

MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 28TH DAY OF JANUARY 2010.

A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 28TH DAY OF JANUARY 2010. THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 5:05 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**

1-28-10	2010-038	Order Confirming and Approving Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department
1-28-10	2010-039	Order Confirming and Approving Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department, pending Budget Revision
1-28-10	2010-040	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund
1-28-10	2010-041	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-Special Fund
1-28-10	2010-042	Resolution – Fiscal Year 2009-2010 General Fund Budget Revision #14
1-28-10	2010-043	Order Confirming and Approving Orders Entered by the Clerk of the County Commission of Kanawha County, West Virginia (<i>Probate Order Report December 1, 2009, through December 31, 2009</i>)
1-28-10	2010-044	Approval of Erroneous Assessment Exonerations submitted by the Kanawha County Assessor (Decrease: \$162.12)
1-28-10	2010-045	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
1-28-10	2010-046	Order authorizing the President of the Kanawha County Commission to execute a grant application for the West Virginia Division of Criminal Justice Services Juvenile Accountability Block Grant Program
1-28-10	2010-047	Order Authorizing the President of the Kanawha County Commission to execute a grant application for the West Virginia Division of Criminal Justice Services STOP Violence Against Women (VAWA) Grant Program

1-28-10	2010-048	Order - Street Closing Application of Daniel & Gloria Jackson for Street Closing of 12-Foot Wide by 60-Foot Long section of Riverview Street on the North Side of Lots 65 and 66, Located in Jefferson District, Tax Map 8F, Parcel 16, Kanawha County, West Virginia
1-28-10	2010-049	<u>New Employee</u> , Melissa Kuhl, Prosecuting Attorney's Office, Legal Assistant, permanent employment to replace Guyla Black, \$30,000.00 per year, effective February 1, 2010
1-28-10	2010-050	<u>New Employee</u> , Danny Allen, Assessor's Office, Real Estate Division, permanent employment to replace Pauline Eagle, \$21,000.00 per year, effective February 1, 2010
1-28-10	2010-051	<u>New Employee</u> , Gina C. Guy, Assessor's Office, Real Estate Division, temporary, part-time employment, \$10.00 per hour, effective February 1, 2010
1-28-10	2010-052	Order appointing Barry Kemerer to the Kanawha County Planning Commission to replace Lindy Vickers (<i>term to expire July 31, 2010</i>)
1-28-10	2010-053	Order appointing Donna Lipscomb to the Kanawha County Planning Commission to replace Bill Bevino (<i>term to expire July 31, 2010</i>)
1-28-10	2010-054	Order appointing John Luoni to the Capital Resource Agency Board of Directors to replace David Fontalbert
1-28-10	2010-055	Order authorizing the Clerk of the Kanawha County Commission to issue a check from the General County Fund #001-809.00-5-68.00 in the amount of Thirteen Thousand, Three Hundred Twenty-One Dollars and Eighty-Seven Cents (\$13,321.87) for Invoice No. 5 to Mountain Haus Properties, Inc. representing payment for work on the Upper Fishers Branch/Guthrie Line D Water Line Extension Project
1-28-10	2010-056	Order authorizing the President of the Kanawha County Commission to execute a lease document with the West Virginia Supreme Court for document storage space at 900 Christopher Street
1-28-10	2010-057	<u>Demolition Order</u> – In the matter of the property owned by Dale W. Holstein and Elaine E. Holstein (Tax Map 3P, Parcel 88.3, Jefferson District)
1-28-10	2010-058	Order authorizing the President of the Kanawha County Commission to execute a grant application for the Federal Emergency Management Agency Severe Repetitive Loss Program. Application will be submitted online
1-28-10	2010-059	Notice of Intent – Order authorizing the County Commission to submit Notice of Intent to apply for FEMA-DR-1838-WV Hazard Mitigation Grant Program (HMGP)

1-28-10	2010-060	Order authorizing the President of the Kanawha County Commission to sign a Grant Award in the amount of \$71,000 from the WV Department of Military Affairs and Public Safety
1-28-10	2010-061	Resolution authorizing West Virginia American Water and the Kanawha County Regional Development Authority to utilize \$11 Million of the County's Recovery Zone Economic Development Bond allocation for a new water main replacement in the Upper Kanawha Valley area and \$5 Million of the County's Recovery Zone Facilities Bond allocation for upgrading water service in the Sissonville area of the County
1-28-10	2010-062	West Virginia Certified Development Community (CDC) Program Resolution of Participation and Cooperation

