

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 MAY 16<sup>TH</sup>, 2023.

A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON MAY 16<sup>TH</sup>, 2023, BEGINNING AT 5:00pm

THE FOLLOWING MEMBER WAS PRESENT:

**BEN SALANGO, COMMISSIONER**  
**LANCE WHEELER, COMMISSIONER**

05/16/2023	2023-242	Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department
05/16/2023	2023-243	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 the approval and posting of a pending fiscal year 2022-2023 budget revision</i> )
05/16/2023	2023-244	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for the General Fund
05/16/2023	2023-245	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for Special Funds
05/16/2023	2023-246	Order Confirming and Approving Orders entered by the Clerk of County Commission of Kanawha County, West Virginia (1)
05/16/2023	2023-247	Order Confirming and Approving Orders entered by the Clerk of County Commission of Kanawha County, West Virginia (2)
05/16/2023	2023-248	New Employee: Rebecca Lea Gillenwater, Personal Property, Kanawha County Assessor's Office, full-time employee, \$28,000.00 per year, replacing Margaret Boggs, effective June 1, 2023
05/16/2023	2023-249	New Employee: Adam Monroe, Personal Property, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023
05/16/2023	2023-250	New Employee: Brooklyn N. Gibson, Real Estate, Seasonal Summer Intern, Kanawha County Assessor's Office, part-

		time employee, \$14.00 per hour, effective June 1, 2023
05/16/2023	2023-251	New Employee: Kolton Olish, Real Estate, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023
05/16/2023	2023-252	New Employee: Jailyn Meadows, Personal Property, Seasonal Summer Intern, Kanawha County Assessor's office, part-time employee, \$14.00 per hour, effective June 1, 2023
05/16/2023	2023-253	New Employee, Brittary Whitlock, Deputy Clerk, Circuit Clerk's Office, full-time employee, \$26,000 per year, replacing Cathy Edens, effective May 30, 2023
05/16/2023	2023-254	New Employee: Dylan Perry, Maintenance, Kanawha County Commission, full-time employee, salary to be set by the Commission, replacing Tina Meadows, effective May 17, 2023
05/16/2023	2023-255	New Employee: Wyatt Johnson, Seasonal Summer Intern, Kanawha County Sheriff's Law Enforcement, part-time employee, \$12.00 per hour, effective June 5, 2023
05/16/2023	2023-256	New Employee: Connor M. Dalton, Seasonal Summer Intern, Kanawha County Sheriff's Law Enforcement, part-time employee, \$12.00 per hour, effective May 22, 2023
05/16/2023	2023-257	Change in Status: Rachel Barnette, Kanawha County Prosecuting Attorney's Office, from part-time to summer intern, effective May 15, 2023
05/16/2023	2023-258	Demolition Order: In the matter of the property owned by Deborah L. Staples, Don Juan Staples, Jr. (also known as Don Juan Staples, II), Devin Staples and Anika Staples, heirs at law of Don Juan Staples, Sr. (Tax Map 3 Parcel 128, Handley District)
05/16/2023	2023-259	Demolition Order: In the matter of the property owned by EJIS, LLC (Tax Map 6C Parcel 76, Jefferson District)
05/16/2023	2023-260	Demolition Order: In the matter of the property owned by NAJ LLC (Thomas F. Johns and Robert L. Johns, members) (Tax Map 30 Parcel 54, Poca District)
05/16/2023	2023-261	Demolition Order: In the matter of the property owned by Robert L Wells (Tax Map 8 Parcel 16, Marmet District)
05/16/2023	2023-262	Demolition Order: In the matter of the property owned by C.A. Johnson (Tax Ticket: Lewis D & Edna Massey) (Tax Map 2 Parcel 26, Handley District)
05/16/2023	2023-263	Demolition Order: In the matter of the property owned by

		LAJER LLC (Tax Map 9A Parcel 113, Jefferson District)
05/16/2023	2023-264	Demolition Order: In the matter of the property owned by Joseph P Molin III and Victoria N Haught (Tax Map 6 Parcel 68, Jefferson District)
05/16/2023	2023-265	Demolition Order: In the matter of the property owned by Robin D Midgett (Tax Map 4 Parcel 17, Handley District)
05/16/2023	2023-266	Demolition Order: In the matter of the property owned by the known and unknown Heirs and Devisees of Lilly Pearl Martin (Methia Weens, Roy Martin, and Stanley Martin), Elizabeth Tyler (Tina Moss and Mary Dean, heirs of Othella Tyler, unknown heirs and devisees of Evelyn Tyler, and Pamela Tyler), Frances Lucas (Yvonne Lucas, unknown heirs and devisees of Alvin Lucas, II and unknown heirs and devisees of William Lucas) and Helen Wilson Grooms (Joyce Miller, Kathy Miller, Lawrence Miller and Roderick Miller, Jr, being the heirs or devisees of Dorothy Grooms Miller and Roderick W. Miller, Sr., deceased) (Tax Map 5 Parcel 47.3, East Bank District)
05/16/2023	2023-267	Approval of the Erroneous Assessments Submitted by the Kanawha County Assessor (decrease \$17,484.76)
05/16/2023	2023-268	Order authorizing the President of the Kanawha County Commission to Execute a State of West Virginia Department of Environmental Protection Litter Control Grant Program Application for F.Y. 2024
05/16/2023	2023-269	Order authorizing the President of the Kanawha County Commission to sign the Resolution for the West Virginia Department of Environmental Protection Litter Control Grant Program of 2024
05/16/2023	2023-270	Order ratifying the signature of the President of the Kanawha County Commission on the City of Charleston Fire Department Training Exercise Indemnification and Hold Harmless Agreement
05/16/2023	2023-271	Authorization for the President of the County Commission to sign a contract of lease between the Kanawha County Commission and Paul Kees
05/16/2023	2023-272	Order appointing Jarl Taylor to the Kanawha County Emergency Ambulance Authority (KCEAA) Health and Wellness Board (term to expire May 2, 2025)
05/16/2023	2023-273	Authorization for the President of the Kanawha County Commission to Sign an Equipment Lease Agreement between the Kanawha County Commission & Superior Office Service, Inc.

