioner Taylor moves to approve; Commissioner Brenemen seconds; Unanimous Decision
6. **Discussion and Decision: GST Website Contract for Approval and Signature** Drafts of a new website design were sent to Administrator Lanier, and she will forward them to the Commissioners. Commissioner Taylor moves to approve the contract; Commissioner Louisos seconds; Unanimous Decision.
7. **Discussion and Decision: Personnel Manual Update of Leave Policies** Discussing changing the leave accrual policy for exempt employees, and different circumstances where it would or would not make sense to have employees begin accruing leave from date of hire; Commissioner Taylor moves to postpone until the 8.10.22 meeting; Commissioner Louisos seconds; Unanimous Decision.

**9:15 Discussion and Decision: County Clerk Election Pay Rates** Michelle Holly, County Clerk, spoke about changing election pay rates, updating them, and making some standardizations. She explained they should be set by the County Commission but could not find any record of where that was ever done through at least the last 25 years. This would put the rates on the official record and asked for thoughts from the Commissioners. Commissioner Taylor thinks they are fair and Administrator Lanier approved and they were included in the final budget revision. Commissioner Taylor stated that exempt employees should not be paid overtime for staying after hours for normal parts of their jobs. Election day, they can be paid as election workers. Also discussed providing water to election workers. Commissioner Taylor moves to approve the rates as presented; Commissioner Louisos seconds; Unanimous Decision. Commissioner Taylor moves exempt employees who stay late on a regular workday in support of the election performing regular work duties will not be paid overtime; Commissioner Brenemen seconds; Unanimous Decision.

**9:30 Allen Ballard, Building Inspector Re: Building Code Update** He explained as of 8.1.22, the County must use the 2018 state building codes and presented a summary of the code. Mr. Ballard asked Administrator Lanier if her office would write the order adopting this code and presented a previous order as a template. Commissioner Taylor reviewed this order and stated the order is simply adopting the state code. Commissioner Brenemen asked about people living in the prefabricated sheds when they are not for human habitation. Mr. Ballard discussed that his office would not approve these as living quarters, but once one is installed and it has power, there is not much he or his office can do. It is a building violation, but he has found historically that the Prosecuting Attorney's office has not

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wanted to pursue these cases. Commissioner Taylor asked if there were significant changes - the largest one is there must be an electrical disconnect on the outside of a structure, and safer electrical outlets within a home.

Commissioner Taylor moves to adopt the 2018 state standards and approve stamping an order with the updated code attached; Commissioner Louisos seconds; Unanimous Decision.

**10:00 Bid Opening: Meadow River Rail Trail Russelville Bridge** Received three bids. Commissioner Taylor discussed a concern of one of the bidders that they had not been able to acquire accurate costs for the premanufactured bridge. Roger Kennedy, Vice President of Chapman Technical Group, discussed during the last bid process one particular manufacturer withheld the pricing information forcing the bidders to use inaccurate costs. He did not feel this was an issue with the current bid process. Matt Ford, President of the Greenbrier Environmental Group, spoke via ZOOM and corroborated. Mr. Kennedy explained they made changes to the bid package to help mitigate this issue.

Dan Hill Construction - bid received 7.22.22 at 2:46pm. Total cost is \$1,503,184.

All-Con, LLC- bid received 7.22.22 at 12:13pm. Total cost is \$981,245.

Turmon Morton, Inc - bid received 7.22.22 at 12:12pm. Total cost \$1,207,744.44.

Bids were given to Mr. Kennedy for Chapman for review by the 8.10.22 meeting.

**10:30 Discussion and Decision: Jackson Kelly - Petition and Response of the Estate of Rebecca Wallace** Michael Taylor of Bailey & Wyant, counsel for the Commission, spoke via ZOOM. This is a petition to remove an administrator of an estate. He discussed the code WV §44-3-7, which allows the Commission to refer this to a fiduciary commissioner, and his recommendation is to invoke this code. Commissioner Taylor asked if there was a dollar amount involved, and there is not, the code only mentions "controversary." Mr. Erwin Conrad, attorney for the respondent, asked for a clarification because Mr. Taylor mentioned wills and this estate is intestate, but the code allows for administration as well. Commissioner Taylor agrees with Mr. Taylor's recommendation, and discussed a particular incident where the current administrator was not allowed access to the decedent's home to prepare the appraisement, but that beneficiary is not a party to this action. She is not sure the Commission has the authority to order her be allowed entry. Commissioner Taylor moves to refer this to a Fiduciary Commissioner; Commissioner Louisos seconds; Unanimous Decision. Valerie Gainer, associate with Jackson Kelly, the firm representing the petitioners, inquired to the time frame of a referral. It will be referred to Phil Tissue first, but may need to

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wait until additional fiduciary commissioners are appointed on the 8.10.22 meeting if Mr. Tissue could not take it.

Commissioner Taylor motions to adjourn at 10:29; Commissioner Louisos seconds; Unanimous Decision.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

AUGUST 10, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

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

Commissioner Brenemen lead the pledge of allegiance.

### **Exonerations, Orders to Combine or Divide Land, Refunds:**

Commissioner Taylor abstained for a corrected ticket due to her home registered in the wrong tax class. Commissioner Brenemen motions to approve real property exonerations for Allison Taylor \$868.94; Thelma Wyant \$67.98; Jason Scot Falbo Sr. \$256.20; Bret & Rhonda Patterson \$187.54; Mark Brunstetter & Debra Perry \$2,592.24; Luke R. Lively \$1,210.72; Pochahontas Land LLC \$7.70; Donny & Paula Williams \$168.32 & \$21.00; Lou Ann Emiline \$181.22; Jerry L. Shrewsberry \$428.12; and Patricia J. Jenni \$89.94. Commissioner Louisos seconds. Commissioner Taylor abstained.

**Order to Combine or Divide and Segregate Land:** Commissioner Taylor motions to approve orders for Randolph Herbert & Connie Lynn Berry; Randall Ray Duncan; Robert E. & Emma J. Holmes; Deborah A. Holliday; and Roy R. George. Commissioner Brenemen seconds. Unanimous Decision.

**Second Half July Payroll 08/15:** Commissioner Brenemen moved to approve. Commissioner Louisos seconded. Unanimous Decision.

**Approve Vouchers and Invoices:** Jail Bill down to \$85K. Commissioner Louisos motions to approve. Commissioner Brenemen seconds. Unanimous Decision.

**Approve Prior Meeting Minutes:** Commissioner Taylor motions to approve minutes from April 6, 19, 25 May 4, 9, 16 25, June 8, 16, 29 and July 13, 20, 27. Commissioner Louisos seconds. Unanimous Decision.

**Approve Estate Settlements:** Commissioner Taylor motions to approve the settlements for Mary Elizabeth Burnside; Norma Elein Jordan; Mary Maxine Kelly; James Hugheston Kilburn; Wanda Elizabeth Meador; Pete Dallas Teel; Robert Lee Thompson; and Helen Bernice White. Commissioner Brenemen seconded. Unanimous Decision.

**9:05 Ruth Lanier - Exhibit A**

**Discussion & Decision: Fire Coordinator position** 911 director Gary Metzbower is present. Discussion regarding hiring a Deputy Fire Coordinator and Mr. Metzbower would be the Fire Coordinator. Commissioner Taylor motions for the job description to go to the Fire Association and get input before posting the position. Commissioner Louisos seconds. Unanimous Decision.

**Discussion & Decision: Request from Fayetteville Lions Club to place a picnic table on the Courthouse Lawn** Wayne Yonkelowitz is present for the Lion's Club. Will purchase a black locust picnic table with Lion's Club Logo, assemble and put cinderblocks underneath. Commissioner Taylor suggests talking with Maintenance Supervisor Sonny Milam for placement and how to prepare the area for mowing. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous Decision.

**Discussion & Decision: Prosecuting Attorney Hiring Recommendation**

Prosecuting Attorney Anthony Ciliberti asks to postpone this item until August 24<sup>th</sup>.

**9:15 Discussion and Decision: County Clerk**

**Notice of number of election officials.** Due August 30<sup>th</sup>. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous Decision.

**Emergency Absentee Voters and Adoption of Extending Emergency Voting Procedures** Commissioner Taylor motions to accept and approve the procedures. Commissioner Brenemen seconds. Unanimous Decision.

**Appointment of Fiduciary Commissioners** Only applicants were Paul Clay and Larry Harrah. Advertised for four. Commissioner Taylor asks for it to be readvertised for one more, hopefully out of county to assist with conflict of interest. Commissioner Taylor motions to approve Paul Clay & Larry Harrah. Commissioner Brenemen seconds. Unanimous Decision.

**Discussion & Decision: Meadow River Rail Trail Consultant agreement**

Commissioner Louisos was recently on site and saw the progress. Commissioner Louisos motions to approve. Commissioner Taylor seconds. Unanimous Decision.

**Discussion & Decision: Letter regarding after hours meetings**

Commissioner Taylor explained the reasoning of this new policy is because the County was paying employees overtime for private organizations such as county political executive committees and boards with their own budgets. In the future, those organizations will not be able to hold meetings in the courthouse after hours except for

## 2022 Fayette County Commission Minutes

the URA until Wolf Creek Park is sold. Commissioner Taylor motions to approve. Commissioner Louisos seconds. Unanimous Decision.

### **Discussion & Decision: Solid Waste Authority and Litter Control**

**Officer** Discussion regarding the commission's desire to disband the SWA since there is not a landfill in Fayette County. The County does need a Litter Control Officer (LCO). Moving toward focusing on beautification/dilapidated housing. Commissioner Brenemen thinks the LCO it should be under the County for increased supervision. Board member Angela Gerald spoke to Raleigh County. They have an SWA board but the LCO is under the Commission. Commissioner Taylor moves to create a Litter Control Officer under FCC and advertise the position. Commissioner Louisos seconds and asks about having the LCO attend the SWA meetings. Commissioner Taylor also doesn't like having dual report staff. Discussion whether county employees should do the books for outside agencies. Unanimous Decision. Commissioner Taylor motions to discontinue paid administrative support to outside boards, which creates conflict of interest. Commissioner Louisos seconds. Unanimous Decision

### **9:30 Discussion and Decision: New River Humane Society MOU and next steps**

FCC outside attorney Michael Taylor present. Explained his review and process of discussion MOU with New River Humane Society (NRHS). Discussed repayment plans for reclaimed animals, setting of fees for care and disposition of animals. WV Code states animals picked up by Animal Control (AC) and taken to the shelter, it is up to the Commission to set the fees and expense. Reclaim, medication etc. This is just for animals picked up by AC. Owner surrenders etc. are not included. There has been a dispute over this. FCC doesn't have the data to set these fees. Fees are to be returned to FCC for Dog and Kennel Fund. No funds have been deposited from NRHS since \$1,060 was deposited February 6, 2020. NRHS must accept any and all animals brought by in by AC. If NRHS can't house the animals, they are required to enter into an MOU with specialized and overflow facilities. Minor maintenance and grass cutting is also part of the MOU. NRHS stated they cannot work with the Day Report for grass cutting and there are supervision issues. County maintenance is stretched too thin. The suggested compromise is to contract out for maintenance and present that issue in the annual budget presentation. As it stands, there is not an executed MOU or lease. Mr. Taylor can tell options now or go into Executive Session for explanation.

**9:48 a.m.** The Commission entered into an Executive Session to address legal questions.

**10:14 a.m.** Reconvene from Executive Session with no decisions having been made.

### **10:00 Discussion and Decision: Public Hearing Rezoning Request of**

**Kenneth Craddock from R-R to B3** Mr. Craddock not present due to work. Zoning Officer Angela Gerald speaks on his behalf. Rezoning was unanimously approved by the Planning Commission. Intends to build



## 2022 Fayette County Commission Minutes

three cabins now and seven later and will add more septic later. Commissioner Taylor motions to approve. Commissioner Brenemen seconds. Unanimous decision.

**Revisit discussion of Humane Society.** Commissioner Taylor explains there is a stalemate. WV Code requires FCC to do certain things and answer calls regarding shelter and animals. Acknowledges they are not the experts and that's why they contract out with experts. The FCC is the customer. When the other side says no to things required by code it causes issues. Regrets that they cannot come to an agreement. They are forced to decide and cannot let it continue the way it has. There have been complaints about the FCC not funding, complaints about former AC officer and new AC officers. The FCC increased funding by \$20,000 last year and they were still disappointed. Nothing to be done to make certain members of the board happy. The FCC can't just hand over a blank check. Asked for compromises, asked for policies for adoptions when the dog is slotted for rescues, and that the NRHS document reasons for denials in writing to account for complaints of bias.

Commissioner Brenemen stated he took the last large animals. Has taken larger animals for the last 8-9 years and it wasn't a problem. Commissioner Brenemen asked about the MOU and NRHS stated they are working on it.

Sherry Daniel, NRHS Member and Brooke Hutcheon, Shelter Director, ask where sick cats and horses should go. Commissioner Taylor states the commissioners are not the experts and they asked for a solution in the MOU and for the NRHS to enter into agreements with their contacts. Animal Control could then go straight to those places. Cannot put animals into holding or have them sit in a deputy's car. The FCC works with experts in all other facets of business. The Commission mentions requests information about the NRHS trap-neuter-release program for cats, how the Korn Foundation money is being used, and whether there are programs for chipping. There has been no movement on any of the programs.

Commissioner Louisos motions to give them 60 days' notice to end their agreement and to publish an RFP for a new contractor. Ms. Daniel asks if she can speak, but Commissioner Taylor is not comfortable speaking with the NRHS which is represented by counsel without its counsel present. Commissioner Taylor seconds. Encourages NRHS to apply for RFP. Unanimous Decision.

Ms. Daniel and Ms. Hutcheon ask for a public meeting to discuss the fees and numbers. They would love to accept all animals but there are no facilities. They are not comfortable signing an agreement where they just have to figure it out. This is the main issue for the standstill. Asks for assistance for figuring it out and implementing chipping and for trap-neuter-release animals. Only Ms. Hutcheon can

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perform microchipping. Not enough staff to train. A huge part of their mission is to not euthanize.

Commissioner Taylor has been speaking with other counties about building a new shelter closer to 19 for ease of volunteers, and to be out of the flood plain and away from the shooting range. Looking for donated land. Will communicate with the County Administrator about a date for a special meeting.

Kevin Terrell, NRHS supporter, states you shouldn't sign an agreement you aren't equipped to do. Commissioner Brenemen suggested to contact Brian Sparks at WVU extension Office re: facilities/individuals that can house larger animals.

Discussion held of municipalities contributing to assist with intakes from their jurisdictions. They think they should reimburse per numbers, but the FCC needs the numbers to back it up.

Mr. Terrell understands that some commenters online get out of line but still thinks there are some good solutions. There are some members of leadership who get heated, but that's because they are passionate. Commission Taylor says the FCC isn't on a power trip, they are just responding to their responsibility.

Martha Hagar, NRHS Supporter, states the facility isn't the greatest. It's too far for volunteers. If it was closer to a municipality, they could get the volunteers and help with staffing. Grants are there to build facilities.

### **10:30 Discussion and Decision: Houseal Lavigne Comprehensive Plan**

Postponed at the request of NRGRDA. They have some concerns they wanted to address prior to discussing with FCC.

### **11:00 Discussion and Decision: Meadow River Rail Trail bid award and Construction Management**

Three bids were received: Dan Hill Construction \$1,503,184.00; A.L.L. Concrete \$981,245.00; and Turman Morton \$1,207,744.44. Commissioner Taylor motions to accept the lowest bid from A.L.L. Concrete. Commissioner Louisos seconds. Unanimous Decision. Commissioner Taylor motions to postpone the construction management until 8/24. Commissioner Louisos seconds. Unanimous Decision

The Commission took a break at 11:02 a.m.

The Commission reconvened at 11:27 a.m.