Order on 1/28/10 Agenda but NOT approved/processed:

Order adopting the County's Health Benefits Policy which includes a mandatory annual wellness check as a pre-requisite for eligibility for health insurance

Resolutions approved/processed at 1/28/10 Commission Meeting:

Resolution authorizing West Virginia American Water and the Kanawha County Regional Development Authority to utilize \$11 Million of the County's Recovery Zone Economic Development Bond allocation for a new water main replacement in the Upper Kanawha Valley area and \$5 Million of the County's Recovery Zone Facilities Bond allocation for upgrading water service in the Sissonville area of the County

West Virginia Certified Development Community (CDC) Program Resolution of Participation and Cooperation

Minutes approved/processed at 1/28/10 Commission Meeting:

Approval of Commission Meeting Minutes of January 7, 2010
Approval of Commission Meeting Minutes of January 21, 2010

New Hires approved/processed at 1/28/10 Commission Meeting:

New Employee, Melissa Kuhl, Prosecuting Attorney's Office, Legal Assistant, permanent employment to replace Guyla Black, \$30,000.00 per year, effective February 1, 2010

New Employee, Danny Allen, Assessor's Office, Real Estate Division, permanent employment to replace Pauline Eagle, \$21,000.00 per year, effective February 1, 2010

New Employee, Gina C. Guy, Assessor's Office, Real Estate Division, temporary, part-time employment, \$10.00 per hour, effective February 1, 2010

Budget Revisions approved/processed at 1/28/10 Commission Meeting:

1. Fiscal Year 2009-2010 General Fund Budget Revision #14

5:00 P.M. CALL TO ORDER

Pledge of Allegiance
Commission President Kent Carper

Order appointing Donna Lipscomb to the Kanawha County Planning Commission to replace Bill Bevino (*term to expire July 31, 2010*)
Commission President Kent Carper

Commissioner Shores moved to approve the appointment of Donna Lipscomb to the Kanawha County Planning Commission. Commissioner Hardy seconded. Motion carried.

Order appointing Barry Kemerer to the Kanawha County Planning Commission to replace Lindy Vickers (*term to expire July 31, 2010*)
Commission President Kent Carper

Commissioner Hardy moved to approve the appointment of Barry Kemerer to the Kanawha County Planning Commission. Commissioner Carper seconded. Motion carried.

Commissioner Shores administered the oath of office to both.

Moment of Silence and Recognition

APPROVAL OF COMMISSION MEETING MINUTES

Approval of Commission Meeting Minutes of January 7, 2010

Approval of Commission Meeting Minutes of January 21, 2010

Commissioner Hardy moved to approve the meeting minutes of January 7, 2010 and January 21, 2010. Commissioner Shores seconded. Motion carried.

Vera McCormick and Cathy Gatson introduced students from Carver Career Center to the Commission. These are students that are working toward degrees as Legal Office Assistant. They will be working in the County Clerk's Office and in the Circuit Clerk's Office. Commissioner Carper stated that this is at no cost to the County.

Commissioner Carper moved to recess from the Regular Commission Meeting at 5:14 p.m. for the Board of Review and Equalization. Commissioner Hardy seconded. Motion carried.

Back on record for the Regular Commission Meeting at 5:27 p.m.

RESOLUTION

**West Virginia Certified Development Community (CDC) Program
Resolution of Participation and Cooperation**
Commissioner Dave Hardy
Matt Ballard, President, Charleston Area Alliance

Commissioner Hardy moved to approve the resolution for the West Virginia Certified Development Community Program. Commissioner Shores seconded. Motion carried. Commissioner Carper questioned the status of a company located in the incubator at the Alliance. Matt Ballard stated that the company is still in the incubator and is still active in the County. He stated that in 2009 they had 25 tenants in the incubator, generating about 75-80 jobs. He also stated that two new companies have moved into the incubator since the beginning of the year. Commissioner Shores inquired as to the Alliance working with State Departments. Mr. Ballard confirmed that the Alliance does work well with the State.