05/16/2023	2023-274	Order appointing Rory Isaac to the Kanawha County Emergency Ambulance Authority (KCEAA) Health and Wellness Board (term to expire May 2, 2025)
05/16/2023	2023-275	Order authorizing the President of the Kanawha County Commission to execute Agreement between the Division of Culture and History for and on behalf of Records Management and Preservation Board and the Kanawha County Commission ( <i>Kanawha County Assessor's Office</i> )
05/16/2023	2023-276	The Revision of the Levy Estimate (Budget) for the County of Kanawha – F.Y. 2022-2023 General Fund Budget Revision #13
05/16/2023	2023-277	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission of West Virginia (supplemental)
05/16/23	2023-278	In the matter of the public hearing on the invocation of eminent domain proceedings on property owned by Ronald and Donna Mitchell (Tax Map 16, Parcel 52.2)
05/16/23	2023-279	In the matter of the public hearing on the invocation of eminent domain proceedings on property owned by Ronald and Donna Mitchell (Tax Map 16, Parcel 53.4)
05/16/23	2023-280	In the matter of the public hearing on the invocation of eminent domain proceedings on property owned by The Estate of Virginia Holstein (Tax Map 15, Parcel 49)
05/16/23	2023-281	In the matter of the public hearing on the invocation of eminent domain proceedings on property owned by Herbert Walton and Viola Walton (Tax Map 15, Parcel 50)
05/16/23	2023-282	In the matter of the public hearing on the invocation of eminent domain proceedings on property owned by Icy Ruth Roberts (Tax Map 21A, Parcel 13)
05/16/23	2023-283	In the matter of the public hearing on the invocation of eminent domain proceedings on property owned by Michael Burgess and Othal Burgess (Tax Map 21, Parcel 57)
05/16/23	2023-284	In the matter of the public hearing on the invocation of eminent domain proceedings on property owned by Heirs of Mamie Richards (Tax Map 21, Parcel 60)

**Documents not on the agenda but approved/processed at the 05/16/23 Commission Meeting:**

05/16/2023	2023-285	Order authorizing the submission of an application to the Commission on Drunk Driving Prevention (CDDP) through the West Virginia State Police, of up to \$15,000. From July 1, 2023 through September 29, 2023
05/16/23	2023-286	Order authorizing the President of the Kanawha County Commission to sign the AIA Document G704-2017 Certificate of Substantial Completion (HVAC upgrades to the Judicial Building)

**Resolution approved/processed at the 05/16/23 Commission Meeting:**

05/16/2023	2023-287	Resolution Honoring Alicen Jones
05/16/2023	2023-288	Resolution Honoring Bianca Holcomb

**Budget Revisions approved/processed at 05/16/23 Commission Meeting:**

Fiscal Year 2022-2023 General Fund Budget Revision #13

**Minutes approved/processed at the 05/16/23 Commission Meeting:**

Approval of the Minutes of the Regular Commission Meeting on May 4, 2023

**Fiduciary orders approved/processed at 05/16/23 Commission Meeting:**

- 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 David A. Bowles)
- Order Declaring Re-Opened Estate Closed (Estate of Jerry Holbrook)
- Order Declaring Re-Opened Estate Closed (Estate of Phyllis Hammack Larter)
- Order Declaring Re-Opened Estate Closed (Estate of Frances R. Mack)
- Order Declaring Re-Opened Estate Closed (Estate of Hillary S. Mullins)
- Order Declaring Re-Opened Estate Closed (Estate of Elsie Enochs Atkins)

**Ratification of documents processed on May 1, 2023:**

Regular payroll

**Ratification of documents approved at the May 4, 2023, meeting:**

Fiscal Year 2022-2023 ARPA 2021 Fund Line Item Budget Revision

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

Pledge of Allegiance  
Commissioner Lance Wheeler

Moment of Silence and Recognition

**MINUTES**

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

**Approval of the Minutes of the Regular Commission Meeting on May 4, 2023**

**RESOLUTION/PROCLAMATION**

**NEW EMPLOYEES**

**Assessor**

Commissioner Wheeler moved to approve the new employees listed on the agenda for the Assessor's Office. Commissioner Salango seconded. Motion carried.

