

**MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 15TH DAY OF OCTOBER 2009.**

**A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 15TH DAY OF OCTOBER 2009. THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 5:00 P.M. COMPLETE AUDIO IS AVAILABLE IN THE COMMISSION OFFICE OR ONLINE AT <http://live.kanawha.us>.**

**THE FOLLOWING MEMBERS WERE PRESENT:**

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

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|----------|----------|--|
| 10-15-09 | 2009-609 | Order Confirming and Approving Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department  |
| 10-15-09 | 2009-610 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund  |
| 10-15-09 | 2009-611 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-Special Fund  |
| 10-15-09 | 2009-612 | Order Confirming and Approving Orders entered by the Clerk of the County Commission of Kanawha County, West Virginia ( <i>Probate Order Report, September 1, 2009, through September 30, 2009</i> )  |
| 10-15-09 | 2009-613 | <u><i>New Employee</i></u> , Blaire Carney Smith, Prosecuting Attorney's Office, Victim's Advocate, Grant Position, permanent employment replacing Crystal Jones, \$20,800.00 per year, effective October 19, 2009   |
| 10-15-09 | 2009-614 | Applications for Apportionment of Personal Property Taxes Pursuant to Final Divorce Orders in Accordance with Chapter 11, Article 5, Section 14, of the Code of West Virginia  |
| 10-15-09 | 2009-615 | Resolution – Fiscal Year 2009-2010 General Fund Budget Revision #8   |
| 10-15-09 | 2009-616 | Order Authorizing the Clerk of the County Commission to issue a check from the General County Fund (#001-401.00-5-68.00), in the amount of One Hundred Thousand Dollars (\$100,000.00), to The Clay Center, representing a contribution of Tri-State Racing & Gaming Table Games revenues collected by Kanawha County, for the purpose of funding free youth admissions to the Avampato Museum and Clay Center for the Arts and Sciences |
| 10-15-09 | 2009-617 | Order Authorizing the Clerk of the County Commission to issue a check from the Coal Severance Fund (#002-439.00-5-68.00), in the amount of Ten Thousand Dollars (\$10,000.00), to the Town of Belle, representing a contribution for the purpose of paving for the Town's playground project   |

10-15-09	2009-618	Order authorizing and approving the Manual Journal Entries as set forth in 10/8/2009 Memorandum from Kim Lutz, Director of Accounting
10-15-09	2009-619	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$35,220.00 from account #001-973.14-700-4-59.00 to the Clay County Commission for reimbursement of expenses related to Homeland Security Region One Grant
10-15-09	2009-620	Authorization for the President of the Kanawha County Commission to sign a Certificate of Title and Affidavit of Transfer of Ownership without Consideration for a vehicle declared surplus property by the Kanawha County Sheriff's Department (2002 Jeep Cherokee XX315278)
10-15-09	2009-621	Order – Polling Location Changes: (1) Precincts 119 and 120, from Skateland of Campbell's Creek to Mary Ingles Elementary, Tad, West Virginia (closure); Precincts 161 and 163, from Chamberlain Elementary to Horace Mann Middle School, 4301 MacCorkle Avenue, Charleston (overcrowding); Precinct 354, from Twin City Bible Church to Church of the Nazarene, 1400 Sattes Circle, Nitro, West Virginia (closure); and Precinct 244, from South Hills Presbyterian Church to St. Mathews Episcopal Church, 36 Norwood Road, Charleston, West Virginia (closure)
10-15-09	2009-622	Order authorizing the President of the Kanawha County Commission to sign Chase Business Signature Card for Commercial Checking Account (State and Local Public Funds)
10-15-09	2009-623	Order approving overtime for Kanawha County Commission employees for pay period ending October 31, 2009, for hours worked in the pay period of September 14, 2009, through September 20, 2009
10-15-09	2009-624	Order approving overtime for Kanawha County Commission employees for pay period ending October 31, 2009, for hours worked in the pay period of September 21, 2009, through October 4, 2009
10-15-09	2009-625	Order Authorizing the Clerk of the County Commission to issue a check from the General Fund, #001-401.00-800-5-67.00, in the amount of Fifty Thousand Dollars (\$50,000.00) to the Parking Fund (#271), as additional contribution for Fiscal 2009-2010
10-15-09	2009-626	Order authorizing the Resolution approving the financing by Loudendale Volunteer Fire Department, Inc., in the amount of \$125,000.00 ( <i>Fire Apparatus Truck Project</i> )
10-15-09	2009-627	Order Authorizing the Clerk of the Kanawha County Commission to issue a supplemental check from the General County Fund (001-809.00-5-68.00), in the amount of Twenty Three Thousand, Eight Hundred Eighty Dollars and Fifteen Cents (\$23,880.15) for Invoice No.

