

# **KANAWHA COUNTY COMMISSION**

## ***Agenda***

**Thursday, January 5, 2023**

**5:00 P.M. CALL TO ORDER**

Pledge of Allegiance  
Commissioner Lance Wheeler

Moment of Silence and Recognition

**MINUTES**

Approval of the Minutes of the Regular Commission Meeting on  
December 8, 2022

**RESOLUTION/PROCLAMATION/RECOGNITION**

**NEW EMPLOYEES**

**Commission**

Beth Thompson, Deputy County Manager, Kanawha County  
Commission, Exempt Employee, full-time employee, salary to be set  
and determined by the Commission, replacing Andrew Gunnoe,  
effective January 16, 2023

Jennifer Herrald, County Manager

**Shawnee Sports Complex**

Beverly Payne, Complex Manager (night and weekend manager),  
Shawnee Sports Complex, full-time employee, \$35,000.00 per year,  
replacing Sarah Blair, effective January 6, 2023

Jennifer Herrald, County Manager

Mya Lacey, Part-time Manager on Duty (MOD), Shawnee Sports Complex, part-time employee, \$15.00 per hour, effective January 6, 2023

Jennifer Herrald, County Manager

Emma Pauley, Shawnee part-time employee, Shawnee Sports Complex, part-time employee, \$12.00 per hour, effective January 6, 2023

Jennifer Herrald, County Manager

Sheriff

Andrew Charles Walker, Kanawha County Deputy Sheriff, Sheriff's Law Enforcement, full-time employee, \$49,004.80 per year, replacing Ryan Montagu, effective January 16, 2023

The Honorable Mike Rutherford, Sheriff

CHANGE OF EMPLOYMENT STATUS

Shawnee Sports Complex

Change in Status: Michael Stone from regular part-time to a part-time Manager on Duty (MOD), Shawnee Sports Complex, from \$12.00 per hour to \$15.00 per hour, effective January 6, 2023

Jennifer Herrald, County Manager

AGENDA ITEMS

5:00 P.M.

Discussion regarding General and Special Meetings of 2023 and Organization of the Commission to include, but not be limited to, the selection of Commission President, President Pro Tempore, and approval of Board Appointments for the Commissioners. Discussion to include setting Christmas Eve and New Years Eve Holiday Schedule

Commissioner Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler  
Jennifer Herrald, County Manager

**Discussion regarding authorizing the State Property Tax Department to continue to work with mineral values for 2022 Tax Year until Commission Sine Die on February 21, 2023**

**Commissioner Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler**

**Discussion regarding funding request from Southern Appalachian Labor School in the amount of \$25,000.00 for Group Work Camp program for the Upper Kanawha Valley**

**Commissioner Ben Salango  
Commissioner Kent Carper  
Commissioner Lance Wheeler**

**Recognition of George Washington High School Cheerleading and discussion regarding funding request from George Washington High School Cheerleading in the amount of \$5,000 for Nationals in the WVSSAC Championship in the State Gameday Competition Orlando, Florida**

**Commissioner Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler**

**Discussion regarding Kanawha Valley Senior Services funding request in the amount of \$80,000.00**

**Commissioner Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler  
Vicky Foster, Chief Executive Officer**

**Discussion regarding funding for two Trash Trucks – a roll-off truck and a small garbage truck. The total cost is \$400,000. Proposed allocation of \$350,000. 00**

**Commissioner Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler  
The Honorable David Casebolt, Mayor of the City of Nitro**

Discussion regarding funding request from Kanawha County Emergency Ambulance Authority to purchase 5 sets of gear for the SWAT Medics at KCEAA who provide Medical support to the KCSO's SWAT Team. The cost of the 5 sets of gear is \$34,462.10 which includes 5 radios that would be used during those SWAT calls.

