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2025 Fayette County Commission Minutes

FAYETTE COUNTY COMMISSION

REGULAR SESSION

January 8, 2025

FAYETTE COUNTY COURTHOUSE

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

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

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

Commissioner Fernettt leads the Pledge of Allegiance.

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

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

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

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

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

Commissioner Board Assignments:

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

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

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

JAK Kincaid will remain as the Bridge Day Commission appointee.

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

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

Exonerations, Orders to Combine or Divide Land, Refunds -

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

No refunds presented.

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

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

Approve Vouchers & Invoices - Commissioner Taylor asks about high dollar expenses for Fire Levy reimbursements, which should have been approved by FCC first. \$12,000 tool expense from Oak Hill. This is a valid purchase, but Oak Hill only has \$10,000 left in its budget until June 2025. Armstrong Creek - Fire Association memberships can't go through the levy. Sam's Club purchase - no receipt. And \$80 credit card purchase from Tudor's. Pax - Gino's \$56. Smithers - HVAC replacement down payment. President Brenemen mentions they shouldn't be paying taxes on purchases. Commissioner Fernet asks for clarification, that they are not questioning the validity or need of the purchase. They are just circumventing the process. Commissioner Taylor uses Oak Hill as an example. In the past, the city was submitting everything because they didn't realize there was a budget. Only turning in the receipts for extraordinary expenses and not getting approval first. Commissioner Taylor says the tool is covered by the levy, but they've overspent that budget. Smithers should have discussed with FCC first as this is an

improvement to a city owned building. President Brenemen asks to draft a letter explaining this policy, and Commissioner Fernet asks that the process is detailed. Steve Cruikshank says a policy was written but not sent to the departments and there were contradictions to the Open Checkbook state policy. Commissioner Taylor says Open Checkbook is not required until it is online at the Auditor's Office. Commissioner Taylor asks that Mr. Cruikshank check about the Sam's purchase. Commissioner Taylor says food purchases should come from another budget. The Fire Levy is for extraordinary purchases. Other funds can pay for food. Commissioner Taylor motions to approve all vouchers except the mentioned reimbursements. President Brenemen seconds. Unanimous decision.

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

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

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

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

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

Recommendation by Fiduciary Commissioner for the Estate of Pauline Samples - JoAnn Harrell attends via phone. Fiduciary Commissioner Larry Harrah recommended removing Harrell as the administratrix. On the grounds the suit filed in North Carolina shows she doesn't have the estate's best interest in mind. Clerk Michelle Holly's opinion is that the suit in NC isn't keeping the estate from closing in WV. Final settlement paperwork needs to be filed to close the estate here. It's up to the FCC whether to accept the Fiduciary Commissioner's recommendation. Ms. Harrell's brother completed everything up to the final settlement 20 years ago, but then passed away. All assets were dispersed. Getting documentation may be an issue. Prosecuting

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Attorney Anthony Ciliberti doesn't think the claim of adverse possession in NC has any contradiction of her duties to administer the estate in WV.

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

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

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

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

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

Discussion & Decision: Prosecuting Attorney New Employee

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

Discussion & Decision: Division of Natural Resources Creek

Access Request at Animal Shelter Ann Wakefield and Cory Hartman, WV Division of Natural Resources, appear to discuss creek access at the Animal Shelter Bridge which crosses Laurel Creek. The DOH will be replacing the bridge soon and the DNR would like to allow stream access on the Animal Shelter side for fishermen when the bridge is rebuilt. The property in question is owned by the FCC. There is existing parking already. Mr. Hartman said this is a good access for older or mobility challenged people to recreate. Also has questions about making the pond at the Fayette County Park a Class Q handicap accessible location and stock it with trout. Brian Good cautions about the parking area at the shelter because their septic is nearby. Mr. Good and Mr. Hartman will discuss the details at a later date.

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

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

Ruth Lanier- Exhibit A

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

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

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

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

Discussion & Decision: High-Intensity Drug Trafficking Areas Grant Contract for Signature Commissioner Taylor motions to approve and authorize President Brenemen to sign. President Brenemen seconds. Unanimous decision.