**MINUTES FOR COMMISSION  
MEETING OF OCTOBER 15, 2009  
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4 to Mountain Haus Properties, Inc. representing payment for work on the Upper Fishers Branch/Guthrie Line C Water Line Extension Project

10-15-09            2009-628            Order Authorizing the Clerk of the Kanawha County Commission to issue a supplemental check from the General County Fund (001-809.00-5-68.00), in the amount of Thirteen Thousand, Four Hundred Eighty Five Dollars and Twenty Five Cents (\$13,485.15) for Invoice No. 4 to Mountain Haus Properties, Inc. representing payment for work on the Upper Fishers Branch/Guthrie Line D Water Line Extension Project

10-15-09            2009-629            Order authorizing the Clerk of the County Commission to issue a supplemental check from the General County Fund (#001-809.00-5-68.00) to be released upon receipt of Infrastructure & Jobs Development Council Drawdown of the same amount, in the amount of Three Hundred and Two Thousand, Four Hundred Eighty-One Dollars and Ninety Cents (\$302,481.90) for Invoice No. 1 to CJ Hughes Construction Company, representing payment for construction work on the Derrick's Creek Water Line Project

10-15-09            2009-630            Approval of Derrick's Creek Water Line Extension Project Request for Drawdown of Invoice No. 1 for construction by C.J. Hughes Construction Company in the amount of Three Hundred and Two Thousand, Four Hundred Eighty-One Dollars and Ninety Cents (\$302,481.90) from the West Virginia Infrastructure & Jobs Development Council

10-15-09            2009-631            Order – Supplementals/*Check Register (as set forth below)*

**Orders *NOT ON Agenda* but approved/processed from 10/15/09 Commission Meeting:**

10-15-09            2009-632            Approval of Derrick's Creek Water Line Extension Project Grant Agreement in the amount of \$388,925.00 with the West Virginia Infrastructure & Jobs Development Council

**Emergency Check *NOT ON Agenda* but approved/processed from 10/15/09 Commission Meeting:**

Parking Fund, \$50,000.00, Parking Fund (*annual contribution*)

Town of Belle, \$10,000.00 (*contribution for playground project, Coal Severance*)

**Commission Meeting Minutes approved/processed at 10/15/09 Commission Meeting:**

Approval of Commission Meeting Minutes of October 1, 2009

**New Employee approved/processed at 10/15/09 Commission Meeting:**

Blaire Carney Smith, Prosecuting Attorney's Office, Victim's Advocate, Grant Position, permanent employment replacing Crystal Jones, \$20,800.00 per year, effective October 19, 2009

**Budget Revisions approved/processed at 10/15/09 Commission Meeting:**

1. Fiscal Year 2009-2010 General Fund Budget Revision #8
2. Fiscal Year 2009-2010 Parking Facility Line Item Budget Revision
3. Fiscal Year 2009-2010 Parking General Fund Item Budget Revision

**Supplementals/Check Register approved/processed at the 10/15/09 Commission Meeting (Set Forth in 2009-631:**

Supplemental voucher, Universal Electric, \$10,000.00 (*electrical, labor, and materials to install four 60' poles and wire lights at the DuPont Middle School Softball Field*)

Supplemental voucher, Reserve Account, \$35,000.00 (*postage for Certified Mail and Regular Mail, Sheriff's Tax Office*)

Supplemental voucher, Pitney Bowes, \$5,000.00 (*postage for outgoing mail, County Clerk*)

Supplemental voucher, AT&T Mobility, \$5,504.21 (*MDT services, August 24, 2009, to September 23, 2009*)

Supplemental voucher, Mountain Haus Properties, Inc., \$23,880.15 (*Invoice No. 4, representing payment for work on the Upper Fishers Branch/Guthrie Line C Water Line Extension Project*)

Supplemental voucher, Haus Properties, Inc., \$13,485.15 (*Invoice No. 4 to Mountain representing payment for work on the Upper Fishers Branch/Guthrie Line D Water Line Extension Project*)

Supplemental voucher, C.J. Hughes Construction Company, \$302,481.90 (*Invoice No. 1, construction work on the Derrick's Creek Water Line Extension Project*)

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

### **Pledge of Allegiance**

**Commissioner Henry C. Shores**

Charleston City Councilman John Miller

Commissioner Hardy commended Mr. Miller for his work on the city council and for his work as a teacher.

### **Moment of Silence and Recognition**

Commissioner Carper asked to remember the unexpected death of a dear friend, Bob Adams. He was a volunteer with emergency services over the years. Commissioner Shores asked to remember Bob Maxwell. His family was involved in Camp Virgil Tate.

### **APPROVAL OF COMMISSION MEETING MINUTES**

#### **Approval of Commission Meeting Minutes of October 1, 2009**

Commissioner Shores moved to approve the meeting minutes of October 1, 2009. Commissioner Hardy seconded. Motion carried.

