

MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 11TH DAY OF MARCH 2010.

A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 11TH DAY OF MARCH 2010. THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 5:02 P.M. COMPLETE AUDIO IS AVAILABLE IN THE COMMISSION OFFICE OR ONLINE AT <http://live.kanawha.us>.

THE FOLLOWING MEMBERS WERE PRESENT:

**W. KENT CARPER, PRESIDENT
HENRY C. SHORES, COMMISSIONER
DAVE HARDY, COMMISSIONER**

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| 3-11-10 | 2010-132 | Order Confirming and Approving Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department |
| 3-11-10 | 2010-133 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund |
| 3-11-10 | 2010-134 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-Special Fund |
| 3-11-10 | 2010-135 | Order Confirming and Approving Orders Entered by the Clerk of the County Commission of Kanawha County, West Virginia (Probate Court Order (<i>February 1, 2010, through February 28, 2010</i>)) |
| 3-11-10 | 2010-136 | Order Authorizing the Clerk of the County Commission to certify the 2010-2011 General Fund and Coal Severance Fund Budget, and for said Budget to be submitted to the West Virginia State Auditor's Office, and for publication of same as approved on March 11, 2010 |
| 3-11-10 | 2010-137 | Election Officials – List of Poll Workers for the Primary Election – May 11, 2010 |
| 3-11-10 | 2010-138 | Resolution – Fiscal Year 2009-2010 General Fund Budget Revision #16 |
| 3-11-10 | 2010-139 | <i>New Employee</i> , Grant/Contract Position, Lisa Paxton, Homeland Security, Office of Emergency Communications Program, Statewide Interoperability Coordinator Support Specialist, Grant Contract Position, \$6,000.00 per month, Contract Date to August 31, 2010; and \$3,500.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010 |
| 3-11-10 | 2010-140 | <i>New Employee</i> , Grant/Contract Position, John Jones, Homeland Security, Office of Emergency Communications Program, Interoperable Training Coordinator, Grant Contract Position, \$7,500.00 per month, |

Contract Date to August 31, 2010; and \$4,950.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

- 3-11-10 2010-141 *New Employee*, Grant/Contract Position, Patrick McGue, Homeland Security, Office of Emergency Communications Program, Interoperable Training Coordinator, Grant Contract Position, \$7,500.00 per month, Contract Date to August 31, 2010; and \$4,950.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010
- 3-11-10 2010-142 *Change of Employment Status*, Jason Robert Settle, Sheriff's Department, Law Enforcement Division, Change of Status from Full-Time Sworn Member to Full-time Civilian, permanent position to replace Miranda Dillon, \$27,800.00 per year, effective April 1, 2010
- 3-11-10 2010-143 Order approving overtime for Kanawha County Commission employees for pay period ending March 31, 2010, for hours worked in the pay period of February 22, 2010, through February 28, 2010
- 3-11-10 2010-144 *Emergency Polling Location Change* – Precinct No. 158 (*from Lens Creek Nazarene Church to Hernshaw Methodist Church, 2827 Lens Creek Road, Hernshaw*)
- 3-11-10 2010-145 Order authorizing payment to David Sweeney, Kanawha County Regional Planner, to be paid bi-monthly in the amount of \$3,750.00 per month, effective April 1, 2010, through June 30, 2010 (*from line 001-443.60-500-2*) Order replaces Court Order 2009-683 due to changes in grant
- 3-11-10 2010-146 Order authorizing the Clerk of the County Commission to issue a check to David Sweeney, Regional Planner in the amount of \$1,875 for contractual work as it relates to critical infrastructure assessment and the Homeland Security Regional Planner Grant Program (*from Line 001-443.60-500-2*)
- 3-11-10 2010-147 Order Authorizing the Clerk of the Kanawha County Commission to issue a check from the Federal Grant Fund (009-442.36-2-30.00), in the amount of One Hundred Seventy Eight Thousand, Nine Hundred Dollars (\$178,900.00) to cover all or partial payments for Invoice Nos. 2, 3 and 4 in the amounts of \$39,292.71, \$111,780.35 and \$27,826.94, respectively, made out to CJ Hughes Construction Co., representing payment for work on the Derricks Creek Ridge Water Line Extension Project
- 3-11-10 2010-148 Applications for Apportionment of Personal Property Taxes Pursuant to Final Divorce Orders in Accordance with Chapter Virginia 11, Article 5, Section 14, of the Code of West
- 3-11-10 2010-149 Order authorizing the President of the Kanawha County Commission to sign the West Virginia Development Office's Application for the 2010

Small Cities Block Grant in the amount of \$1,500,000 for construction of the Leatherwood/Reamer Hill Water Line Extension Project