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

Discussion & Decision: Resolution for Region IV DR4679 Drawdown

Commissioner Taylor motions to approve and authorize President Brenemen to sign. President Brenemen seconds. Unanimous decision.

Discussion & Decision: Letter Regarding Fire Truck Payoff

Amounts Commissioner Taylor motions to approve. Commissioner Fernett seconds. Unanimous decision.

Discussion & Decision: Brownfield Projects for Approval

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

Discussion & Decision: Dilapidated Housing REAP Grant

Publication Angela Gerald asks for permission to publish a press release asking for voluntary remediation properties to be demolished. Criteria for choosing properties will be discussed 1/22. Commissioner Taylor asks that the press release be sent to the FCC before publishing. Commissioner Taylor motions to approve. Commissioner Fernett seconds. Unanimous decision.

Discussion & Decision: Response to Correspondence Regarding Luna

Music Experience Zoning Caroline Cowdry, owner, speaks for Eric Moerschel, General Manager, Luna Music Experience and owner of Handcrafted Homes Timber Frame. Ms. Cowdry says our Comprehensive Plan states Hico is a prime location for economic development. They rent space from Jeff Edwards with Free Folk at the old Harley Davidson location on Rt. 60. They have DJs and waitstaff asking to work for them, however cannot open at full capacity until they have a fire suppression system in place, which is cost prohibitive. Ed Weber Fire Tower Engineering hired to redesign for capacity, sprinklers, doors/windows. Plans are being developed and then they will go to the fire marshal. They know what starts fires in similar buildings with similar events. Ms. Cowdry studied 55 fires. 6 were smoking related, but that is now banned indoors. 13 were arson. Luna is a brick building which are difficult to burn. 15

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were due to pyrotechnic displays. Will not be holding those events. 10 were electrical due to negligence. Free Folk redid all of the electrical in 2021. 4 were heating equipment (2 stovepipes). 4 were due to construction worker's negligence. 3 were catastrophic due to locked or blocked doors.

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

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

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

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

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

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

Commissioner Taylor motions to approve, pending the confirmation from fire marshal by way of a letter stating they approve the

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plan to host no more than 49 people at its special events.
Commissioner Fernett seconds. Unanimous decision.

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

FAYETTE COUNTY COMMISSION

REGULAR SESSION

January 22, 2025

FAYETTE COUNTY COURTHOUSE

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

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

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

Carl Harris leads the Pledge of Allegiance.

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

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

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

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

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

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approve all vouchers and invoices including last week's Armstrong and Smithers fire department invoices. Commissioner Fernett seconds. Unanimous decision.

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

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

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

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

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

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

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

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

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

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

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

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

Discussion & Decision: Bid Decision for Tasers and Body Cams The County received an additional \$379,000 in opioid settlement funds and \$30,000 from a separate opioid-related lawsuit. Commissioner Fernet asks Senator Helton to weigh in. Senator Helton states that WV received nearly \$1 billion with several million going to attorney

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fees. From the settlement, 70% went to WV First, which operates outside of the legislature, so they can work with faith-based organizations. It is an eleven-member board, with five appointed by the governor and six by officials throughout the state. The other 30% went to municipalities and counties, based on opioid use in each area. The counties and municipalities chose a representative to discuss and then report to commissioners. Commissioner Taylor speaks of the Fayette County ICE Collaborative program - only such program in the state. The county decided to fund it another year with \$250,000 of the opioid settlement money. Senator Helton says there is a new committee to deal with drug use and mental health and he is the chairman. WV is 50th for drug use.

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

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

Discussion & Decision: Critical Utility Infrastructure

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

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

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

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FAYETTE COUNTY COURTHOUSE

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

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

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

Ruth Lanier leads the Pledge of Allegiance.