### **11:30 Discussion and Decision: Public Hearing for Proposed Annexation of 10.04 Acres in the City of Smithers.**

Smithers City Attorney Brian Parsons is present. Dr. Anne Cavalier sends her regrets that she cannot attend due to a previous engagement. This annexation will go behind UKV Ballfield to the Mount Olive Correctional Center and then to near Kanawha County line. Mostly undevelopable land. Historically

## 2022 Fayette County Commission Minutes

the ballfield has suffered lack of municipal services. Covid-19 basically disbanded the UKV Little League and the field is not being maintained. The city would like to maintain the field and bring back baseball. Plans for the flat landing area to develop into Quadrant North 2 UKV Tourist Development Project Mammoth Preserve and place a welcome center there. The amended WV Code 8-6-4A was satisfied by placing notice of annexation in 5 places. There is no financial motive for the city and no B&O taxes available. The sole private property owner Contura/Boone East (ballfield) supplied a support letter and will deed the property to the city if the annexation is approved. Nearby residents are already benefitting from the municipal fire and law enforcement services. Prosecutor Ciliberti has reviewed and saw no issues. Commissioner Taylor moves to approve annexation as presented. Commissioner Louisos seconds. Unanimous Decision. Mr. Parsons will prepare an order.

### **11:45 Discussion and Decision: Wolf Creek Park (WCP) lawsuit update**

URA member Gene Kistler was present. Commissioner Taylor asks about lawsuits with Rich Johnson and Brad Woolf and if this will affect the sale of WCP. Mr. Kistler doesn't feel it will affect the sale. The land in the law suits isn't part of the sale area. They were originally going to give the land to Mr. Johnson. Had it surveyed where the zipline is. Above Mr. Woolf's land was the paintball course. Mr. Kistler claims Mr. Johnson then asked for 4 more acres for a buffer. First draft of the agreement traded out trails for the property to allow his customers to access business in WCP but didn't include the work buffer, so they wanted to ensure nothing would be developed on the land. Mr. Johnson didn't want to be subjected to restrictions if it was his property. Mr. Kistler assumes he wanted to develop the road. Exhibit A is the part of the Bluewater transaction. Exhibit B is not. Some was surveyed by Westlake. The whole of WCP has not been surveyed. Might be a lis pendens on Exhibit B. Commissioner Taylor states her questions were answered.

The Commission took a 10-minute break 11:52 a.m.

Reconvened at 12:02 p.m.

**Discussion & Decision: Letter to Senator Capito** Commissioner Taylor presents a letter showing appreciation to Senator Capito for her recent visits to Fayette County. Senator Capito has visited Fayette County numerous times for notable events. Commissioner Taylor motions to approve and sign the letter as amended. Commissioner Brenemen seconds. Unanimous Decision.

Motion to adjourn at 12:07 p.m.

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## 2022 Fayette County Commission Minutes

FAYETTE COUNTY COMMISSION

EMERGENCY SESSION

AUGUST 15, 2022

FAYETTE COUNTY COURTHOUSE

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

The Fayette County Commission met in an emergency session this 15<sup>th</sup> day of August 2022. All attended by Zoom.

Commissioner Taylor called the meeting to order at 2:00 p.m.

### **2:00 Discussion and Decision on Declaring a State of Emergency due to flooding in the New Haven and Valley districts of Fayette County.**

Commissioner Taylor appeared by ZOOM from Smithers with several emergency service personnel. She sent copies of the proposed order and guidance on what powers this order gives to each municipality to the legal counsel of municipalities affected. She asked Michael Taylor, legal counsel for the Commission, whether this state of emergency should be declared by district or the county as a whole. His advice is to declare for the county as a whole and he advised the municipalities should declare their own states of emergency.

Chief Deputy Rod Perdue as well as representatives of the Kanawha Falls and the Gauley River PSDs reported on the extent of the damage to the water and wastewater infrastructure. Commissioner Taylor asked for a timeframe to getting repairs started and/or completed but because of the extent of the damage and supply chain issues no one was able to give her an estimate. She asked both PSD representatives to please keep the emergency manager apprised of updates via the non-emergency number at the 911 center.

The mayors of Smithers, Gauley Bridge, Montgomery, and Ansted also gave reports of the damage to their respective municipalities. The Administrator of the Fayette County Health Department and Director of Fayette County Emergency Services also gave reports on their involvement. A representative from State Emergency Services also spoke and discussed two different programs involved right now, individual assistance and public infrastructure assistance.

Commissioner Taylor motions to issue a press release containing the information relayed in this meeting once she drafts it; Commissioner Louisos seconded; Unanimous Decision.

Commissioners Brenemen and Louisos also discussed their involvement in clean up and emergency assistance.

Commissioner Taylor asked Brian Parsons, city attorney for Smithers, to coordinate using the Cannelton Ballfield Parking Lot as a centralized debris site with the current owners. Jason Means from the state asked that this decision also be coordinated with FEMA. Later in the meeting, Mr. Parsons advised he contacted Contura Energy and it would permit the parking lot to be used if needed.

Commissioner Taylor motions to declare a County of Emergency and each Commissioner gave permission to stamp their name to the declaration; Commissioner Louisos seconded; Unanimous Decision.

Commissioner Louisos motions to reimburse local restaurants which will accept food vouchers organized by Mayor Greg Ingram for the time

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frame of August 15-17 to ensure flood victims and volunteers were fed; Commissioner Brenemen seconded; Unanimous Decision.

Commissioner Brenemen motions to adjourn at 10:05 a.m.; Commissioner Louisos seconded; Unanimous Decision.

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FAYETTE COUNTY COMMISSION

EMERGENCY SESSION

AUGUST 17, 2022

FAYETTE COUNTY COURTHOUSE

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

The Fayette County Commission met in an emergency session this 17<sup>th</sup> day of August 2022. Commissioner Brenemen appeared by ZOOM.

Commissioner Taylor called the meeting to order at 4:00 p.m.

### **4:00 Update and Decision on Flood Response**

Commissioner Taylor updated everyone on additional flooding that occurred in the Fayetteville area on 8.16.22.

Kevin Walker, Director of Emergency Services detailed updates on donations and services and volunteer coordination. Assessments of property have begun but are in the early stages. Smithers Mayor Anne Cavalier has identified sites for debris management that will be assessed on 8.18.22.

Commissioner Taylor discussed the documentation needed on wrecked vehicles to assist with future FEMA claims. She asked Mr. Walker to follow up with the wrecker company to ensure they capture that information. Chief Deputy Rod Perdue also updated on road closures in the Gauley Bridge area - Route 39 should be open by the evening of 8.17.22. Gauley Bridge Mayor Robert Scott anticipates more people needing cleaning supplies once that road is reopened.

Fayette County Health Department Director Teri Harlan updated on the Health Department's involvement providing vaccines. They are planning on being in Smithers on 8.18.22 but will move to the Gauley Bridge area if needed.

Sheriff Fridley also updated on the Route 39 closure. Commissioner Taylor gave an update from Ansted Mayor Steve Pridemore. They have been using their own crews for cleanup and as they only had natural debris, they do not an approved debris site.

She also gave a report from Fayetteville Mayor Sharon Cruikshank that there are creeks in Fayetteville also needing mitigated.

Bill Hines asked for a meeting with the Commissioners to discuss debris management.

Commissioner Taylor shared the DEP has issued an advisory on the water quality on the Kanawha River. She asked Ms. Harlan to get an update on this water quality and the water quality in Cannelton.

There are volunteer organizations currently in the Valley area helping assess and triage what assistance is needed. Most water service has been restored as of this meeting.

Commissioner Taylor asked Jenny Gannaway, State Emergency Services, if she had an update, but she did not.

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During the meeting a temporary bridge into Cannelton was completed to allow residents to move in and out.

Commissioner Taylor asked to have a meeting Friday 8.19.22 at 9:00 a.m. for further updates.

Commissioner Taylor also discussed requesting help from the National Guard, but she wants to wait until the Commission has gathered more information before formally asking for their assistance because the Commission was advised an earlier time the County would have to pay for its assistance rather than the state, as was the previous practice.

Motion to adjourn at 4:34 p.m.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
AUGUST 19, 2022  
FAYETTE COUNTY COURTHOUSE  
PRESENT: JOHN G. BRENNEMEN, TOM LOUISOS, ALLISON TAYLOR

The Fayette County Commission met in a special session this 19<sup>th</sup> day of August 2022. Commissioner Taylor attended by ZOOM.

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

### **9:00 Update and Decision on Flood Response**

Commissioner Taylor reported that the debris management site in Gauley Bridge has been approved by DEP and Mayor Bob Scott will forward that paperwork to the County.

Discussion was held regarding a request for Floodplain Manager Allen Ballard to inspect the Valley. Commissioner Taylor states this should be his priority over building inspections.

Judith Lyons, conversation agency/Southern Conservation District, clarified their role would be to removing debris from the streams, not dredging the creek. Commissioner Taylor asked her for details on the agreement and payment. There is a current agreement in place that was signed previously, and this would be a sub-agreement with the County. The County would be responsible for hiring contractors, acquiring land rights and providing a site to send debris. The conservation agency would assist with construction oversight and permitting. The County would pay for services and then request reimbursement. Commissioner Louisos clarified that because the County is under an emergency order bidding rules are relaxed. (this sub-agreement is not to exceed \$50,000). Commissioner Brennen raised his concerns with using this agency because of lack of movement on previous projects. Ms. Lyons asked that they focus on the current needs in the flooded areas. Commissioner Taylor asked if mayors Cavalier and Scott could work with OEM Director Kevin Walker to acquiring access from private landowners and the DOH, and the County would work on contractors. Ms. Lyons emphasized the need to have written agreements from all landowners. Commissioner Taylor asked for clarification on the specific sites

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covered under the \$50,000 and that is specifically for Scrabble Creek and Cannelton Hollow. It was unclear about Cannelton Hollow. Anne Cavalier asked for clarification on which debris would be removed, and it is strictly in-stream debris.

Mayor Anne Cavalier updated on the City of Smithers. Their two debris sites were approved, though one, which the city would have to lease, is preferable. They are transitioning from survival mode into a more long-term flood response. She also mentioned several local contractors have already done some work. The city is hoping for a reimbursement at some point. Commissioner Taylor explained that they needed to make a plan for debris removal and that meticulous records need to be kept.

Penny Brouillard, Town Recorder for Gauley Bridge, gave their update. Things are moving along there as well. They will use the old Gauley Bridge football field for debris management and there will be health personnel there to give vaccinations.

Steve Pridemore, Ansted Mayor, said the DOH has been very helpful in getting needed road repairs in the Ansted area completed quickly.

Sheriff Fridley gave a brief update on the emergency shelter in Smithers and asked about places for donations to be sent. Commissioner Taylor explained that the NRG CVB was collecting donations to transfer to the Valley.

Commissioner Taylor also gave an update on some confusion with the Red Cross and where they were basing their operations.

Commissioner Brenemen moves to approve the agreement with the Soil Conservation Agency pending Prosecuting Attorney Anthony Ciliberti's approval and to stamp signatures; Commissioner Louisos seconds. Unanimous decision.

Commissioner Brenemen moves to approve Allen Ballard to do damage assessments within the flood damaged areas; Commissioner Louisos seconds. Unanimous decision.

Mayor Cavalier thanked everyone for the swift response.

The meeting was adjourned at 9:41 a.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

September 7, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: COMMISSIONERS JOHN BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

### **9:00 Pledge of Allegiance**

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

Assessor Eddie Young presented real property exonerations for James Smith \$63.00; Campsites LLC \$322.05; Lydia D. Rahn \$4.60; Glen M. & Sara Persinger \$129.12; Terry Sizemore \$253.54; Dimple F. Holley \$279.78; Kirby M. Maynor \$144.00; Tequila Kincaid \$214.44; Thomas G. & Claire D. Hamilton \$271.32; and Red Door Properties WV LLC \$718.34. Commissioner Brenemen moves to approve; Commissioner Louisos Seconds;



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Unanimous Decision. Commissioner Louisos moves to approve a refund for Glen M. & Sara Persinger \$125.90.; Commissioner Taylor Seconds; Unanimous Decision. Commissioner Taylor moves to approve an Order to Combine or Divide Land for Debbie A. & Bobby R. Meadows; James G. & Delores Hudnall. Commissioner Brenemen Seconds; Unanimous Decision.

**Approve 1st Half September Payroll** Commissioner Louisos moves to approve; Commissioner Brenemen Seconds; Unanimous Decision

**Approve Vouchers and Invoices.** County Administrator Ruth Lanier presented a purchase order for the Sheriff's office which was over \$15,000 for all three commissioners to sign in addition to vouchers and invoices. Commissioner Taylor moves to approve both the purchase order and vouchers and invoices; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** none to approve.

**Approve Estate Settlements** Commissioner Taylor moves to approve settlements for Jeffrey Stuart Burr; Nancy Wood Ignatovich; Dennis Ray Johnson; Cordia Mae Miller; Elizabeth Ann Miller; Jerry Louise Palmer; Susan Virginia Rippe; Berkley Wayne Scarbro; and Wanda Leigh Thomson. Commissioner Louisos Seconds; Unanimous Decision.

**9:15 Discussion and Decision: Request from County Clerk Michelle Holly to apply for a HAVA Grant to purchase E-poll Books with a 15% match of \$15,588.75.** County Clerk Michelle Holly presented the opportunity to apply for this grant. Clerk Holly explained this would be a great opportunity to upgrade to electronic pollbooks. It would eventually save the county money by lowering supply and labor costs. It would also help eliminate mistakes. Commissioner Brenemen asked if this was technology that would have to be replaced in a few years as it would take 3 elections to recoup the \$15,000 match from these savings. Clerk Holly responded that there were always upgrades, but they should get some trade in value if needed. Commissioner Taylor expressed concern over having an extra \$15,000 in the budget since there had been several unexpected expenditures this year, particularly with flood recovery efforts. Commissioner Louisos responded that they can approve applying for the grant and then see how the finances look in a few months. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**9:30 Discussion & Decision: Request from County Clerk Michelle Holly for Administrator Decision, Dickerson Estate.** Removed from agenda by one of the respondents.

**9:45 Discussion & Decision: Request from Emergency Services Director Gary Metzbower to Remove B&M Towing from the Fayette County Wrecker Rotation**

911 Center Director Gary Metzbower presented a complaint from Fox Towing against B&M Towing. Kevin Walker, Director of Emergency Services, investigated and found the complaint valid; B&M Towing was

violating many of the statutory rules and regulations. Director Metzbower corroborated Mr. Walker's findings. They both recommended removing this towing service from the wrecker rotation. Bill Evans, owner of B&M Towing, responded he had never had a complaint filed with the Public Service Commission before. He then gave his version of the events in question on the complaints. Both Director Metzbower and Commissioner Brenemen questioned Mr. Evans on his statements. Commissioner Taylor suggests the Commission wait until the Public Service Commission finishes its investigation until it acts on removing Mr. Evans from the wrecker rotation. Commissioner Taylor moves to wait until the Public Service Commission finishes its investigation to remove B&M Towing from the Fayette County wrecker rotation; Commissioner Louisos Seconds; Commissioner Taylor and Commissioner Louisos in favor; Commissioner Brenemen opposed.

**10:00 Discussion and Decision: Fire Levy Contracts and Fire Coordinator Position**

Michael Taylor, outside counsel for the Commission, presented he had reviewed the current Fire Levy Contacts, and they were overall fine and in compliance, though there were a few areas to make clearer. Specifically, there are three areas that needed clarification. First, to add deadlines to various forms already being used by the fire departments to ensure their timely submittal. The second issue was related to purchasing; that the County Commission is not allowed to give a "lump sum" payment to the departments; they must approve item by item - in order to comply with an attorney general opinion from 1968 and statutorily. The Commission is proposing a tiered purchasing approval system much like the current county purchasing policy (under \$1500, reimbursable on a quarterly basis; \$1,500-15,000, approval from the purchasing authority; over \$15,000 approval from the Commission). The last item is what happens with property purchased with levy monies. The Commission proposes that once a department no longer needs a piece of equipment, that becomes the property of the commission to dispose of according to state code; any monies the county may make from auctions of this property would be placed in a special fund that would be only be used by the fire departments. Mr. Taylor also explained that if a municipality also contributes to the purchase of an item, that item would revert to the municipality (not the county). If monies from the state and county purchase equipment it would depend on how the state gave the funding as to whom retains possession. He also apologized for not getting these agreements to the fire departments in a timelier manner. Director Metzbower spoke about this all being about accountability and transparency. Commissioner Taylor explained the deadline dates are based upon the budgetary year. John Vernon, Fayetteville Fire Chief asked how this affects the departments within the municipalities. Commissioner Taylor and Mr. Taylor both explained that those departments would have to follow the same regulations as all the other fire departments - the previous lump sum payments do not comply with statute and the attorney general

opinion. Steve Cruikshank, head of the Fayette County Fire Association, spoke for the fire departments. He explained the fire departments and the fire coordinator had historically been very serious about proper reporting. His opinion is that the property only reverts to the county when a department is disbanded, not just any time a piece of equipment is disposed of and that many times the funding for a piece of equipment comes from various sources not just the levy. Mr. Cruikshank also complained that the Commission is moving slowly getting information to the fire departments, specifically language for the bids. Commissioner Brenemen said the fire coordinator was given that information at that time; that there should not have been a delay. Commissioner Taylor also thought the fire departments were given that language. She asked Prosecuting Attorney Anthony Ciliberti Jr.'s office to provide template bid language to Mr. Cruikshank. Commissioner Taylor also explained that this item is on today's agenda for the Commission to approve language to give the fire departments for their discussion, not as a final product. There was discussion on allocations and how they will be determined; according to Mr. Cruikshank, previously the fire coordinator, used a formula based on population and other factors to determine allocations. The Commission would like to determine these allocations much the same way they determine the budgets for the County as a whole. Commissioner Taylor moves to approve the agreement as presented, including an addendum of an inventory list provided by Director Metzbower; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Louisos requested the previous formula used by the fire coordinator to determine allocations.

