

MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD IN THE COMMISSION COURTROOM, LOCATED IN CHARLESTON, WEST VIRGINIA THEREOF ON JANUARY 5TH, 2023.

A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON JANUARY 5TH, 2023, BEGINNING AT 5:00pm

THE FOLLOWING MEMBER WAS PRESENT:

W. KENT CARPER, PRESIDENT
BEN SALANGO, COMMISSIONER
LANCE WHEELER, COMMISSIONER

01/05/23	2023-001	Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department
01/05/23	2023-002	Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department (<i>contingent upon approval and posting of a pending Fiscal Year 2022-2023 budget revision</i>)
01/05/23	2023-003	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for the General Fund
01/05/23	2023-004	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for Special Funds
01/05/23	2023-005	Order Confirming and Approving Orders Entered by the Clerk of County Commission of Kanawha County, West Virginia
01/05/23	2023-006	Approval of the Erroneous Assessments Submitted by the Kanawha County Assessor (decrease \$29,564.58)
01/05/23	2023-007	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
01/05/23	2023-008	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

01/05/23	2023-009	New Employee: Mya Lacey, Part-time Manager on Duty (MOD), Shawnee Sports Complex, part-time employee, \$15.00 per hour, effective January 6, 2023
01/05/23	2023-010	New Employee: Emma Pauley, Shawnee part-time employee, Shawnee Sports Complex, part-time employee, \$12.00 per hour, effective January 6, 2023
01/05/23	2023-011	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
01/05/23	2023-012	Organization of the Commission
01/05/23	2023-013	Notice of General and Special Meetings of the County Commission of Kanawha County
01/05/23	2023-014	Order Lifting the Kanawha County State of Emergency
01/05/23	2023-015	Order authorizing the President of the Kanawha County Commission to sign the Region 3 / 4 Health Coalition Participation Agreement
01/05/23	2023-016	Order ratifying the President of the Kanawha County Commission signature on the Bond Sports Partnership Agreement between Shawnee Sports Complex and Bond Sports, Inc.
01/05/23	2023-017	Order ratifying the President of the Kanawha County signature on the Lexis Subscription Agreement for State/Local Governments
01/05/23	2023-018	Order ratifying the President of the Kanawha County signature on the Agreement between the Kanawha County Commission and Evens Time, Inc.
01/05/23	2023-019	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)
01/05/23	2023-020	Demolition Order: In the matter of the property owned by Heirs at Law of Timothy Godby (Tax Map 34E Parcel 1, Union District)
01/05/23	2023-021	Demolition Order: In the matter of the property owned by David P. Keeney and Diana J. Keeney (Tax Map 29A Parcel 50, Malden District)
01/05/23	2023-022	Demolition Order: In the matter of the property owned by Charleston Economic & Community Development Corporation (Tax Map 8C Parcel 69, Loudon District)

AGENDA
Meeting of January 5, 2023
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01/05/23	2023-023	Demolition Order: In the matter of the property owned by Shannon Roberts (Tax Map 18 Parcel 5, Nitro District)
01/05/23	2023-024	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)
01/05/23	2023-025	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
01/05/23	2023-026	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
01/05/23	2023-027	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
01/05/23	2023-028	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)
01/05/23	2023-029	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission of West Virginia (supplemental)

Documents not on the agenda but approved/processed at the 01/05/23 Commission Meeting:

01/05/23	2023-030	Order authorizing the President of the Kanawha County Commission to sign the State of West Virginia Emergency Management Division FY 2022 Homeland Security Grant Program Award in the amount of \$198,000.00 for bomb squad robot upgrade
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Documents on the agenda but not processed at the 01/05/23 Commission Meeting:

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

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

Budget Revisions approved/processed at 01/05/23 Commission Meeting:

Fiscal Year 2022-2023 County Managers Fund
Fiscal Year 2022-2023 Emergency Response Fund Line Item Revision
Fiscal Year 2022-2023 General Fund Line Item Revision
Fiscal Year 2022-2023 Capital Fund Line Item Budget Revision
Fiscal Year 2022-2023 ARPA 2021 Fund Line Item Budget Revision

Minutes approved/processed at the 01/05/23 Commission Meeting:

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

Fiduciary orders processed at 01/05/23 Commission Meeting:

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)

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

5:00 P.M. CALL TO ORDER
Pledge of Allegiance
Commissioner Lance Wheeler

Moment of Silence and Recognition

MINUTES

Commissioner Salango moved to approve the minutes listed on the agenda.
Commissioner Wheeler seconded. Motion carried.

