

**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 FEBRUARY 2, 2023.**

**A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON FEBRUARY 2, 2023, BEGINNING AT 5:00pm**

**THE FOLLOWING MEMBER WAS PRESENT:**

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

02/02/2023	2023-058	Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department
02/02/2023	2023-059	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for the General Fund
02/02/2023	2023-060	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for Special Funds
02/02/2023	2023-061	Order authorizing the President of the Kanawha County Commission to sign the Services Agreement between the Kanawha County Commission and Kanawha County Emergency Ambulance Authority Health and Wellness Clinic
02/02/2023	2023-062	Approval of the Erroneous Assessments Submitted by the Kanawha County Assessor (decrease \$50,096.66)
02/02/2023	2023-063	Order appointing Chris Settle to the Region III Workforce Investment Board, replacing Andrew Gunnoe (term expires 2/2/2026)
02/02/2023	2023-064	Order ratifying the President's signature on the Grant Agreement for the Victims of Crime Act (VOCA) Supplemental Grant Program, (Prosecutor's Office) Project #23-SVA-039. Correcting Order No. 2022-637
02/02/2023	2023-065	Order ratifying the President's signature on the Grant Agreement for the Victims of Crime Act (VOCA) Supplemental Grant Program, (Sheriff's Office) Project #23-SVA-038. Correcting Order No. 2022-636.
02/02/2023	2023-066	Authorization for the President of the Kanawha County Commission to Sign an Equipment Lease Agreement between the Kanawha County Commission & Superior Office Service, Inc.

02/02/2023	2023-067	Authorization for the President of the Kanawha County Commission to Sign a Certificate of Title Transferring a Vehicle Declared a Total Loss to Travelers Insurance
02/02/2023	2023-068	Authorization for the Clerk of the County Commission to Issue a Check from the Public Safety Levy Grant Fund, Line Item #029-711.00-800-5-68.63 in the amount of Thirty-Five Thousand Dollars (\$35,000.00) to the Kanawha County Commission for a contribution toward the salary and benefits for the Director of Emergency Management/Fire Coordinator position
02/02/2023	2023-069	The Revision of the Levy Estimate (Budget) for the County of Kanawha – F.Y. 2022-2023 General Fund Budget Revision #9
02/02/2023	2023-070	Board of Review and Equalization

**Budget Revisions approved/processed at 02/02/23 Commission Meeting:**

Fiscal Year 2022-2023 County Managers Fund

Fiscal Year 2022-2023 General Fund Budget Revision #9

**Documents on the agenda but not approved/processed at the 02/02/23 Commission Meeting:**

Order authorizing the President of the Kanawha County Commission to Execute an Agreement for Administrative Services with B-C-K-P Regional Intergovernmental Council for Headwaters of the Elk River – Watershed Flood Prevention Plan

**Minutes approved/processed at the 02/02/23 Commission Meeting:**

Approval of the Minutes of the Regular Commission Meeting on January 19, 2023

Approval of the Minutes of the Special Commission Meeting on January 31, 2023

Approval of the Minutes of the Board of Review and Equalization Meeting on July 31, 2023

**Fiduciary orders processed at 02/02/23 Commission Meeting:**

Objections and Exceptions

**Ratification of Documents processed on January 20, 2023:**

Emergency Check: Community of Rand Association in the amount of \$8,000.00 for reimbursement for emergency repairs

Emergency Checks: Sissonville Multipurpose Community in the amount of \$7,000.00 for local economic development grant to be used for necessary road repairs to ensure services can continue; and in the amount of \$6,700.00 for contribution to be used for necessary road repairs to ensure services can continue

Emergency Check: Fix-Em Clinic in the amount of \$50,000.00 for contribution to assist with discount spay/neuter program and purchase of medical supplies

Emergency Check: Enact, Inc., in the amount of \$13,000.00 for contribution to group work camps to assist with supplies, lodging, and food for site home repair workers

Emergency Check: West Dunbar PSD in the amount of \$67,412.40 to assist with the payment of debt owed to Dunbar Sanitary Board for past due treatment services and operating costs

Emergency Check: Capital High School Wrestling Team in the amount of \$5,000.00 for contribution for tournament fees

**Ratification of documents processed on January 26, 2023:**

Emergency Check: American Red Cross in the amount of \$25,000.00 for contribution for Regal Apartment fire victims fund

**Ratification of documents processed on January 30, 2023:**

Emergency Checks: Fifth Third Bank in the total amount of \$10,954.12 for p-card payments

**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  
January 19, 2023**

**Approval of the Minutes of the Special Commission Meeting on  
January 31, 2023**

**RESOLUTIONS**

**NEW EMPLOYEES**

**AGENDA ITEMS**

**5:00 P.M.**

**Presentations for ALLKAN in the amount of \$25,000.00 and UKAN in  
the amount of \$10,000.00 to Kerry Ellison of Dairy Winkle  
Commission President Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler**

Commissioner Salango stated everyone knows Paco, the owner of the famous Dairy Winkle. Every time the Upper Kan Valley needs something, Paco is there: opening the restaurant, giving out food, and cleaning supplies. Paco was the WSAZ Home Town Hero. Commissioner Salango stated, as everyone knows, the Dairy Winkle had a fire, and they applied for ALLKAN & UKAN grants. Commissioner Salango stated both boards met and voted to grant the funding.