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| 3-11-10 | 2010-150 | Order authorizing the President of the Kanawha County Commission to sign the Commitment Letter which commits \$347,000 (to be paid in Fiscal Year 11-12 or 12-13) to the Leatherwood/Reamer Hill Water Line Extension Project |
| 3-11-10 | 2010-151 | Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-704.00-2-30.00, in the amount of Four Hundred Thousand Eighty-Two Dollars and Forty-Six Cents (\$400,082.46) to the WV Regional Jail Authority representing payments for August, 2009 (\$383,895.00) and reconciled supplemental invoices (\$16,187.46) for the Fiscal Year July 1, 2008 through June 30, 2009 |
| 3-11-10 | 2010-152 | Order authorizing the Clerk of the County Commission to issue check payable to the Davis Creek Volunteer Fire Department in the amount of \$1,487.50 from the Coal Severance Fund, #002-713.00-800-5-68.32 (<i>Coal Sev. Fire Reserve Fund</i>), for repairs to the Department's 2001 LaFrance pumper truck |
| 3-11-10 | 2010-153 | Order authorizing the President of the Kanawha County Commission to sign Certificate of Approval for the Sissonville, Miller, Pocatalico and Guthrie Volunteer Fire Department approving the Option agreement between the SMP&G VFD and First Bankers Corporation in the amount of \$188,384.00 to finance a Ferrara Pumper Truck |
| 3-11-10 | 2010-154 | Order terminating the Debt Service Reserve Fund established by the Bond Purchase Agreement relating to the Kanawha County Building Commission Lease Revenue Bonds (<i>Kanawha County Commission Office Building Project</i>), Series 2008, to transfer funds from the Debt Service Reserve Fund to the Project Fund, and to authorizing the use of proceeds of the Bonds on capital improvements to the Judicial Building to include, but not be limited to, improvements to the parking garage and replacement of elevators, in an amount not to exceed \$1,600,000 |
| 3-11-10 | 2010-155 | Authorization for the President of the Kanawha County Commission to sign a Contract between the Kanawha County Commission and R. G. Friday, Inc., for Parking facility renovations |
| 3-11-10 | 2010-156 | Authorization for the President of the Kanawha County Commission to sign Certificates of Title transferring vehicles declared surplus property (<i>2004 Ford Crown Victoria XX6482; 2005, Ford Crown Victoria XX8809</i>) |
| 3-11-10 | 2010-157 | Authorization for the President of the Kanawha County Commission to sign 36 month Copier Lease Agreement between the Kanawha County Commission and Systematic Copier Corporation (Sheriff's Department) |

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| 3-11-10 | 2010-158 | Authorization for the President of the Kanawha County Commission to sign Certificates of Title transferring vehicles declared surplus property (<i>Transferred to Sulli Motors, 2004 Ford Crown Victoria XX6482; 2005, Ford Crown Victoria XX8809; transferred to Grace Quality Used Cars, 2005 Ford Crown Victoria XX8811</i>) |
| 3-11-10 | 2010-159 | Resolution Designating April 1, 2010, as Census Day in Kanawha County |

Order *NOT* on Agenda but approved/processed at 3/11/10 Commission Meeting:

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| 3-11-10 | 2010-160 | Order – Supplemental Checks (<i>\$3,020.12, National Law Enforcement Supply, evidence processing equipment for South Charleston Police Department (partial payment); \$3,719.55, APC; \$157.44, BB&T</i>) |
| 3-11-10 | 2010-161 | Order authorizing the President of the Kanawha County Commission to sign the SF271, Outlay Report and Construction Exhibit for Reimbursement for Construction Programs to drawdown final \$100.00 from the EPA-STAG Grant, which was awarded to the Derrick’s Creek Ridge Water Line Extension Project through the Bureau for Public Health |
| 3-11-10 | 2010-162 | Order authorizing the President of the Kanawha County Commission to sign the Certification of Project Completion, Certification of Contractors and Lobbying and Litigation Certification for Grants and Cooperative Agreements for Reimbursement for Construction Programs to drawdown final \$100.00 from the EPA-STAG Grant, which was awarded to the Derrick’s Creek Ridge Water Line Extension Project through the Bureau for Public Health |
| 3-11-10 | 2010-163 | Authorization by the Kanawha County Commission for its President to Execute a 2010 Grant Application between the West Virginia Division of Criminal Justice Services and the Kanawha County Commission for the Court Security Grant |

Resolutions approved/processed at 3/11/10 Commission Meeting:

Resolution Designating April 1, 2010, as Census Day in Kanawha County

New Hires /Change of Employment Status approved/processed at 3/11/10 Commission Meeting:

New Employee, Grant/Contract Position, Lisa Paxton, Homeland Security, Office of Emergency Communications Program, Statewide Interoperability Coordinator Support Specialist, Grant Contract Position, \$6,000.00 per month, Contract Date to August 31, 2010; and \$3,500.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

New Employee, Grant/Contract Position, John Jones, Homeland Security, Office of Emergency Communications Program, Interoperable Training Coordinator, Grant Contract Position, \$7,500.00 per month, Contract Date to August 31, 2010; and \$4,950.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

New Employee, Grant/Contract Position, Patrick McGue, Homeland Security, Office of Emergency Communications Program, Interoperable Training Coordinator, Grant Contract Position, \$7,500.00 per

month, Contract Date to August 31, 2010; and \$4,950.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

Change of Employment Status, Jason Robert Settle, Sheriff's Department, Law Enforcement Division, Change of Status from Full-Time Sworn Member to Full-time Civilian, permanent position to replace Miranda Dillon, \$27,800.00 per year, effective April 1, 2010

Budget Revisions approved/processed at 3/11/10 Commission Meeting:

1. Fiscal Year 2009-2010 General Fund Budget Revision #16

5:00 P.M. CALL TO ORDER

Pledge of Allegiance
Commission President Kent Carper
Joe Lynch

RESOLUTION

Resolution Designating April 1, 2010, as Census Day in Kanawha County
Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy

Commissioner Shores moved to approve the resolution. Commissioner Hardy seconded. Motion carried. Commissioner Carper instructed staff to send a letter to Census Bureau regarding individual at last meeting representing agency well.