## **NEW EMPLOYEES**

### **Prosecuting Attorney's Office**

**Blaire Carney Smith, Victim's Advocate, Grant Position, permanent employment replacing Crystal Jones, \$20,800.00 per year, effective October 19, 2009**

**The Honorable Mark A. Plants, Prosecuting Attorney**

Commissioner Shores moved to approve the new employee for the Prosecuting Attorney's Office, Blaire Carney Smith. It was stated that all grant paperwork and pre-employment testing have been completed. Commissioner Hardy seconded. Motion carried.

Commissioner Hardy inquired as to the budget for the Prosecutor's Office. He stated that according to the calculations of Dave Fontalbert, the prosecutor's budget is short by about \$21,000 in the salaries line item. He inquired as to how this shortfall will be compensated. Mr. Plants stated that he can cover this by doing budget revisions. He stated that he has funds in line items such as maintenance fee of \$15,000 and \$9,800 in a line for non-depreciable attorney fees. Commissioner Hardy stated that the current budget for salaries is \$2,267,969. Mr. Plants stated that current salaries are less than that amount. The reason for the overage now is for when employees leave and they have to be paid out for their accumulated leave. He also stated that he revised his department's annual leave carryover policy to match that of the commission office. Commissioner Hardy inquired as to how the office handled comp time. Mr. Plants stated that they do not have comp time. Maryclaire Akers was present also and stated that the office does not track time as the previous administration did. Mr. Plants stated that it may be necessary to evaluate the amount of leave earned. Commissioner Hardy wanted to verify that the Prosecutor was aware that he will be losing the rent line item budget in the next fiscal year and Mr. Plants understood. Commissioner Hardy stated that the prosecuting attorney salaries for the fiscal year of 2004-2005 were \$1.776 million and for this year, 2009-2010, the salaries are \$2.310 million post raises. Commissioner Shores wanted verification that the prosecutor will not be back at the end of the year to ask for more money and Mr. Plants agreed. He stated that there will only be revisions to existing budget and he will not be asking for additional budget funding. Commissioner Carper thanked Mr. Plants for his work on the Jail Cost Containment Committee. Mr. Plants stated that his recent trip to Texas provided information on binding pleas. He believes this would cut costs related to jail time. He stated that so far he currently has three judges that will agree to binding pleas and only one objecting. Commissioner Carper supports the raises. He also thanked the prosecutor for the civil filings. Mr. Plants stated that 75 were filed today and they have collected \$180,000 so far. Commissioner Hardy inquired as to the number of employees being the same as before Mr. Plants became prosecutor. Mr. Plants agreed. He stated that there may be the same number of employees overall but the number of lawyers is less and some of those are paid

through grants, therefore leaving more money in the budget to pay higher salaries. Mr. Plants stated that it is because of the payouts for annual leave that his salaries disbursements are high this year, but starting July 2010 his salaries should be under \$2.269 million. Commissioner Shores stated that he likes how Mr. Plants handles things with his office and with the victims of the cases he handles.

### **AGENDA ITEMS**

**5:00 P.M. Order Authorizing the Clerk of the County Commission to issue a check from the Coal Severance Fund (#002-439.00-5-68.00), in the amount of Ten Thousand Dollars (\$10,000.00), to the Town of Belle, representing a contribution for the purpose of paving for the Town's playground project  
David Fontalbert, Chief Fiscal Officer**

Commissioner Hardy moved to approve the payment of \$10,000 to the Town of Belle. Commissioner Shores seconded. It was stated that the funds will be used for the purpose of the town's playground project. Kim Holmes, town council, stated that the Town of Belle has contributed \$20,000 and the development office has provided \$34,000. Motion carried. Commissioner Carper stated that this is from coal severance funds and instructed the clerk to prepare the check at this time.

**Discussion regarding the implementation of Community Voting with satellite early voting locations**

**Commission President Kent Carper**

**Commissioner Henry C. Shores**

**Commissioner Dave Hardy**

**The Honorable Vera J. McCormick, County Clerk**

Mrs. McCormick stated that there are necessary precinct changes. Mr. Slotnick stated that these will be set for public hearing on November 19<sup>th</sup>. She stated precincts 119 and 120 currently at Skateland need moved to Mary Ingles, and precincts 161 and 163 currently at Chamberlain Elementary need moved to Horace Mann. Councilman John Miller was present to agree to this change. She stated that Twin City Bible Church does not want to be used any longer so that will be moved to the Nitro Nazarene Church. She also stated that South Hills Presbyterian Church is closed and that precinct will be moved to St. Matthews Episcopal. Commissioner Hardy moved to set a public hearing for November 19 at 5:30pm for the changes to the precincts. Mrs. McCormick verified that letters will be sent to the Democratic Chairperson and Republican Chairperson as well as block ads in the newspaper to notice the meeting. She stated that the deadline for a proposal to be sent to the commission is January 11, 2010. She stated that the Secretary of State's Office is in the process of rewriting the rules as the current rules violate the law with respect to rotating precincts. Mrs. McCormick stated that hopefully rotating precincts will take place in November 2010. Currently, she is focused on equipment that the commission would like to