Commissioner Lance Wheeler

Discussion regarding upgrading the Accounting Software System from GEMS to CitySuite for an estimated cost of \$300,000

Commission President Kent Carper  
Jennifer Herrald, County Manager  
Kim Fleck, Director of Finance  
Brian Gillenwater, Director of Accounting

Discussion regarding Capital Sports Center  
Commissioner Ben Salango

Discussion regarding Fiscal Year 2023-2024 Budget including deadlines

Commissioner Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler  
Kim Fleck, Director of Finance

Discussion regarding 2023 Legislative Agenda

Commissioner Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler  
Jennifer Herrald, County Manager

**Kanawha County Commission meetings through April, 2023**  
**Commission President Kent Carper**  
**Commissioner Ben Salango**  
**Commissioner Lance Wheeler**

DATE	TIME
Thursday, January 19, 2023	5:00 p.m.Δ
Tuesday, January 31, 2023	8:30 a.m.≈
Thursday, February 2, 2023	5:00 p.m.◆
Tuesday, February 7, 2023	8:30 a.m.≈
Thursday, February 9, 2023	5:00 p.m.≈*
Tuesday, February 14, 2023	8:30 a.m.≈
Thursday, February 16, 2023	5:00 p.m.◆
Tuesday, February 21, 2023	8:30 a.m.≈•
Thursday, March 9, 2023	5:00 p.m.Δ
Thursday, March 23, 2023	5:00 p.m.Δ
Tuesday, April 4, 2023	5:00 p.m.Δ
Tuesday, April 18, 2023	5:00 p.m.Δ0

- Δ Regularly Scheduled Commission Meeting
- ≈ Board of Review and Equalization Meeting
- ◆ Board of Review and Equalization Meeting and Commission Meeting
- \* Mineral meeting
- Board of Review and Equalization– Adjourn Sine Die
- 0 The 2023-2024 Kanawha Co. Levy Rate will be set at this meeting

**6:00 P.M. PUBLIC HEARING**

Appeal of November 14, 2022, and December 14, 2022, Notices of Issued to Gadsden, Gaillard, and West, LLC and Dennis West regarding the Paint Creek Spill

David L. Yaussy, Esq., SPILMAN THOMAS & BATTLE, PLLC,  
Counsel for Respondents

**AGENDA SETTING**

**PUBLIC COMMENT**

**COUNTY MANAGER’S REPORT**

**DIRECTOR OF FINANCE’S REPORT**

**COUNTY ATTORNEY’S REPORT**

**STAFF REPORTS**

**NEW BUSINESS**

**FIDUCIARY**

Dismissal Order (Estate of Harry Hormuz Fathy)

Objections and Exceptions

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

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

Order Declaring Re-Opened Estate Closed (Estate of Nina Louise Reveal)

Order Referring to a Fiduciary Commissioner (Estate of Charles Sampson Mooney)

Order Referring to a Fiduciary Commissioner (Estate of Nancy L. Sergent-Long)

Order Referring to a Fiduciary Commissioner (Estate of Glendin Shamblin)

**PURCHASE ORDERS**

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

<b>Vendor</b>	<b>Department</b>	<b>Amount</b>	<b>Comments/Description</b>
Dell (Ratify PO signed 12/12/22)	Sheriff's Law Enforcement Div.	\$30,750.00	15 Dell Latitude Rugged Laptop Computers @\$2,050 each per Dell midwestern Higher Education Compact Contract C000000181093 Agreement #MHEC-07012015 for The Kanawha County Sheriff's Office Home Land Security Grant
Suluja Law Office PLLC (ratify PO signed 12/13/22)	Kanawha Co. Commission	\$10,454.00	Professional services for KCSD re: Civil Service Exams
Fifth Third Bank (ratify PO signed 12/15/22)	Juvenile Drug Court	\$7,763.11	Purchases for juvenile drug court participants
Fifth Third Bank (ratify PO signed 12/15/22)	Shawnee Sports Complex	\$10,275.42	Purchases for Mt. State Cup tournament
WV Regional Technology Park Corp (ratify PO signed 12/14/22)	Kanawha Co. Commission	\$750,000.00	ARPA (Gen Gov't services) renovations to building 727 on campus per Letter of Intent dates 9/22/22
ZDS Design/Consulting Services	Kanawha Co. Commission	\$31,251.95	Engineering services for Judicial Building AHU replacement
Casto & Harris	County Clerk - Elections	\$17,649.61	Four 41V 1404 EV-CV Express Vote Carts with covers \$4,004.35 each; five 17V 1404 add'l covers \$222 each; and shipping
Kanawha County Parks & Recreation Commission	Kanawha Co. Parks Police	\$9,554.62	Reimbursement for uniforms, bullet proof vests and cruiser equipment per Public Safety Grant Letter of Intent