**Fire Coordinator Position:** Commissioner Louisos presented the working group had met and discussed the position, but due to a scheduling conflict they had not held a follow up meeting to finalize the position description. Commissioner Taylor moves to postpone the Fire Coordinator position to the 9.21.22 meeting; Commissioner Louisos Seconds; Unanimous Decision

Commissioner Taylor moves to go into Executive Session at 11:15am to discuss the 11:00 item and the Exhibit A number 5 item.  
Returned from Executive Session at 12:07

**11:00 Discussion and Decision: Employee Performance Issues.** No decisions were made to the issues in question.

**Exhibit A**

**1. Discussion & Decision: Democratic and Republic pollworker order.** Clerk Holly thanked the executive committees for their work and explained that only minor changes were made to lists. Commissioner Louisos moves to approve; Commissioner Taylor seconds; Unanimous Decision.

**2. Discussion & Decision: Appointment of Randy Haynes to Beautification Committee** Commissioner Taylor asked if this was advertised - it was on the Commission website and Mr. Haynes was the only one to apply. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**3. Discussion & Decision: NRHS time extension on notice to vacate** The NRHS (New River Humane Society) has asked for an extension to vacate. Due to extenuating circumstances related to the August 15 flooding in the Valley, the Commission has also not been able to advertise for another group to provide these services. Commissioner Taylor moves to extend the original notice given to vacate to the NRHS by 60 days; starting 9.7.22. Commissioner Brenemen Seconds; Unanimous Decision.

**4. Discussion & Decision: Capital Asset Policy.** Changing policy to list \$5000 as the lower limit to consider a purchase as a capital asset. Commissioner Taylor moves to approve raising the dollar amount from \$2500 to \$5000 to consider a purchase a capital asset; Commissioner Brenemen Seconds; Unanimous Decision.

**5. Discussion & Decision: Building Purchase.** The Commission has instructed their counsel to enter into negotiation with the building owner. State code 6-9-A4b9 allows the Commission to keep private the negotiations until an agreement has been reached, then the purchase price will be openly discussed before the purchase is final.

Commissioner Taylor moves to adjourn at 12:08pm; Commissioner Louisos Seconds; Unanimous Decision.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

SEPTEMBER 21, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR (appeared via ZOOM)

Commissioner Taylor called the meeting to order at 9:00am. County Clerk Michelle Holly lead the Pledge of Allegiance.

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

Assessor's Office Manager Cindy Hysell presented personal property exonerations for Paul J. McClung II \$163.86 & Joyce A. Nuckols \$63.58; and real property exonerations for Shawndale F. & John S. Syner \$415.44; Synergy Sand LLC \$22,564.10; Raymond W. Bibb \$339.16; Aaron L. & Deanna M. Valentine \$913.40; Jeffrey N. or Carolyn Briers \$545.64; Barbara Maynor \$417.60; Jerry W. Kessinger \$378.54; Jeremy B.

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& Beverly G. Richmond \$1,043.54; Philip Townsend \$346.44; Joshua R. & Laura J. Kincaid \$315.52; Darrell L. Woodrum \$66.12; Kelly D. & David Ellis \$448.84; Roger Pack \$111.58; American Medical Facilities Man LLC \$184.76; Jerry Lee & Deborah Ann Legg \$304.22; Jackie Le Tyree \$623.88; Voca Corp of WV Inc \$1,010.74; Amanda C. Jones & Tavia M. Skaggs \$184.46; David L. Blevins \$208.78; Larry V. & Brenda K. Barnett \$1,041.76; Alan B. & Katherine C. Wickline \$857.38; Michael A. & Melissa D. Vaught \$1,448.20; Paul J. McClung II \$163.86; and Joyce A. Nuckols \$65.22. Commissioner Louisos moves to approve exonerations of personal property; Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Brenemen moves to approve refunds for Joyce A. Nuckols \$63.58 & Paul J. McClung \$169.59; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Second Half September Payroll** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Vouchers and Invoices** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** none to approve

**Approve Estate Settlements** Commissioner Brenemen moves to approve settlements for Rose Allen; Marta Faye Anderson; Anna Lou Bateman; Jonathan Lee Bibb; Evelyn Pearle Burgess; Edolene Juanita Hariston; and Larry Macon McCommack; Commissioner Taylor Seconds; Unanimous Decision.

### **9:05 Ruth Lanier-Exhibit A**

**1. Discussion & Decision: Meadow River Rail Trail A.L.L. Contract from Chapman Technical.** Roger Kennedy, Vice President of Chapman Technical, presented; Assistant Prosecuting Attorney Wes Toney had reviewed the contract, and Prosecuting Attorney Anthony Ciliberti Jr. explained it is a standardized form contract. Prosecutor Ciliberti mentioned the arbitration clause - Chapman had already amended the contract to include the right to litigate if needed per the Commission's request. Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Brenemen asked to be apprised of when Chapman holds progress meetings.

**2. Discussion & Decision: Request from Gauley River PSD to appoint Nathan Ramsey to fill vacancy left by resignation of Teddie Elliot, remaining term to expire December 31, 2027** Commissioner Taylor noted that the applicant is from Nicholas County, but the Commission has had difficulty filling positions on this board. Commissioner Brenemen explained that the applicant does live within the service area of this PSD. Commissioner Brenemen moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**3. Discussion & Decision: Letter regarding funding related to Kanawha Falls PSD water project** Commissioner Taylor moves to approve pending receiving a completed draft; Commissioner Brenemen Seconds; Unanimous Decision.

**4. Discussion & Decision: Region 4 Planning & Development Council**

**Adoption of 2022 Hazard Mitigation Plan** Amanda Smarr, Region 4 Project Assistant and GIS Coordinator, presented a five-year plan update. Commissioner Louisos moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**5. Discussion & Decision: Letter regarding lease or purchase of property from Solid Waste Authority**

Commissioner Brenemen moves to postpone to 10.5.22; Commissioner Taylor Seconds; Unanimous Decision.

**6. Discussion & Decision: General County Budget Revision County**

County Administrator Ruth Lanier explained the revisions: increases to PEIA coverage, audit costs, and gas costs. She also added a \$100,000 line item to track flood spending; the remaining increase was added to the contingency line to balance. Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**7. Discussion & Decision: Financial Statement for Approval**

Fred Hess Jr, CPA, was hired to complete the statement. Administrator Lanier was pleased with his knowledge and how quickly he finished the work. Commissioner Louisos moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**8. Discussion & Decision: Personnel Discussion regarding filling open positions and salaries.**

Commissioner Taylor explained Administrator Lanier had discussed her recommendations in Executive Session, and now the Commission would make decisions based on those recommendations.

-Vacancy in Payroll - Commissioner Taylor moves to approve posting at Administrator Lanier's discretion; Commissioner Brenemen Seconds; Unanimous Decision.

-Changes in duties for Accounting Clerk Gia Tyree. Adding additional duties to Ms. Tyree including supervising the new payroll clerk and some human resource functions. Because of these changes the Commission will increase her pay to \$44,796 annually. Commissioner Taylor moves to approve this expansion of duties and increase in pay effective immediately; Commissioner Brenemen Seconds; Unanimous Decision.

-6-month review of Assistant Wilbert Lively III. Commissioner Taylor moves to approve salary increase of two dollars per hour based on exemplary performance and additional duties; Commissioner Brenemen Seconds; Unanimous Decision.

- Changes in duties for Executive Assistant Ami Dangerfield. Ms. Dangerfield will no longer have the responsibility of handling administrative duties for the Solid Waste Authority, but will add additional duties currently being completed by Resource Coordinator Abigail Newell. Commissioner Taylor moves to keep Ms. Dangerfield at current salary; Commissioner Brenemen Seconds; Unanimous Decision.

-Changes in Duties for Park Director Wayne Workman. Mr. Workman has expressed the desire to resume the duties of park Operations Manager. Commissioner Taylor moves to rename Mr. Workman as Operations Manager of the Park with his former salary at that position effective 10.1.2022; Commissioner Brenemen Seconds; Unanimous Decision.

-Hiring of Park Director. Several applicants applied, and Administrator Lanier felt current Resource Coordinator Abigail Newell was the best fit. Commissioner Taylor moves to hire Abigail Newell as park director for an annual salary of \$38,000 with a review period of 6 months; Commissioner Brenemen Seconds; Unanimous Decision.

-Hiring of a part-time permanent maintenance employee. Commissioner Taylor moves to approve Ed Russell as a part-time permanent maintenance person at eleven dollars per hour. Commissioner Brenemen Seconds; Unanimous Decision.

**9. Discussion & Decision: Increase in Contract Amount for Stream Cleanup**

Commissioner Taylor moves to approve additional funds of \$50,000 (for a total of \$100,000) for stream cleanup following the Valley flood this year; Commissioner Brenemen Seconds; Unanimous Decision. Administrator Lanier clarified that the state would reimburse the first \$50,000, but not the second.

Commissioner Taylor moves to go into executive session at 10:32am to discuss the 10:30 and 10:45 items and number 8 on the exhibit list. Returned from executive session at 11:35am. No decisions were made on any item.

**9:15 Discussion & Decision: Gig Ready**

Fayette County received several responses to requests for proposals for a consultant for this project and an ISP to partner with. After reviewing their applications, Commissioner Louisos recommends: Thompson & Litton, Design Nine, or S&S Engineers for a consultant and CityNet or Gigabeam for an ISP. Commissioner Brenemen concurred with his recommendations. These groups will be interviewed for their respective positions. Commissioner Louisos moves to approve these interviews; Commissioner Brenemen Seconds; Unanimous Decision.

**9:30 Discussion & Decision: Petition to Admit Copy of Last Will and Testament for Probate: Reed.**

Prosecutor Ciliberti reviewed the materials and didn't see an issue with admitting the copy. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**10:00 PUBLIC HEARING: Rezoning Case No.-Bradly Lowman Case #Z-536-22-1**

Zoning Officer Angela Gerald presented this case. It would be a change in zoning from RR to B3. The planning Commission met on 9.12.22 and after hearing testimony, Kevin Willis moved to deny the request; Josh Davis Seconds; and it was a Unanimous Decision. Mr. Lowman presented to the Commission trying to address the concerns of



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the planning commission. He discussed the width of Allman St. and Lois Lane. He also discussed he has funding secured. He would also have adequate security - someone on site, an extra person who is local to step in if needed, and surveillance of the area. Commissioner Brenemen asked about the structures and whether they are adequate for this use. Mr. Lowman explained he had already spoken with the County Building Inspector Allen Ballard, who had approved his buildings. Mr. Lowman is also working with the Health Department to make sure there is adequate sewage infrastructure. Commissioner Louisos asked about what appears to be a right of way on the map. He suggested Mr. Lowman check into other avenues to access the property. Rick Pannell Junior, a neighbor to the property, spoke against the rezoning. He does not feel the road is properly wide enough, and many young children play in that area. He also discussed the school traffic and how that would affect things. He is also concerned with potential problems with crime. Mr. Lowman addressed some of Mr. Pannell's concerns, and he has experience dealing with issues with AirBnBs. Commissioner Taylor wants to investigate finding alternative access to the property before voting. Commissioner Louisos asked if he had checked into being annexed into the city of Oak Hill - he had not. Commissioner Taylor moves to postpone until the 10.19.22 meeting and republish; Commissioner Louisos Seconds; Unanimous Decision.

**10:15 Discussion & Decision: Logo discussion.** Ms. Dangerfield reported they received seventeen proposals to design a new logo. Commissioner Louisos would like to get input from local residents/artists to perhaps include those elements in a logo. Commissioner Taylor wants to put out a more informal request from local residents through social media. Commissioner Louisos and Prosecutor Ciliberti discussed adding a disclaimer to the request that the artist allows the commission to use their art if selected. Commissioner Taylor suggested contacting Becky Sullivan for her process for the annual Bridge Day Poster competition. Commissioner Brenemen moves to postpone until 10.7.22; Commissioner Louisos Seconds; Unanimous Decision.

**10:30 Discussion & Decision: Woelfel regarding opioid litigation settlement and approval.** The Commission received more information about this matter from Senator Woelfel in executive session. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision. Because the Commission has concerns with the distribution formula, a letter will be drafted to the State Legislature. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**10:45 Discussion & Decision: Order regarding spill on turnpike** Mike Callaghan discussed in executive session a lawsuit he has filed regarding this matter on behalf of the County. He has asked the County to create a sub-fund to deposit any potential proceeds of this

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litigation. Commissioner Taylor moves to approve Administrator Lanier creating a sub-fund; Commissioner Brenemen Seconds; Unanimous Decision.

**11:00 Discussion & Decision: Designation of additional Humane Officer, Michelle Surace** Prosecutor Ciliberti presented, WV state code allows an animal seized by an animal control officer to be considered abandoned if the owner is notified and allowed to request a hearing and does not within a certain time frame. It can also be declared abandoned by an order from a magistrate with an affidavit from a Humane Officer. Commissioner Taylor asked if there are other changes that would come about by changing the title from Animal Control Officer to Humane Officer. Prosecutor Ciliberti did not think it was large departure from their current duties. Commissioner Louisos agreed that he also thought there were differences. Prosecutor Ciliberti offered to have this item tabled so that he can research further. He explained that this change is to streamline and shorten the length of time an abandoned animal must be in the shelter before it is available for adoption. There is also a need for a "form order" to be created for the Magistrates to use. Commissioner Louisos moves to postpone until 10.5.22; Commissioner Brenemen Seconds; Unanimous Decision.

Commissioner Taylor moves to adjourn at 11:47am; Commissioner Brenemen Seconds

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

OCTOBER 5, 2022

FAYETTE COUNTY COURTHOUSE

PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR (appeared via ZOOM)

**9:00 Pledge of Allegiance** Commissioner Taylor called the meeting to order at 9:00 am and the pledge was led by Commissioner Brenemen.

**Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young** Commissioner Louisos moves to approve the exonerations for Mark Musick \$7.70 & \$7.70; Danny Damron \$406.58; Alan W & Lisa D. Kinser \$861.60; and WV Environmental \$3,324.96. Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Brenemen moves to approve the refund for Danny Damon \$396.42.; Commissioner Taylor Seconds; Unanimous Decision. Commissioner Brenemen moves to approve a Consolidation for Ivan G. Elliot.; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Brenemen moves to approve Applications for Correction Assessment for 3 separate parcels for Daniel B. Benda Jr. & Bruce P. Benda.; Commissioner Louisos Seconds; Unanimous Decision.

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**Approve Estate Settlements** Commissioner moves to approve settlements for Mark Randall Bess; George Adair Coleman Sr.; Eugene Newcomb Hess; Larry Edward Holliday; Carole Joann Kessler; Savannah Brooke Warshaw; and William Cornelius Wolfe.