be used. Mrs. McCormick stated that the only equipment to purchase is the outdated M100 or the touch screens. She is concerned with buying outdated equipment. The used M100 price is \$60,000 per precinct with the same warranty as a new machine and the touch screen is priced at \$20,000. Commissioner Hardy verified that three machines would be needed and the costs would be \$180,000 or \$60,000, depending on which is used. Commissioner Carper wanted the clerk's opinion as to which to purchase. Commissioner Hardy stated he is not comfortable with the touch screens. Mrs. McCormick stated she would prefer to use the touch screens for the satellite voting. She stated that there is a printout from the touch screen that is the paper trail. Commissioner Shores wanted verification of the total costs. Commissioner Carper stated that the cost would be \$50,000-60,000 per satellite location for the touch screen and \$100,000-165,000 for the optical scan. Mrs. McCormick stated that the total election budget is \$750,000. She stated that it would cost about \$300,000 for satellite voting and that could be covered by the current budget. Commissioner Carper stated that the money may have to be borrowed and referenced the \$189,000 payment that is being approved tonight. Mrs. McCormick stated that now early voting cost \$20,000 and after the original start up cost of satellite voting that too will cost \$20,000-\$25,000 per election. Commissioner Carper stated that if touch screen is what the clerk wants that is what he will vote for. Commissioner Hardy stated he is not comfortable with the touch screen because of the perception that they are unreliable. Commissioner Carper stated that he was comfortable with the optical scan, but now the touch screen has been time tested. He stated that all early voting precincts need to be the same. Mrs. McCormick stated that the areas for consideration on satellite voting are Belle, St. Albans, and Elkview. Commissioner Carper still feels that the Cross Lanes area needs to be considered. Mrs. McCormick stated that they are having trouble finding a replacement for the Bonham Elementary location and if there are any suggestions her office would appreciate it. Commissioner Carper suggested the PSD and the fire department. Commissioner Carper moved to allow the clerk the authority of changing a polling place for the purpose of adding it to the notice for the public hearing. Commissioner Hardy seconded. Motion carried.

**Update regarding the County's proposed Mandatory Physical Policy including, but not limited to, preliminary meeting with the Kanawha-Charleston Health Department**

**Commissioner Dave Hardy**

**Brent Pauley, County Manager**

Commissioner Hardy referenced the memo prepared by Brent Pauley on October 9, 2009 in relation to the KCHD and the topic of the mandatory physical policy. Mr. Pauley stated that it is a changed dynamic in dealing with the KCHD since Dr. Gupta has taken over. He stated that Dr. Gupta could not be present tonight, but will be at the next commission meeting. Mr. Pauley stated that he recommends KCHD providing the physicals, as well as acute care, and follow up. He stated that Dr. Gupta is looking further into the Medical Home process and will let the commission know how the health department can help. He suggested

talking to City of Charleston and South Charleston regarding the Medical Home. Individuals can visit their own physician and would be required to provide a letter of notice to the commission that they did have the physical. Individuals without a regular doctor could visit the health department and there would be no co-pay, no costs at all. He stated the key component is that the individual would be required to sit with the nurse practitioner to review the results of the testing. Mr. Gupta is to have the related costs by the next meeting. Commissioner Hardy stated that currently only twenty six percent of employees have annual physicals and hopes that this will bring the number up. It was verified that the proposal included a pre-employment physical in addition if the employee does not complete the annual physical they would not be eligible to participate in the health insurance program. Mr. Slotnick stated that commission can not act on the results of the testing and in fact the commission will not even know the results. Commissioner Hardy stated that the idea is to have the wellness check and the follow up to become aware of the results from the wellness check. Commissioner Carper moved for the item to be placed on the agenda for the next meeting. Commissioner Hardy moved to proceed with KCHD providing the health screening, which is stated as option 1 on the memorandum. Commissioner Shores seconded. Motion carried.

**Discussion regarding the awarding of the Audit RFP to Teed & Associates in the amount of \$38,750.00 for the County's 2008-09 Financial Audit**

**Commission President Kent Carper  
Brent Pauley, County Manager  
David Fontalbert, Chief Fiscal Officer**

Commissioner Carper moved to approve the audit report RFP to Teed & Associates for the county's 2008-2009 Financial Audit. They came as the low bid and there has been no protest. Commissioner Hardy seconded. Motion carried.