Board of Equalization and Review

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

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

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

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

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

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

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

Ruth Lanier- Exhibit A

Discussion & Decision: Board Appointment NRGDA Commissioner Taylor motions to appoint Tom Louisos in place of Joe Re and outlines his experience in economic development and his service on the board in the past. This is a business owner seat. Commissioner Brenemen seconds. Commissioner Fennett asks for

discussion. Asks for a representative from another area of the county. There are three Fayette County seats: Commissioner Taylor is Fayetteville; Heather Johnson is Oak Hill; Mr. Louisos is from Oak Hill. Commissioner Taylor mentions the County has done that with most of its boards, including the Planning Commission, but states it is difficult to find someone with expertise to fill seats on this type of board. She asks for the motion to stand. Commissioner Taylor and Commissioner Brenemen are in favor. Commissioner Fernet is opposed. Motion carries.

Discussion & Decision: Board Appointment Land Reuse Agency

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

Discussion & Decision: Board Appointments for Beautification

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

Discussion & Decision: Funding Allocation for Health Department Water Testing

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

Discussion & Decision: Criteria for REAP Funding

Commissioner Taylor motions to postpone till 2/6 for more review. Commissioner Fernet seconds. Unanimous decision.

Discussion & Decision: Brian Good - Park Budget Presentation

Jerry Adkins is also present. Explains repairs and updates made over the year at the Fayette County Park. Visitors have noticed. Overtime listed is for snow removal at the courthouse and Memorial Building. Mentions the Park is open every day.

Commissioner Brenemen asks for future projects. Mr. Good is meeting with Region IV for Needleseye project next week. Working on the heating upgrade to the rec hall and tackling small

projects like updating decades old ceiling tiles during the slow season. Electricity use is different at the shelters and camp cabins than in the past. DEP and septic are requesting upgrades for grease traps and to add septic tanks.

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

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

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

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

Discussion & Decision: Fireman's Association Request to Create Fire Prevention Unit John John McGinnis and Josh Davis are present. Mr. McGinnis said they met in October with the FCC and they were supposed to meet with FCC legal and that never happened. Funding stopped two years ago and that also stopped training. Mr. McGinnis speaks about the decontamination unit and equipment stored at 911 center. They are moving it to training center but were held up by weather. They are having to go to

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other locations for training because they need equipment and classrooms (at the location owned by the Fayette County Firefighter's Association, a private non-profit organization - not a County-owned and operated facility). Washington, PA is the closest for certain Haz-Mat trainings. Mr. McGinnis says they would like the Tahoe for Fire Association administration to use for travel, rather than their personal vehicles.

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

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

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

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

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

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

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

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

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to pay that expense. Mr. McGinnis noted Fire Association member, Josh Davis, is a mechanic.

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

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

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

Commissioner Taylor discusses the Fire Prevention Unit. The Commission doesn't have resistance to the Fire Training Center, it's a matter of how to fund it outside of the fire levy. Based on legal advice, Commissioner Taylor motions to postpone until 2/6 so a representative of the Commission can meet with the Fire Association representatives to discuss possible solutions. Commissioner Taylor asks Fayetteville Fire Department Chief Vernon to participate and whomever else the Association chooses. The FCC will make decisions on 2/6 based on those discussions. Mr. Vernon states there are others better suited to discuss with the FCC. Commissioner Fernettt reminds that the FCC wants to come to an agreement and fewer people involved in the discussion would be best. Commissioner Brenemen seconds. Unanimous decision.

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

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

FAYETTE COUNTY COMMISSION

REGULAR SESSION

February 6, 2025

FAYETTE COUNTY COURTHOUSE

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

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

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

Kevin Burgess leads the Pledge of Allegiance.

Discussion & Decision: Certificate of Honor - Betty Burgess

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

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

Board of Equalization and Review

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

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

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

Imperial Colliery Company has two different values. Assessor Eddie Young, via Zoom, recommends taking this under advisement to give the state until the next meeting to review. The state is familiar with NR142 but is unfamiliar with NR127. Mr. Waggoner says Mr. Wriston can withdraw any appeal with The Board of Equalization and file an appeal with WV State Office of Tax Appeals by March 31 and that will allow months for review. Mr. Wriston just wants to know the actual value. Commissioner Taylor

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suggest postponing until 2/12 and if there isn't a resolution by then Mr. Wriston can withdraw his petition and file with the State Office of Tax Appeals. Commissioner Taylor motions to postpone Imperial Colliery to 2/12. Commissioner Fennett seconds. Unanimous decision.