Election Systems & Software	County Clerk - Elections	\$23,813.00	2 precinct tabulators; one central tabulator; one reporting setup; 193 ballot facts; 1 ballot types; 48 contests/issues; 193 precincts; 236 candidate/responses; 921 media burn-DS200 poll; batteries, ex-cable in-rush limiter, hardware
Rigney Digital Systems, Ltd.Co.	Maintenance Annex	\$6,210.00	Labor and equipment to repair VAV boxes in Judicial Building
Smith Brothers Professional Window Cleaning	Maintenance	\$20,750.00	Bi-annual window cleaning services
George Washington High School Cheer	Kanawha Co. Commission	\$5,000.00	Contribution for expense to attend Nationals at Disney in February
Lauttamus Communications & Security	Sheriff's Law Enforcement Div.	\$12,000.00	Fifteen (15) VP-600 UHF Portable Radios @ \$800.00 each

Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department (*contingent upon approval and posting of a pending Fiscal Year 2022-2023 budget revision*):

Vendor	Department	Amount	Comments/Description
Harris Computer Corporation	Kanawha Co. Commission	\$111,247.38	Annual Maintenance renewal for GEMS software Jan 2023-Dec 2023
Evens Time, Inc.	Kanawha Co. Commission	\$169,344.61	Provide and Install Automated parking system and alternate #1 for the Pay on Foot device



## **ORDERS**

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 January 5, 2023*)

The Honorable Vera J. McCormick, Clerk of County the Commission

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 January 5, 2023*)

The Honorable Vera J. McCormick, Clerk of County the Commission

Order Confirming and Approving Orders Entered by the Clerk of County Commission of Kanawha County, West Virginia

The Honorable Vera J. McCormick, Clerk of County the Commission

New Employee: Andrew Charles Walker, Kanawha County Deputy Sheriff, Sheriff's Law Enforcement, full-time employee, \$49,004.80 per year, replacing Ryan Montagu, effective January 16, 2023

Approval of the Erroneous Assessments Submitted by the Kanawha County Assessor (decrease \$29,564.58)

New Employee: Beth Thompson, Deputy County Manager, Kanawha County Commission, Exempt Employee, full-time employee, salary to be set and determined by the Commission, replacing Andrew Gunnoe, effective January 16, 2023

New Employee: Beverly Payne, Complex Manager (night and weekend manager), Shawnee Sports Complex, full-time employee, \$35,000.00 per year, replacing Sarah Blair, effective January 6, 2023

New Employee: Mya Lacey, Part-time Manager on Duty (MOD), Shawnee Sports Complex, part-time employee, \$15.00 per hour, effective January 6, 2023

**New Employee: Emma Pauley, Shawnee part-time employee, Shawnee Sports Complex, part-time employee, \$12.00 per hour, effective January 6, 2023**

**Change in Status: Michael Stone from regular part-time to a part-time Manager on Duty (MOD), Shawnee Sports Complex, from \$12.00 per hour to \$15.00 per hour, effective January 6, 2023**

**Organization of the Commission  
Commissioner Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler  
Jennifer Herrald, County Manager**

**Notice of General and Special Meetings of the County Commission of Kanawha County  
Commissioner Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler  
Jennifer Herrald, County Manager**

**Order Lifting the Kanawha County State of Emergency**

**Order authorizing the President of the Kanawha County Commission to sign the Region 3 / 4 Health Coalition Participation Agreement**

**Order ratifying the President of the Kanawha County Commission signature on the Bond Sports Partnership Agreement between Shawnee Sports Complex and Bond Sports, Inc.**

**Order ratifying the President of the Kanawha County signature on the Lexis Subscription Agreement for State/Local Governments**

**Order ratifying the President of the Kanawha County signature on the Agreement between the Kanawha County Commission and Evens Time, Inc.**

**Demolition Order: In the matter of the property owned by NAJ LLC (Thomas F. Johns and Robert L. Johns, members) (Tax Map 22L Parcel 2.6, Union District)**

**Demolition Order: In the matter of the property owned by Heirs at Law of Timothy Godby (Tax Map 34E Parcel 1, Union District)**