**Discussion regarding Clendenin Fire Truck (*declared total loss on June 30, 2009; total cost of new replacement Fire Truck \$340,000.00; received \$165,000.00 from insurance; shortfall of funding \$177,000.00*) and necessary funding for replacement**

**Commission President Kent Carper  
Dale Petry, Emergency Services Director  
C.W. Sigman, Deputy Emergency Services Director**

Commissioner Carper stated that he is bothered by the fact that other fire departments have complained. Commissioner Hardy inquired as to other purchase options. Dale Petry stated that this is a demo truck from a show. He stated that if they were to purchase a new truck it would be a year before it would arrive. Commissioner Carper stated that a new truck can cost as much as \$450,000. He stated that the Public Safety Grant Committee could possibly provide some funding. Jennifer Sayre stated that the committee meets later this month. Commissioner Carper stated that there is the catastrophic line item which has \$200,000. He stated that the state is not providing any funding and he does not see any federal funding. Commissioner Hardy stated that he is willing to help

somewhat. Mr. Petry stated the projected life of the truck would be 20 years. Dave Fletcher stated that there would be objections from some of the other fire departments. Commissioner Hardy stated that the VFDs compete for funding so he understands the complaint and the money should be spread out. Commissioner Shores suggested a lease arrangement. Duane Summers was present and stated that the insurance is paying \$164,000 for the truck that was totaled. He stated that they are not able to depend on the state and they are willing to give commission the borrowed truck back. Mr. Summers stated that it may be possible to finance the amount still needed. The balance needed to purchase the truck is about \$160,000. Midwest financed the previous truck for them. Commissioner Carper recommends providing a letter of intent for \$50,000 from the catastrophic fund and a recommendation to the Public Safety Grant Committee for an additional \$25,000. Commissioner Shores moved to approve. Commissioner Hardy seconded. Motion carried. Commissioner Carper stated that all objections should come before the commission. He ordered an emergency check be prepared when the drawdown takes place.

**Comprehensive update on Kanawha County projects to include, but not be limited to, those projects funded by the American Recovery and Reinvestment Act**

**Commission President Kent Carper  
Jennifer Sayre, Deputy County Manager/Grants Director  
David Armstrong, Planning Director**

Commissioner Carper commended Tammie Chandler for the good work on the power point presentation. The presentation showed the funds that the county and the municipalities have received through the American Recovery Reinvestment Act. It showed a total of \$66,994,611.00 has been received. The funds have been received for environment, public safety, education, and transportation improvements. The dollars were allocated with the county receiving \$57,722,340.00 and the municipalities receiving \$9,272,271.00. Presentation is attached.

**Kanawha County Commission meetings for the remainder of 2009 and first meeting of January 2010**

**Commission President Kent Carper  
Commissioner Henry C. Shores  
Commissioner Dave Hardy**

DATE	TIME
Thursday, November 5, 2009	5:00 p.m.
Thursday, November 19, 2009	5:00 p.m.
Thursday, December 3, 2009	5:00 p.m.
<b>Tuesday, December 22, 2009</b>	<b>8:30 a.m.</b>
Thursday, January 7, 2010	5:00 p.m.

**PUBLIC COMMENT**

**COUNTY MANAGER'S REPORT**

**DEPUTY COUNTY MANAGER'S REPORT**

**CHIEF FISCAL OFFICER'S REPORT**

**COUNTY ATTORNEY'S REPORT**

**Status update regarding Greenbrooke Building  
Marc J. Slotnick, County Attorney**

Mr. Slotnick stated that the matter has not been settled. He has given all the information to Ned Rose. He is looking everything over. Commissioner Carper stated that he just wants to know if the commission has a viable case. If so, then commission will pursue. He also stated that the amount is \$800,000 in back taxes and a one percent penalty of an additional \$300,000. Commissioner Carper moved to engage counsel at the customary rate and for counsel to determine two things, if there is a viable case and if it should be placed as an item on the Board of Equalization and Review. He stated that lawsuits can be brought in the name of the commission, the assessor, and the prosecutor. Mr. Slotnick confirmed that statute says a penalty of one percent of the amount not provided on the tax return can be charged. Commissioner Carper stated the other issue is back taxes, which has to go before BOR. Commissioner Shores seconded. Motion carried.

Commissioner Hardy inquired as to the status of the list of names who had written bad checks to the Sheriff's Office. Mrs. Morrison stated that the list had been received and she will forward it to Commissioner Hardy.

**CLERK OF THE WORKS REPORT**

**STAFF REPORTS**

**NEW BUSINESS**

**FIDUCIARY**

Commissioner Hardy moved to approve fiduciary orders. Commissioner 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 Short Settlement Reports**

**Estate and Will of Russell Lee Brown, Probate in Solemn Form (*Stephen P. Swisher, Attorney*)**

Mr. Keener stated that a hearing needs to be set in the matter of the Probate in Solemn Form. Commissioner Carper moved to set hearing. Commissioner Shores seconded. Motion carried.

