

MINUTES OF A SPECIAL SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 9th DAY OF DECEMBER 2008.

A SPECIAL MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 9TH DAY OF DECEMBER THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 5:00 PM. COMPLETE AUDIO IS AVAILABLE IN THE COMMISSION OFFICE.

THE FOLLOWING MEMBERS WERE PRESENT:

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

12-09-08 2008-899 Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund

Orders/Proclamation *NOT* on Agenda but approved/processed at 12/9/08 Commission Meeting:

12-09-08 2008-900 Resolution – F.Y. 2008-2009 General Fund Budget Revision #12

12-09-08 2008-901 Order authorizing the Clerk of the County Commission to transfer all receipts received through December 31, 2008, from the Special Revenue FUND #004-415.00-3-44.00 (General School Fund) to General Fund #001-394-0-00.00

12-09-08 2008-902 Order authorizing the President of the Kanawha County Commission to sign U.S. Environmental Protection Region III Assistance Agreement/Amendment Notice (*Upper Fishers Branch/Guthrie Water Project*)

12-09-08 2008-903 Authorization for the President of the Kanawha County Commission to sign a Certificate of Title to transfer a surplus vehicle (*2001 Chrysler PT Cruiser, 3C4FYBB21T322877*)

12-09-08 2008-904 Authorization for the President of the Kanawha County Commission to sign a Renewal Agreement for State/Local Government, Verification Form and Appropriation of Funds Amendment for the Lexis/Nexis On-Line Service for the Kanawha County Commission and Kanawha County Assessor

12-09-08 2008-905 Proclamation – Designating December 9, 2008, as “South Charleston High School Black Eagle Day”

Supplemental checks *NOT* on Agenda but approved/processed at 12/9/08 Commission Meeting:

Larry O. Dodson, \$128.00 (*Per Diem for Deputy for investigation in Landover, Maryland 12/11-12/08*)

Richard Lane, \$337.00 (*Per Diem for Deputy for investigation in Landover, Maryland 12/11-12/08 and Hotel Room Advancement*)

ORDER on Agenda but *NOT* approved/processed at 12/9/08 Commission Meeting:

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

Marc Slotnick, County Attorney stated the Kanawha County Commission Special Meeting was properly noticed.

Commissioner Shores moved to recognize December 9, 2008 as South Charleston High School Black Eagles Day. Commissioner Hardy seconded. Motion carried.

Pledge of Allegiance

Commissioner Shores asked the South Charleston Black Eagle football players to lead in the Pledge of Allegiance

Moment of Silence and Recognition

Discussion of \$10 million bond issue for the renovations of Sheriff's Evidence Room, Sheriff's Law Enforcement Division and Prosecutor's Office, aka, Project 301

**Commissioner Carper
Commissioner Shores
Commissioner Hardy
Marc J. Slotnick, County Attorney
Cam Siegrist, Esquire, Bond Counsel**

This matter has been noticed twice.

Commissioner Hardy moved to do Option A of the Chase Bank's proposal at 15 years for discussion purposes. Commission Shores seconded. Motion carried.

Commissioner Carper stated that the issue he had with Sun Trust Bank's proposal was the collateral, that being Project 301 and the Courthouse. The only collateral for the Chase Bank's proposal would be Project 301.

There was debate among the Commissioners of whether to do a 15 year or 20 year loan with Chase Bank. It would cost \$1,772,746.00 more to do the 20 year vs. the 15 year loan. Commissioner Hardy stated that the Commission could do the Chase Bank's 15 year loan without raising taxes. Commissioner Hardy stated his plan to reallocate \$900,000.00 in the County budget. First, \$100,000.00 would be saved from the rent for the Prosecuting Attorney's Office. Second, Commissioner Hardy projected \$400,000.00 in table game revenue. Third, cut the contribution line by \$100,000.00. Fourth, cut the capital account by \$100,000.00. Last, personnel changes totaling \$100,000.00.

Commissioner Shores stated the Commission should borrow the money it needs and put the money on a long term plan. Commissioner Shores stated he feels sure the economy is going to change and the interest rate is going back up. Commissioner Shores recommended the Commission borrow money \$10,000,000.00 from Chase Bank for 20 years. Commissioner Shores stated if the Commission borrowed the money for 20 years vs. 15 years there would be a savings of \$150,000.00 in cash flow per year.

Commissioner Carper stated he believes without question this is the best time do the construction. Commissioner Carper thinks the Commission should fund some of the project with grant money. Commissioner Carper stated the evidence room is more than likely to be grant eligible than anything else. Commissioner Carper also stated he believes this project could be eligible for infrastructure grant money.

The interest on the 15 year loan with Chase Bank would be \$4,390,687.00. Marc Slotnick stated that he has independently looked at this matter and he believes it would be a prudent action of the County Commission.

Commissioner Carper asked if there were any objections. No one objected to this matter.

Technically the Building Commission will own the building and lease it back to the County. The Building Commission will vote to close on the loan. Cam Siegrist, Esquire, Bond Counsel noted the interest rate will adjust one more time on Monday, December 15, 2008. The interest rate could go up or down. The Commissioners stated that they were all in understanding of this issue.

There will be a final order for the commission to approve on December 18, 2008. The Building Commission will sign the final documents on December 19, 2008. This matter has been thoroughly discussed.

Commissioner Hardy moved to proceed with Chase, with an interest rate to be determined on Monday, December 15, 2008, for a 15 year loan, it's a fixed interest rate, with the projected annual payment of \$959,379.00. There is no prepayment penalty after 5 years, and the collateral is the former AEP building. Commissioner Shores amended the motion to do a 20 year loan which would bring the payment to \$808,172.00 per year and improve the cash flow of \$150,000.00 per year. Commissioner Hardy respectfully disagreed with Commissioner Shores amendment because the projected additional interest of the 20 year loan is \$1,772,746.00. Commissioner Shores seconded Commissioner Hardy's original motion. Motion carried.

**THE KANAWHA COUNTY COMMISSION SPECIAL MEETING OF DECEMBER 9, 2008,
RECESSED AT 5:55 P.M. UNTIL THE 18th DAY OF DECEMBER, 2008, AT 5:00 P.M.**

THE FOREGOING MINUTES ARE APPROVED THIS 18TH DAY OF DECEMBER, 2008.

PRESIDENT

COMMISSIONER

COMMISSIONER

COUNTY ATTORNEY

(All proceedings on tape in the Commission Office)