**Demolition Order: In the matter of the property owned by David P. Keeney and Diana J. Keeney (Tax Map 29A Parcel 50, Malden District)**

**Demolition Order: In the matter of the property owned by Charleston Economic & Community Development Corporation (Tax Map 8C Parcel 69, Loudon District)**

**Demolition Order: In the matter of the property owned by Shannon Roberts (Tax Map 18 Parcel 5, Nitro District)**

**Demolition Order: In the matter of the property owned by Barbara Cunningham, Susan Toney, James Arthur, Jr., Susan L. Toney, Regina L. Arthur, Debbie Lipscomb, and James R. Arthur, and the heirs or devisees of Henrietta Budge, all heirs at law of Virginia Lee Franklin, deceased (Tax Map 3 Parcel 66, Handley District)**

**Order authorizing the President of the Kanawha County Commission to sign the Indemnity Agreement and Quitclaim Deed between the Kanawha County Commission and Airgas USA, LLC**

**Authorization for the President of the Kanawha County Commission to Sign an Equipment Lease Agreement between the Kanawha County Commission & Superior Office Service, Inc.  
Jerie Whitehead, Purchasing Director**

**Order Authorizing the Clerk of the County Commission to issue a check from the County Manager Fund (#019-401.00-5-67.00), in the amount of Eighty Six Thousand Eight Hundred Thirty Six Dollars (\$86,836), to the Emergency Response Fund (#021), to replenish funds associated with costs of the August 15, 2022 flooding event  
Kim Fleck, Director of Finance**

**Order Authorizing the Clerk of the County Commission to issue a check from the County Manager Fund (#019-401.00-5-67.00), in the amount of One Hundred Seventy Thousand Dollars (\$170,000), to the Capital Fund (#090), for the purchase of the automated parking system  
Kim Fleck, Director of Finance**

Order Authorizing the Clerk of the County Commission to distribute 50% of the monthly proceeds from the Hotel/Motel Occupancy Taxes (#001-911.00-800-5-68.00) collected in the unincorporated areas of Kanawha County, WV to the Parks & Recreation Fund (Transfers from other Funds- Hotel Motel Revenue 001-388-01), effective January 1, 2023. (replacing order 2021-629)

Kim Fleck, Director of Finance

1. **Fiscal Year 2022-2023 County Managers Fund**

**EXPENDITURE:**

019-401.00-5-68.00	Co Manager's Fund - Contributions	(176,590)
019-401.00-5-67.00	Co Manager's Fund -Transfers to other funds	176,590

2. **Fiscal Year 2022-2023 Emergency Response Fund Line Item Revision**

**REVENUE:**

021-000.00-388-0-00.00	Emergency Response – Transfers from Other Funds	86,837
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**EXPENDITURE:**

021-401.00-3-41.00	Emergency Response – Supplies & Material	86,837
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3. **Fiscal Year 2022-2023 General Fund Line Item Revision**

**EXPENDITURES:**

001-401.00-5-67.00	Co Comm- Transfers to other Funds	(110,000)
001-401.00-2-30.00	Co Comm - Contracted Services	100,000
001-401.00-3-41.00	Co Comm- Supplies & Materials	5,000
001-401.00-3-41.01	Co Comm - Equipment; Non Depreciable	5,000

4. **Fiscal Year 2022-2023 Capital Fund Line Item Budget Revision**

**REVENUES:**

090-000.00-388-0-00.00	CAPITAL FUND - Transfers from other Funds	170,000
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**EXPENDITURES:**

090-401.00-4-51.00	CAPITAL EQUIP - Co Comm Capital	170,000
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5. **Fiscal Year 2022-2023 ARPA 2021 Fund Line Item Budget Revision**

**EXPENDITURES:**

207-401.00-5-68.00	ARPA 2021 - Contributions	(500,000)
207-401.05-5-68.18	ARPA 2021 - Infrastructure; water, sewer, other	500,000

**CHECK REGISTERS: SUPPLEMENTALS/EMERGENCY:**

Casto & Harris, in the amount of \$17,649.61 for Four 41V 1404 EV-CV Express Vote Carts with covers \$4,004.35 each; five 17V 1404 add'l covers \$222 each; and shipping