**PURCHASE ORDERS**

Commissioner Hardy moved to approve all purchase orders. Commissioner Shores 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>
Universal Electric	DuPont Middle	\$10,000.00	Electrical, labor and materials to install four 60' poles and wire lights, DuPont Middle School Softball Field
Reserve Account	Sheriff's Tax	\$35,000.00	Postage for certified mail and regular mail
Pitney Bowes	County Clerk	\$5,000.00	Postage for outgoing mail
Brewer & Company of WV, Inc.	Drug Court	\$7,000.00	Sprinkler additions and relocation of existing equipment to accommodate build-out
AT&T Mobility	Sheriff's LED	\$5,504.21	MDT Services, August 24, 2009, to September 23, 2009
Cimco, Inc.	Maintenance	\$10,000.02	Preventative maintenance for HVAC location in Courthouse, Judicial Building and 900 Christopher Street (October to June, 2010); W. Kent Carper Justice and Public Safety Complex (January-June, 2010), per bids received 9/22/09
WV Secretary of State	Commission	\$186,103.00	Payment for HAVA Voting Equipment

Webroot	Data Process.	\$11,244.00	\$5,962.00, 200 e-mail security AV/AS/CC continuity; \$5,282.00, 200 archive renewal of existing product
ICOR Technology	Sheriff's LED	\$76,755.00	Bomb disposal ROBOT MK3

			Caliber per bids received 10/2/09
Lifeline Armor, Inc.	Sheriff's LED	\$5,664.00	Six sets of body armor, Level IIIA, per bids received 10/2/09
Finley Fire Equipment Company, Inc.	Sheriff's LED	\$20,596.00	Four Scott Swatpak fire-rated, self-contained breathing apparatus, per Contract
Royal Arms International	Sheriff's LED	\$6,512.00	\$4,118.00, 2 IDC-9 disrupter cannon kits @ \$2,059.00; \$250.00, 2 external cannon shock tube kits @ \$125.00; \$1,134.00, 27 copper frangible disposal disrupters @ \$42.00; \$420.00, 10 Clayvon disposal disrupters @ \$42.00; \$420.00, 10 hollow point steel slug disposal disrupters @ \$42.00; \$100.00, shipping; \$70.00, hazardous material shipping ( <i>sole source</i> )
W. W. Grainger	Sheriff's LED	\$7,252.00	Eight bomb technician tool kits, per State Contract @ \$906.50
Waste Management	Planning	\$5,372.19	\$5,205.79, tipping fees for Cross Lanes Fall 2009 Cleanup; \$166.40, cleanup of property located at Clendenin in conjunction with DEP and Solid Waste

### **ORDERS**

Commissioner Hardy moved to approve the orders. Commissioner Shores 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 September 10, 2009*)  
The Honorable Vera J. McCormick, County Clerk

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 September 10, 2009*)  
The Honorable Vera J. McCormick, County Clerk

Order Confirming and Approving Orders entered by the Clerk of the County Commission of Kanawha County, West Virginia (*Probate Order Report, September 1, 2009, through September 30, 2009*)  
The Honorable Vera J. McCormick, County Clerk

**New Employee**, Blaire Carney Smith, Prosecuting Attorney's Office, Victim's Advocate, Grant Position, permanent employment replacing Crystal Jones, \$20,800.00 per year, effective October 19, 2009  
The Honorable Mark A. Plants, Prosecuting Attorney

Applications for Apportionment of Personal Property Taxes Pursuant to Final Divorce Orders in Accordance with Chapter 11, Article 5, Section 14, of the Code of West Virginia  
Marc Slotnick, County Attorney  
Steve Sluss, Chief Legal Counsel, Assessor's Office

Resolution – Fiscal Year 2009-2010 General Fund Budget Revision #8  
David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to issue a check from the General County Fund (#001-401.00-5-68.00), in the amount of One Hundred Thousand Dollars (\$100,000.00), to The Clay Center, representing a contribution of Tri-State Racing & Gaming Table Games revenues collected by Kanawha County, for the purpose of funding free youth admissions to the Avampato Museum and Clay Center for the Arts and Sciences  
David Fontalbert, Chief Fiscal Officer

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Order authorizing and approving the Manual Journal Entries as set forth in 10/8/2009 Memorandum from Kim Lutz, Director of Accounting  
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Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$35,220.00 from account #001-973.14-700-4-59.00 to the Clay County Commission for reimbursement of expenses related to Homeland Security Region One Grant  
Carrie Clendening, Grant Coordinator/Legislative Liaison

Authorization for the President of the Kanawha County Commission to sign a Certificate of Title and Affidavit of Transfer of Ownership without Consideration for a vehicle declared surplus property by the Kanawha County Sheriff's Department (*2002 Jeep Cherokee XX315278*)  
Jerie Whitehead, Purchasing Director

Order – Polling Location Changes: (1) Precincts 119 and 120, from Skateland of Campbell's Creek to Mary Ingles Elementary, Tad, West

Virginia (closure); Precincts 161 and 163, from Chamberlain Elementary to Horace Mann Middle School, 4301 MacCorkle Avenue, Charleston (overcrowding); Precinct 354, from Twin City Bible Church to Church of the Nazarene, 1400 Sattes Circle, Nitro, West Virginia (closure); and Precinct 244, from South Hills Presbyterian Church to St. Mathews Episcopal Church, 36 Norwood Road, Charleston, West Virginia (closure)  
 The Honorable Vera J. McCormick, County Clerk