**Approve Seconds Half October Payroll** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision

**Approve Vouchers and Invoices** Commissioner Brenemen moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** none to approve

**Approve Estate Settlements** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

### **\*Press Release\***

A joint press release from both Fayette County and Greenbrier County announcing closure of portions of the Meadow River Rail Trail because of safety issues involved with repairs and construction has been requested. Commissioner Taylor expressed concern about last-minute requests for Commission decisions when there is not time to properly give the public notice. Anthony Ciliberti Jr., Prosecuting Attorney, had questions about which portions would be closed and if there would be adequate signage. Matt Ford, President of the Greenbrier Environmental Group, explained that it is the entire portion owned by Fayette and Greenbrier Counties and that Greenbrier County had already posted signage. Mr. Ford also apologized for the misunderstanding as he did not intend this to be a last-minute request. Commissioner Taylor asked that any violations be properly documented and reported to the Prosecuting Attorney. Commissioner Taylor moves to approve the press release; Commissioner Louisos Seconds; Unanimous Decision.

**9:30 Discussion & Decision: Request from Katie Johnson to consider a Pilot Fayette County Youth Summer Park Program led by a Dedicated Director working with the Parks and Recreation Advisory Board and Partners.** Ms. Johnson is a Prevention Coordinator for the Health Department, and she is working with Fayette Prevention Partners to delay and prevent drug use/abuse in youth. She is hopeful this program would engage youth and give them meaningful activities that would connect them to Fayette County. She envisions a four-week pilot day camp this summer to hopefully to expand to ten weeks in the future. Climbing, water safety, and firearm safety were specific activities that could be considered. She also discussed one challenge would be transportation. All Commissioners feel this is a great idea. Ms. Johnson stated the next step is a budget. Commissioner Taylor asked her to work with the parks board to develop this more fully and then present to the Commission.

### **10:00 Discussion and Decision: Gig Ready Consultant and ISP award.**

Interviews were held and the committee developed recommendations. Commissioner Louisos moves to approve Gigabeam as the ISP; dies for a lack of second. Commissioner Brenemen moves to postpone these decisions until 10.19.22 due to not having enough time to fully interview the applicants. Commissioner Louisos agreed with

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Commissioner Brenemen about the consultants but felt he had adequate information for the ISP. Commissioner Taylor asked if there was a time constraint involved. Amanda Smarr, Region 4 Project Assistant/GIS Coordinator responded that there isn't a specific time constraint, but the sooner the better. Commissioner Louisos asked if the Commission could move forward with discussions directly with the ISP before they select the consultant. Ms. Smarr felt that was possible; the consultant is necessary to actually design the projects. Commissioner Taylor asked if Commissioner Brenemen was asking for an extra set of interviews; and he responded yes, he still had questions. Commissioner Brenemen feels they should wait on both decisions while Commissioner Louisos is ready to decide on the ISP today but would rather wait to announce until both are decided. Commissioner Taylor wants to participate in the second round of interviews and seconds the motion to postpone; Commissioners Taylor and Brenemen in favor. Commissioner Louisos opposed. Motion carries.

**10:15 Discussion & Decision: New County Logo** Commissioner Taylor moves to approve Prosecutor Ciliberti to create language to solicit local artists to submit proposals for a new county logo making it clear that the final product is the property of the County. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**10:30 Discussion & Decision: Town of Fayetteville Electric Charging Station** Matt Diedrich, Fayetteville Town Manager, presented. The WV Electric Car Association grants these stations through an application process. He is asking to use the last two parking spots on the library side of the memorial building. Commissioner Brenemen and Commissioner Louisos asked about charging costs and Mr. Diedrich said they would make it free to use as a trial basis and see if it would be cost prohibitive. Commissioner Taylor asked if there would be a time limit for use, and Mr. Diedrich responded they would be testing this as well. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Brenemen asked to be informed when the charging station is installed.

**10:45 Discussion & Decision: Humane Officer Designation** Commissioner Taylor moves to approve naming Michelle Surace as secondary Humane Officer with Sheriff Fridley's approval; Commissioner Louisos Seconds; Unanimous Decision.

### **9:05 Ruth Lanier - Exhibit A**

**1. Discussion & Decision: Prosecuting Attorney's Office New Hire Request for Approval** Prosecutor Ciliberti presented a request to hire a new assistant prosecuting attorney. His recommendation is Amy McLaughlin. She has excellent academic credentials and a diverse work background. He is asking her to start 10.17.22 at a yearly salary of \$65,000. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**2. Discussion & Decision: Request from Melanie Cadle, Danese PSD Funding Request.** Ms. Cadle presented. They are working on completely

replacing original pipe laid in the 1970s (approximately fifteen miles of pipe) for a total cost of \$7.8 million dollars. Commissioner Brenemen asked about the possibility of extending water service to a local business (the Ponderosa). Ms. Cadle responded because of the location - nearly a mile from the closest line - it is not economically feasible. Commissioner Taylor asked what is the "ask" from the Commission. Lesley Taylor, Region 4 Senior Project Specialist, discussed different loans and grants the PSD is applying for. Commissioner Louisos moves to postpone until 10.19.22; Commissioner Brenemen Seconds; Unanimous Decision.

**3. Discussion & Decision: Request from Kenneth Hayes, New Haven PSD for Economic Enhancement Grant Fund Funding for Water Line Extension**

David Altizer, Engineer for Thompson and Litton, presented, recalling a previous Commission meeting where allocating monies to help lower surcharges was discussed. He said the PSD is asking for as much money as the Commission can allocate. Commissioner Taylor feels the Commission has allocated adequate money to the New Haven PSD already and that there are other projects that would take precedence. Commissioner Brenemen would like to send a formal letter to the PSDs about this decision. Commissioner Taylor moves to decline to provide these monies to New Haven PSD; Commissioner Louisos seconds; Unanimous Decision. Commissioner Brenemen moves to send a formal letter explaining why they are not allocating these funds; Commissioner Taylor seconds; Unanimous Decision. Commissioner Brenemen asks that in future meetings any engineer speaking for a PSD have documentation that they are allowed to speak for the PSD.

**4. Discussion & Decision: Resolution #15 New Haven PSD \$1,000 (from \$50,000 approved in 2019)** Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**5. Discussion & Decision: Request from Gauley River PSD for Economic Enhancement Grant Fund Funding for Water Line Extension**

Cassandra Lawson, Region 4 Senior Project Specialist, presented. This is for a smaller critical needs portion of a larger project. Commissioner Taylor moves to send a support letter without approving any funding; Commissioner Brenemen Seconds; Unanimous Decision.

**6. Discussion & Decision: Courthouse Facilities Improvement Authority Grant Application for Approval and Signature**

Executive Assistant Ami Dangerfield presented. This Grant would provide monies to remediate brick and mortar on the southwest corner of the Sheriff's Department for a total cost of approximately \$46,000 with a 20% match (\$9200). It is a safety and life issue. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to approve a support letter for the grant application; Commissioner Brenemen Seconds; Unanimous Decision.

Commissioner Taylor moves to go into executive session at 11:02am to discuss the 10:45am agenda item and number 7 on the exhibit list. Returned at 12:23pm. Received legal advice.

**7. Discussion & Decision: Purchase Agreement for Wolf Creek Park**

Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision. Brad Woolf, local businessman who owns property in Wolf Creek Park asked several questions - he felt it was not publicly noticed properly, and also said the current owners were not noticed as they should have been when development plans change. Michael Taylor, counsel for the Commission, responded to some of Mr. Woolf's questions. The URA is responsible for the publication, and as a separate entity, they are presenting this signed contract to the FCC as a courtesy for their consent though it is not clear if that consent is necessary. Mr. Taylor feels the onus to be transparent about the changes Mr. Woolf raised is on the URA, not the FCC as is the obligation to prove whether the contract followed law. Discussion on FOIA and who's responsible for responding to Mr. Woolf's or others requests. Mr. Taylor discussed specifically that any FOIA request brought to the FCC about this item would have to be discussed with the third parties involved due to ongoing contract negotiations.

**8. Discussion & Decision: Purchase of 911 Vehicle** 911 Center Director Gary Metzbower spoke - the center wishes to purchase a Chevy 2500 truck. This vehicle is capable of pulling any of the equipment the 911 Center owns as well as being capable of being fitted with a snow plow. His plan is to allow Emergency Services Director Kevin Walker to drive this vehicle and give Mr. Walker's current vehicle to Philip Pack, IT specialist. Commissioner Taylor moves to approve up to \$60,000 to purchase this vehicle; Commissioner Louisos Seconds; Unanimous Decision.

**9. Discussion & Decision: Letter Regarding Lease or Purchase of Property from Solid Waste Authority.** The Commission is formally asking to be placed on the SWA agenda to purchase or lease  
Commissioner Brenemen moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**10. Discussion & Decision: Funding Award for City of Montgomery**  
Request from Mayor Ingram for \$50,000 to assist with overrun costs to an existing project at the Montgomery Fishing Pier. Commissioner Brenemen spoke approvingly of the project and moves to approve; Commissioner Louisos seconds; Unanimous Decision. Commissioner Brenemen asked if he could deliver the check to Montgomery's next council meeting. Mayor Ingram thanked the Commission for their consideration and assistance.

Commissioner Taylor moves to adjourn at 12:57 p.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
OCTOBER 19, 2022  
FAYETTE COUNTY COURTHOUSE  
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR



**8:30 Election Equipment Test for Early Voting and the 2022 General Election at the Fayette County Soldiers and Sailors Memorial Building**

**9:00 Pledge of Allegiance** lead by Clerk Holly

**Exonerations, Orders to Combine or Divide Land, Refunds** - Eddie Young, Assessor, presented Commissioner Taylor moves to approve a refund for Estate of Walter Cole \$16.76. Commissioner Louisos Seconds; Unanimous Decision. Commissioner Brenemen moved to approve a real exoneration Vanaj Dumrongkiettiman \$278.7, \$281.20, \$124.60, \$125.70; Mylinda Nichole Manley \$269.28; Monica Gibson \$153.00; Windy Pittman \$390.40; Estate of Walter Cole \$17.18; Enevest Operation LLC 59 tickets at \$7.70 each = \$454.30. Commissioner Louisos Seconds; Unanimous Decision. Commissioner Brenemen moved to approve a personal property exonerations for Ophilia Hope White \$23.04; Kayla Blankenship \$170.62; Richard & Karen Kinder \$589.52; Kevin & Meliah Biggs \$1,695.28; Donald R. Jr. & Jamie M. Chester \$400.42; Gary W. Adkins & Sherry Gutierrez \$107.02; Jennifer L. Bunner \$159.48; Solan David & Marsha L. Richmond \$184.46; DL Peterson Trust \$277.08; David & James G. Goad \$223.66; Amanda S. Marks \$.04; mark Galen & Connie Sue Oswald \$551.02; Linda S. Griffith \$7.68; Patsy Everett \$248.02; Linda L. Jenkins \$9.66; Arik M. McGinnis \$9.18; Daniel M. & Lora Faye Gipson \$74.54; Colton Lee Elkins \$182.92; Glow Tanning Spa \$256.36; Curtis L. II or Danielle Dixon \$1,257.64; Stephen Wayne & Juila D. Brown \$867.84; and Robert A. or Vickie Lynn Smith \$252.06. Commissioner Louisos seconds; Unanimous Decision.

**Approve Seconds Half October Payroll** -Commissioner Taylor moves to approve; Commissioner Louisos seconds; Unanimous Decision.

**Approve Vouchers and Invoices** Commissioner Brenemen moves to approve; Commissioner Taylor seconds; Unanimous Decision. Commissioner Brenemen moves to approve Fayetteville Fire Dept voucher and invoice; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** none to approve.

**Approve Estate Settlements** Commissioner Taylor moves to approve settlements for Nicky William Adkins; James Ernest Blake; Martha Jane Blake; Lane Marie Cochran; Michael Garfield Davis; Carl Authur Dorsey Jr.; Harold Dean Fankell Sr.; Rodney Keith Fox; Carl Joseph Harvey; Ivan Edward Persinger; Peggy Ann Rider AKA Peggy Dugger Rider; Lois Ann Skaggs; and Anna Rae Wells. Commissioner Brenemen Seconds; Unanimous Decision

**9:15 Discussion and Decision: Sheriff Mike Fridley, Funding Request for New Cruisers.** Sheriff Michael Fridley presented. The department is hiring several new deputies, but does not have vehicles for them. Only found one cruiser currently available, it would be a total cost \$52,165.48. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Brenemen asked Sheriff Fridley about a report he had requested, and he responded they were working diligently on it.



**9:30 Discussion and Decision: Animal Shelter** The Commission had requested proposals, and received one from the newly-formed Fayette County WV Humane Society. Commissioner Taylor moves to approve this proposal; Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Taylor moves to approve six temporary employees at the current rate of pay; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Brenemen moves to approve County Administrator Ruth Lanier spending up to \$75,000 to get the new organization running. Commissioner Taylor Seconds; Unanimous Decision. Commissioner Taylor moves to appoint Kevin Walker, Michelle Surace, someone from the DRC, someone from the new organization, Sherry McDaniel, and Kiley Price, as a transition team. Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Taylor stated the Commission intends to keep this a no kill shelter and wants it to run smoothly. Commissioner Brenemen stated he would be willing to work with both organizations to house large animals. Commissioner Louisos requested the Commission issue a press release about the transition and perhaps host an open house. Sheriff Fridley asked when the transition date will be, and the last day for the New River Humane Society to occupy the current location will be November 10<sup>th</sup> per correspondence from Michael Taylor. The transition team will meet as soon as possible.

**10:00 Public Hearing Re: Rezoning Case No. - Bradly Lowman Case #Z-536-22-1 - Postponed from 9/21.** Commissioner Taylor stated she was previously concerned that this recommendation might have been swayed by who an applicant was or who opposed the applicant, but after speaking with other individuals involved, she does not feel that was the case here. Commissioner Taylor also had concerns about the wording of the petition; Angela Gerald, Zoning Officer, explained that those are informal and not provided by the county. Discussion about ways to make the plans clearer so the neighbors affected will have more information on which to base their opinions. Commissioner Taylor asked if a brief summary of the proposal could be included with the notice. Ms. Gerald explained that once the property is rezoned, it can be used for any of the accepted zone items, not just the proposal submitted. Commissioner Taylor discussed ways to alleviate these issues. Commissioner Taylor moves to accept the planning commission's recommendation to deny the request; Commissioner Brenemen Seconds; Unanimous Decision.

Commissioner Taylor moves to go into executive session regarding the 10:15 item at 10:16am. Returned to session at 10:57am

**10:15 Discussion and Decision: Michael Callaghan, Legal Counsel Re: Litigation** The Commission received legal advice, but made no decisions.

**10:30 Discussion & Decision: 911 Changes and Recommendations** Gary Metzbower, 911 Center Director resigned on October 17, 2022.

## 2022 Fayette County Commission Minutes

Commissioner Louisos recommended Tonja McMullen fill this position until a replacement can be found. Commissioner Taylor moves to name Tonja McMullen as the interim director of 911 Center; Commissioner Louisos Seconds; Unanimous Decision. Commission will place advertising for a new director on 11.2.22 meeting. Commissioner Brenemen asked about the tower for the Valley area, Philip Pack, IT, said they have passed all the different inspections and reports needed and the next step is breaking ground/construction.

**10:45 Discussion & Decision: Spillman Presentation** Mike (no last name given) Motorola Spillman Flex, explained all updates and upgrades are included in our annual contract, but we are behind on installing them. Spillman will present a proposal at a future meeting for an extra contract to do this "catch-up" work for us. The software will work better for the County and will have more capability once this happens. Commissioner Brenemen asked why are behind. Most of it is that data was not entered into the system that would allow the upgrades. Commissioner Louisos stated the software has been neglected for several years. Dina Higginbotham, GIS mapping Coordinator, stated she was working on fixing items, but it a continuous process, and we are behind. She feels once everything gets caught up, keeping it up to date will be manageable. Commissioner Taylor asked about what kind of functionality we will gain with the upgrades - more precise locations, more layers. Steve Cruikshank, meeting attendee, asked Mike to explain his proposal a little more. He explained it would be to assist with getting our GIS up to date as well as a program module called InSight that is data sharing between counties. Commissioner Louisos asked about training modules - there some available for free within the software. Commissioner Brenemen asked Ms. McMullen if those could be incorporated into training for dispatchers. The system can also be setup to include the mutual aid agreements so dispatchers will know automatically what departments to send. Commissioner Louisos wants to make the system more user friendly to the dispatchers. Discussion on how to reconcile 911 addresses and legacy addresses, and incorporating both into the software. Commissioner Louisos also asked about getting reports of login and logout times to use for payroll purposes. The Commissioners thanked him for his time.