Moment of Silence and Recognition

CHANGE OF EMPLOYMENT STATUS

Sheriff's Department

Jason Robert Settle, Law Enforcement Division, Change of Status from Full-Time Sworn Member to Full-time Civilian, permanent position to replace Miranda Dillon, \$27,800.00 per year, effective April 1, 2010
The Honorable Michael Y. Rutherford, Sheriff

Commissioner Carper moved to approve the change of employment status for Jason Robert Settle. Commission Shores seconded. Motion carried.

AGENDA ITEMS

Demonstration of Absentee Military Voting System by County Clerk
Commission President Kent Carper
The Honorable Vera J. McCormick, County Clerk

Vera McCormick was present to demonstrate the Absentee Military Voting System to the Commissioners. She stated that the inspection and testing will take place Wednesday, March 17th at 10 a.m. at Voter's Registration. She explained that when the voter returns the application to Voter's Registration, they will have a ballot sent to them with a pass code. It was verified that this is at no cost to county taxpayers. The Commissioners and the County Clerk will have passwords that will be kept under lock and key those are to be used for the software. It was demonstrated that the software will not allow for an over vote. Commissioner Carper stated that increased participation will depend on the military educating officers about the opportunity to vote. Mrs. McCormick stated that the organization responsible for this program is Everyone Counts.

Discussion and approval of Election Workers for the Primary Election of May 11, 2010

**Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy
Marc J. Slotnick, County Attorney
The Honorable Vera J. McCormick, County Clerk**

Vera McCormick stated there are 800 poll workers selected at a cost of \$280,000. Commissioner Carper verified these costs are in budget. Commissioner Hardy moved to approve the election workers for the Primary Election of May 11, 2010. Commissioner Shores seconded. Motion carried.

Discussion regarding request for Emergency Precinct Change for Precinct 158 from Lens Creek Nazarene Church, Hernshaw, to Hernshaw Methodist Church, 2817 Lens Creek Road, Hernshaw

**Commission President Kent Carper
The Honorable Vera J. McCormick, County Clerk**

Commissioner Hardy moved to approve the emergency precinct change for precinct 158. Commissioner Shores seconded. Motion carried.

Presentation of Fiscal Year 2008-09 Annual Independent Audit and discussion of same

**Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy
The Honorable Michael Y. Rutherford, Sheriff
The Honorable Vera J. McCormick, County Clerk
Brent Pauley, County Manager
Jennifer Sayre, Deputy County Manager/Grants Director
David Fontalbert, Chief Fiscal Officer
Roy Smith, Teed & Associates
Steve Glasser, Teed & Associates**

Roy Smith, of Teed & Assoc., stated that the audit was complete and that the staff was helpful and provided the necessary information when it was requested. He stated that there was only one audit finding. It was an unqualified opinion. He stated that the firm Teed & Associates performs approximately 60-70 government audits a year. The only exception found was regarding reconciliation details of the unaudited financial statement and the audited statement. All offices have agreed to make the auditor's recommended changes. Commission Carper stated that the audit went well. He instructed staff to research the possibility of Teed & Assoc. performing the audit again next year. Commissioner Hardy stated that the good audit is a reflection of staff. He complimented Dave Fontalbert, Kim Lutz, and Allen Bleigh on a good job. Commissioner Carper moved to accept the audit and sign off on it as approved. Commissioner Hardy seconded. Motion carried.

Exoneration request by Elizabeth Meckley relating to District 25, Map 9999, Parcel 0702 0626 0000, Account Number 07020635 (Property Description: 92A ½ Min. Int. Kanawha 2 Mile Ck Les 1.4 O&G 62A)

Commission President Kent Carper

Marc J. Slotnick, County Attorney

Steve Duffield, Deputy Assessor

Sean Alvis, Deputy Assessor, Special Properties Section

Elizabeth Meckley, Property Owner

Commissioner Carper stated that this is a petition for clerical error. He stated that the Assessor Office has correctly objected to the Commission taking action based on the Commission not having any jurisdiction. Steve Sluss stated that the statute says one year from when the mistake was discovered. In 2008 a mistake was found by the State Tax Department and the Assessor's Office went back to 2003 which is 5 years just as is done with other taxpayers. The total is less than \$100. The Assessor's Office is protesting granting an exoneration for more than 5 years. Mr. Sluss stated that they have to be blind to the dollar amount. He stated that the office is allowed to back tax for 5 years therefore that is how they figure to go back 5 years for exonerations. Commissioner Carper moved to deny the petition. Commissioner Shores seconded. Marc Slotnick agrees. Mr. Sluss stated that this can be appealed to Circuit Court. Commissioner Carper requested that the Assessor's Office assist Ms. Meckly with the process. Motion carried.