Commissioner Salango moved to approve the ALLKAN and UKAN grants for the Dairy Winkle. Commissioner Wheeler seconded. Motion carried.

Commissioner Wheeler stated these programs were made to help small businesses in Kanawha County, and Paco is a big part of this community. Commissioner Wheeler stated he is very proud to second this motion.

Commissioner Carper stated the Commission has never had one business receive both grants, and this is a first. It is a privilege to have a citizen/business owner like you in our county. You have always taken a chance for the Upper Kanawha Valley.

### **Discussion regarding Herbert Hoover High School and the \$200,000 set aside for the new school**

**Commission President Kent Carper**

**Commissioner Ben Salango**

**Commissioner Lance Wheeler**

**Mike Kelley, Principal**

Commissioner Wheeler welcomed Mayor Summers from Clendenin. Mayor Summers stated Principal Mike Kelley is here. Mr. Kelley informed the Commission that he brought future students of HHHS. The Commission has always been there for our area when we have been in need. We have had a hard time since the flood in the last 6 ½ years. Richard Parsons, Athletic Director, Kim Parsons Counselor, Heather Curry, Science Teacher. Levi Paxton is a Senior at HHHS, the kicker on our football team, and going to play for Marshall with a Division 1 scholarship. This contribution from the County Commission will help these future students. Commissioner Wheeler stated you will soon have a state-of-the-art high school. The Board of Education has done a great job getting this built, but there are some things the school will need. Trophy cases, computers, etc. Principal Kelley stated anytime you go into a new place, you find things you didn't budget for. We will be very transparent about how we spend this money. Commissioner Carper said he spoke to Principal Kelly about this money several years ago. We set this money aside and told the school we would do this. This came from non-traditional funding and not from property tax money. It will be 7yrs without a high school since the flood when it opens.

Commissioner Carper moved to make the check to Herbert Hoover High School and to process it as an emergency. Commissioner Salango seconded. Motion carried.

**Discussion and update on matters related to Paint Creek spill including but not limited to completion of testing and potential abatement of Paint Creek**

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

Jennifer Herrald informed the Commission that the ALS, the independent lab, is ready to start sampling in 2-3 weeks. The DEP ordered monitoring during dry times and after rain events. Jennifer Herrald spoke to DEP yesterday, and on January 17 foam and smell were observed. Our attorneys submitted a FOIA request for this information. Commissioner Carper stated the DNR is now prepared to restock; we got something done. Commissioner Carper asked for the status on the lawsuit. Jennifer Herrald informed the Commission that it has been served and believes it will be moved to Federal Court. We are doing wet & soil testing. We will contact each of the homeowners to let them know what will be done. Commissioner Carper stated it had taken longer than they hoped it would, but we are making progress. Jennifer Herrald informed the Commission that DEP is also going to do some additional testing.

**Discussion regarding Kanawha County 2023 Spring Cleanups:**

- April 1, 2023, at 3298 Sissonville Drive - the intersection of Sissonville Drive and Casdorff Road in Sissonville
- April 15, 2023, at 15127 MacCorkle Ave, SE behind Go Mart in Cabin Creek
- April 29, 2023, at the intersection of 4<sup>th</sup> Avenue, and C Street (300 Block of C Street) in South Charleston

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

Commissioner Wheeler asked Megan Bsharah to ensure social media cover these dates and send out press releases.

**Discussion regarding \$4,922,840.00 Judicial Building HVAC, Air Handler, and Roof Project completion and allocation of \$180,000.00 Contingency Fund**

**Commission President Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler  
Steve Neddo, Planning and Maintenance Director**

Steve Neddo informed the Commission that they had done several things in the Annex, including a new HVAC system with a clean hospital rating along with a new roof. This project should be done by March 1, and the Commission borrowed no money for this project. Commissioner Carper asked which would you rather have, a safe building or more money in the Stabilization Fund. Steve Neddo stated that this project did not go over budget, and there is \$180,000 left in the contingency

fund. Steve Neddo informed the Commission that he would like to do one other thing with that money, the fire dampers that control the HVAC in case of a fire. Instead of feeding oxygen, it removes it. The system we have is working, but it's 40yrs old. This would cost \$106,000. The last elevator is ahead of schedule, and next week we will go into the final testing. We are a month ahead of schedule. Commissioner Salango moved to approve the \$106,000 from the Contingency Funds for the fire dampers. 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**

Kim Fleck informed the Commission that the worksheets are due tomorrow from the elected officials and outside agencies. They will be there at the Feb 16<sup>th</sup> meeting to present their budget. Commissioner Carper stated we pretty much have the budget balanced now. Jennifer Herral informed the Commission that the Humane Association is first on the agenda for outside agencies.