Resolution authorizing West Virginia American Water and the Kanawha County Regional Development Authority to utilize \$11 Million of the County's Recovery Zone Economic Development Bond allocation for a new water main replacement in the Upper Kanawha Valley area and \$5 Million of the County's Recovery Zone Facilities Bond allocation for upgrading water service in the Sissonville area of the County

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

Commissioner Hardy read the resolution. Commissioner Hardy moved to approve the resolution. Commissioner Shores seconded. Motion carried. He stated that this will have an impact on the quality of life in Kanawha County for the next forty plus years. Commissioner Hardy stated that this is at no cost to the County and that Kanawha County is not at risk for the bonds. Commissioner Shores stated that 96 percent of Kanawha County residents have clean water. It was also stated that approximately 3000 residents are still in need of a clean water system. This is a \$16 million project. It will have a significant opportunity for economic development. This system will run from Fayette all the way to Belle. It will lead to the retirement of the Montgomery Plant. Jennifer Sayre stated that within the next two weeks it will be determined if the County qualifies for the grant. Commissioner Carper stated that it was the County Commission that contacted WV American Water regarding the project. Commissioner Hardy moved to approve progressing with this project and expanding on it when it is complete. Mark Sankoff displayed a map of the project area to the Commission. Commissioner Carper stated that the Commission is not able to commit to any new water projects at this time. This project will be industrial type along Rt. 60, bringing the opportunity for businesses to locate to the area. Commissioner Hardy instructed staff to contact Matt Ballard, Charleston Area Alliance President, for a WVAWC presentation at the next Alliance Board Meeting. Commissioner Carper stated that water projects are determined based on cost per customer and discussions during public meetings. It was stated that the project will break ground in spring 2011.

NEW EMPLOYEES

Prosecuting Attorney's Office

**Melissa Kuhl, Legal Assistant, permanent employment to replace Guyla Black, \$30,000.00 per year, effective February 1, 2010
The Honorable Mark A. Plants, Prosecuting Attorney**

Commissioner Hardy moved to approve the new employee, Melissa Kuhl, for the Prosecuting Attorney's Office. Commissioner Shores seconded. Motion carried.

It was stated that the Prosecutor's Office will begin moving into the new building on February 1st and the move should be complete by February 25th. Jerie Whitehead stated that this date was verified with Verizon. It was stated that the Sheriff's Office will begin the move on March 1st and will be completed by March 10th.

Commissioner Carper informed Mark Plants, Prosecutor, of the decrease in the jail bill. Mr. Plants stated the accelerated indictment process is proving to be a success. He stated that most defendants are pleading before arraignments take place. Mr. Plants stated that the Prosecutor's Office is currently working on changes with the Magistrate Court cases.

Discussion regarding the West Virginia Division of Criminal Justice Services Juvenile Accountability Block Grant Program application

**Commission President Kent Carper
The Honorable Mark Plants, Prosecuting Attorney
Maryclaire Akers, Chief of Staff, Prosecutor's Office
Carrie Clendening, Grant Coordinator/Legislative Liaison**

Carrie Clendening stated that the grant does require a \$32,000 match, which would be the benefits for the salary. Commissioner Carper verified that the funds will be in the Prosecutor's budget.

Discussion regarding the West Virginia Division of Criminal Justice Services STOP Violence Against Women (VAWA) Grant Program Application

**Commission President Kent Carper
The Honorable Mark Plants, Prosecuting Attorney
Maryclaire Akers, Chief of Staff, Prosecutor's Office
Carrie Clendening, Grant Coordinator/Legislative Liaison**

Maryclaire Akers stated that the Prosecutor's Office has had this grant for 13 years. It was previously administered by the City of Charleston. She stated that the STOP Team voted to have the County write it from now on. She stated that all Stop Teams throughout the State are administered by the associated County. She stated that the Sheriff, Prosecutor, and the City of Charleston Police Chief

are all in agreement of this. Commissioner Carper moved to approve both grants. Commissioner Shores seconded. Motion carried.

Assessor's Office

**Danny Allen, Real Estate Division, permanent employment to replace Pauline Eagle, \$21,000.00 per year, effective February 1, 2010
The Honorable Phyllis Gatson, Assessor**

Commissioner Hardy moved to approve the new employee, Danny Allen, for the Assessor's Office. It was stated that this is a change in status. Danny Allen is already a part time employee. Commissioner Shores seconded. Motion carried.

**Gina C. Guy, Real Estate Division, temporary, part-time employment, \$10.00 per hour, effective February 1, 2010
The Honorable Phyllis Gatson, Assessor**

Commissioner Hardy moved to approve the new employee, Gina C. Guy, for the Assessor's Office. Commissioner Shores seconded. Motion carried.

AGENDA ITEMS

5:00 P.M.