NEW EMPLOYEES

**Grant/Contract Positions – Homeland Security,
Office of Emergency Communications Program (*Interoperable Radios*)**

All funding provided by the Federal Government

Kanawha County Commission is the pass-through Agency for this Grant

**Lisa Paxton, Statewide Interoperability Coordinator Support Specialist,
Grant Contract Position, \$6,000.00 per month, Contract Date to August 31,**

2010; and \$3,500.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

Dave Erwin, Chair, State Interoperable Governance Board

John Jones, Interoperable Training Coordinator, Grant Contract Position, \$7,500.00 per month, Contract Date to August 31, 2010; and \$4,950.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

Dave Erwin, Chair, State Interoperable Governance Board

Patrick McGue, Interoperable Training Coordinator, Grant Contract Position, \$7,500.00 per month, Contract Date to August 31, 2010; and \$4,950.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

Dave Erwin, Chair, State Interoperable Governance Board

Commissioner Carper stated that these will be federally funded and approved by a hiring committee. Commissioner Carper moved to approve the new employees. Commissioner Shores seconded. It was stated that Kanawha County will be fully reimbursed for these salaries and there are no benefits offered to the employees.

Discussion and approval of Budget for Fiscal Year 2010-2011

Commission President Kent Carper

Commissioner Henry C. Shores

Commissioner Dave Hardy

Brent Pauley, County Manager

Jennifer Sayre, Deputy County Manager/Grants Director

David Fontalbert, Chief Fiscal Officer

Commissioner Hardy moved to approve for discussion purposes. Commissioner Shores seconded. Motion carried. Commissioner Carper stated that budget amendments can be made. He stated that there will be no raises and no new employees. He stated that the Commission is researching grant money that could be used for items that are not budgeted such as sheriff cars. He stated that there will be zero community contributions and the County Commission portion of the budget was cut \$200,000. He instructed staff to send a letter to the Governor thanking him for his reprieve regarding the PERS increase. He stated that the Commission will be paying the additional costs in all the elected officials' budgets, with regard to the increase in PERS and health care costs. He stated that there is no new money; this is considered a flat budget. He pointed out that other counties are cutting salaries whereas Kanawha County is not to that point. He stated that there is a one time additional \$20,000 in all elected officials budgets to be used for discretionary spending and an additional \$20,000 to each elected official for capital spending. He stated that currently the office is working on a 3 year budget forecast. Commissioner Hardy stated that the budget includes \$630,000 to the VFD, \$675,000 in water projects, \$4.75 million in healthcare costs, and \$4.3 million in jail costs; over \$9 million in those two areas alone and the jail cost is an item that the Commission has no control over and the

Commission has continually tried to cut the health care cost. He stated that table games revenue is down and property tax revenue is flat. Commissioner Carper thanked elected officials for their unified support on the PERS issue. He pointed out that the Regional Jail owes the county \$500,000 from the partial reimbursement. This could be paid back to the county now. Commissioner Carper called the matter to a vote. Motion carried. Commissioner Hardy moved to approve the Coal Severance Budget. Commissioner Shores seconded. Motion carried. Commissioner Carper instructed staff to send a letter to Secretary Helton regarding the coal severance distributions.

**Discussion regarding responding to emergency events to include, but not be limited to, proposed protocol change referenced in correspondence from West Virginia Manufacturers Association
Commission President Kent Carper
Joe Lynch, Director, KCEAA**

Commissioner Carper suggested sending a letter to the Manufacturer Association stating that there is no intention of changing protocol when responding to emergency events. There were no objections.

**Discussion and approval of execution and delivery of documents to terminate the Debt Service Reserve Fund established by the Bond Purchase Agreement relating to the Kanawha County Building Commission Lease Revenue Bonds (*Kanawha County Commission Office Building Project*), Series 2008, to transfer funds from the Debt Service Reserve Fund to the Project Fund, and to authorize the use of proceeds of the Bonds on capital improvements to the Judicial Building to include, but not be limited to, improvements to the parking garage and replacement of elevators, in an amount not to exceed \$1,600,000
Commission President Kent Carper
Marc J. Slotnick, County Attorney**

Cam Seacrist was present to authorize the debt service reserve be terminated and allow the funds to be used in a project fund for the Judicial Annex and Parking Garage. He stated that the order is broad enough; so the funds can be used for other items if the need arises. The bids on the parking garage are due in 30-60 days. Jennifer Sayre stated that currently they are waiting on the State Historic Preservation Office for approval with regard to the windows for the courthouse. Commissioner Carper stated this is a 100 percent grant for the windows, but it is not enough to do the entire courthouse, may only get half completed. Dave Fontalbert stated that the interest is 5.1% and it is locked for 5 years and it does have a prepayment penalty. Commissioner Carper thanked Mr. Seacrist for his work on this project. Commissioner Hardy moved to approve the transfer of the debt service reserve funds. Commissioner Shores seconded. Motion carried. Commissioners signed the order. Cam Seacrist stated that J P Morgan Chase is the bank and the banker is John Copenhaver.