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

RESOLUTION/PROCLAMATION/RECOGNITION

NEW EMPLOYEES

Commission

Commissioner Carper moved to approve Beth Thompson, Deputy County Manager, Kanawha County Commission, Exempt Employee, full-time employee, salary to be set at \$95,000 year. Commissioner Wheeler seconded. Motion carried.

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

Commissioner Salango moved to approve the Shawnee Sports Complex employees as listed on the agenda. Commissioner Wheeler seconded. Motion carried.

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

Commissioner Salango moved to approve the Change in Status for Michael Stone as listed on the agenda. Commissioner Wheeler seconded. Motion carried.

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**

Commissioner Wheeler moved to approve Commissioner Kent Carper as President and Commissioner Ben Salango as President Pro Temp. Commissioner Salango seconded. Motion carried.

Leslie read off the accomplishment for 2022: Team Vaccinate; Debt Free 23 which includes paying off two bonds; Established ALLKAN Program with \$500,000 of ARP funding; Announcing the new Capitol Sports Center; 911 Retirement bill; Preserve the Annex with a new HVAC system, elevators, new boiler and all with no borrowing; supporting local food banks; COVID response, weather events by ER Management; Increase code enforcement, increased demo of homes, re-started clean-ups; Shawnee welcomed 175,500 guest, hosted US Soccer cup along with multi other tournaments including USA k9 nationals, WV Showdown with over 60 football teams.

Jennifer Herrald informed the Commission that both Christmas Day and New Years Day is on a Monday in 2023.

Commissioner Salango moved to close the Courthouse on Tuesday, December 26th and, Tuesday, January 2nd, 2024. Commissioner Wheeler seconded. Motion carried.

Commissioner Salango moved for the Commission appointments to all remain the same. Commissioner Wheeler seconded. Motion carried.

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**

Commissioner Carpe moved to approve the State Property Tax Department request to continue to work with mineral values for 2022 Tax Year until Commission sitting as Board of Equilization and Review Sine Die on February 21, 2023. Commissioner Salango seconded. Motion carried.

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**

Bolts Willis stated he has been on this board for 25 years. Dr. Davis stated they have a packet for each Commissioner. Commissioner Carper stated that the Commission staff has reviewed this and vetted the program. Commissioner Carper asked if each nickel will be spent in Kanawha County. Bolts Willis stated yes, it will. Dr. Davis informed the Commission that young people come here each year to repair low-income homes throughout Kanawha County. The homes will mostly be in the Upper Kanawha Valley in Rand, Marmet, and Montgomery. Commissioner Salango stated he believes this is a great program, and it brings in young people to fix porches, wheelchair ramps, and roofs. Dr. Davis stated that this year, where FEMA is not assisting with the most recent funding, several senior citizens need repairs, and they are giving a special interest in these homes. Commissioner Salango moved to approve the \$25,000 with money coming from Coal Severance fund and to process it as an emergency. Commissioner Wheeler seconded. Motion carried.

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**

Commissioner Salango moved to approve the \$5,000 for the George Washington High School Cheerleading. Commissioner Wheeler seconded. Motion carried.

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**

Vicky Foster informed the Commission that they are requesting \$80,000 annual contribution for the nutrition program. This past year they fed 176,000 seniors. Commissioner Wheeler moved to approve the \$80,000 annual contribution to the KVSS. Commissioner Salango seconded. Motion carried.

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**

Mayor Casebolt informed the Commission that the City is down to one truck. Commissioner Carper asked how long he has been Mayor of Nitro and how often he has been before the Commission asking for funding. Mayor Casebolt stated he had been Mayor for 10 years and this is 1st time he has come here asking for funding. Commissioner Carper said, " Mayor, you run an excellent city and have been a pleasure to work with." Commissioner Salango moved to approve the \$350,000 with money from FEMA money in the County Managers Fund. Commissioner Wheeler seconded. Motion carried.

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

Monica Mason informed the Commission that the KCEAA has been working with Sheriff's Office to renovate our Paramedics SWAT team. We re-started the training with Sheriff's Office this year to respond to SWAT calls to assist the deputies. Jason Wilson stated we don't have the funding for the five individuals on the team, and we tried to receive funding from outside sources and did not receive it. We need this for protection. Commissioner Wheeler stated we get these emergency calls and seconds matters. These paramedics are trained to respond to SWAT calls, and the KCAA is paying for the staff and training; they need the money for the gear, stated Commissioner Wheeler.

Commissioner Wheeler moved to approve the funding with money from the Public Safety Grant. Commissioner Salango seconded. Motion carried.