Rebecca Lea Gillenwater, Personal Property, Kanawha County Assessor's Office, full-time employee, \$28,000.00 per year, replacing Margaret Boggs, effective June 1, 2023

The Honorable Sallie Robinson, Assessor

Adam Monroe, Personal Property, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023

The Honorable Sallie Robinson, Assessor

Brooklyn N. Gibson, Real Estate, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023

The Honorable Sallie Robinson, Assessor

Kolton Olish, Real Estate, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023

The Honorable Sallie Robinson, Assessor

Jailyn Meadows, Personal Property, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023

The Honorable Sallie Robinson, Assessor

**Circuit Clerk**

Commissioner Wheeler moved to approve Brittany Whitlock, Deputy Clerk, Kanawha County Clerk's Office, full-time employee, \$26,000 per year as listed on the agenda. Commissioner Salango seconded. Motion carried.

Brittany Whitlock, Deputy Clerk, Kanawha County Clerk's Office, full-time employee, \$26,000 per year, replacing Cathy Edens, effective May 30, 2023

The Honorable Cathy Gatson, Circuit Clerk

**Commission**

Commissioner Wheeler moved to approve Dylan Perry, Maintenance Specialist, Kanawha County Commission, full-time employee, salary to be \$35,000 per year. Commissioner Salango seconded. Motion carried.

Dylan Perry, Maintenance Specialist, Kanawha County Commission, full-time employee, salary to be set by the Commission, replacing Tina Meadows, effective May 23, 2023

Jennifer Herrald, County Manager

**Sheriff's Law Enforcement**

Commissioner Wheeler moved to approve the two new employees for the Sheriff's Law Enforcement as listed on the agenda. Commissioner Salango seconded. Motion carried.

Wyatt Johnson, Seasonal Summer Intern, Kanawha County Sheriff's Law Enforcement, part-time employee, \$12.00 per hour, effective June 5, 2023

The Honorable Mike Rutherford, Sheriff

Connor M. Dalton, Seasonal Summer Intern, Kanawha County Sheriff's Law Enforcement, part-time employee, \$12.00 per hour, effective May 22, 2023

The Honorable Mike Rutherford, Sheriff

## **CHANGE OF EMPLOYMENT STATUS**

Commissioner Wheeler moved to approve the Change of Employment Status listed on the agenda. Commissioner Salango seconded. Motion carried.

**Rachel Barnette, Kanawha County Prosecuting Attorney's Office,  
from part-time to summer intern, effective May 15, 2023  
The Honorable Charles T. Miller, Prosecuting Attorney**

## **AGENDA ITEMS**

**5:00 P.M.**

**Presentation and Recognition of Bianca Holcomb (Elk Elementary Student) and Alicen Jones (Clendenin Elementary Student) who won West Virginia American Water Company's Watershed Art Contest**

**Commissioner Ben Salango  
Bradley Harris, WVAWC**

Bradley Harris presented the Commissioners with the two children that won the West Virginia American Water Company's Watershed Art Contest. Bianca Holcomb, an Elk Elementary School student, was awarded one of the top prizes for her artwork showcasing a litter-free planet with West Virginia wildlife, emphasizing the importance of conservation and protection for a greener tomorrow. Alicen Jones, a Clendenin Elementary School student, also won the top prize with her artwork featuring a West Virginia Brook Trout swimming in clean water while promoting various eco-friendly practices like recycling, picking up litter, and pet waste disposal.

Commissioner Wheeler moved to approve the Proclamations for Bianca Holcomb and Alicen Jones. Commissioner Salango seconded. Motion carried.

**Check presentation regarding returning funds to the Kanawha County Sheriff's Office and South Charleston City Police for participating in Firearms Auction**

**Chief Crawford**

**The Honorable Riley Moore, WV State Treasurer**

State Treasurer Moore wished to thank the Commission for letting him attend the Commission meeting for the presentation. This money is from the firearms auction, in which all proceeds go back to the police department that turned the guns in. State Treasurer Moore stated he had two checks to present, one to South Charleston PD for \$11,193.75 and one to the Kanawha County Sheriff Office for \$16,087.50. Sheriff Rutherford stated this money would go back into training and equipment, which is a great program that keeps the guns off the street.



**Discussion regarding approval of the F.Y. 2023-2024 Special Funds budgets in the aggregate amount of \$50,020,159 pursuant to West Virginia Code §7-1-9**

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

Kim Fleck informed the Commission that these are non-tax sources like the ARP account, Financial Stabilization, and Rainey Day. The total is over \$50M. Commissioner Wheeler moved to approve the F.Y. 2023-2024 Special Funds budgets in the aggregate amount of \$50,020,159. Commissioner Salango seconded. Motion carried.

**Discussion regarding Security Plan for the judicial building**

**Commission President Kent Carper  
Commissioner Ben Salango  
Commissioner Lance Wheeler  
Chief Joe Crawford**

Chief Crawford stated over the past 10 months the Sheriff Office has been working on a plan in progress, and we have an approximate estimate. We consulted with the Circuit Judges, Family Court Judges, and Magistrate. The proposal is \$310,000, and one part is the front part of the building to strengthen the security where people enter. Commissioner Wheeler asked if these were the recommendations from the Sheriff. Sheriff Rutherford stated yes, we have checked the entire building and made this recommendation, however, the plans may change once we start, but not too drastic of a change. Chief Crawford stated they want to make these changes as quickly as possible to not interrupt the Judges & court hearings. Commissioner Wheeler stated that each year an application for the Courthouse Security Grant is submitted, can we put this in? Sheriff Rutherford stated we normally don't get that much. Commissioner Salango asked if this includes an upgrade for Family Court Judge's parking. Chief Crawford stated yes it has been looked at. Recommendation is to have an engineer look at it and see what is feasible and what is not. Commissioner Salango asked if the Commission needs to engage an engineer or is the Sheriff's Office going to. Sheriff Rutherford stated that the Commission would need to do it since it's the Commission's building. Commissioner Salango stated that some of the security upgrades cannot be made public due to securing the safety of the building. Commissioner Salango asked that staff follow up on getting an architect and engineer involved regarding the plans, including the Family Court parking.