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

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

Discussion & Decision: Active Southern WV Funding Request

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

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

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

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

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

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

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

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

Commissioner Brenemen motions to enter into executive session at 9:46 a.m. Commissioner Taylor reads WV Code 6-9A-4 to explain the reason for going into executive session. "To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition,

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which if made public, might adversely affect the financial or other interest of the state or any political subdivision: Commissioner Fernet seconds. Unanimous decision.

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

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

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

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

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

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

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

motions to approve the part-time driver. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Teresa Gregory- Community Corrections

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

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

Discussion & Decision: Request to Approve Plan for Proposed New

Volunteer Fire Department Commissioner Taylor states she met with members of the Fire Association. Conclusion would be to create a new volunteer fire department with a service area of all of Fayette County. It would house the special teams of HAZMAT, vertical rope rescue, swiftwater rescue, and also

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

Commissioner Fernettt thanks everyone including Ms. Taylor to take the time to come to this conclusion. Tremendous amount of work to do this for the people of the county. Not just to spend the taxpayers' money. Commissioner Taylor motions to approve the plan as presented and move forward. Commissioner Brenemen seconds. Unanimous decision.

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

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

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

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

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

FAYETTE COUNTY COMMISSION

REGULAR SESSION

February 12, 2025

FAYETTE COUNTY COURTHOUSE

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

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

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

Tara Tyree leads the Pledge of Allegiance.

Board of Equalization and Review

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

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

Exonerations, Orders to Combine or Divide Land, Refunds - Ms. Tyree presents exonerations for Roger D. & Stephanie Frame \$209.06; Super Wash Ince \$199.84; Alexander G. Hendrix \$423.50; Nathan W. & Jennifer Flint \$520.00; Danny J. & Demorse Prather \$613.16. Commissioner Taylor motions to approve. Commissioner Fernett seconds. Unanimous decision.

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

Approve Vouchers & Invoices - None

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

Approve Estate Settlements - N/A.

Ruth Lanier- Exhibit A

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

Discussion & Decision: Board Appointment Planning Commission Ms. Gerald presents that there are two vacancies but only has one application from Ben Morgan. Commissioner Taylor motions to approve. Commissioner Fernett seconds. Unanimous decision.

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

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

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

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

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

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

Discussion & Decision: Letter Regarding Hill Subsidence Property near Smithers creek. Hillside is subsiding. Commissioner Taylor motions to approve letter to Kanawha Gauley Coal and Coke asking it to remediate its property. Commissioner Brenemen seconds. Unanimous decision.

Discussion & Decision: Funding Request for Cellebrite Services

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

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

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

KFSPD board member Carl Harris would like to state on the record. Commissioner Brenemen has been involved from the time Mr. Harris was appointed to the board and agrees that the system is set up for failure. States the KFSPD system was a mess when he was appointed to the board. They got everything caught up but then the flood took out the water lines. He and the other board members were concerned, but no one else seemed to be. Has had monthly meetings with FEMA. Jack Ramsey, engineer, and Jason Means with State EMS have been helpful getting this paid for by FEMA. From the prison down to Kanawha Falls. The PSD was blamed for the prison being without water, but another entity was responsible. PSC chairwoman Charlotte Lane told the KFSPD board

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to talk with WVAW after her engineer blamed KFPSD for the issues. Says the PSC has their knee on KFPSD's neck. People in these districts can't pay for increases required by PSC. Was approached by WVAW immediately after being appointed. Mr. Harris was initially in agreement with WVAW until he attended some meetings and saw what they would do to its people. Says the way the PSC lets WVAW run over the people of the state is a crime.

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

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

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

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