**Discussion regarding donation of Kohler Power 80 KW Fast Response Generator from the W. Kent Carper Justice and Public Safety Complex to the Kanawha-Charleston Health Department
Commission President Kent Carper
Rahul Gupta, M.D., Health Officer and Director, KCHD
Dale Petry, Emergency Services Director**

Lolita Kirk from the Kanawha-Charleston Health Department was present. She stated that after the last snow storm she had to relocate vaccinations because of a power outage at the Health Department. Commissioner Carper stated that the County has purchased a new 750 KW generator for the W. Kent Carper Justice and Public Safety Complex so they are donating the old one to the Health Department. He requested a letter be sent to AEP thanking them for the generator as part of the donation with the building. He thanked staff for the work on this. Ms. Kirk stated that the Health Department had begun setting aside money for a new generator. So those funds will now be used for the movement and installation of the donated generator. Commissioner Carper stated that this will be shown as an intergovernmental transfer. Steve Neddo, Maintenance Supervisor, stated that the move will take place once the new generators have been tested and approved. He stated that this should take place within 10 days. Commissioner Hardy moved to approve the donation of the generator to the Health Department. Commissioner Shores seconded. Motion carried.

Update regarding incident at Yeager Airport on January 19, 2010, to include, but not be limited to, cost of repairs to the EMAS System and timeline for same

**Commissioner Henry C. Shores
Commission President Kent Carper
Commissioner Dave Hardy
Rick Atkinson, Director, Yeager Airport**

Commissioner Carper commends the Airport Board for the decision of installing the EMAS. He instructed staff to send a letter of thanks to Senator Rockefeller for his assistance with AIP funding and with the funding for the repairs to the EMAS. Rick Atkinson was present and stated that repairs will begin on Monday. The crews will work at night and it should be completed within 5-8 nights. The only constraint is the weather. There can not be precipitation and the temperature must be above 32 degrees to replace the EMAS. The EMAS had been installed for 2 years and 1 month. It required a transfer of property from Parks and Recreation to the Commission. The old runway was 6302 feet, it will be 6802. With the EMAS installed it is the equivalent of 7800 feet of runway. Commissioner Carper stated that without the EMAS the over run would be grass area. Mr. Atkinson stated that the airport has \$25 million umbrella coverage with the insurance company BB & T and Carson. Commissioner Shores stated that he is unsure of the amount of insurance coverage being adequate. Commissioner Carper requested a letter be sent to the Airport Board thanking them for the handing of the Airways flight situation. Commissioner Hardy inquired as to the status of the investigation. Mr. Atkinson stated that NTSB is handling the investigation and it takes 2-4 months to release findings. Commissioner Hardy verified that there is no access to the interview tapes. Mr. Atkinson stated that when the transcripts are released, they will be available to everyone. He stated that it was reported by a passenger that the pilot broadcast to them that he had received an "abort takeoff alarm". He stated that there was 1927 feet of skid marks before the plane entered into the EMAS. He stated that he was out of town at the time of the incident. Terry Sayre is the one responsible for taking the passengers off the airplane and away from the incident. Commissioner Shores instructed staff to write a letter to Terry Sayre thanking him for his efforts with the safety of the Airways Flight passengers and the entire situation. Mr. Atkinson stated that today Yeager Airport was recognized at the Airport Council International Crisis Media Seminar for the airport with the Best Use of Social Media. Denny Dawson was present from KRT. He was disturbed by the after action report stating that KRT did not respond fast enough. He wanted to be present just in case the matter was discussed in the meeting tonight. He stated that four supervisors and 2 buses responded and the response time was 16 minutes. He feels that this is the fastest that they would have been able to get to the situation. Commissioner Hardy agreed.

6:00 p.m. Public Hearing - Application of Daniel & Gloria Jackson for Street Closing of 12-Foot Wide by 60-Foot Long section of Riverview Street on North Side

of Lots 65 and 66, Located in Jefferson District, Tax Map 8F, Parcel 16, Kanawha County, West Virginia (*Application Recommended for Approval by Kanawha County Planning Commission on January 13, 2010*)

John Luoni, Deputy Planning Director/Subdivision Manager

6:30 p.m. Commissioner Carper verified that there were no objections to the street closing and that it had been properly noticed. He verified that there were no land locks or interference to any landowners. John Luoni stated that this is recommended by the Planning Commission. Commissioner Carper stated that this is a "paper street". Commissioner Hardy moved to approve the street closing. Commissioner Shores seconded. Motion carried.