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

Jennifer Herrald informed the Commission that she met with Allen Bleigh, Brian, Kim, Jerie, and they all agreed with this. Commissioner Carper stated this is a matter of necessity.

Commissioner Carper moved to approve the upgrade with the money coming from Financial Stabilization. Commissioner Salango seconded. Motion carried.

Discussion regarding Capital Sports Center

Commissioner Ben Salango

Commissioner Salango informed the Commission that they needed to come up with a structure with legal counsel. Commissioner Salango stated he would like to hire an attorney to work on this and give ideas from the ground up. Commissioner Carper asked if Commissioner Salango had any recommendations. Commissioner Salango stated no, not at this time.

Commissioner Salango moved to hire counsel to assist with ideas on the sports complex. Commissioner Wheeler seconded. Motion carried.

Discussion regarding Fiscal Year 2023-2024 Budget including deadlines

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

Commissioner Carper stated he has been looking at the cuts made by the State. Kim Fleck informed the Commission that we are down over \$1M due to the loss of the Sheriff Tax Sales. Commissioner Carper stated that the Regional Jail bill is going to increase by almost ½ M dollars. We have to fight this. Commissioner Carper stated he would like to send a letter to each County Commission telling each county how much their bill will go up. PEIA is already raising at least \$300,000. WVU has announced that the Wheeling hospital will quit taking PEIA patients. Commissioner Carper stated he is very concerned about the appeals for value assessment since they took away BOAA. We are going to have to make some cuts. The Legislature was very happy to say they would never cut local government. Commissioner Carper stated he hopes the Governor will correct some of this in the State of the State.

Discussion regarding 2023 Legislative Agenda
Commissioner Kent Carper
Commissioner Ben Salango
Commissioner Lance Wheeler
Jennifer Herrald, County Manager

Jennifer Herrald informed the Commission that staff met with our lobbyist and discussed the agenda. There is a meeting on Monday at 10am regarding the jails in the Senate chambers. Our Legislative agenda was sent to all of our Legislatures, and we are working on each item. Commissioner Wheeler has met with Metro regarding the 911 retirement plan

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

Commissioner Carper stated he thought this company dissolved shortly after the wreck. Mr. Yaussy stated, yes but he represents someone who is still insured. Commissioner Carper stated after your client wrecked his truck and poisoned the creek in Kanawha & Fayette County, he dissolved the next day. Mr. Yaussy stated he believed the policy is \$1M, but he is representing the spill on the road, and to their knowledge, no spilled substance is left in the stream. Commissioner Carper stated that the public came here and showed pictures to show the foam is still in the stream weeks after the spill. Mr. Yaussy stated by the time the notice of violation was issued to us, it showed there was no evidence of the substance, and the Fayette County Health Department agreed. Commissioner Carper asked if the driver violated any federal laws. Mr. Yaussy stated that it has nothing to do with the Notice of Violation that he was here to represent. Commissioner Carper stated the Commission sent him a copy of our complaint; where would you like us to bring a lawsuit, Federal or State. Mr. Yaussy stated they don't want the Commission to bring a lawsuit. Commissioner Carper asked then why did you not respond to the Planning Commission and work with them. Mr. Yaussy stated the Commission is required to provide an address, and Paint Creek is a creek, not an address. Mr. Yaussy added there is a requirement to provide geo-location. Commissioner Salango asked what the address where the truck overturned was. Mr. Yaussy stated Skitter Creek. Commissioner Carper stated it is above Paint Creek. Mr. Yaussy stated that if the creek was in Fayette County, why were we there. Commissioner Carper stated it killed the fish downstream in Paint Creek, which is in Kanawha County. Mr. Yaussy stated that the DNR assessed a fine, and it has been paid for the fish kill. Commissioner Carper stated he believes the Commission has the right under the law to proceed with this matter. Mr. Yaussy said State Code 7-1-3ff gives the Commission the authority to set nuisances, but you failed to provide that. Commissioner Carper stated we believe we are right to file this. Mr. Yaussy stated the Commission has to provide data and evidence that shows public nuisances. We need to know what we are accused of doing, and we need to know what is still there, stated Mr. Yaussy. Commissioner Carper stated your driver was drunk and he spilled over 3,000 gallons of toxins into the creek. Mr. Yaussy asked but where is that today? Can you show the product is still there and what address it is at. I need to know if it's in the water or on the side of the creek. We need a location stated Mr. Yaussy. Commissioner Carper stated Paint Creek, right below Skitter creek, where all these people live. Has your driver had any other violations like this? Mr. Yaussy stated he is not aware. If your Planning Commission shows us where the substance is, we will work with them. Commissioner Carper asked Steve Neddo to please show Mr. Yaussy the map of Paint Creek and where it lies within Kanawha County. Steve Neddo stated when it rains, the residents have taken several photos showing the foam in the creek. Mr. Neddo stated that the Planning Department does not have samples; we respond to complaints from Paint Creek residents. Commissioner Carper stated he is prepared to file a lawsuit in Federal Court, and the Commission wants you to clean up Paint Creek. Mr. Yaussy asked if there is no evidence in Paint Creek, will you believe it is clean? Commissioner Salango