**Discussion regarding 2023 Legislative Agenda**

**Commissioner Kent Carper**  
**Commissioner Ben Salango**  
**Commissioner Lance Wheeler**  
**Jennifer Herral, County Manager**

Commissioner Wheeler stated the Commission and our lobbyists are continuing to work on the PEIA bill. The Legislature is looking at raising premiums in the future, and our question is will that include just non-state agencies? We need to continue to push that non-state agencies have increased too much. Commissioner Carper stated it is going to raise the County's over \$300,000. This is not going to increase for regular state employees, and he thinks this is a violation of the law. They cannot treat non-state-employees as second-class citizens. Commissioner Carper stated we are sending a letter out to the Legislative delegation. Beth Thompson stated in Kanawha County, there are about 5,000 PEIA members. Kim Fleck stated the average premium for employee cost will increase between \$6-\$23 per month.

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

DATE	TIME
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

**PUBLIC HEARING**

**AGENDA SETTING**

**PUBLIC COMMENT**

Mayor Goodwin wished to thank the Commission for the assistance in the Regal Apt fires. We did not have to ask, Kanawha County was there. Thank you to the Commission and the entire team of Emergency Management. To have CW Sigmon there was a great amount of support. Commissioner Carper stated mutual aid is essential, and the City has never let us down.

**COUNTY MANAGER'S REPORT**

**DIRECTOR OF FINANCE'S REPORT**

**COUNTY ATTORNEY'S REPORT**

**STAFF REPORTS**

**NEW BUSINESS**

**FIDUCIARY**

## Objections and Exceptions

### 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
Community of Rand Association (ratify PO signed 1/20/23)	Kanawha Co. Commission	\$8,000.00	Reimbursement for emergency repairs
West Dunbar PSD (ratify PO signed 1/20/23)	Kanawha Co. Commission	\$67,412.40	To assist with the payment of debt owed to Dunbar Sanitary Board for past due treatment services and operating costs
Enact, Inc. (ratify PO signed 1/20/23)	Kanawha Co. Commission	\$13,000.00	Contribution to group work camps to assist with supplies, lodging and food for site home repair workers
Fix'Em Clinic (ratify PO signed 1/20/23)	Kanawha Co. Commission	\$50,000.00	Contribution to assist with discount spay-neuter program and purchase of medical supplies
Sissonville Multipurpose Community (ratify PO signed 1/20/23)	Kanawha Co. Commission	\$7,000.00	Local economic development grant to be used for necessary road repairs to ensure services can continue
Sissonville Multipurpose Community (ratify PO signed 1/20/23)	Kanawha Co. Commission	\$6,700.00	Contribution to be used for necessary road repairs to ensure services can continue
Capital High School Wrestling Team (ratify PO signed 1/20/23)	Kanawha Co. Commission	\$5,000.00	Contribution for tournament fees
Rodney Loftis & Son	Kanawha Co. Commission	\$8,100.00	Kanawha Two Mile road invoice #669
Rodney Loftis & Son	Kanawha Co. Planning & Community Dev.	\$37,548.00	Demolition services: 5610 Elaine Drive, \$8,424.00; 3708 Titan Drive, \$7,686.00; and 4 Manningham Drive, \$21,438.00
Kanawha Valley Astronomical Society	Kanawha Co. Commission	\$7,040.00	Reimbursement for concrete pad poured and stamped for new observatory



Rocky Fork Enterprizes LLC	Sheriff's Law Enforcement Div.	\$20,000.00	Vehicle maintenance for KCSO vehicles per county contract
Three Point Strategies LLC	Kanawha Co. Commission	\$30,000.00	Consulting services WV Legislative Affairs January – June 2023
US Bank	Kanawha Co. Commission	\$9,576.00	Lexis Nexis On-line subscription \$1,368 per month
Dairy Winkle	Kanawha Co. Commission	\$25,000.00	Approved ALLKAN Grant
Dairy Winkle	Kanawha Co. Commission	\$10,000.00	Approved UKAN Business Grant
Kanawha County 4-H Foundation	Camp Virgil Tate	\$6,003.74	Utility reimbursements for January 2023: AEP \$366.58; Mountaineer Gas \$5,637.16
Rocky Fork Enterprizes LLC	Sheriff's Law Enforcement Div.	\$44,961.00	Emergency equipment, installation and service of emergency equipment for the Kanawha County Sheriff's office
Rocky Fork Enterprizes LLC	Sheriff's Law Enforcement Div.	\$117,320.00	Emergency equipment, installation and service of emergency equipment for the Kanawha County Sheriff's office
American Red Cross (ratify PO signed 1/26/23)	Kanawha Co. Commission	\$25,000.00	Contribution for Regal Apartment fire victims fund

