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GREENBRIER COUNTY COMMISSION

REGULAR MEETING, TUESDAY, October 13, 2009

The regular term of the 1st October, 2009 meeting of The Greenbrier County Commission was called to order at approximately 7:00PM, Tuesday, October 13, 2009 by President Betty Crookshanks.

Invocation by Hubert Brooks. Pledge of Allegiance recited by those in attendance.

Present: Betty D. Crookshanks, President; Karen Lobban and Brad Tuckwiller, Commissioners.

REGULAR BUSINESS:

Minutes: Commissioner Lobban moved to approve the minutes of the September 22 and September 30 meetings. Motion carried.

Estate Settlements: County Clerk B J Livesay presented the following estate settlements: Ethel Madge Bailey; Bernice J. Bartosiewicz; Amy B. Cornwell; Ronald Paul Hill; Chlora D. Lucas; Fredrick D. Mayo; Ruby M. Moses; Michael A. Slayton; Carolyn J. Snyder; Blanche K. Smith. Commissioner Tuckwiller moved to approve settlements as presented. Motion carried.

Exonerations, Improvers, Consolidations, etc.: Commissioner Lobban moved to approve the exonerations, etc. as presented by the County Assessor's Office and enter the names into the minutes as follows: Deane Akers; Kevin B. Brown; Nikola C. Coates; Daniel Cochran; Ronnie Allen Fields; David Gabbert; Manuel A. Gomez; Dwight K. Groggel; Jollee Lenhart; Larry McClung, ET UX; Linda McClure; Isaiah Parker; RBS LYNK Inc.; Melissa Robertson; The Greenbrier Sporting Club Dev; Charles C. Brown, Jr., ET AL; Bonnie Mae Fowler; Alexander P. Huppert; John Franklin Lewis; George R. Lively; Eugene Monte, ET UX; Charles W. Shelton, ET UX; Donna Truman, ET VIR; Warren Whitt, ET UX; John F. Willis, Jr., ET UX. Motion carried.

FINANCIALS:

Arts & Recreation Transfer: Commissioner Lobban moved to transfer \$100,000.00 from Arts & Rec Savings Account to Arts & Rec Checking Account. Motion carried.

Budget Revisions: Commissioner Tuckwiller moved to table Budget Revision #4. Carried.

Line Item Transfers: None.

Pay Bills: Commissioner Lobban moved to pay bills as presented. Motion carried.

Public Comment on Agenda Items: Frank Tuckwiller state he thought Attorney Guills should not represent the BZA due to what he felt would be a conflict of interest.

Old Business:

1) Consider allocation to clear 2008 Rainelle Arts and Recreation Grant: Commissioner Tuckwiller moved to approve additional \$800.00. Motion carried.

New Business:

1) Meadow River Rail Trail and Greenbrier County Historic Landmark Commission reports: Doug Hylton – Mr. Hylton stated that a total of \$414,500.00 had been allocated for the Meadow River Rail Trail as follows:

Greenbrier and Fayette Counties	\$ 66,000.00
ARRA (Stimulus-WV Dept of Highways)	264,000.00
Rec Trail Grant	80,000.00
NPS-CCSP Grant	4,500.00

Talks are continuing with CSX Railroad for purchase price of land.

Greenbrier County Historic Landmark Commission: Mr. Hylton stated the commission was working to establish goals and objectives of said commission. He stated that 4 of the 5 members had attended a historic landmark commissions meeting.

- 2) Consider renewal of FEMA Lease in Caldwell for Johnny and Debbie Defibaugh: Commissioner Lobban moved to renew the FEMA lease for 1 year. Motion carried.
- 3) Consider Exemption for 911 Tower located near Quinwood: Mr. James Lewis, 911 employee, stated that there had been no objections to construction of proposed tower, and the tower complied with the Building Code Ordinance. Commissioner Lobban moved to grant exemption from the Telecommunications (Cell) Tower Ordinance. Motion carried.
- 4) Consider approval of Part-Time Domestic Violence Employee for the Prosecutor's Office- Prosecutor Pat Via stated that a grant in the amount of \$14,000.00 had been received to support request, with \$13,000.00 for salary and \$1,000.00 for travel and training as per requirements of grant. Prosecutor Via requested that the County Commission support his request by supplying funds of approximately \$2,000.00 to cover FICA and materials.

Prosecutor Via further stated that part-time employment would end on June 30, 2010. Commissioner Tuckwiller moved to raise State Grant Revenue by \$14,000.00; increase salary line by \$13,000.00; increase travel and training by \$1,000.00; increase FICA \$1,000.00; increase Supplies & Materials \$1,000.00. The \$2,000.00 from the County Commission will come from Coal Severance. Motion carried.

- 5) Consider Accepting Resignations from County Committees: Commissioner Tuckwiller moved to accept resignations from Jimmie Coffman and Emelie Hinzman from the Greenbrier County Board of Zoning Appeals and Tryg Brodie from the Greenbrier County Airport Authority. Motion carried.

Melissa Scott, Greenbrier County Planning & Permits, stated that the Farmland Preservation Board had voted to accept Ed Breit's verbal resignation at their latest meeting. Commissioner Lobban moved to accept Mr. Breit's resignation. Motion carried.

- 6) Consider approving Lawyer for BZA Lawsuit: Frank Tuckwiller stated he was not suing, but had appealed. Commissioner Tuckwiller moved to solicit hourly rate bids from local attorneys. Motion carried.
- 7) Consider Re-adoption of Greenbrier County Commission Ordinance 2003-An Ordinance Regulating the Location of Sexually Oriented Businesses to conform to amended WV Code Section 7-1-3jj, (June 2009) – Brad Tuckwiller: Commissioner Tuckwiller moved to Re-Adopt Ordinance. Motion carried.
- 8) Consider Transfer of surplus property to other government agencies and auction for remainder of surplus property: Commissioner Tuckwiller moved to approve Prosecutor Pat Via's request to transfer an old copier to the Public Defender Corporation. Motion carried.

Commissioner Tuckwiller moved to approve Sheriff Childer's request to transfer a 2002 Ford Crown Victoria to the White Sulphur Springs Rescue Squad. Motion carried.

Commissioner Lobban moved to approve transfer of furniture to Day Report and the Rupert Library. Motion carried.

Commissioner Lobban requested letter be sent to Commissioner Maddox requesting survey of Interstate 64 Exit 161 area and need of highway divider due to East bound vehicles crossing median into the West bound lanes.

Public Comment: Lucy Refsland and Frank Tuckwiller updated the County Commissioners on improvements and needs at the Greenbrier County Youth Camp.

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Commissioner Lobban moved to adjourn at approximately 8:14PM. Motion carried.

Next regular meeting of County Commission will be held 10:00AM, Tuesday, October 27, 2009.

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