**Discussion regarding Kanawha County Sheriff's Annual Commission in accordance with W.Va. Code §11A-1-17 in the amount of \$15,000**

**Commission President Kent Carper**

**The Honorable Michael Y. Rutherford, Sheriff**

Sheriff Rutherford stated that this started when the State first came into existence. The Sheriff is responsible for collecting 80% of the taxes before he gets this \$15,000 commission. This is not extra money, and it is in the Sheriff's salary. Commissioner Wheeler stated that the Commission fought to get the Legislature to take this requirement away.

Commissioner Wheeler moved to approve the Sheriff's Annual Commission.

Commissioner Salango seconded. Motion carried.

**Discussion regarding Breeze Aviation Group's direct flights from West Virginia International Yeager Airport to Orlando, Florida and Charleston, South Carolina, beginning May 31, 2023**

**Commission President Kent Carper**

**Commissioner Ben Salango**

**Commissioner Lance Wheeler**

Andrew Gunnoe informed the Commission that at 8:30am on 31<sup>st</sup> the first flight will come into Charleston, WV, from Charleston, S.C. Commissioner Wheeler stated he hopes to see more flights from Breeze coming to Charleston. Andrew Gunnoe stated there may be an announcement on the 31<sup>st</sup> for a new flight.

**Discussion regarding House Bill 2526 as well as other matters affecting the county**

**Commission President Kent Carper**

**Allen Bleigh, Chief Tax Deputy**

Allen Bleigh informed the Commission that he met with Commissioner Carper, Chris Settles, and Beth Thompson a week ago to explain HB 2526. It will permit people to get a refund of their personal property tax, but it is not effective until Jan 2024 with a refund coming in 2025. They will tell people not to pay for their property in full during the first half. You will only get a tax credit if they pay 1<sup>st</sup> half and 2<sup>nd</sup> half on time. Commissioner Salango stated that if you do not pay your full year of taxes during the first half a person will get a credit once they pay the 2<sup>nd</sup> half on time. Allen Bleigh stated that is correct. Mr. Bleigh added that they do not get a check; it's a credit on their state taxes. Normally during our 1<sup>st</sup> quarter, we collect 60% of our revenue, which is the concern.

**Discussion regarding funding request for the Knollwood Community Playground**

**Commission President Kent Carper**

**Teresa A. Ansell, President & Chairman of the Board**

Teresa Ansell informed the Commission that they inherited the playground and have 275 homes in our community. It was built in the 50's, and then in the 80's a Stonewall football player that went to the NFL built some wooden structures, which are now rotting. We developed a non-profit to take over the playground, and we do fundraise and have liability insurance, which is \$1,200, but does not cover damage to the property. Commissioner Salango asked how much they have raised and what they need. Ms. Ansell stated they have raised approximately \$30,000, and our lowest long-term program option is \$100,000. We are looking for grants. Commissioner Wheeler stated that he had never seen a playground made out of wood.

Commissioner Wheeler moved to approve a Letter of Intent for \$10,000 with money coming from Table Games. Commissioner Salango seconded. Motion carried.

**Discussion regarding intervention and objection to AEP and West Virginia American Water's request to West Virginia Public Service Commission for rate hikes**

**Commission President Kent Carper**

**Commissioner Ben Salango**

**Commissioner Lance Wheeler**

**Chris Settles, Deputy County Attorney**

Chris Settles informed the Commission that the Commission has moved to intervene with AEP & WVAW rate hikes. The staff is looking at hiring an expert to see if it will be beneficial.

**Discussion regarding condition of the Blue Creek Road near previous slip area**

**Commission President Kent Carper**

**Commissioner Ben Salango**

**Commissioner Lance Wheeler**

**C.W. Sigman, Director of Homeland Security and Emergency Management**

CW Sigman informed the Commission that a letter was sent to DOH, and C.W. checked the property today, and no changes have been made yet. Amy Petry stated that the letter was sent on the 11<sup>th</sup>, but we have not received a response.

Commissioner Wheeler asked that staff, please stay on top of this. CW Sigman stated that they are keeping track of it, and this is a State road.

Discussion regarding letter of support of the Pinch Volunteer Fire Department in its efforts to participate in the Federal Surplus Property Program. This will allow the Pinch VFD to have access to surplus property. They will be able to look at the inventory and to purchase from surplus property

**Commission President Kent Carper**

CW Sigman stated this is just a letter from the Commission stating that Pinch is a recognized VFD and can look at the surplus property.

Commissioner Salango moved to allow the President of the Commission to sign the letter. Commissioner Wheeler seconded. Motion carried.