### **9:05 Ruth Lanier - Exhibit A**

**1. Discussion & Decision: Discussion & Decision: Request from Mike Fuller, for approval and signature of Participation Forms for Teva, Allergan, Rite Aid, CVS, and Walmart Opioid Settlements.**

Commissioner Taylor moves to postpone 11.2.22 to get some questions answered, Commissioner Louisos Seconds; Unanimous Decision.

**2. Discussion & Decision: Request from Melanie Cadle, Danese PSD Funding Request postponed from 10.5.22** Lesley Taylor, Region IV Senior Program Specialist presented; Commissioner Taylor asked if they had

secured any other funding, and they have not as of yet. Commissioner Taylor moves to allocate \$25,000 for the study report; requests they let the Commission know if adding broadband conduit is possible to their design; Commissioner Louisos Seconds; Unanimous Decision.

**3. Discussion & Decision: Request from Cpl. Michael Sifers to Authorize President Taylor to act on the Fayette County Commission's Behalf to Enter into a Contractual Agreement with the Division of Administrative Services for a Contract with WV Supreme Court**

Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**4. Discussion & Decision: Prioritization, Approval and Signature of Records Management Grant Applications for 2023**

The Commission received three projects, and can apply for up to three. The Sheriff's Department is requesting scanners to digitize past records for a total of \$3000. The County Clerk's Office is requesting new map/plat storage for a total of \$5386.69. The Tax Office is Requesting a digital Synology storage device to store old tax tickets and delinquent tax files for a total of \$4300. These all would require a 10% match. Commissioner Taylor moves to approve applying for the grant prioritizing the projects in this order Tax Office, Sheriff's Department, County Clerk's Office; Commissioner Brenemen Seconds; Unanimous Decision.

**5. Discussion & Decision: Hiring of Litter Control Officer**

Teresa Gregory, Day Report Center Director and Administrator Lanier interviewed several candidates with a clear choice; Commissioner Taylor concurred. Commissioner Taylor moves to hire Dan Helton for this position; Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Taylor moves to hire him at \$30,000 a year; Commissioner Brenemen Seconds; Unanimous Decision.

**6. Discussion & Decision: Petition to appoint Sheriff as Administrator of the Billy Ray Vance Estate** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**7. Discussion & Decision: TIF for Wolf Creek Park** postponed until 11.2.22 meeting.

**8. Discussion & Decision: Gigready Consultant and ISP**

Reinterviewed the top applicants for both a consultant and the ISP. Commissioner Taylor moves to approve GigaBeam as the ISP; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to approve S&S Engineering as the contractor; Commissioner Brenemen Seconds; Unanimous Decision.

**9. Discussion & Decision: Seek proposals or bids for Annex roof repair** Commissioner Taylor moves to advertise for bids for the roof repair. Commissioner Brenemen Seconds; Unanimous Decision.

**10. Discussion & Decision: Appointment of Delmas Roberts as Gauley River Public Service District Board Member** Commissioner Brenemen moves to postpone until 11.2.22; Commissioner Louisos Seconds; Unanimous Decision.

2022 Fayette County Commission Minutes

Adjourned at 11:39 a.m.

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FAYETTE COUNTY COMMISSION  
SPECIAL MEETING  
OCTOBER 25, 2022  
FAYETTE COUNTY SOLDIERS & SAILORS MEMORIAL BUILDING  
Present: ALLISON R. TAYLOR, JOHN G. BRENEMEN, TOM LOUISOS

The Fayette County Commission met this 25<sup>th</sup> day of October in a special session to retest the Early Voting machines due to an order by Secretary of State Mac Warner, effectuating a ruling by Honorable Maryclaire Akers of the Kanawha County Circuit Court, to strike the name Harry "Lee" Forbes, candidate for Senate District 10, from any and all voting equipment and materials in Fayette, Greenbrier, Monroe, Nicholas, and Summers Counties.

Others in attendance: Secretary of State Mac Warner, Regional Representative Lee Dean, County Clerk Michelle Holly, Elections Clerk Sara Tucker, County Administrator Ruth Lanier, Executive Assistant Ami Dangerfield, Ballot Commissioners Joe Re and Jack Thompson and members of the press (NY Times and WOAY).

Clerk Holly explained the process of retesting the machines. Commissioner Louisos checked the seals on the machines and documents and all serial numbers match.

Clerk Holly, Commissioner Taylor and Ms. Tucker volunteered to test the Early Voting Machines. Test results showed 3 ballots cast. All agreed this was correct. The machines were zeroed out and resealed for use at the Early Voting locations.

The meeting was adjourned at 9:52 a.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 2, 2022  
FAYETTE COUNTY COURTHOUSE  
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

**9:00 Election Equipment Test for Election Day 2022 General Election at the Fayette County Soldiers and Sailors Memorial Building**

**9:45 Pledge of Allegiance** lead by Commissioner Brenemen

**Exonerations, Orders to Combine or Divide Land, Refund request for Danny Damron - Eddie Young.** Assessor Young explained Mr. Damron had been overpaying on his real estate property taxes because he had been erroneously placed in Class 3. Commissioner Taylor moves to refund overpayment; Commissioner Louisos Seconds; Unanimous Decision. Presented by Tara Tyree, Chief Deputy Assessor. Commissioner Brenemen moves to approve refunds for personal property 2473 Edmond Road \$73.39; real property for Ronald Penaflor Jr. & Brittany Ingram \$3.80 and \$323.80; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to approve Personal Property exonerations for Zeth Christian Yarber \$290.72; 2473 Edmond Road \$74.04; Hayley Boley \$81.56; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to approve real estate exonerations for Ronald Penaflor Jr. & Brittany Ingram \$3.84 and \$326.66; Commissioner Brenemen Seconds; Unanimous Decision.

**Approve 1st Half November Payroll** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Vouchers and Invoices** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** Commissioner Taylor moves to approve minutes from the August 15, 17, and 19, 2022, meetings; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Estate Settlements** Commissioner Taylor moves to approve settlements for Betty Jane Allen; Jack Bernard Doyle; Vickie Clare Harris; Paul Robert Henderdson; Connie Lou Humphrey; Arlene Frances Johnson; Connie Sue Mealhouse; Franklin Lowell Sowder; Katherine arrabelle Vance; Mitchell Jay Williams; Richard Gayle Worlledge, Jr.; Commissioner Brenemen Seconds; Unanimous Decision.

**10:00 Discussion and Decision: Oak Hill Annexation request for Treetop Property Development** Oak Hill City Manager Damita Johnson presented. Anthony Ciliberti Jr., Prosecuting Attorney, asked for documentation that all owners be enumerated and that no one else lives on the property. He felt having it as a matter of the minutes would satisfy his requirement. Ms. Johnson stated that the owners are Treetop Properties and no one lives on the property. Discussion on different types on annexation and limitations on the number of requests. Commissioner Louisos moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

Commissioner Taylor moves to go into executive session at 10:13 a.m. to receive legal advice on the 10:15 item, the 10:45 item, and items 6,8,9, and 10 of Exhibit A.

Reconvened at 11:41 a.m.

Made no decisions; received legal counsel.

**10:15 Discussion and Decision: TIF discussion WCP** Commissioner Taylor moves to remove this item until the closing of the contract with the new owner. Commissioner Brenemen Seconds; Unanimous Decision.

**10:30 Discussion & Decision: Interim Fire Coordinator appointment**

Commissioner Taylor asked Michael Taylor, outside counsel for the Fayette County Commission, to explain his examination of the state code, levy, and agreements. It is not mandated to have a fire coordinator position in the State Code; neither does the levy itself. It is referenced in previous fire levy agreements as well as the new agreement proposed by the Commission. Mr. Taylor stated the Commission has three options. 1. The county commission can create the position, and would define the position as they see necessary. 2. Assign the title to an existing employee and change their job description accordingly. 3. File an amended agreement to remove that title wordage, and assign an existing employee the duties of collecting the documents required in the fire levy agreements.

Commissioner Brenemen stated he feels the person who fulfills this role needs to be familiar with firefighting. Commissioner Taylor asked Mr. Taylor to describe the difference in a Fire Association and a County Fire Board. A Fire Association typically discusses fire protection in the County, while the County Fire Board is a County Commission appointed board that would be involved in the funding aspect. Commissioner Louisos asked for some clarification on who decides disputes in Fire Protection Areas. Mr. Taylor stated the State Fire Commission has made it clear that the only role the County has is distributing the levy funds. Commissioner Taylor asked the Fire Association members present what services the departments would need from a fire coordinator. Ben Filiaggi, Montgomery Fire Chief, discussed his needs - (wants to consolidate state and county forms), someone to coordinate testing and NiOSH reports, and would be useful to have someone with instructing abilities. He feels this person should be trained in disaster mitigation. He feels the current reimbursement procedures work well. Commissioner Taylor explained they removed the language from the contract of the items the Commission couldn't enforce. She also explained the deadline language is common in contracts and is always at the discretion of those involved in the contract. John Vernon, Fayetteville Fire Chief, explained the Fire Coordinator position was created several years after the levy to help with the items mentioned previously. Commissioner Taylor agreed with many of Chief Filiaggi's suggestions and asked for a more comprehensive list. She asked the Fire Association for a list of items they would need from a centralized county coordinator. Steve Cruikshank, President of the Fire Association, stated Commissioner Louisos already had a list the Fire Association had developed previously. Rod Perdue, Armstrong Creek Asst. Fire Chief, also stated his belief in the importance of this position; especially as a go between from the Fire Departments and the Commission. Commissioner Taylor says she sees the need for the

## 2022 Fayette County Commission Minutes

function of coordinating the training, etc., but as a coordinator on an incident, they should be going through the emergency services manager. Commissioner Brenemen asked Chief Filiaggi to compare the redundant forms and report back. Commissioner Taylor moves to postpone until the 11.17.22 meeting; Chief Filiaggi asked that Mr. Cruikshank be compensated for his work he has stepped in to do that had previously been completed by the fire coordinator.

The Commission took a break and reconvened at 12:34 a.m.

Discussed with counsel and Mr. Cruikshank to be hired on a contract basis. Commissioner Taylor moves to approve Mr. Cruikshank as a contract temporary fire coordinator at the rate of \$25.00 per hour; Commissioner Brenemen Seconds; Unanimous Decision. Chief Vernon asked that the committee formed with Commissioner Louisos begin meeting again.

**10:45 Discussion & Decision: Potential litigation regarding illegal use of county property** Commissioner Taylor addressed the property owner, Mr. Sanger, about building an illegal road on his FEMA property. He responded that he didn't have the road built, but it has developed through use as a shortcut for side-by-sides around an overgrown area. This "road" goes through CSX property. He does have No Trespassing signs up. Kevin Walker, Director of Emergency Management, asked what other access points there are to Mr. Sanger's rental properties. Prosecutor Ciliberti recommends doing nothing after hearing his testimony.

Exhibit A

\*County is establishing a new account per State Auditor instruction for monies the state collects on the delinquent tax property sale. Commissioner Taylor moves to approve setting up an account with Sheriff's Signature. Commissioner Brenemen Seconds; Unanimous Decision.

Sheriff Fridley introduced two new officers, Roger Gunnoe and Dustin Bell. They both started on October 31, 2022.

**1. Discussion & Decision: Discussion & Decision: Request from Mike Fuller, for approval and signature of Participation Forms for Teva, Allergan, Rite Aid, CVS, Walmart and Janssen Opioid Settlements Postponed from 10/19** Wes Toney, Assistant Prosecuting Attorney, appeared by ZOOM, described some of the details in the forms and how comprehensive it is. Also discussed what our proposed amount would be. He feels it is standard and there is nothing abnormal in the language. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.



2. **Discussion & Decision: Request from Kevin Walker for approval and Signature of WV EMPG Covid Supplemental Sub-Award** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
3. **Discussion & Decision: Request from Kevin Walker for approval and Signature of Lease with Kanawha-Gauley Coal & Coke Company for New Tower Location** Commissioner Taylor moves to postpone until 11.17.22; Commissioner Louisos Seconds; Unanimous Decision.
4. **Discussion & Decision: AEP Easement for Proposed New Electric Service for WV American Water** Commissioner Taylor moves to postpone until 11.17.22 to allow a representative from AEP to be present; Commissioner Brenemen Seconds; Unanimous Decision.
5. **Discussion & Decision: Software Systems Contract Renewal** Commissioner Taylor moves to approve a one-year contract; Commissioner Brenemen Seconds; Unanimous Decision
6. **Discussion & Decision: Tax Office. and Sheriff Administrative Support Pay Changes for Approval. Line-Item Budget Revision.** Commissioner Taylor moves to postpone until 11.17.22; Commissioner Louisos Seconds; Unanimous Decision.
7. **Discussion and Decision: Ross Employment Services MOU for intern at 911 Center** Commissioner Taylor moves to allow County Administrator Ruth Lanier to approve this and future intern contracts; Commissioner Louisos Seconds; Unanimous Decision.
8. **Discussion & Decision: Litter Control Officer Pay** Commissioner Taylor moves to approve a new annual salary of \$32,500 for Dan Helton, Litter Control Officer to be more competitive with his current salary; Commissioner Brenemen Seconds; Unanimous Decision.
9. **Discussion & Decision: Payroll Clerk Approval and Introduction** Introduced Christie Bowden, who started on 10.26.22.
10. **Discussion & Decision: Maintenance Employee Pay Change.** Hired Ed Russell as a part-time employee in a full-time position so the budget would allow an increase in pay. Maintenance Supervisor Sonny Milam suggested a \$1.00 per hour raise to keep his pay rate in line with existing pay rates; both Commissioner Taylor and Administrator Lanier suggested \$2.00 per hour based on his expertise in masonry and the need for the expertise at the Courthouse and the Memorial Building. Commissioner Taylor moves to increase Mr. Russell's salary by \$2.00 per hour due to his expertise; Commissioner Louisos Seconds; Unanimous Decision.

Motion to adjourn 12:44 p.m.

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FAYETTE COUNTY COMMISSION  
SPECIAL SESSION  
NOVEMBER 10, 2022  
FAYETTE COUNTY COURTHOUSE  
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

## 2022 Fayette County Commission Minutes

The Fayette County Commission met in an emergency meeting this 10<sup>th</sup> day of November 2022 via Zoom due to the Fire in the New River Gorge.

The meeting was called to order at 7:45 a.m.

Interim Fire Coordinator Steve Cruikshank asked that the Commission authorize emergency funding for National Guard assistance with the fire. A drone was sent up about 6:30 a.m. and footage was sent to Mr. Cruickshank around 7:20 a.m. What they can see does not look as bad. It also needs to be sent up at Gaymont Mountain.

Discussion of using Fire Levy funds or potential to get reimbursed from Governor. Commissioner Brenemen is concerned about winds picking up. There are higher gusts of winds and it's a very steep area. He doesn't think we should use Fire Levy funds. If we are going to do it, County Administrator Ruth Lanier can find a way. May be able to get financial assistance since it is in the National Park. Commissioner Louisos agrees with requesting reimbursement and using fire levy funds, if necessary.

Commissioner Taylor asks for a legal opinion. The cost is \$30,000 per day for six hours. Fly from Parkersburg, refuel in Beckley. Try to take off by 8:15 a.m. if we give word. Leave by 9:30 a.m. and be here by 11:00 a.m. Mr. Cruikshank was trying to make decisions with finances in mind but she believes those are the Commission's decisions to make and should be made without the financial aspect, strictly safety.

NPS is having a meeting at 8:00 a.m. Commissioner Brenemen asked for Emergency Management Director Kevin Walker to call in when available and update the Commission.

Commissioner Taylor thinks we need to make a decision on the money, and under what circumstances.

Mr. Walker will speak with Mr. Cruikshank regarding the plans. Mr. Walker discussed county purchase of a drone as they are using the Sheriff's drone.

Commissioner Taylor says we should request assistance from the National Guard. Not sure about the bureaucracy with NPS and allowing water drops on private property. These are things we need to be worked out.