### **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 February 2, 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 February 2, 2023*)**

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

**Order authorizing the President of the Kanawha County Commission to sign the Services Agreement between the Kanawha County Commission and Kanawha County Emergency Ambulance Authority Health and Wellness Clinic**

**Approval of the Erroneous Assessments Submitted by the Kanawha County Assessor (decrease \$50,096.66)  
Marc Slotnick, County Attorney**

**Order appointing Chris Settles to the Region III Workforce Investment Board, replacing Andrew Gunnoe (term expires 2/2/2026)**

**Order authorizing the President of the Kanawha County Commission to Execute an Agreement for Administrative Services with B-C-K-P Regional Intergovernmental Council for Headwaters of the Elk River - Watershed Flood Prevention Plan**

**Order ratifying the President's signature on the Grant Agreement for the Victims of Crime Act (VOCA) Supplemental Grant Program, (Prosecutor's Office) Project #23-SVA-039. Correcting Order No. 2022-637  
Pam Carte, Grant Coordinator**

**Order ratifying the President's signature on the Grant Agreement for the Victims of Crime Act (VOCA) Supplemental Grant Program, (Sheriff's Office) Project #23-SVA-038. Correcting Order No. 2022-636.  
Pam Carte, Grant Coordinator**

**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**

**Authorization for the President of the Kanawha County Commission to Sign a Certificate of Title Transferring a Vehicle Declared a Total Loss to Travelers Insurance  
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**Authorization for the Clerk of the County Commission to Issue a Check from the Public Safety Levy Grant Fund, Line Item #029-711.00-800-5-68.63 in the amount of Thirty-Five Thousand Dollars (\$35,000.00) to the Kanawha County Commission for a contribution**

toward the salary and benefits for the Director of Emergency Management/Fire Coordinator position  
Kim Fleck, Director of Finance

The Revision of the Levy Estimate (Budget) for the County of Kanawha – F.Y. 2022-2023 General Fund Budget Revision #9  
Kim Fleck, Director of Finance

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

**REVENUE:**

019-000.00-366-0-00.00 Co Manager's Fund - Misc Revenue 701,100

**EXPENDITURE:**

019-401.00-5-68.00 Co Manager's Fund - Contributions 701,100

2. **Fiscal Year 2022-2023 General Fund Budget Revision #9**

**REVENUES:**

001-000.00-306-0-00.00 Gas Severance Tax 224,896

**EXPENDITURES:**

001-700.00-1-03.01 Sheriff Law Enforcement - Fulltime 52,728  
001-700.00-1-08.01 Sheriff Law Enforcement - Overtime 200,000  
001-700.00-1-04.00 Sheriff Law Enforcement - FICA 19,334  
001-700.00-1-06.00 Sheriff Law Enforcement - Retirement 32,855  
001-401.00-5-67.00 Co Comm - Transfers to other funds (80,021)

**CHECK REGISTERS: SUPPLEMENTALS/EMERGENCY:**

Commissioner Salango moved to approve the Check Register as listed on the agenda. Commissioner Wheeler seconded. Motion carried.

Dairy Winkle, in the amount of \$25,000.00 for approved ALLKAN Grant

Dairy Winkle, in the amount of \$10,000.00 for approved UKAN Business Grant

**Ratification of Documents processed on January 20, 2023:**

Commissioner Salango moved to approve the Ratification of Documents processed on January 20, 2023. Commissioner Wheeler seconded. Motion carried.

**Emergency Check: Community of Rand Association in the amount of \$8,000.00 for reimbursement for emergency repairs**

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THE KANAWHA COUNTY REGULAR COMMISSION MEETING OF  
FEBRUARY 2<sup>ND</sup>, 2023, ADJOURNED AT 6:19pm UNTIL THE 16<sup>TH</sup>  
DAY OF FEBRUARY 2023.

THE FOREGOING MINUTES ARE APPROVED THIS 16<sup>TH</sup> DAY OF  
FEBRUARY 2023.



COMMISSION PRESIDENT



COMMISSIONER



COMMISSIONER



COUNTY ATTORNEY