Election Systems & Software Inc., in the amount of \$23,813.00 for 2 precinct tabulators; one central tabulator; one reporting setup; 193 ballot facts; 1 ballot types; 48 contests/issues; 193 precincts; 236 candidate/responses; 921 media burn-DS200 poll; batteries, ex-cable in-rush limiter, hardware

Smith Brothers Window Cleaning, in the amount of \$20,750.00 for bi-annual window cleaning services

George Washington High School Cheer, in the amount of \$5,000.00 for contribution for expenses to attend Nationals at Disney in February

**Ratification of documents processed at the December 8, 2022 meeting:**

Purchase Order: Hissam, Forman, Donovan, Ritchie in the amount of \$26,104.00 for legal services for Capital Flea Market, Blackhawk, and Paint Creek

Purchase Order: Atlantic Emergency Solutions in the amount of \$20,000.00 for extrication gear to match equipment currently used by Charleston Fire Department

Purchase Order: Atlantic Emergency Solutions in the amount of \$10,000.00 for extrication gear to match equipment currently used by Charleston Fire Department

Purchase Order and Emergency Check: Aldersgate United Methodist Church in the amount of \$10,000.00 for contribution to food pantry

**Purchase Order and Emergency Check: Kanawha Valley Senior Services in the amount of \$10,000.00 for contribution to food pantry (Hansford Center)**

**Purchase Order and Emergency Check: Bread of Life in the amount of \$10,000.00 for contribution to food pantry**

**Purchase Order and Emergency Check: Riverside High School Food Pantry in the amount of \$10,000.00 for contribution to food pantry**

**Purchase Order and Emergency Check: Clendenin Ministerial Association in the amount of \$10,000.00 for contribution to food pantry**

**Purchase Order and Emergency Check: UKV Sports & Activity Center in the amount of \$10,000.00 for contribution to food pantry**

**Purchase Order and Emergency Check: Dunbar-Institute Samaritan Center in the amount of \$10,000.00 for contribution to food pantry**

**Purchase Order and Emergency Check: Trio Student Support Services in the amount of \$10,000.00 for contribution not food pantry**

**Purchase Order and Emergency Check: Lower Elk River Ministries Association in the amount of \$10,000.00 for contribution to food pantry**

**Emergency Check: Greater Sissonville Development Council in the amount of \$34,094.65**

**Emergency Check: Hernshaw Methodist in the amount of \$100.00 for 2022 election**

**Emergency Check: Sharon Burnside in the amount of \$75 for 2022 election**

**Order Authorizing the President of the Kanawha County Commission to sign the Consulting Services Agreement with Three Point Strategies, LLC for the period of January 1, 2023-December 31, 2023**

**Letter of Intent: Sissonville Public Service District in the amount of \$500,000 for contribution to replace the clarifier system associated with the treatment plant contingent upon receipt of the remainder of the funds to complete the work estimated at \$1.08 million**

**Ratification of document signed on December 12, 2022:**

**Election payroll in the amount of \$260**

**Ratification of documents processed on December 14, 2022:**

**Resolution Honoring Debby Weinstein**

**Sheriff's outside overtime in the total amount of \$9,950.00**

**Ratification of documents processed on December 15, 2022:**

**Election payroll in the amount of \$395.00**

**Demolition Order: In the matter of the property owned by Geraldine Shropshire, John Miller, Lori Abner, Leona Barbou, Channie Wiseman, Jocelyn Kyte, Carol Shelton, Billy Miller, Wayne Christopher Miller, Myra L. Wood, Anna Newsom, Frances Fields, Kristine R. Allard, heirs at law of Anna Miller, deceased, or their heirs or devisees if deceased (Tax Map 46F Parcel 36, Cabin Creek District)**

**Demolition Order: In the matter of the property owned by Freddie V. Sizemore secured by Summit Community Bank (Tax Map 9 Parcel 78, Nitro District)**

**Ratification of documents processed on December 20, 2022:**

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

**Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for Special Funds**

**Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission of West Virginia (supplemental)**

**Resolution (Region 3 Hazard Mitigation Plan)**

**Ratification of documents processed on December 27, 2022:**

**Regular payroll**

**Resolution Honoring Danny Jones**

**Emergency checks to Fifth Third Bank for p=card payments totaling  
\$35,550.00**