Commissioner Taylor asks about \$30,000.00 from regular funds and potentially \$60,000.00 from ARPA. Commissioner Brenemen thinks \$30,000.00 is good for now. Commissioner Louisos motions to approve up to \$60,000.00. Commissioner Taylor seconds. Commissioners Taylor and Louisos in favor - Commissioner Brenemen opposed.

2022 Fayette County Commission Minutes

Mr. Walker states that the fire jumped Chestnutburg Road and is going towards Adventures on the Gorge. Discussion was held regarding impending rains and how that should help.

Commissioner Taylor motions to adjourn at 8:07 a.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 11, 2022  
FAYETTE COUNTY COURTHOUSE  
PRESENT: JOHN G. BRENEMEN, TOM LOUISOS, ALLISON TAYLOR

Meeting called to order 9:03 a.m.

Fire is under control. They went back out last night to make sure the fire was still controlled.

Kevin Walker states they had additional support around 10:45 p.m. for back burn last night due to winds. Fire department went out and back burn was successful. One park unit remained last night. The rain started as they left. Best operation he has been involved with in a while.

Commissioner Taylor stated there were zero injuries and zero property loss. Mr. Walker concurred.

No other questions.

Another item was added on the agenda for a quick moving situation. The Commission previously authorized a cruiser purchase. A second cruiser has become available from the same vendor.

Sheriff Mike Fridley states they didn't know there was a second available until they went to pick up the first. Total cost is in the mid-fifties after all equipment is added.

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

Motion to adjourn at 9:06 a.m.

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FAYETTE COUNTY COMMISSION  
REGULAR SESSION  
NOVEMBER 17, 2022  
FAYETTE COUNTY COURTHOUSE

## 2022 Fayette County Commission Minutes

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

Commissioner Taylor called the meeting to order at 9:01 a.m.

**9:00 Pledge of Allegiance** was led by Commissioner Louisos  
**Certify 2022 General Election Results** All results except those for the First Congressional District and all four Constitutional Amendments are to be Certified. Due to the timeline in other counties declaring those races, the Commission will wait until the 12.7.2022 meeting to certify those results. Commissioner Brenemen moves to approve Commissioner Taylor Seconds; Unanimous Decision.

**Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young** none.

**Approve Seconds Half November Payroll** payable November 30, 2022  
Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Vouchers and Invoices** Commissioner Taylor had a question about the details of a cruiser purchase - Sheriff of Fayette County, Michael Fridley, thanked the Commission for their flexibility. Commissioner Taylor suggests County Administrator Ruth Lanier work with the Sheriff to develop a better process for purchasing cruisers. Director of Emergency Services, Kevin Walker also presented a last-minute voucher to purchase new back-up batteries for the 911 center as a critical need. Commissioner Taylor moves to approve vouchers, including the one presented by Mr. Walker, Commissioner Louisos seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** none

**Approve Estate Settlements** Commissioner Taylor moves to approve settlements for Josephine Alice Evans; Teddy Marshall Ewing II; Carl Edward Johnson; Margaret Mary Pennington; Ralph Phalen Jr.; and Norma Lee Wingerd. Commissioner Brenemen Seconds; Unanimous Decision.

**9:20 Bid Opening: Fayette County Pool Leak Repair** The Park only received one bid from Dan Hill Construction: \$637,004.44 total bid. Commissioner Brenemen asked if the Commission could look at the cost of having a new pool installed. Commissioner Taylor also asked if the park had looked at a cost/benefit analysis. They asked Fayette County Park Director, Abigail Newell to publish an RFP for pool replacement.

**9:30 Discussion & Decision: County Clerk Elections Permanent Position**  
County Clerk Michelle Holly explained her request; that after observing her office over the last two years, she sees a need for this position. Commissioner Taylor and Commissioner Louisos inquired about the funding to pay the position, and Clerk Holly felt there would be enough in her Elections Budget to cover this year but would like it added to her regular salary budget for the next fiscal year. Commissioner Louisos asked if it could just remain a part of the Elections budget. Clerk Holly responded that it could, but all her other permanent positions were paid from the main County Clerk budget.

Commissioner Taylor asked Administrator Lanier if she felt the budget had enough of a balance left, and she responded she thought so, but she would not know until mid-December when they finalize the books for November. Commissioner Taylor moves to postpone until 1.4.23; Commissioner Brenemen Seconds; Unanimous Decision.

**9:45 Discussion & Decision: Teresa Gregory, Community Corrections Director, Budget and Staffing Changes.** Ms. Gregory asked to make some staffing changes based on an increase in number of participants. She would eliminate a vacant position and reallocate some of those monies to make another position full time and name a current employee deputy director. She is asking for \$51,000.00 total to make these changes. She has two different funding sources that could cover these expenses. Commissioner Taylor stated a change in job descriptions should be presented to the Community Corrections Board for review, but the budget is not a concern. Commissioner Taylor would also like to open a new location in Montgomery. Discussion on working with other counties and using a home confinement program. Commissioner Louisos moves to approve the request; Commissioner Taylor Seconds; Unanimous Decision.

**10:00 Discussion & Decision: Solid Waste Authority Members** No official applicants. State code doesn't allow county employees to be on the Solid Waste Authority so there are three positions available. Commissioner Taylor moves to remove Zoning Officer Angela Gerald and Officer Kelly McClintic; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor would also like to research options for how to eliminate this board altogether due to lack of participation and the fact the landfill is closed.

**10:15 Discussion & Decision: 911 Center** Commissioner Louisos presented spreadsheets showing proposed operating costs and expenses of the 911 Center. He found multiple issues across several areas. He developed an example schedule, asking the administrative staff to rotate weekend shifts. He would also like to establish a position of dispatch training coordinator that would be responsible for training, scheduling, and payroll. He thinks having five dispatch supervisors would help maintain zero overtime. He also wants to develop a call center for training and nonemergency purposes. He would like to have monthly meetings with the Commissioners and the administrative staff to help alleviate issues. Total cost of labor under his plan would be close to \$1.5 million. Commissioner Louisos also discussed costs of equipment needed to make the upgrades he would like to see for the Center to run as it should. Commissioner Brenemen asked if the call center concept was needed; Mr. Walker and Chief Sheriff's Deputy Rod Perdue both spoke to the importance of this position. Commissioner Louisos calculated the average cost of running the center, utilities, fees, payments on equipment and labor. He also calculated the revenue from various fees. Based on these calculations; running the center

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nets a loss of approximately \$500,000 per year. By increasing the business landline fee to \$9.50 from \$4.50, revenues would increase by \$333,240.00, leaving an approximate balance of \$175,000 to balance the budget. He then would like the county itself, and to ask municipalities, to allocate funds to make up this difference. Assistant Oak Hill Fire Chief Bob Begley asked about cellphone users, but that fee is set by the PSC. Oak Hill City Councilman David Perry asked if these centers could be made regional, but state code requires each county to have one. Discussion on some of Commissioner Louisos' figures on numbers of dispatches per agency. Mr. Walker asked if the County could require municipalities to pay a fee for the 911 center; there is no way to require it. Commissioner Taylor addressed the group about her disappointment at the negativity expressed towards the presentation rather than constructive input. More discussion on communicating ideas to the Commission about this subject. A meeting with mayors/city managers was discussed. Chief Deputy Perdue mentioned having some sort of advisory board that would have members of each interested party to oversee these issues. Sheriff Fridley concurred with Chief Deputy Perdue. Commissioner Brenemen suggested a meeting with municipalities on 12.14.22. Commissioner Louisos moves to approve the recording system and the rack; Commissioner Brenemen Seconds; Unanimous Decision (this item is already in the 911 Center budget). Commissioner Louisos moves to appoint Tonja McMullen as the acting 911 Center Director at a salary of 60,000 per year starting next pay cycle; Commissioner Louisos moves to appoint Philip Pack as acting Deputy Director at a salary of 50,000 starting next pay cycle; Commissioner Louisos moves to create and advertise an internal job posting for a training director at a salary of 40,000; Commissioner Taylor moves to go into executive session at 11:28 a.m. to discuss these motions; Commissioner Brenemen Seconds; Unanimous Decision.

Returned at 12:46 p.m.

No decisions were made.

### Exhibit A

- 1. Discussion & Decision: AEP Easement for Proposed New Electric Service for WV American (leave first) Postponed from 11/2** Senior Right of Way Agent for AEP, Stephen Light, thanked the commission for entertaining the request. This would be an overhead facility, only crosses county property. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.
- 2. Discussion & Decision: Request from Kevin Walker for approval and Signature of Lease with Kanawha-Gauley Coal & Coke Company for New Tower Location Postponed from 11/2** Commissioner Taylor moves to approve; Commissioner Louisos Seconds Unanimous Decision.

**3. Discussion & Decision: Request for Wrecker Rotation Compliance Review for Logan's Towing & Recovery**

Mr. Walker presented. This wrecker service may replace a wrecker company that has closed in the same area. This company meets all requirements of the rotation. Commissioner Taylor moves to approve adding Logan's Towing & Recovery to the recovery based on site inspection, and the provision all vehicles be stored at his Hawver Rd. address. Commissioner Louisos Seconds; Unanimous Decision. Commissioner Brenemen asked that all wrecker companies be inspected, Mr. Walker discussed this will be done in early January.

**4. Discussion & Decision: Letter to State Emergency Management appointing Kevin Walker as Fayette County contact**

This letter will remove former 911 Director Gary Metzbower and add both Mr. Walker and acting 911 Director Tonja McMullen as contacts. Commissioner Taylor moves to approve both letters; Commissioner Brenemen Seconds; Unanimous Decision.

**5. Discussion & Decision: Be Active Grant Program for Approval**

Ms. Newell presented, \$5000 dollar grant to purchase a roll-up pickleball court. Grant was awarded; this is to approve accepting the money to purchase. Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**6. Discussion & Decision: RV and Campground Zoning for referral to Planning Commission**

Ms. Gerald explained the Commission would need to write an ordinance defining RVs and regulating how RVs can be used and have that presented to the planning commission. Discussion on maximum stays and how to handle seasonal workers who use RVs as housing during their working season. Commissioner Taylor asks Ms. Gerald to write some draft language to present to the Commission before 12.7.22 so they can ask to be on the planning commission agenda.

**7. Discussion & Decision: Response to Farmland Protection Board**

The Farmland Protection board had sent a letter requesting some clarification on the administrative separation of boards with their own operating expenses from the commission. The Commission responded to the specific questions set forth in the correspondence. Yes, they must maintain a separate physical address. No, the prosecutor cannot represent the farmland board - Prosecuting Attorney Anthony Ciliberti Jr. does not see it possible to represent both ethically. Yes, the board is still covered by the liability policy when acting on the county's behalf. Yes, documents are to be properly filed with the County Clerk, and originals would be their responsibility to store. They only need a separate meeting space if meetings are done after hours since the Commission has to pay employee overtime for after-hours meetings.

**8. Discussion & Decision: Farmland Protection Board request for**

**McClintic Farm Easement** Commissioner Taylor moves to postpone until 9:45 a.m. 12.7.22; Commissioner Louisos Seconds; Unanimous Decision.

**9. Discussion & Decision: Brownfields Consultant Announcement**

Executive Assistant Ami Dangerfield presented. The interview committee consisted of Ms. Dangerfield, Ms. Gerald, and Ms. Newell. While all



four interviewees were very capable, the committee came to a unanimous decision that Greenbrier Environmental Group was the best fit for Fayette County. Commissioner Taylor moves to accept their recommendation; Commissioner Louisos Secons; Unanimous Decision.

**10. Discussion & Decision: Discussion & Decision: VFW funding request from flag pole** The original allocation was for \$15,000. The Flagpole was installed for a little over \$8,000, and the VFW and Town of Ansted are asking for the remainder of the allocation for improvements to the VFW building. Commissioner Taylor moves to approve; Commissioner Louisos; Unanimous Decision.

**11. Discussion & Decision: Discussion & Decision: URA request for legal fee** Commissioner Taylor moves to postpone until 12.7.2022; Commissioner Louisos Secons; Unanimous Decision.

**12. Discussion & Decision: 2023 County Commission Meeting Schedule for Approval** Commissioner Taylor moves to approve; Commissioner Louisos Secons; Unanimous Decision.

**13. Discussion & Decision: 2023 Holiday Memo for Approval** Commissioner Taylor moves to approve; Commissioner Louisos Secons; Unanimous Decision.

**14. Discussion & Decision: Letter requesting financial assistance for Cannelton Hollow/Mt. Olive Prison area sewer issue** There is still raw sewage running openly from pipe damaged during the floods, and the Kanawha Falls PSD is not receiving any assistance. Mr. Walker stated there is a conference call scheduled on 11.18.22 that appears to be about this issue. Letter will be sent to state leaders. Commissioner Taylor moves to approve; Commissioner Louisos Secons; Unanimous Decision.

**15. Discussion & Decision: Memo regarding payroll changes and leave process** Commissioner Taylor moves to postpone until 12.7.22; Commissioner Louisos Secons; Unanimous Decision.

**Emergency Notice: Discussion and Decision: Address potential water testing for Paint Creek Hazmat Spill** Legal Counsel will write a response to Kanawha County explaining the measures the FCC is taking regarding this issue.

Commissioner Taylor moves to go into executive session at 1:20 p.m. to continue discussion on the 911 center and the Emergency Notice item; Commissioner Louisos Secons; Unanimous Decision.

Reconvened at 2:03 p.m. with no decisions made.

Commissioner Louisos withdrew his motions and moved to appoint Tonja McMullen as the acting 911 Center Director with full salary starting the first pay period in 2023 after completing a trial period; Commissioner Taylor Secons; Unanimous Decision.

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Commissioner Louisos moves to appoint Philip Pack as acting Deputy Director with a salary increase starting the first pay period in 2023; Commissioner Taylor Seconds; Unanimous Decision.

Commissioner Louisos moves to create and advertise an internal job posting for a training director at a salary of 40,000; Commissioner Taylor Seconds; Unanimous Decision. Commissioner Taylor asked Ms. McMullen to modify the job description and submit to commission for review.

The meeting was adjourned at 2:06 p.m.

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FAYETTE COUNTY COMMISSION

REGULAR SESSION

DECEMBER 7, 2022

FAYETTE COUNTY COURTHOUSE

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

Meeting called to order 9:02

**9:00 Pledge of Allegiance** lead by Assistant Prosecuting Attorney Wes Toney

**\*SPECIAL AGENDA ITEM - Discussion and Decision: Request Governor Justice to appeal FEMA's designation that damage to households in Fayette County did not warrant Individual Assistance under FEMA-4676-DR** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Certify Remaining 2022 General Election Results** Commissioner Taylor moves to certify; Commissioner Brenemen Seconds; Unanimous Decision.

**Exonerations, Orders to Combine or Divide Land, Refunds - Eddie Young** none.

**Approve 1st & 2nd Half December Payroll** Commissioner Brenemen moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**Approve Vouchers and Invoices** Commissioner Louisos moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**Approve Prior Meeting Minutes** none to approve.

**Approve Estate Settlements** Commissioner Taylor moves to approve settlements for Dawn Joyce Daniels; Marilyn Ann Darrah; Dorothy F. Flangan; Alice Mildred McDaniel; Gilbert Walter Raney; and Margert H. Woodard; Commissioner Louisos Seconds; Unanimous Decision.

**9:25 Sheriff Mike Fridley: Affidavit to List the Real Estate Certified to the Auditor from the 2021 Land Sale** Chief Tax Deputy Anna Frost presented the list. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision.

**9:30 Diane Callison: Teen Court 2021-22 Infographic Presentation** Ms. Callison is the Coordinator of the Family Resource Network and Teen Court. She explained the purpose and process of the Teen Court - age requirements, types of cases heard, procedures, and many other aspects of the program which overall has been successful and effective. She will also present this information to the BOE. Mr. Toney asked if Teen Court could be a way to fulfill an "educational diversion component" in juvenile sexting cases. Commissioner Taylor also spoke highly of the program as a mentor in the program, in particular she thinks it is a benefit to all the participants; not just as a diversion program.

**9:45 Farmland Protection Board Request for McClintic Farm Easement** Bill Hauer, member of the Farmland Protection Board presented; the property is in the Springdale area and would only be placing an easement on part of the property. Commissioner Taylor moves to approve; Commissioner Brenemen Seconds; Unanimous Decision. Mr. Hauer asked about two previous easement requests, and they had been previously approved.