Order authorizing the President of the Kanawha County Commission to sign Chase Business Signature Card for Commercial Checking Account (State and Local Public Funds)  
 Allen Bleigh, Chief Tax Deputy

Order approving overtime for Kanawha County Commission employees for pay period ending October 31, 2009, for hours worked in the pay period of September 14, 2009, through September 20, 2009  
 Brent Pauley, County Manager  
 Jennifer Sayre, Deputy County Manager

**PAY PERIOD 09/14/09-09/20/09**

NAME	OT STRAIGHT	AMOUNT	OT		TOTAL
			TIME/HALF	AMOUNT	
Keller, Joanna	2.93	\$51.90	4.32	\$114.78	\$166.68
King, Amy	3.00	\$61.07	4.48	\$136.81	\$197.88
<b>TOTAL</b>	<b>5.93</b>	<b>\$112.97</b>	<b>8.80</b>	<b>\$251.59</b>	<b>\$364.56</b>

Order approving overtime for Kanawha County Commission employees for pay period ending October 31, 2009, for hours worked in the pay period of September 21, 2009, through October 4, 2009  
 Brent Pauley, County Manager  
 Jennifer Sayre, Deputy County Manager

**PAY PERIOD 09/21/09-10/04/09**

NAME	OT		OT		TOTAL
	STRAIGHT	AMOUNT	TIME/HALF	AMOUNT	
Chandler, Tammie	1.00	\$19.33		\$0.00	\$19.33
Downey, Leslie	2.28	\$54.23		\$0.00	\$54.23
Fleck, Kimberly	2.68	\$63.75	5.22	\$186.25	\$250.00
Morrison, Rachelle	4.12	\$98.00	15.70	\$560.17	\$658.17
Hackney, Cathy	1.97	\$40.11		\$0.00	\$40.11
Hudson, Theresa	3.00	\$60.40		\$0.00	\$60.40

Lanham, Shellie	1.80	\$28.70		\$0.00	\$28.70
Lilly, Mindy	3.42	\$67.21		\$0.00	\$67.21
Whittington, Sue Ann	2.08	\$40.87		\$0.00	\$40.87
Sandoro, Colt	1.03	\$14.07		\$0.00	\$14.07
Hodge, Edna	1.70	\$22.23		\$0.00	\$22.23
Melton, Joe	7.07	\$110.21	5.10	\$119.25	\$229.46
Prowse, James	1.50	\$19.23		\$0.00	\$19.23
Shafer, Sheila	0.97	\$12.44		\$0.00	\$12.44
Withrow, Robert	1.23	\$15.77		\$0.00	\$15.77
Clark, Michael	3.92	\$55.35		\$0.00	\$55.35
Estep, Bill	2.50	\$33.97	0.50	\$10.19	\$44.16
Moore, Allen	5.00	\$69.23	0.04	\$0.83	\$70.06
Rucker, Raymond	2.50	\$32.05	0.50	\$9.62	\$41.67
Keller, Joanna	9.15	\$162.08	3.35	\$89.01	\$251.09
King, Amy	9.57	\$194.83	2.93	\$89.47	\$284.30
Robinson, Debbie	10.93	\$237.67	1.50	\$48.93	\$286.60
Thomas, Thelma	5.00	\$77.10	1.50	\$34.70	\$111.80
<b>TOTAL</b>	<b>84.42</b>	<b>\$1,528.83</b>	<b>36.34</b>	<b>\$1,148.42</b>	<b>\$2,677.25</b>

Order Authorizing the Clerk of the County Commission to issue a check from the General Fund, #001-401.00-800-5-67.00, in the amount of Fifty Thousand Dollars (\$50,000.00) to the Parking Fund (#271), as additional contribution for Fiscal 2009-2010

David Fontalbert, Chief Fiscal Officer

Order authorizing the Resolution approving the financing by Loudendale Volunteer Fire Department, Inc., in the amount of \$125,000.00 (*Fire Apparatus Truck Project*)

David Fontalbert, Chief Fiscal Officer

Marc J. Slotnick, County Attorney

Order Authorizing the Clerk of the Kanawha County Commission to issue a supplemental check from the General County Fund (001-809.00-5-68.00), in the amount of Twenty Three Thousand, Eight Hundred Eighty Dollars and Fifteen Cents (\$23,880.15) for Invoice No. 4 to Mountain Haus Properties, Inc. representing payment for work on the Upper Fishers Branch/Guthrie Line C Water Line Extension Project

Patrick Snyder, Project Coordinator

Order Authorizing the Clerk of the Kanawha County Commission to issue a supplemental check from the General County Fund (001-809.00-5-68.00), in the amount of Thirteen Thousand, Four Hundred Eighty Five Dollars and

Twenty Five Cents (\$13,485.15) for Invoice No. 4 to Mountain Haus Properties, Inc. representing payment for work on the Upper Fishers Branch/Guthrie Line D Water Line Extension Project  
Patrick Snyder, Project Coordinator