**Discussion regarding Objection to Erroneous Assessment submitted by the Kanawha County Assessor due to failure to file a Commercial Business Personal Property Return – W.V. Home Place for Tax Year 2021 (\$11.26) and Tax Year 2022 (\$116.28)**

**Commission President Kent Carper**

**Commissioner Ben Salango**

**Commissioner Lance Wheeler**

**Marc Slotnick, County Attorney**

Marc Slotnick informed the Commission that W.V. Home Place could not be here, but they could attend the June 22<sup>nd</sup> meeting. Commissioner Wheeler asked that this be moved to the June 22<sup>nd</sup> meeting.

**Discussion regarding Juneteenth, June 19, 2023**

**Commission President Kent Carper**

**Commissioner Ben Salango**

**Commissioner Lance Wheeler**

Commissioner Salango stated that we are expecting the State to close, and our next meeting is not till June 22<sup>nd</sup>, so we wanted to take care of it now. Commissioner Wheeler stated that we run into this issue many times waiting to see what the State is going to do, and they normally wait two days before the date, and he believes we go ahead a close.

Commissioner Wheeler moved to close the Courthouse and let the elected officials decide if they needed a skeleton crew. Commissioner Salango seconded. Motion carried.

**Discussion regarding Kanawha County Demolition Process**

**Demolition Numbers January 2022 – Present**

*(These numbers include the municipalities and the unincorporated parts of the county.)*

Completed Demolitions	150
Properties Ready to Demo	72
Properties Scheduled for Asbestos testing/removal	59

Total properties remaining to go to Enforcement Board 36

Total Cost \$ 878,181.30  
 Remaining budget \$1,121,818.70

Grant Program  
 41 Applicants/Approvals  
 Amount Paid Back to County \$ 18,797.88

Commission President Kent Carper  
 Commissioner Ben Salango  
 Commissioner Lance Wheeler  
 Marc Slotnick, County Attorney  
 Chris Settles, Deputy County Attorney

Commissioner Wheeler stated that Kanawha County was one of the first counties to start a demo program. Dilapidated homes are a risk to citizens and first responders and bring home values down. The Commission uses money from building permits to demo homes, and we started a grant program where a homeowner only has to pay ½ the cost, and that money goes back into the demo program. So far, we have brought in \$18,797. Steve Neddo stated it has been very successful and makes it easier to get homes demolished. Commissioner Wheeler stated that we give homeowners time to fix their homes if they desire. Commissioner Salango stated this is a public safety issue and this is a great program, and our Planning Department gets so many calls on abandoned properties.

Discussion regarding Kanawha County Spring 2023 Clean-up to include the following:

<i>Collection Date</i>	<i>Vehicles</i>	<i>Tires</i>	<i>Trash &amp; Debris</i>	<i>Metal</i>	<i>E-Cycle</i>
<b>Sissonville</b>					
4.1.2023	735	2,063	224,400 lbs. 112.20 Tons	28,000 lbs. 14 Tons	5,917 lbs. 2.96 Tons
<b>Cabin Creek</b>					
4.15.2023	1,080	982	336,440 lbs. 168.22 Tons	47,080 lbs. 23.54 Tons	6,388 lbs. 3.19 Tons
<b>So. Charleston</b>					
4.29.2023	1,467	1,731	360,000 lbs. 180 Tons	50,500 lbs. 25.25 Tons	6,133 lbs. 3.07 Tons

<b>Total for Spring 2023</b>	<b>3,282</b>	<b>4,776</b>	<b>920,840 lbs. 460.42 Tons</b>	<b>125,580 lbs. 62.79 Tons</b>	<b>18,438 lbs. 9.22 Tons</b>
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**Commissioner Lance Wheeler**

Steve Neddo stated that the clean-up was very successful, and South Charleston was one of our biggest clean-ups. Steve Neddo informed the Commission that the Fall clean-up would be in Clendenin, South Charleston, and Cabin Creek.

**Discussion and update on matters related to Paint Creek Spill**

**Commission President Kent Carper**

**Commissioner Ben Salango**

**Commissioner Lance Wheeler**

Chris Settles informed the Commission that the testing is ongoing, and samples have been taken.

**Discussion and update on Leatherwood Water Project Permits**

**Commission President Kent Carper**

**Commissioner Ben Salango**

**Commissioner Lance Wheeler**

Cassidy Riley informed the Commission that they have submitted for the fish and wildlife permit, and the DOH permits are in the process. We are moving the funds over for this project and will be contracting with RIC for their administrative services.

**Kanawha County Commission meetings through October, 2023**

**Commission President Kent Carper**

**Commissioner Ben Salango**

**Commissioner Lance Wheeler**

<b>DATE</b>	<b>TIME</b>
Tuesday, May 16, 2023	5:00 p.m.
Thursday, June 22, 2023	5:00 p.m.
Thursday, July 6, 2023	5:00 p.m.
Thursday, July 20, 2023	5:00 p.m.
Thursday, August 17, 2023	5:00 p.m.
Thursday, September 7, 2023	5:00 p.m.
Thursday, September 21, 2023	5:00 p.m.
Thursday, October 12, 2023	5:00 p.m.
Thursday, October 26, 2023	5:00 p.m.