2010 Legislative Update

Commission President Kent Carper

Carrie Clendening, Grant Coordinator/Legislative Liaison

Carrie Clendening stated that the session ends Saturday. Commissioner Carper stated that there is a new bill, the Business Court Bill. This bill will allow the Supreme Court to pick certain counties with populations over 60,000 and establish a business court. He stated that this should be treated the same as Family Court; taxpayers should not have to pay for this. Commissioner Hardy inquired regarding the Bucks for Brains Bill and the amendment regarding the property taxes on antique cars. Commissioner Carper stated that this would have a \$500,000 effect statewide. Carrie is to follow up with the bills for Commissioner Hardy. Commissioner Carper instructed staff to send a letter to legislative delegation for a great job this session.

Update regarding West Dunbar Public Service District

Commission President Kent Carper

John Luoni, Deputy Planning Director

Commissioner Carper stated that the plan is to get West Dunbar PSD out of receivership and possibly merge with City of Dunbar or someone else. He would like for this item to be placed on every agenda starting two agendas from tonight's meeting. John Luoni stated that the hold up is the engineering study. Commissioner Carper asked Marc Slotnick to make a recommendation. Commissioner Carper instructed Chelly Morrison and Jennifer Sayre to work with John Luoni and Dave Armstrong on this project. Commissioner Carper stated that this could be eligible for stimulus money. He instructed a meeting with Wyatt Hanna, Marc Slotnick and others to have them out of receivership by the end of the year. John Luoni stated that he has a meeting scheduled for March 31st.

Update regarding Capital Resource Agency

Commission President Kent Carper

John Luoni, Deputy Planning Director

John Luoni stated that Maggie York is the interim director. He stated that there is a meeting tomorrow to discuss personnel matters. There is a board meeting on March 16th and a grievance hearing on March 25th. The State has found that there was a falsification of records and much of the work has had to be redone. Commissioner Carper instructed for this to be placed on the next agenda for discussion.

Kanawha County Commission meetings through May, 2010

Commission President Kent Carper

Commissioner Henry C. Shores

Commissioner Dave Hardy

DATE	TIME
Thursday, April 1, 2010	5:00 p.m.
Thursday, April 15, 2010	5:00 p.m.
Tuesday, April 20, 2010 (Set Levy)	8:30 a.m.
Thursday, May 6, 2010	5:00 p.m.
Thursday, May 20, 2010 (<i>Regular Meeting and to Certify Election</i>)	5:00 p.m.

Kanawha County Commission Dates for 2010 Primary Election
Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy
Marc J. Slotnick, County Attorney

DATE	TIME	EVENT/LOCATION
Wednesday, April 14, 2010	8:00 a.m.	Public Test, Early Voting, Voter's Registration Office
Tuesday, May 4, 2010	8:00 a.m.	Public Test, Christopher Street and Voter's Registration Office
Saturday, May 8, 2010	8:00 a.m. – 5:00 p.m.	Voting Supplies, Voter's Registration Office
Tuesday, May 11, 2010	6:30 a.m. to 7:30 p.m.	Primary Election Day
Monday, May 17, 2010 (<i>Commission to meet on Friday, May 14, 2010, 8:00 a.m., to recess to Monday, May 17, 2010, by agreement of Commission and County Clerk</i>)	7:00 a.m.	Canvass, Voter's Registration Office
Thursday, May 20, 2010	5:00 p.m.	Certify Election Results

Discussion regarding the 2010 Court Security Grant Application
Commission President W. Kent Carper
Carrie Clendening, Grant Coordinator / Legislative Liaison

Carrie Clendening stated that the grant is for a closed circuit remote video computer at the lobby entrance, to add a camera to the prisoner elevator, to replace the access control server and software update, and for security fencing and an upgrade to the rear parking area of the Kanawha County Judicial Annex. These total \$500,000. Jennifer Sayre stated that the most ever awarded is \$183,000. She stated that Steve Handley sent a letter stating that the judges are

requesting and in approval of these items. Commissioner Carper moved to approve the application. Commissioner Shores seconded. Motion carried. This is an application for a grant and the Commission has the right to change their decision and the scope of the project.

PUBLIC COMMENT

An individual was present to inquire regarding the Creative Communities Pilot Program; SB 235. He stated it is a study resolution. It could be funded by a federal subsidy to help compensate for the loss of mining jobs. Commissioner Carper stated that Commission will take a look at it and then take a position. He instructed the individual to contact Carrie Clendening.

COUNTY MANAGER'S REPORT

DEPUTY COUNTY MANAGER'S REPORT

CHIEF FISCAL OFFICER'S REPORT

Commissioner Carper requested a letter be sent to County Clerk's Office for their work on the budget.

COUNTY ATTORNEY'S REPORT

CLERK OF THE WORKS REPORT

STAFF REPORTS

NEW BUSINESS

FIDUCIARY

Commissioner Hardy moved to approve the fiduciary orders. Commissioner Shores seconded. Motion carried.