**10:00 Discussion & Decision: Paint Creek Hazardous Materials Spill and Potential Additional Testing** Commissioner Taylor asked Mike Callaghan, Special Counsel for the Commission, to give an update. He explained his actions; meeting with an expert witness, filing a suit to assist with getting reimbursement for a study to see what if anything needed done to mitigate and remediate the spill, and other administrative tasks. The insurance coverage company for the trucking company involved in the spill has hired counsel that has removed this suit to federal court, and it is currently pending with a federal judge in Charleston. He is also coordinating with the WVDEP and the Kanawha County Commission. Commissioner Taylor asked Mr. Callaghan about additional testing; and he said he would defer to the health professionals. Fayette County Health Officer Dr. Anita Stewart asked if there more recent complaints, and explained the process that a new test is being developed and would incur costs per sample. The initial test did not detect any levels of the chemical, but that was using a test developed by the manufacturer of the chemical. The Health Dept is meeting with the various stakeholders next Wednesday (12.14.22) at 12:30 p.m. and Commissioner Taylor asked them to find out cost. Both Dr. Stewart and Commissioner Taylor are not convinced that additional testing is necessary. Commissioner Taylor suggested an endpoint of the conclusion of this round of testing. There is a WVAW extension project in the affected area that would mitigate this issue by making the wells obsolete. Commissioner Taylor moves to postpone to 12.14.22 at 1 p.m.; Commissioner Brenemen Seconds; Unanimous Decision.

**10:15 Discussion & Decision: Dilapidated Ordinance** Commissioner Brenemen and Zoning Officer Angela Gerald presented. They have developed four options to give home owners once their property is

determined to be dilapidated. He feels the dilapidated housing fund could be self-sufficient in approximately four years with these changes. Commissioner Louisos asked about particulars in the procedures and discussed ways to engage the property owners to sell the property. Discussion on ways to notify prospective owners that the property is dilapidated, perhaps by filing a *les pendens*. Commissioner Louisos asked about individually contacting some these property owners, but Prosecuting Attorney Anthony Ciliberti Jr. did not feel that would be appropriate. Commissioner Louisos suggested that when the property is signed over to the county, it could be given to a new owner for the cost of demolition. Commissioner Taylor does not like the suggestion of posting pictures and owners' information on the county website. Prosecutor Ciliberti feels the picture posting can be done legally as long as pictures are taken from publicly access lands. Ms. Gerald asked the Commission for permission to move ahead with several properties under the current procedures. Commissioner Taylor told her to proceed.

Commissioner Taylor moves to go into executive session at 11:23 a.m. to discuss items 10 and 14 for a personnel item; and items 11 and 12 for legal advice.

Reconvened at 12:32 p.m.

**9:05 Ruth Lanier - Exhibit A**  
**Exhibit A**

**1. Discussion & Decision: Letters to Assessor and Prosecuting Attorney stating Board of Equalization Hearing Dates for 2023**

Commissioner Louisos moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**2. Discussion and Decision: Letter to Public Service Commission regarding Armstrong Creek PSD** Commissioner Brenemen presented; there were decisions made about receiving or declining help (a water buffalo) by employees rather than the PSD Commission itself and complaints were received by the County Commission and the PSC about lack of service in later November. Commissioner Brenemen feels the PSD needs to raise its rates to properly serve the customers. He does not feel a letter to the PSC asking another entity to take over is warranted because it would hinder a current upgrade project. Region IV Senior Program Director Lesley Taylor suggested the Commission meet with the PSD board members to discuss the issues found by Commissioner Brenemen's investigation. Discussion on holding a special meeting on 12.14.22 at 1PM with the PSD. Commissioner Taylor asked to amend the letter to the PSC and instead send it to the PSD expressing the Commission's concerns and request the meeting. Commissioner Taylor moves to postpone this item until 12.14.22; Commissioner Brenemen

Seconds; Unanimous Decision. Commissioner Taylor moves to send amended letter; Commissioner Louisos Seconds; Unanimous Decision.

**3. Discussion & Decision: Letter to Municipalities Re: 911 Center and Services** Commissioner Taylor moves to approve; Commissioner Louisos Seconds; Unanimous Decision.

**4. Discussion & Decision: General School Transfer Order** Commissioner Taylor moves to approve the transfer of \$30,000 to the General Fund; Commissioner Louisos Seconds; Unanimous Decision.

**5. Discussion & Decision: Appointment of Vivian Carroll to Gauley River PSD, term expiring December 31, 2029.** Commissioner Brenemen moves to approve; Commissioner Taylor Seconds; Unanimous Decision.

**6. Discussion & Decision: Appointment to fill vacancy on New River Gorge Regional Development Authority Board, term expiring June 30, 2024** Commissioner Taylor moves to approve Joe Re; Commissioner Brenemen Seconds; Unanimous Decision.

**7. Discussion & Decision: Appointment to fill vacancy on Solid Waste Authority Board** Commissioner Taylor moves to approve Kenneth (Bill) Hauer; Commissioner Brenemen Seconds; Unanimous Decision. He will replace Kerren Hall.

**8. Discussion & Decision: Draft RV and Campground Zoning Amendment for referral to Planning Commission** Commissioners and Prosecutor Ciliberti reviewed. Discussion on the length of a stay (debate on 14 days versus 30 days.) Ms. Gerald also discussed the health department also has guidelines RV parks must follow. Commissioner Taylor moves for the County Commission to request the Planning Commission to amend the Unified Development Code to include the RV Park regulations; Commissioner Brenemen Seconds; Unanimous Decision.

**9. Discussion & Decision: Payroll changes** County Administrator Ruth Lanier is requesting the County switch from semi-monthly to bi-weekly pay periods; this would streamline payroll and employees will also be paid one week in arrears. They will also begin taking dental and vision premiums out of both checks. All employees will be informed of this change as required by statute. Current employees will receive an additional week's pay at the end of their employment. Commissioner Taylor moves to approve these changes and policies. Commissioner Brenemen Seconds; Unanimous Decision.

**10. Discussion & Decision: Changes to Circuit Clerk Office** Circuit Clerk-elect Travis Prince would like to keep Outgoing Circuit Clerk Debbie Hendrick through at least through her eligibility date for retirement, and requested the funding from the Commission to do so.

Commissioner Taylor moves to allocate the funding for a salary of \$35,568 per year (non-exempt minimum) for Ms. Hendrick and advise Clerk-elect Prince he can increase her salary if he desires from the Circuit Clerk; Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Taylor feels retaining Ms. Hendrick will help the Circuit Clerk's Office transition to its new leadership effectively.

**11. Discussion & Decision: Building Purchase** Discussed with counsel releasing the appraisal to the property owner. Commissioner Taylor moves to allow counsel to release the appraisal to the owner of the building with the understanding it is property of FCC and not to be shared; Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Taylor moves to authorize counsel to make an offer contingent on the appraisal and up to a predetermined amount decided in executive session; Commissioner Brenemen Seconds; Unanimous Decision.

**12. Discussion & Decision: Vehicle for Litter Control Officer and discussion with Solid Waste Authority** The current vehicle being driven by Litter Control Officer Dan Helton is unusable. Sheriff Fridley is offering use of a vehicle his department has purchased. Administrator Lanier suggested using magnetic signs to identify the vehicle.

**13. Discussion & Decision: FCHS update and requests** Kim Mitchell, Director of the Fayette County Humane Society, presented. The Shelter is asking for two new part-time employees at a salary of \$10 per hour and some additional monies for start-up costs. Commissioner Taylor moves to approve the hiring of the two part-time employees, Commissioner Brenemen Seconds; Unanimous Decision. Commissioner Taylor moves to approve the requested additional \$10,000 in start-up costs; Commissioner Louisos Seconds; Unanimous Decision.

**14. Discussion & Decision: Updates to animal control job description and duties.** Commissioner Taylor moves to include in the job description opening the gates at the park and checking on animals after hours as well as monitoring security cameras for the park to be effective immediately; Commissioner Louisos Seconds; Unanimous Decision. Commissioner Taylor moves to offer to lease the county-owned home on the park premises to the animal control officer so she can perform these extra duties which would effectively increase her salary from \$27,450 to \$35,568 annually effective immediately; Commissioner Brenemen Seconds; Unanimous Decision.

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

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DECEMBER 14, 2022

FAYETTE COUNTY COURTHOUSE

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

Commission Taylor called the meeting to order 1:01 p.m.

Wilbert Lively led the Pledge of Allegiance.

Commission Taylor motioned to approve prior meeting minutes from August 10. Commissioner Brenemen seconded. Unanimous decision.

### **Paint Creek Hazardous Materials Spill and Potential Additional Testing:**

The original test used was proprietary from the chemical company. Another company is developing another test for objective results to ensure accurate data. Commissioner Taylor states that the Kanawha County Commission authorized up to \$10,000.00 toward additional testing. The development of the testing can cost up to \$5,000.00. Any testing will be \$500 per site. Up to the FCC to determine the amount of additional testing. An update meeting scheduled for today was postponed because the group is awaiting the test to be developed. Majority of homes & wells needing tested are on the Fayette County side of the Paint Creek area. Residents are seeing bubbling foam when rain hits the ground and are still concerned. This test won't be able to tell if water is safe for drinking, but will be able to say if contaminate from the spill is still there and in what quantities. **Commissioner Louisos motioned to authorize up to \$10,000.00 for testing. Commissioner Brenemen seconded. Unanimous decision.**

Commissioner Taylor asked Commission staff to notify Dr. Stewart. Office of Emergency Management Director Kevin Walker will keep in touch with community spokesperson, the Vice Chair of Watershed Association. Mr. Walker spoke with the area engineer. Lines are primarily in the ground but the pressure tank will not be available to hook into WVAW until Spring of 2023. Mr. Walker stated one pallet of water left from DHHR and another in staging if requested. Mr. Walker's Kanawha County counterpart can provide water too if needed. Commissioner Louisos asks about water buffalo. Mr. Walker says there is nowhere to place one where it could stay warm. Rest Area is not appropriate because of access. Closest fire departments are Pax and Pratt. Mr. Walker will stay in touch with the community and bring any additional concerns to the Commission. Commissioner Taylor says if more water is needed, County Administrator can authorize that purchase. Residents of Paint Creek are going to have the option to connect to WVAW service in the spring of 2023 if they wish.

**Discussion with Armstrong PSD:** Commissioner Brenemen leads the discussion. Concerned with the state of the system even though there is a scheduled repair project. Has an issue that the PSD water plant operator himself declined the offer of a water buffalo. Seems the



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employees are running the PSD instead of the water commissioners, Thomas Gibson, PSD Chairman, says they found out hours later they found out the operator declined the water buffalo. He had no right to make that decision. Commissioner Louisos asks if anyone called to request the water buffalo to be delivered after all. Everyone agreed that would have been too late. Commissioner Taylor asks if they addressed this with the operator and Mr. Gibson said "No...You just have to know him...Not sure why he does things like this." Contact information for the board members will be given to Mr. Walker and vice-versa for direct contact for future events.

Mr. Walker states that once the water buffalos were offered and declined, WVAW later deployed water to them anyway due to the holiday to support the residents. Unfortunately, the water buffalo was tractor trailer sized and had to be parked in Adena Village due to the size.

Commissioner Louisos asks if board members are notified where there are issues. Mr. Gibson said the ladies in the office do. Commissioner Louisos wants a chain of command and contact list for emergencies. Mr. Gibson says they were going to try to settle this issue themselves. There were eight people working on Wednesday looking for the leak and also on Thanksgiving.

Discussion was held about the loss of water service: it was off for 14 days, but not consistently. Mr. Gibson said service and pressure had to be shifted around while trying to find the leak. No one likes to be without water and the commission's priority is to supply water for residents.

Lesley Taylor, Region IV, introduces PSC Director of Legal Division Wendy Braswell and Engineer Jim Fowler. Ms. Taylor explains that since last week's meeting, Region IV submitted a request for changing cost and funding for the APSD project with the Infrastructure and Jobs Development Council. The USDA was on a Project Team call and stated that due to the Distressed and Failing Utilities Case File against ADPSD with the PSC, they will not vote on their funding until that case is resolved. Their change request was subsequently returned due to lack of reliable funding, Commissioner Taylor asks about next steps. Lesley Taylor says until the Distressed and Failing Utilities complaint is settled with the PSC, they are on hold as long as the case is pending. Ms. Newman says this will cause everyone to get a lot more calls.

Ms. Braswell states she is co-counsel on Armstrong PSD on Distressed Utilities File. Clarifies that commission staff didn't file the complaint WVAW did, but they are investigating it. Jonathon Fowler Engineering at PSC is available and here to answer questions.

Commissioner Taylor states this isn't a witch hunt, just ensuring access to water. The problem with the water buffalo this time of year is that you have to keep it indoors and warm. There is nowhere in that area big enough and a lot of people there don't drive.

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Commissioner Brenemen recounts calls the County Commission received prior to Thanksgiving regarding lack of service and that the PSC also received calls. This prompted Jim Weimer to get involved and found the tanks were still not holding water.

Mr. Fowler clarifies that tank levels were low and in single digits, indicating leaks. The IDJC project is around seven years old and now the USDA said they can't close on it due to outstanding legal case filed by WVAW. During this investigation, they will look at APSD practices. Have completed several data requests and have been responding to attorney. Initial impression, they are a PSD in need of help. Issues with the age and condition of system. Treatment plant should have been retired 20 years ago. Not sure what is holding the Powellton tank up beyond the "grace of God and duct tape." And it most likely needs to be replaced. Commissioner Louisos asks length of the WVAW case and Mr. Fowler stats about a month.

Commissioner Taylor asks what standing WVAW has to file cases like this. Ms. Braswell states they are a customer who purchases water from ACPSD. Mr. Fowler states the PSC goal is the find the best solution for the district and the customers to provide continuity of service.

Commissioner Taylor mentions the FEMA assistance with Kanawha Falls PSD with prison post-flood. Mr. Fowler is familiar. Gauley River PSD has an approved 100% grant funding package to increase the capacity of what is received from Summersville. Could all be codependent on each other. Those three PSDs could be codependent on each other if there were line across the river. In 2008, Mr. Weimer suggested a reinforcing line be laid across the river from Kanawha Falls and Armstrong. ART mentions Boonesborough Bridge. Mr. Fowler says that is Kanawha Falls to Boonesborough and it is a long way to Deepwater and rocky terrain. Will have to determine if it is more cost effective to bring supply across the river or upgrade ACPSD plant.

31:00 Commissioner Taylor asks about KFPSD and if there have been improvements since the new board took over. There is a large sewer project but they are having issues with securing equipment like everyone else. On the water side, nothing is better from last year. Plant is running 23 hours a day in winter. No interconnection to Smithers. Likely to have another outage to the prison. A positive step is recruitment of full and part-time operators. Last year they had one operator sleeping at the plant for weeks, not seeing family. 24-hour operation with 1 employee. New plants run 6-8 hours. 16 hours, the Health Department asks for plan to be developed for expanding the plant. Some larger plants should run 24 hours with variable flow rate. Small plants should be under 16 hours. Summersville has plenty of supply but it's not in the right place.

Commissioner Brenemen says if WVAW wins the case, it will still be 18-24 months before they can shift responsibility. The plant doesn't have that time, needs emergency work.

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Mr. Fowler: Anytime tanks get low and plant is at capacity, it takes weeks or months to build back up supply. ADPSD has lots of leaks, over 50%. Could be considered Non-Revenue Water (NRW), which is what you have versus what is sold. Difference lost is NRW. PSC doesn't regulate NRW. Unaccounted for water versus water loss. Use NRW minus known losses due to issue, and then get the subjective water loss number. It's falsified a lot. High NRW at KF and AD. Both are at capacity and there is nowhere to go.

Beverly Middleton, ACPD Office Manager, says in the 3 weeks, there were 14 leaks repaired. Stated they were doing what they were supposed to be doing. None of the repairs resolved the issues until the last fix. Doing ok now, and the water level is 21 ft at Kimberly. Nothing will get better until the upgrade because all leaks were in that area.

Commissioner Louisos is not trying to say they weren't doing anything, and is mostly concerned with the refusal of the water buffalo. That it was refused, but then someone else paid for it. The Plant Operator overstepped his bounds. There needs to be a procedure. Commissioner Louisos gave people his personal cell and told them to call him when the water goes out.