5:00 P.M. **PUBLIC HEARING**

**Public hearing to take Public Comment regarding the  
Condemnation Proceedings in the Olcott Waterline extension  
Project**

5:18

Chris Negley, the attorney working with RDA informed the Commission that they have received 100 easements and have 10 to go, and this public hearing is for 7 of those to grant the RDA the authority to demo this property. Commissioner Salango asked if there was anyone present to object. There were none. Captain Meadows checked the hallway, and there was no one present. Marc Slotnick stated this was published in the Gazette on May 2 & 9. Chris Settles informed the Commission that we had tried every way to contact each piece of property, and we could only reach one, and they said to condemn it. Eminent domain is the only way to move forward. The property remains in the name of the holder it just grants the Commission to install the water line. Marc Slotnick stated that Mark Sankoff reached 94% to sign on for this project, which only required 74%. Marc will read out each property.

Commissioner Wheeler voted to move forward on the seven pieces of property. Commissioner Salango seconded. Motion carried.

Chris Negley informed the Commission that the contractor thinks he can obtain the remaining two. Commissioner Wheeler stated he is glad we are making progress.

5:24pm public hearing ended.

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

**Public Hearing Regarding Objection to Erroneous Assessment  
submitted by the Kanawha County Assessor due to failure to file a  
Commercial Business Personal Property Return – Charleston  
Academy of Beauty Culture, Inc. for Tax Year 2021 (\$4,222.80) and  
Tax Year 2022 (\$5,142.54)**

Marc Slotnick informed the Commission that this is for the tax years 2021 & 22. The Assessor objects based on failure to file an appropriate personal tax return. Steve Duffield stated that the taxpayer failed to file a return in time. If the taxpayer doesn't file this by late September, the Assessor does not have any way of knowing, and we use an estimate based on the prior year's returns. The owner, Steven Hall agreed that the papers were filed late; however, they were moving and did not file a return. Mr. Hall stated they have 40-year-old equipment that's being assessed as new. Mr. Hall stated that they are fine with paying the penalty but not increasing the value of the tax appraisal. This was \$9,000 extra in taxes. Marc Slotnick stated that the law is 11-3-27; if a clerical error or a mistake is made unintentionally, the Commission can change it. Commissioner Wheeler asked what the law says about the taxpayer filing the forms. Marc Slotnick stated it is on the taxpayer. Mr. Hall admits it was his fault for not filing; my disagreement is the increase in assessment. The Prosecuting Attorney informed the Commission that the Assessor's Office states they calculated as the law requires as they do every business. Mr. Hall said

assessing old equipment as new equipment is unfair, and he disagrees with this method. It's a punishment, not an assessment. Commissioner Salango stated that they are in a position of not knowing since you did not turn in a form. Marc Slotnick informed the Commission that for 2021 \$197,045 assessed value, they want a reduction of \$4,222.80 and a reduction for 2022 of \$5,142.54. Commissioner Salango moved to grant the exoneration due to clerical error. Commissioner Wheeler seconded. Motion carried.

## **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.

**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 David A. Bowles)**

**Order Declaring Re-Opened Estate Closed (Estate of Jerry Holbrook)**

**Order Declaring Re-Opened Estate Closed (Estate of Phyllis Hammack Larter)**

**Order Declaring Re-Opened Estate Closed (Estate of Frances R. Mack)**



Order Declaring Re-Opened Estate Closed (Estate of Hillary S. Mullins)

Order Declaring Re-Opened Estate Closed (Estate of Elsie Enochs Atkins)

**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:

<b>Vendor</b>	<b>Department</b>	<b>Amount</b>	<b>Comments/Description</b>
Microsoft Corporation (increase P.O. 5/16/23 to cover until June 30)	Kanawha Co. Comm Data Processing	\$50,400.00	12 Exchange Online Plan (40 users); 12 Exchange Online Plan 3 (49 users) prosecutor's Office; 12 Exchange Online Plan 3 Commission, Assessors and County Clerk
Network Innovation Solutions Corp (revised P.O. due to price increase)	Kanawha Co. Comm Data Processing	\$5,616.00	135 Barracuda Sentinel accounts for real-time speak phishing & cyber fraud defense (Commission, Assessor, Clerk and Prosecuting Attorney)
W.V. Regional Jail & Correctional Facility (revised P.O.)	Kanawha Co. Commission	\$3,564,488.25	Jail bills for F.Y. 2022-23. Increase P.O. 5/16/23 \$654,621.75 for additional jail bills for F.Y. 2022-23
Kanawha County 4-H Foundation	Camp Virgil Tate	\$28,880.95	Roof repairs for buildings Cunningham, Price, Bonar, Garage \$81,047.00 total quote \$52,166.05. This is insurance claim reimbursement portion
Kanawha County 4-H Foundation	Kanawha Co. Commission	\$52,166.05	ARP lost revenue funds to be used for roof repairs
Recovery Point of Huntington	Kanawha Co. Commission	\$350,000.00	ARP application #100 additions and renovations to Charleston Women's facility
Regional Development Authority	Kanawha Co. Planning & Community	\$782,203.90	Crestwood Water Project balance transfer to RDA to continue project

	Dev.		expenditures
Regional Development Authority	Kanawha Co. Planning & Community Dev.	\$500,000.00	Olcott Water Project ARP #117