Approval of Derrick's Creek Water Line Extension Project Request for Drawdown of Invoice No. 1 for construction by C.J. Hughes Construction Company in the amount of Three Hundred and Two Thousand, Four Hundred Eighty-One Dollars and Ninety Cents (\$302,481.90) from the West Virginia Infrastructure & Jobs Development Council  
Patrick Snyder, Project Coordinator

Order authorizing the Clerk of the County Commission to issue a supplemental check from the General County Fund (#001-809.00-5-68.00) to be released upon receipt of Infrastructure & Jobs Development Council Drawdown of the same amount, in the amount of Three Hundred and Two Thousand, Four Hundred Eighty-One Dollars and Ninety Cents (\$302,481.90) for Invoice No. 1 to CJ Hughes Construction Company, representing payment for construction work on the Derrick's Creek Water Line Project  
Patrick Snyder, Project Coordinator

**1. Fiscal Year 2009-2010 General Fund Budget Revision #8**

Commissioner Hardy moved to approve General Fund Budget Revision #8. Commissioner Shores seconded. Motion carried.

**REVENUE:**

001-366-0-00.00	Miscellaneous Revenue	\$15,805.00
001-382-0-00.00	Refunds/Reimbursements	\$37,822.00

**EXPENDITURE:**

001-700.00-3-41.02	Sheriff's LED Operating Grant	\$53,627.00
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**2. Fiscal Year 2009-2010 Parking Facility Line Item Budget Revision**

Commissioner Hardy moved to approve the Parking Facility Line Item Budget Revision. Commissioner Shores seconded. Motion carried.

**EXPENDITURES:**

271-466.00-2-11.00	Parking Facility Telephone	\$3,000.00
271-446.00-4-57.00	Parking Facility Buildings	(\$3,000.00)

3. **Fiscal Year 2009-2010 Parking General Fund Item Budget Revision**

Commissioner Hardy moved to approve the General Fund Item Budget Revision. Commissioner Shores seconded. Motion carried.

**EXPENDITURES:**

001-412.00-2-14.00	Extension Services – Travel	(\$100.00)
001-412.00-2-22.00	Extension Services – Dues & Subscriptions	\$100.00

**CHECK REGISTERS/SUPPLEMENTALS (Order Confirming and Approving Disbursements to be made by the Clerk of the County Commission of Kanawha County)**

Commissioner Hardy moved to approve the check registers/supplementals. Commissioner Shores seconded. Motion carried.

Supplemental voucher, Universal Electric, \$10,000.00 (*electrical, labor, and materials to install four 60' poles and wire lights at the DuPont Middle School Softball Field*)

Supplemental voucher, Reserve Account, \$35,000.00 (*postage for Certified Mail and Regular Mail, Sheriff's Tax Office*)

Supplemental voucher, Pitney Bowes, \$5,000.00 (*postage for outgoing mail, County Clerk*)

Supplemental voucher, AT&T Mobility, \$5,504.21 (*MDT services, August 24, 2009, to September 23, 2009*)

Supplemental voucher, Mountain Haus Properties, Inc., \$23,880.15 (*Invoice No. 4, representing payment for work on the Upper Fishers Branch/Guthrie Line C Water Line Extension Project*)

Supplemental voucher, Haus Properties, Inc., \$13,485.15 (*Invoice No. 4 to Mountain representing payment for work on the Upper Fishers Branch/Guthrie Line D Water Line Extension Project*)

Supplemental voucher, C.J. Hughes Construction Company, \$302,481.90 (*Invoice No. 1, construction work on the Derrick's Creek Water Line Extension Project*)

Commissioner Carper moved to accept the grant of \$388,925 for Derrick's Creek Water Line Extension Project. Commissioner Shores seconded. Motion carried.

Commissioner Carper moved to approve the emergency check to the Parking Fund in the amount of \$50,000 from the General Fund. He stated it would be ratified at the next meeting. Commissioner Shores seconded. Motion carried.

Commissioner Carper would like to address the county's website at the next commission meeting. Brent Pauley stated that just before tonight's meeting he was notified that the update is ready for viewing.

Commissioner Shores moved to adjourn until the next meeting of November 5, 2009 at 5pm. Commissioner Hardy seconded. Motion carried.

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- ❖ **AND BOLD DENOTES CHANGE TO THE AGENDA (Example, typographical error, addition, change and/or omission from first version of Agenda)**
- ◆ **AND BOLD PRINT DENOTES EMERGENCY ITEM**

THE KANAWHA COUNTY COMMISSION MEETING OF OCTOBER 15, 2009, RECESSED AT 6:50 P.M., UNTIL THE 5TH DAY OF NOVEMBER, 2009, AT 5:00 P.M.

THE FOREGOING MINUTES ARE APPROVED THIS 5TH DAY OF NOVEMBER, 2009.

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PRESIDENT

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COMMISSIONER

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COMMISSIONER

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COUNTY ATTORNEY