Objections and Exceptions (*advertised for settlement in the March 1, 2010, issue of The Charleston Gazette and The Charleston Daily Mail, in accordance with West Virginia Code § 44-3A-19*)

Order Confirming and Ratifying Supervisor's Report of Claims and Settlement Reports

Order Confirming and Ratifying Supervisor's Report of Claims and Short Settlement Reports

Order Admitting Estate to Probate, Estate of Coda Mae Flacy

Recommendation & Order of Fiduciary Commissioner, Estate of Robert George King (*O. Gay Elmore, Jr., Fiduciary Commissioner*)

Order Declaring Re-Opened Estate Closed, Estate of Jane W. Ferrell

Order Declaring Re-Opened Estate Closed, Estate of Philip G. Ferrell, Jr., a/k/a Phillip G. Ferrell

Administrative Closing Order, Cassie Letea Collins (*case dismissed February 16, 2001, revoking appointment of Legal Guardian, releasing bond, Cassie Collins is 27 years of age*)

Administrative Closing Order, Ebony Marie Barnes (*case dismissed June 17, 1998, revoking appointment of Legal Guardian, releasing bond, Bony Barnes is 25 years of age*)

PURCHASE ORDERS

Commissioner Hardy moved to approve the purchase orders. Commissioner Shores seconded. Motion carried.

Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department:

Vendor	Department	Amount	Comments/Description
Citynet, LLC	Data Process.	\$12,959.01	City Care / Point to Point Cisco Switch Support – 1 st Quarter 2010, continuation of existing service
Kanawha Valley Radiologists, Inc.	Commission	\$10,300.00	Mammograms Readings
OfficeMax Incorporated	Commission	\$5,351.65	Office supplies
John P. Slappe Painting	Maintenance, Christopher St.	\$9,093.00	Priming and Painting Drug Court build-out – State Contract
Holmatro Rescue Equipment	Pinch VFD	\$28,760.00	Upgrade/replace hydraulic rescue tools per Public Safety Grant Letter of Intent (<i>sole source</i>)
General Truck Sales Corporation	Dunbar VFD	\$13,166.53	Replace diesel engine and transmission service for 1986 GMC Tanker (<i>Public Safety Grant Letter of Intent</i>)
Metro Emergency Operation Center	Metro	\$44,000.00	Reimburse purchase of emergency notification transmission system (\$34,000.00) and costs incurred for street sign maintenance in unincorporated areas of Eastern Kanawha County (\$10,000.00) – Public Safety Grant Letter of Intent
Finley Fire Department	Malden VFD	\$10,000.00	Partial payment for thermal imaging camera (<i>Public Safety Grant Letter of Intent</i>)
Systematic Copiers, Inc.	Sheriff's LED	\$5,562.00	3 month's copier lease for Lanier LD540CSPF copier @ \$315.51 per month; LD360SP copier @ \$442.73 per month; 2 Lanier LP140SPF copiers @ \$306.00 per month; and 2 Lanier LD333SPF copiers @ \$241.00 per month (<i>WV State Contract</i>)
Dell	Sheriff's LED	\$9,742.64	One Dell Laptop, one server rack, one IU KMM and switch; and 4 Optiplex 780 Computers with Monitors

ORDERS

Commissioner Hardy moved to approve the orders. Commissioner Shores seconded. Motion carried.

Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for the General Fund

(documentation available for inspection at the County Clerk's Office as well as the Kanawha County Commission meeting of March 11, 2010)

The Honorable Vera J. McCormick, County Clerk

Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for Special Funds
(documentation available for inspection at the County Clerk's Office as well as the Kanawha County Commission meeting of March 11, 2010)

The Honorable Vera J. McCormick, County Clerk

Order Confirming and Approving Orders Entered by the Clerk of the County Commission of Kanawha County, West Virginia (Probate Court Order *(February 1, 2010, through February 28, 2010)*)

The Honorable Vera J. McCormick, County Clerk

Order approving Budget for Fiscal Year 2010-2011

Commission President Kent Carper

Commissioner Henry C. Shores

Commissioner Dave Hardy

Brent Pauley, County Manager

Jennifer Sayre, Deputy County Manager/Grants Director

David Fontalbert, Chief Fiscal Officer

Election Officials – List of Poll Workers for the Primary Election – May 11, 2010

Marc J. Slotnick, County Attorney

Resolution – Fiscal Year 2009-2010 General Fund Budget Revision #16

David Fontalbert, Chief Fiscal Officer

New Employee, Grant/Contract Position, Lisa Paxton, Homeland Security, Office of Emergency Communications Program, Statewide Interoperability Coordinator Support Specialist, Grant Contract Position, \$6,000.00 per month, Contract Date to August 31, 2010; and \$3,500.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

Dave Erwin, Chair, State Interoperable Governance Board

New Employee, Grant/Contract Position, John Jones, Homeland Security, Office of Emergency Communications Program, Interoperable Training Coordinator, Grant Contract Position, \$7,500.00 per month, Contract Date to August 31, 2010; and \$4,950.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

Dave Erwin, Chair, State Interoperable Governance Board

New Employee, Grant/Contract Position, Patrick McGue, Homeland Security, Office of Emergency Communications Program, Interoperable Training Coordinator, Grant Contract Position, \$7,500.00 per month,

Contract Date to August 31, 2010; and \$4,950.00 per month from September 1, 2010, to May 31, 2011), effective March 15, 2010

Dave Erwin, Chair, State Interoperable Governance Board

Change of Employment Status, Jason Robert Settle, Sheriff's Department, Law Enforcement Division, Change of Status from Full-Time Sworn Member to Full-time Civilian, permanent position to replace Miranda Dillon, \$27,800.00 per year, effective April 1, 2010