Rodney Loftis & Son	Kanawha Co. Planning & Community Dev.	\$25,575.50	7 Hampshire Drive, St. Albans \$3,975.50; 155 Harmon Rd., Charleston \$4,896; 831 Kanawha State Forest Drive, Charleston \$12,555; 92 Wade Drive, Cross Lanes \$4,149
Astar Abatement Inc.	Kanawha Co. Planning & Community Dev.	\$5,778.96	Abatement services: 92 Wade Drive Cross Lanes, \$5,699.76; and 1778 Roxalana Road, Dunbar, \$79.20
Charleston Area Alliance (CADCO)	Kanawha Co. Commission	\$10,311.55	Trail town circuit rider payment though January 2023
Civil & Environmental Consultants	Kanawha Co. Commission	\$38,700.00	Engineering services through 10/8/22 for the UKV Rec Plan
JP Morgan Chase Bank, NA	Kanawha Co. Commission	\$390,891.15	Semi-annual bond debt service for the W Kent Carper Complex
Travelers	Kanawha Co. Commission	\$13,776.22	Claim deductibles
ELSAG	Sheriff's Law Enforcement Div.	\$5,000.00	Electrician, Bucket truck 7 installation service for I-64 LPR system
GOVCONNECTION Inc.	Sheriff's Tax Office	\$9,049.90	Ten MSI PRO AP242 All in One PC SWHI Part #45370122
FIS LockBox Operations	Circuit Clerk	\$60,000.00	Circuit Clerk's postage for the postage machine
Iron Mountain Inc.	Circuit Clerk	\$15,200.00	File storage services for the Circuit Clerk's Office
Dark Trace Holdings Limited	Kanawha Co. Comm Data Processing	\$14,999.00	Dark Trace email Cybersecurity 185 Users
Astar Abatement Inc.	Kanawha Co. Planning & Community Dev.	\$20,829.60	Invoice #2 12469 \$19,562.40 1240 \$1,267.20
Rodney Loftis & Son	Kanawha Co. Planning & Community	\$18,938.70	Demolition services

	Dev.		
Metro Emergency Operations Center (Commissioner Carper is on this board)	Metro Emergency Operations Center	\$18,987.31	Reimbursement for addressing project
S&S Engineers, Inc.	Kanawha Co. Commission	\$55,500.00	Coonskin & Big Bend Golf Course Flood Damage Project
Rocky Fork Enterprizes LLC	Sheriff's Law Enforcement	\$14,000.00	Vehicle maintenance contract for KCSO vehicles per county contract
W.V. Department of Tourism (ratify P.O. signed 5/9/23)	Kanawha Co. Commission	\$500,000.00	Contribution to support Breeze Aviation Group Air Services at Yeager Airport as related to the MOU dated 4/20/23
Judicial Dialog	Prosecuting Attorney	\$15,200.00	Judicial dialog subscription
Kanawha Co. Emergency Ambulance Authority (Commissioner Wheeler is on this board)	Emergency Services	\$20,000.00	EMT training. Long term project

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

Vendor	Department	Amount	Comments/Description
ZMM Architects	Kanawha Co. Commission	\$53,171.27	Architectural services for Shawnee Welcome Center April 2023

### **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 May 16, 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 May 16, 2023*)

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

Order Confirming and Approving Orders entered by the Clerk of County Commission of Kanawha County, West Virginia (1)

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

Order Confirming and Approving Orders entered by the Clerk of County Commission of Kanawha County, West Virginia (2)

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

New Employee: Rebecca Lea Gillenwater, Personal Property, Kanawha County Assessor's Office, full-time employee, \$28,000.00 per year, replacing Margaret Boggs, effective June 1, 2023

New Employee: Adam Monroe, Personal Property, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023

New Employee: Brooklyn N. Gibson, Real Estate, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023

New Employee: Kolton Olish, Real Estate, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023

Jailyn Meadows, Personal Property, Seasonal Summer Intern, Kanawha County Assessor's Office, part-time employee, \$14.00 per hour, effective June 1, 2023

New Employee, Brittany Whitlock, Deputy Clerk, Circuit Clerk's Office, full-time employee, \$26,000 per year, replacing Cathy Edens, effective May 30, 2023

New Employee: Dylan Perry, Maintenance, Kanawha County Commission, full-time employee, salary to be set by the Commission, replacing Tina Meadows, effective May 17, 2023

New Employee: Wyatt Johnson, Seasonal Summer Intern, Kanawha County Sheriff's Law Enforcement, part-time employee, \$12.00 per hour, effective June 5, 2023

The Honorable Mike Rutherford, Sheriff

New Employee: Connor M. Dalton, Seasonal Summer Intern, Kanawha County Sheriff's Law Enforcement, part-time employee, \$12.00 per hour, effective May 22, 2023

Change in Status: Rachel Barnette, Kanawha County Prosecuting Attorney's Office, from part-time to summer intern, effective May 15, 2023

Demolition Order: In the matter of the property owned by Deborah L. Staples, Don Juan Staples, Jr. (also known as Don Juan Staples, II), Devin Staples and Anika Staples, heirs at law of Don Juan Staples, Sr. (Tax Map 3 Parcel 128, Handley District)

Marc Slotnick, County Attorney

Demolition Order: In the matter of the property owned by EJIS, LLC (Tax Map 6C Parcel 76, Jefferson District)

Demolition Order: In the matter of the property owned by NAJ LLC (Thomas F. Johns and Robert L. Johns, members) (Tax Map 30 Parcel 54, Poca District)

Demolition Order: In the matter of the property owned by Robert L Wells (Tax Map 8 Parcel 16, Marmet District)