asked if the company had done any testing to find out why there is still sudsing after it rains. Mr. Yaussy stated other sources of pollution go into Paint Creek. Mr. Yaussy stated they cannot find any evidence it is still represented in Paint Creek. Commissioner Carper asked if Mr. Yaussy would meet with the Planning Department. Mr. Yaussy stated he would be happy to. Commissioner Carper stated if we do not get cooperation on a proposed mediation, we will file to Federal Court. We will turn a civil clean-up into something else. How soon can you meet? Mr. Yaussy stated tomorrow at 9:00am. Commissioner Salango moved to move forward with the lawsuit if the meeting with the Planning Department did not occur. Commissioner Wheeler seconded. Motion carried. Commissioner Carper stated that Paint Creek had over eight different types of fish; now, there is nothing. A resident of Paint Creek asked what about our drinking water. Commissioner Carper stated we must take one thing at a time, which is a separate issue. Commissioner Salango stated to Mr. Forman, the Commission's legal counsel on this matter, to file this in State court if it does not work out. This company is already dissolved, and with \$1M they don't have enough money, stated Commissioner Salango. Commissioner Carper stated the only thing the Commission could do was clean up Paint Creek. This Commission finds this as a nuisance, and this chemical is deadly to aquatic life. Commissioner Carper stated the Commission has set aside \$10,000 for additional water testing

AGENDA SETTING

PUBLIC COMMENT

COUNTY MANAGER'S REPORT

DIRECTOR OF FINANCE'S REPORT

COUNTY ATTORNEY'S REPORT

STAFF REPORTS

NEW BUSINESS

FIDUCIARY

Commissioner Salango moved to approve the Fiduciary Orders listed on the agenda. Commissioner Wheeler seconded. Motion carried.

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

Commissioner Salango moved to approve the Purchase Orders listed on the agenda. Commissioner Wheeler 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
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	Shawnee	\$10,275.42	Purchases for Mt. State Cup

(ratify PO signed 12/15/22)	Sports Complex		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

Commissioner Salango moved to approve the Orders listed on the agenda. Commissioner Wheeler 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 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

EXPENDITURES:

090-401.00-4-51.00 CAPITAL EQUIP - Co Comm Capital 170,000

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:

Commissioner Salango moved to approve the Check Registers/Supplementals listed on the agenda. Commissioner Wheeler seconded. Motion carried.

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:

Commissioner Salango moved to approve the Ratification of documents processed at the December 8, 2022 meeting. Commissioner Wheeler seconded. Motion carried.

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:

Commissioner Salango moved to approve the Ratification of document signed on December 12, 2022. Commissioner Wheeler seconded. Motion carried.

Election payroll in the amount of \$260

Ratification of documents processed on December 14, 2022:

Commissioner Salango moved to approve the Ratification of documents processed on December 14, 2022. Commissioner Wheeler seconded. Motion carried.

Resolution Honoring Debby Weinstein

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

Ratification of documents processed on December 15, 2022:

Commissioner Salango moved to approve the Ratification of documents processed on December 15, 2022. Commissioner Wheeler seconded. Motion carried.

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:

Commissioner Salango moved to approve the Ratification of documents processed on December 20, 2022. Commissioner Wheeler seconded. Motion carried.

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:

Commissioner Salango moved to approve the Ratification of documents processed on December 27, 2022. Commissioner Wheeler seconded. Motion carried.

Regular payroll

Resolution Honoring Danny Jones

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

THE KANAWHA COUNTY REGULAR COMMISSION MEETING OF
JANUARY 5, 2023, ADJOURNED AT 6:29pm UNTIL THE 19TH DAY
OF JANUARY 2023.

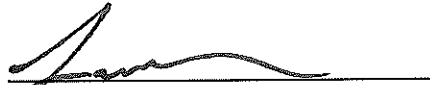
THE FOREGOING MINUTES ARE APPROVED THIS 19th DAY OF
JANUARY 2023.



COMMISSION PRESIDENT



COMMISSIONER



COMMISSIONER



COUNTY ATTORNEY