The Honorable Michael Y. Rutherford, Sheriff

Order approving overtime for Kanawha County Commission employees for pay period ending March 31, 2010, for hours worked in the pay period of February 22, 2010, through February 28, 2010

Brent Pauley, County Manager

Jennifer Sayre, Deputy County Manager

PAY PERIOD 02/22/2010-02/28/2010

NAME	OT		OT		TOTAL
	STRAIGHT	AMOUNT	TIME/HALF	AMOUNT	
Downey, Leslie	1.00	\$23.79		\$0.00	\$23.79
Morrison, Rachelle	2.25	\$53.52	1.10	\$39.25	\$92.77
Hackney, Cathy	0.90	\$18.32		\$0.00	\$18.32
Hudson, Theresa	1.00	\$20.13		\$0.00	\$20.13
Lanham, Shellie	1.00	\$15.95		\$0.00	\$15.95
Lilly, Mindy	1.00	\$19.65		\$0.00	\$19.65
Sandoro, Colt	2.00	\$27.33	0.75	\$15.37	\$42.70
Harrison, Blanche	2.50	\$32.69	2.50	\$49.04	\$81.73
Hodge, Edna	2.50	\$32.69	2.15	\$42.17	\$74.86
Melton, Joe	2.50	\$38.97	12.65	\$295.79	\$334.76
Paul, II, Ernest	2.50	\$32.05	0.03	\$0.58	\$32.63
Prowse, James	2.50	\$32.05	6.78	\$130.39	\$162.44
Shafer, Sheila	2.50	\$32.05	5.40	\$103.85	\$135.90
Withrow, Robert	2.50	\$32.05	1.80	\$34.62	\$66.67
Beller, Gary	2.50	\$32.05	1.63	\$31.35	\$63.40
Beller, Philip	2.07	\$60.51		\$0.00	\$60.51
Clark, Michael	2.00	\$28.24		\$0.00	\$28.24
Estep, Bill	3.52	\$47.84	6.08	\$123.94	\$171.78
Moore, Allen	2.50	\$34.62	0.04	\$0.83	\$35.45
Rucker, Raymond	2.50	\$32.05	4.83	\$92.89	\$124.94
White, Mike	1.80	\$25.42		\$0.00	\$25.42
White, Bruce	1.33	\$17.05		\$0.00	\$17.05
Jones, Greg	2.00	\$43.02	15.37	\$495.89	\$538.91
McDonnell, Larry	1.00	\$13.66		\$0.00	\$13.66
Robinson, Debbie	3.25	\$70.67		\$0.00	\$70.67
	51.12	\$816.37	61.11	\$1,455.96	\$2,272.33

**MINUTES FOR COMMISSION
MEETING OF MARCH 11, 2010**

Emergency Polling Location Change – Precinct No. 158 (from Lens Creek Nazarene Church to Hernshaw Methodist Church, 2817 Lens Creek Road, Hernshaw)

The Honorable Vera J. McCormick, County Clerk

**Order authorizing payment to David Sweeney, Kanawha County Regional Planner, to be paid bi-monthly in the amount of \$3,750.00 per month, effective April 1, 2010, through June 30, 2010 (from line 001-443.60-500-2)
Order replaces Court**

Order 2009-683 due to changes in grant

Carrie Clendening, Grant Coordinator/Legislative Liaison

Order authorizing the Clerk of the County Commission to issue a check to David Sweeney, Regional Planner in the amount of \$1,875 for contractual work as it relates to critical infrastructure assessment and the Homeland Security Regional Planner Grant Program (from Line 001-443.60-500-2)

Carrie Clendening, Grant Coordinator/Legislative Liaison

Order Authorizing the Clerk of the Kanawha County Commission to issue a check from the Federal Grant Fund (009-442.36-2-30.00), in the amount of One Hundred Seventy Eight Thousand, Nine Hundred Dollars (\$178,900.00) to cover all or partial payments for Invoice Nos. 2, 3 and 4 in the amounts of \$39,292.71, \$111,780.35 and \$27,826.94, respectively, made out to CJ Hughes Construction Co., representing payment for work on the Derricks Creek Ridge Water Line Extension Project

Patrick Snyder, Project Coordinator, Planning Department

Applications for Apportionment of Personal Property Taxes Pursuant to Final Divorce Orders in Accordance with Chapter 11, Article 5, Section 14, of the Code of West Virginia

Marc Slotnick, County Attorney

Steve Sluss, Chief Legal Counsel, Assessor's Office

Order authorizing the President of the Kanawha County Commission to sign the West Virginia Development Office's Application for the 2010 Small Cities Block Grant in the amount of \$1,500,000 for construction of the Leatherwood/Reamer Hill Water Line Extension Project

Patrick Snyder, Project Coordinator, Planning Department

Order authorizing the President of the Kanawha County Commission to sign the Commitment Letter which commits \$250,000 (to be paid in Fiscal Year 11-12 or 12-13) to the Leatherwood/Reamer Hill Water Line Extension Project