Demolition Order: In the matter of the property owned by C.A. Johnson (Tax Ticket: Lewis D & Edna Massey) (Tax Map 2 Parcel 26, Handley District)

Demolition Order: In the matter of the property owned by LAJER LLC (Tax Map 9A Parcel 113, Jefferson District)

Demolition Order: In the matter of the property owned by Joseph P Molin III and Victoria N Haught (Tax Map 6 Parcel 68, Jefferson District)

Demolition Order: In the matter of the property owned by Robin D Midgett (Tax Map 4 Parcel 17, Handley District)

Demolition Order: In the matter of the property owned by the known and unknown Heirs and Devisees of Lilly Pearl Martin (Methia Weens, Roy Martin, and Stanley Martin), Elizabeth Tyler (Tina Moss and Mary Dean, heirs of Othella Tyler, unknown heirs and devisees of Evelyn Tyler, and Pamela Tyler), Frances Lucas (Yvonne Lucas, unknown heirs and devisees of Alvin Lucas, II and unknown heirs and devisees of William Lucas) and Helen Wilson Grooms (Joyce Miller, Kathy Miller, Lawrence Miller and Roderick Miller, Jr, being the heirs or devisees of Dorothy Grooms Miller and Roderick W. Miller, Sr., deceased) (Tax Map 5 Parcel 47.3, East Bank District)

Approval of the Erroneous Assessments Submitted by the Kanawha County Assessor (decrease \$17,484.76)  
Marc Slotnick, County Attorney

Order authorizing the President of the Kanawha County Commission to Execute a State of West Virginia Department of Environmental Protection Litter Control Grant Program Application for F.Y. 2024

Order authorizing the President of the Kanawha County Commission to sign the Resolution for the West Virginia Department of Environmental Protection Litter Control Grant Program of 2024

Order ratifying the signature of the President of the Kanawha County Commission on the City of Charleston Fire Department Training Exercise Indemnification and Hold Harmless Agreement

Authorization for the President of the County Commission to sign a contract of lease between the Kanawha County Commission and Paul Kees

Order appointing Jarl Taylor to the Kanawha County Emergency Ambulance Authority (KCEAA) Health and Wellness Board (term to expire May 2, 2025)

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 appointing Rory Isaac to the Kanawha County Emergency Ambulance Authority (KCEAA) Health and Wellness Board (term to expire May 2, 2025)

Order authorizing the President of the Kanawha County Commission to execute Agreement between the Division of Culture and History for and on behalf of Records Management and Preservation Board and the Kanawha County Commission (*Kanawha County Assessor's Office*)

The Revision of the Levy Estimate (Budget) for the County of Kanawha – F.Y. 2022-2023 General Fund Budget Revision #13  
Kim Fleck, Director of Finance

**1. Fiscal Year 2022-2023 General Fund Budget Revision #13**

**REVENUES:**

001-000.00-366-0-01.00	Misc Revenue - Insurance Claims	28,881
001-000.00-388-0-00.00	Transfers from other funds	112,220

**EXPENDITURES:**

001-401.00-2-23.00	Commission - Professional Services	112,220
001-987.00-4-59.00	Courthouse Capital Outlay	28,881

**CHECK REGISTERS: SUPPLEMENTALS/EMERGENCY:**

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

W.V. Regional Jail & Correctional Facility in the amount of \$295,724.25 for FY2022-23 jail bill

Kanawha County 4-H Foundation in the amount of \$28,880.95 for insurance claim reimbursement portion

Kanawha County 4-H Foundation in the amount of \$52,166.05 for ARP lost revenue funds to be used for roof repairs

Recovery Point of Huntington in the amount of \$350,000.00 for ARP application #100 additions and renovations to Charleston Women's facility

Regional Development Authority in the amount of \$782,203.90 for Crestwood Water Project balance transfer to RDA to continue project expenditures

Regional Development Authority in the amount of \$500,000.00 for Olcott Water Project ARP #117

Charleston Area Alliance (CADCO) in the amount of \$10,311.55 for trail town circuit rider payment through January 2023

Civil & Environmental Consultants in the amount of \$38,700.00 for engineering services through 10/8/22 for the UKV Rec Plan

Travelers in the amount of \$13,776.22 for claim deductibles

FIS Lockbox Operations in the amount of \$60,000.00 for postage for the Circuit Clerk's postage machine

Metro Emergency Operation Center in the amount of \$18,987.31 for reimbursement for addressing project

S&S Engineers in the amount of \$55,500.00 for Coonskin & Big Bend Golf Course flood damage project

W.V. Department of Tourism in the amount of \$500,000.00 for Contribution to support Breeze Aviation Group Air Services at Yeager Airport as related to the MOU dated 4/20/23

**Ratification of documents processed on May 1, 2023:**

Regular payroll

**Ratification of documents approved at the May 4, 2023, meeting:**

Fiscal Year 2022-2023 ARPA 2021 Fund Line Item Budget Revision




THE KANAWHA COUNTY REGULAR COMMISSION MEETING OF  
MAY 16<sup>th</sup>, 2023, ADJOURNED AT 6:11pm UNTIL THE 22<sup>nd</sup> DAY OF  
JUNE 2023.

THE FOREGOING MINUTES ARE APPROVED THIS 22<sup>ND</sup> DAY OF  
JUNE 2023.

\_\_\_\_\_  
COMMISSION PRESIDENT

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COUNTY ATTORNEY