Commissioner Taylor says they understand the dynamics there, and not wanting to raise rates when so many can't afford to pay them. But then you will be behind for upgrades. Hardship now of rate raise versus the hardship later paying for upgrades. Commissioner Brenemen is just sharing what he's learned and opening communication for help. Ms. Newman & Ms. Middleton state they are open to help. They just want to talk about help and the wrench thrown in the project.

Mr. Gibson states until that two-mile section is fixed, nothing can move forward. They fix one leak and then another pops up. Commissioner Taylor asks Mr. Fowler how do we help small PSDs without just letting big companies come in and losing revenue and jobs. Mr. Fowler says the jobs will still be needed. If the Failed Utility Case was never filed, and the ask for additional money was approved, they would still see 12 months or more of repairs for miles of line and tank replacement. Pipe and tanks are hard to get and so are controls due to supply chain issues. Tanks and controls are very hard to get. May of 2024 is the best-case scenario of getting a tank working, if the complaint was never filed. Commissioner Taylor asks if a State of Emergency was declared and the purchasing requirements were waived. Mr. Fowler said that could work. But Infrastructure Code for emergency funding is different than State Code and has to be tied to economic development. It's been done once in Jefferson. It could be sped up a bit, but the tank availability is still an issue. And emergency declaration might cut it in half, but then they are not eligible for USDA funds. Could possibly split the project, but that's up to Project Engineer. Problem is ADPSD is all old and everything needs replaced due to multiple patches. More lines need replacing than just this project and it's unaffordable and may be more economical to combined plants. Treatment plant not involved either and it's hanging

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on by a thread. To access the plant, you have to pull yourself up the hill by a rope. It is the second worst plant he's ever seen. There is emergency funding from the Infrastructure Development & Jobs Council. Limited in scope. But wouldn't hurt to ask. Ms. Taylor could apply through Region IV on behalf of ACPD.

Commissioner Taylor asks what is needed to keep everything working. Ms. Newman states money to keep the project moving forward. Feels they can handle it now as long as they don't lose water again with leaks they can't find. Mr. Gibson states there was a 20 ft long split which caused problems once the pressure built back up.

Commissioner Taylor asks Ms. Braswell how to proceed. There is a dispute about whether the project has been approved by the commission. Bond holders are leery about this district. It's up to the Commission and Board how they would like to proceed. The FCC and Board may want to talk with the IDJC. PSC staff will keep pushing. Knows they need to replace the treatment plant. But there is also a history of violations with ACPD. PSC has rules about emergency and replacement water and need to have their lawyers speak with PSC lawyers. Has concerns beyond immediate situation.

Commissioner Breneman asks if ACPD can ask for emergency rate increase to assist with leak repairs. Ms. Braswell yes. Application for rate increase 19-A, even during the Distressed Utility Case. Can apply for Emergency Interim Rates. Commissioner Breneman recommends filing the emergency Rate Increase. 70% of water loss means losing treated water and chemicals. Asks about employees: four operators hired in at part-time. All end up working full-time. Ms. Newman says they always have an ad out for employees. WVAW and Kanawha Falls hire away their full-time workers as fast as they can hire them.

Customers Terry & Patty Sigler say they need to just turn it over the WVAW. Mr. Sigler says they are between a rock and hard place and it is never going to get better. They get employees trained, then they move on. Other customers are concerned about their rates going up and losing jobs. But the PSD is not there to give jobs. His water has an odor, there is always air in the lines and he won't drink it. He only knows when there is a Boil Water Advisory from Facebook. He hears it was placed at the Post Office.

Commissioner Breneman asks if there is still a Boil Water Advisory now due to leaks. Employees say no. Commissioner Breneman asks Mr. Fowler who states it's not his area of expertise, that's the Health Department. But before it can be lifted, they check for bacteria and that has happened. Commissioner Taylor asks the Siglers to take a sample to Health Department for additional testing.

Commissioner Taylor stated they will need to work with Region IV and the PSC about the grant and to develop a plan to do what's best for the customers. Their problems are being held against them for the funding to fix the problems. Commissioner Taylor asks ACPD to come

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up with ideas and make recommendations to FCC. The reality is they may not get funding. Some things may have to be let go.

Commissioner Taylor says the PSD knows themselves better than anyone else, and if they know what is realistically needed to pull them out of this issue. Going to the Governor for IDJC funding for a quick fix will most likely mean the demise of the PSD. The PSD recommendations are important. The Commission wants to make a fully-informed decision.

Commissioner Brenemen asks Ms. Braswell how likely is that after the Distressed and Failed Utilities Case investigation is complete that ADPSD will be allowed to proceed with their upgrades. Ms. Braswell says there is no way to know.

Ms. Newman asks if WVAW will want to take them over knowing they need to put in all of the money to fix the system. Commissioner Taylor knows they don't. Ms. Newman asks where that leave the customer. Commissioner Taylor says they may take the water service and leave sewer with the PSD and is only basing that on discussions about Page Kincaid and Kanawha Falls PSDs.

Ms. Newman asks Mr. Fowler what's wrong with plant. Mr. Fowler states he's just at the beginning of his investigation. It is steel, so likely severely corroded. Will need to rebuild one right next to it. It is rusted through in spots and will need controls replaced. Other plants of this vintage were built as disposable to keep rates low. Reinforced concrete is built to last 100+ years. You can't maintain the inside of steel vessels without taking them out of service for significant time and they eventually corrode. There was a lot of money in 1960-80s to build new plants and they all need to be replaced now. They will need to evaluate whether a new plant should be rebuilt or to tie into adjacent plants with excess treatment capacity.

Ms. Newman has no problem with the Emergency Rate Increase, but how does that immediately help the Powellton area if they need a new plant. And WVAW will raise rates and probably not fix the lines. Ms. Braswell says WVAW says they will probably attempt a river crossing to tie into another plant.

The meeting was adjourned at 2:28 p.m.

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FAYETTE COUNTY COMMISSION  
SPECIAL MEETING  
DECEMBER 14, 2022  
FAYETTE COUNTY 911 Center  
PRESENT: ALLISON R. TAYLOR, JOHN G. BRENEMEN, TOM LOUISOS

Commission Taylor called the meeting to order 6:00 p.m.

**Discussion with Municipalities Re: 911 Advisory Board & Services:**

Commissioner Louisos states that 1.6 million people visited the New River Gorge National Park last year. This includes other counties, but this gives an idea of how many additional people were in Fayette County last year.

Fayette County uses Spillman Flex Dispatch for their Dispatch system. Nicholas County will be moving Emergitech INTERcad Software. Oak Hill and Raleigh County also use Flex. Flex integrates all law enforcement records and it's an entire suite of tools for Records Management and integrated mapping.

Kevin Walker, OEM Director, informs about Nexgen 911 Software, which Kanawha County uses. All cloud-based atmosphere. No onsite server storage but has 5 backups across the country. Emerging in WV with Phase I. Legislature wants to advance Phase II within next 3-5 years. Has text capabilities and the 911 Center knows a text is initiated before coming in. Has GPS locating technologies. Current location tools just show a tower site, not actual location of call. Logan County is 100% cloud based, monitored at 5 locations throughout the US.

Commissioner Louisos gives a background on the 911 Center and comparisons to other Counties. Fayette dispatchers have 12-hour shifts. He thinks it is understaffed and underfunded. He made a schedule taking into consideration vacations, holidays and sick days. Overtime is needed to cover these and it is out of control. There is no one specific reason for these issues. However, funding is a big part.

Commissioner Taylor references a prior meeting where Commissioner Louisos presented about the 911 center staffing and the analysis he completed showing lack of staff and necessary upgrades to technology. There is a problem with dispatcher turnover tied to pay. The Commission needs to increase dispatcher pay to recruit and retain employees and maintain their professional development to have them stay here and move up at the center into leadership positions.

The analysis also included ideas to generate income and one is to increase 911 business landline fees from \$4.50 to \$9.50 to cover \$336,000 of a \$500,000 deficit. This deficit covers needed upgrades and includes one time and recurring annual fees.

Commissioner Louisos proposed the Fayette County Commission allocate \$100,000 with a remaining \$200,000 and asks municipalities to contribute based on the breakdown of calls. He asked whether the municipalities should contribute directly or whether it should come out of each municipalities' portion of the fire levy. It needs to come from somewhere. Commissioner Taylor asks for their input and ideas of how to garner this money. At this time, none of the fire levy is being used on the operations cost for the 911 Center.

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The FCC has received complaints from Fire, Police and Ambulance services about the 911 Center. Some complaints are based on miscommunication, some are due to staff retention, training and technology issues. Standardizing fire districts and dispatching procedure is mentioned.

The level of dispatcher pay needs to match the level of work they are doing.

Montgomery Mayor Greg Ingram asks about 911 cell phone fees. Commissioner Louisos says that goes before the legislature next term and its unclear what might happen. Those fees are out of the Commission's hands.

Melissa McCune, Thurmond, states she has a landline for an alarm and her bill is \$63 a month for residential, just to cover her alarm.

Mr. Walker states landline can be regulated by the County Commission but the legislature orders the wireless fees, currently \$3.47, and those fees are evaluated every two years and can increase or decrease by 20-25% based on population.

Discussion was held about population comparisons of Fayette (40,000), Nicholas (24,000) and McDowell (18,000) Counties, and our influx of tourists. People staying in AirBnBs don't contribute to wireless numbers. The County Commission can only regulate landline fees through Public Hearings.

Commissioner Louisos doesn't want to raise rates if don't have to. Asks for suggestions.

Ms. McCune asks about partnering with college and high school Criminal Justice/Emergency Service programs and have them observe at the 911 Center or intern/take credit for their class to see what they are getting into. Possibly receive a stipend. Commissioner Louisos said it takes a special kind of person to do this job. Asked Tonja McMullen, 911 Interim Director, how she knows if someone has what it takes to do the job; she has a process. Will look into this idea as a possibility. This is a completely different job and atmosphere than other jobs. Also, training is time-consuming and expensive.

Damita Johnson, Oak Hill, states they are all aware of the importance of the 911 Center. Asks have the commissioners spoken with other counties with tourists and colleges that have busier seasons. Commissioner Louisos states some have the \$9.00 landline fees. Only two 911 centers in the state, Raleigh and Mercer, have standalone boards which manage the 911 Centers, and these were created under legislative order.

Discussion about the possibility of Regional 911 Centers especially for smaller counties.



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Mr. Walker references Harrison County which dispatches Taylor. They are too small and can't afford their own PSAP. Nicholas and Clay Counties now have their own call centers because they receive Fire Service Funds, you must answer 911 calls in a PSAP. Use to run calls to Jan-Care because they were not trained for medical calls. Regionalization is probably coming.

Commissioner Taylor relays a story about a large rock on 61 and Fayette 911 phone lines were down due to a lawn mowing incident, called non-emergency and it was routed to Raleigh County who didn't know where Rt. 61 was. Local 911 Centers are preferable to regional.

Discussion about funding. Commissioner Louisos states that the National Parks Service pays in.

Commissioner Louisos states other 911 Centers don't run 12-hour shifts. Those shifts cause issues if someone calls in sick.

Ms. McCune asks about Hatfield and McCoy Trail in McDowell. How do they deal with increased tourism. Commissioner Louisos doesn't think their increased tourism is anywhere near what Fayette County is experiencing. McDowell doesn't have a lot of calls, and have two dispatchers on a shift. They don't have a park to support. Not an apples-to-apples comparison.

Tim Richardson, Oak Hill Fire Chief, has to disagree about McDowell and states he's seen how busy McDowell County is with an influx of visitors due to the trail. It was clarified that maybe Ms. McCune meant how much McDowell's call volume increased after the trail and how they adjusted their center, rather than a call for call comparison to Fayette County.

Fayetteville Mayor Sharon Cruikshank suggested looking at other National Parks with small gateway communities and how they handled their new status. There are 62 other regions in the country with historical data.

It was asked if there is data to support that there are more calls during tourist seasons. Phillip Pack answers and says yes. Follow up question: is it safe to say that this is caused by the tourists? Commissioner Louisos and Mr. Pack say it could be direct or indirect; or just traffic on US 19 travelling through.

Commissioner Taylor states as an example, the fire in the gorge. Calls came in from everyone who drove across the bridge.

Commissioner Louisos shares his spreadsheet breaking down costs and needs for dispatchers.

Ms. McCune suggests using volunteers, like firemen or auxiliary emergency services staff, to fill in for high volume times, they will be trained and able to fill in with a volunteer rather than a paid position. Commissioner Louisos states they still need training. Ms.

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Mullen: who will pay for that training? Ms. McCune states there are all kinds of grants available for training, but identified none.

Commissioner Louisos discusses Jerry Long at Jan Care and how his company analyzes call data.

Ms. McCune brings up that tourism isn't new to the area. But Commissioner Louisos clarifies this is the first time the 911 Center has been researched and weak spots were identified for improvement.

Commissioner Taylor mentions that external county offices have been neglected and need to be standardized. This isn't new, it's just been neglected. That's what they are working on now. They cannot even get a pool of resumes to fill vacancies.

Ms. McMullen states that they had 18 interviews and many did not call or show up for the interview. People don't want to work.

Commissioner Taylor stated wages are too low for their level of work. And she wants a progression for people to move up. And give them the tools to do their jobs. Trying to get the center running efficiently to retain trained employees so if there is a major emergency, we will be prepared.

Commissioners Louisos and Taylor discuss moving to eight-hour days and have 12-hour shifts as an emergency situation.

Mayor Cruikshank asks if she should call the Tourism office for assistance. What can they do to help?

Discussion about the cost of the building - they think the bond matures in 2046.

Discussion about longevity and the lack of desires for careers.

Mayor Cruikshank asks about the State 911 Commission and the wireless fees. Could they help with lobbying? Mr. Walker states it's based on population and the numbers. Mayor Cruikshank asks is there is a way to let them know there is a need. Mr. Walker states there are some counties which only operate on their wireless fees. There is talk that the State Police would like to ask again for wireless fees to help with their CAD systems, which would already reduce what the counties get. There is a State 911 Council President, Dean Meadows, retired 911 Director from Wyoming County, who does lobbying in Charleston during legislative session. Sends daily updates and directives, including calls for uniformed 911 Director presence in the chambers.

Mr. Walker states there is a 911 Dispatcher Retirement System which would take those employees out of PERS and into EMSRS. This should go before the Fayette County Commission for decision in January. Then when there is correspondence to PSC about these issues, they can

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reference the importance of 911 landline and wireless fees to 911 Centers.

Ms. McCune asks about landline call volume versus wireless. Commissioner Louisos asks the 911 administration to get those numbers. Ms. McCune says that's the data you need to leverage with the legislature to increase revenue stream. Discussion about infrastructure grants.

Discussion about working together regionally towards an association and keep everyone informed. Mr. Walker and other 911 administration can send information to the partners throughout the state. Will check in with Mr. Meadows.

Chad McCune, Thurmond, asks a draft support letter from the Fayette County Commission, or at least talking points that each town can send to the legislature and get other counties and towns to also participate.

Mr. Richardson asks if there are standardize procedures for cities like Los Angeles to cities the size of Charleston from national 911 organizations. Commissioner Louisos says that's a great idea. Commissioner Taylor notes she's spoken with agencies in other states and it doesn't seem to be standardized. Possibly due to weather, terrain and infrastructure.

Discussion about Commissioner Louisos' spreadsheet. Some numbers need to be corrected: dispatch calls, calls per day and call percentage. The rest is correct.

Ms. McCune asked about the fee from the Parks Service not shown on the spreadsheet. Mr. Walk states its \$39,600, recently updated contract ins March 2022. The agreement was established in 2001 and renews every five years.

Alarm fees dropped in the last year due to commercial alarm systems. Call from commercial systems come in but aren't charged. Discussion about charging those companies. Mr. Walker states they have to respond to calls. Discussion about invoicing the companies and sending them to collections if not paid. Include WVACo and Municipal League in addressing the legislature for changes.

Discussion about the cost of the utilities. \$46,000 just for the PSAP phone system.

Mr. Walker discusses fees for false alarm calls. Graduated based on number of calls. Commissioner Taylor tells Mr. Walker to submit a recommendation for the Commission to consider.

The meeting was adjourned at 7:20 p.m.

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<End of 2022 Minutes>