Patrick Snyder, Project Coordinator, Planning Department

Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-704.00-2-30.00, in the amount of Four Hundred Thousand Eighty-Two Dollars and Forty-Six Cents (\$400,082.46) to the WV Regional Jail Authority representing payments for August, 2009 (\$383,895.00) and reconciled supplemental invoices (\$16,187.46) for the Fiscal Year July 1, 2008 through June 30, 2009

David Fontalbert, Chief Fiscal Officer

Order authorizing the Clerk of the County Commission to issue check payable to the Davis Creek Volunteer Fire Department in the amount of \$1,487.50 from the Coal Severance Fund, #002-713.00-800-5-68.32 (*Coal Sev. Fire Reserve Fund*), for repairs to the Department's 2001 LaFrance pumper truck

David Fontalbert, Chief Fiscal Officer

Order authorizing the President of the Kanawha County Commission to sign Certificate of Approval for the Sissonville, Miller, Pocatalico and Guthrie Volunteer Fire Department approving the Option agreement between the SMP&G VFD and First Bankers Corporation in the amount of \$188,384.00 to finance a Ferrara Pumper Truck

Jennifer Sayre, Deputy County Manager/Grants Director

Dale Petry, Emergency Services Director

Authorization for the President of the Kanawha County Commission to sign a Contract between the Kanawha County Commission and R. G. Friday, Inc., for Parking facility renovations

Jerie Whitehead, Purchasing Director

Authorization for the President of the Kanawha County Commission to sign Certificates of Title transferring vehicles declared surplus property (*2004 Ford Crown Victoria XX6482; 2005, Ford Crown Victoria XX8809*)

Jerie Whitehead, Purchasing Director

Authorization for the President of the Kanawha County Commission to sign 36 month Copier Lease Agreement between the Kanawha County Commission and Systematic Copier Corporation (Sheriff's Department)

Jerie Whitehead, Purchasing Director

Authorization for the President of the Kanawha County Commission to sign Certificates of Title transferring vehicles declared surplus property (*Transferred to Sulli Motors, 2004 Ford Crown Victoria XX6482; 2005, Ford Crown Victoria XX8809; transferred to Grace Quality Used Cars, 2005 Ford Crown Victoria XX8811*)

Jerie Whitehead, Purchasing Director

1. Fiscal Year 2009-2010 General Fund Budget Revision #16

Commissioner Hardy moved to approve the General Fund Budget Revision #16. Commissioner Shores seconded. Motion carried.

REVENUE:

001-322-0-25.00	Federal Grant - HIDTA	\$11,848.00
001-322-0-33.00	Federal Grant - Drug Court	\$296.00
001-382-0-00.00	Refunds/Reimbursements	\$6,449.00

EXPENDITURES:

001-401.00-2-14.00	County Commission Travel	\$2,500.00
001-401.00-2-17.01	County Commission M&R Auto Parking	(\$10,250.00)
001-401.00-3-41.00	County Commission Supplies	\$2,500.00
001-404.00-2-12.00	Sheriff's Tax Printing	(\$2,000.00)
001-404.00-2-19.00	Sheriff's Tax Building/Equip Rent	\$2,000.00
001-429.00-2-14.00	RDA Travel	\$250.00
001-443.35-2-11.00	Day Report Telephone	\$1,250.00
001-443.35-3-41.00	Day Report Supplies	(\$954.00)
001-700.00-1-08.01	Sheriff's LED Overtime	\$18,297.00
001-701.00-2-23.00	Legal Process Professional Services	\$2,500.00
001-701.00-3-41.01	Legal Process Equipment Non-Depr.	(\$2,500.00)
001-711.00-2-19.00	Emergency Services Building/Equip. Rental	\$2,000.00
001-711.00-5-68.00	Emergency Services Contributions	\$3,000.00

CHECK REGISTERS/SUPPLEMENTALS (Order Confirming and Approving Disbursements to be made by the Clerk of the County Commission of Kanawha County)

Commissioner Carper moved to approve a supplement check to National Law Enforcement Supply for \$10,027.34 from Public Safety Grant funds. Commissioner Shores seconded. It will be ratified on the next agenda. Commissioner Carper moved to approve two orders closing grants in the amount of \$100.00 each, for the EPA Stag Grants. Commissioner Shores seconded. Motion carried.

Commissioner Carper moved to approve supplement checks for \$3,020.12 payable to National Law Enforcement Supply, \$3,779.15 payable to AEP, and \$157.44 payable to BB&T. Commissioner Shores seconded. Motion carried.

Commissioner Carper instructed Chelly to do a memo to Leslie/ Commissioner Shores regarding possible times for the March 22nd special commission meeting.

Commissioner Carper moved to adjourn. Commissioner Shores seconded. Motion carried.

- ❖ **AND BOLD DENOTES CHANGE TO THE AGENDA (Example, typographical error, addition, change and/or omission from first version of Agenda)**
- ◆ **AND BOLD PRINT DENOTES EMERGENCY ITEM**

THE KANAWHA COUNTY COMMISSION MEETING OF MARCH 11, 2010, RECESSED AT 6:32 P.M., UNTIL THE 1ST DAY OF APRIL, 2010, AT 5:00 P.M.

THE FOREGOING MINUTES ARE APPROVED THIS 1ST DAY OF APRIL, 2010.

PRESIDENT

COMMISSIONER

COMMISSIONER

COUNTY ATTORNEY