Discussion regarding the County Health Benefits policy, including, but not limited to, the mandatory annual wellness check as a pre-requisite for health insurance coverage

Commission President Kent Carper

Commissioner Henry C. Shores

Commissioner Dave Hardy

Tom Susman, TSG Consulting

Commissioner Hardy noted several changes to the language of the written policy. He stated that it should be better clarified that this is a wellness check and not a physical exam. Tom Susman was present and stated that the policy is trying to encourage employees to visit their normal physician and if not possible then participate in the wellness check provided by the County. He stated that the changes mentioned will be revised. He also stated that the wellness checks will take less than 1 hour to complete. The policy is just set up for employees only, the first year. Commissioner Hardy stated that the policy should clarify that the wellness check is not a requirement for employees' dependents under the health insurance plan. He would also like for there to be a bold face caption stating that the exam is confidential and is subject to HIPA protection. He also wants clarification as to the wellness checks being required every 12 months or 12 months and one day. Tom Susman will contact Ron Walters and Karen Hunt regarding the time frame. Commissioner Carper stated that the RFP will be returned February 3rd. Commissioner Carper suggested that the policy language be revisited and return to the Commission with the revision on the February 18th meeting. Jennifer Sayre noted a change to Page one, the date of April 1st has been changed to June 1st. Commissioner Carper requested another meeting with the elected officials to discuss the policy. Commissioner Shores wanted clarification that the Commission can force employees to have physicals. Tom Susman stated that the Commission is allowed to do so. Commissioner Hardy stated that if employees refuse to participate in the wellness check they can be removed from the insurance policy. He also stated that there are exceptions written in the plan and an appeal is possible. Commissioner Carper stated that \$300,000 was saved because of the Sheriff Deputies' early retirement system.

Discussion regarding the use of the \$1 million Debt Service Reserve from the W. Kent Carper Justice & Public Safety Complex bond proceeds for the overdue maintenance of the County Parking Garage, including, but not limited to, utilizing the funding of the Parking Garage maintenance project as a catalyst for other economic development projects in the County
Commission President Kent Carper

Commissioner Carper stated that it has already been voted to use the reserve for the maintenance of the Parking Garage. He stated that \$1 million was set aside as security. He stated that \$9 million was spent on the W. Kent Carper Justice & Public Safety Building. The building is worth almost \$13 million. There is \$1 million in escrow and waiting to see if bank will allow it to be used for repair of the parking garage. He stated that the County is also attempting to receive additional grant money to leverage the project. He requested this item be placed on the next 3 agendas for discussion in order to meet the Chase requirements. Commissioner Shores inquired as to the replacement endorsement of the policy. Commissioner Hardy inquired as to the appraisal being completed by Wells Fargo. Commissioner Carper directed staff to move forward. Commissioner Hardy seconded. Motion carried. It was stated that the repair package for the parking building is \$1.3 million and bids are due February 2nd. Commissioner Carper instructed this item to be placed on the February 4th agenda for review.

Discussion regarding draft Budget for Fiscal Year 2010-2011
Commission President Kent Carper
Jennifer Sayre, Deputy County Manager/Grants Director
David Fontalbert, Chief Fiscal Officer

Commissioner Carper stated that the current draft includes no raises and no capital improvements. He stated that the County will most likely be unable to contribute more to the Financial Stabilization Fund. He stated that a proposed budget will be ready next meeting. He also stated that the Public Safety Grant Funds will not be available until 2012.

Discussion regarding Courthouse space allocation to include, but not be limited to, sewer gas issues
Commission President Kent Carper
Jerie Whitehead, Purchasing Director
Steve Neddo, Maintenance Director/Clerk of the Works

Commissioner Carper stated that elected officials will be making requests and will discuss them as they are made.

Discussion regarding the request by the Kanawha County Circuit Clerk for additional storage space at 900 Christopher Street
Commission President Kent Carper
The Honorable Cathy Gatson, Circuit Clerk
Steve Neddo, Maintenance Director/Clerk of the Works

Commissioner Hardy moved to approve the request. Commissioner Shores seconded. Motion carried.

Kanawha County Commission meetings through February, 2010, including Board of Review and Equalization

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

DATE	TIME	DESIGNATION
Tuesday, February 2, 2010	8:30 a.m.	◆
Thursday, February 4, 2010	5:00 p.m.	△ ◆
Tuesday, February 9, 2010	8:30 a.m.	◆
Thursday, February 11, 2010	5:00 p.m.	◆
Tuesday, February 16, 2010	8:30 a.m.	◆
Thursday, February 18, 2010	5:00 p.m.	△ ✕
Tuesday, February 23, 2010	8:30 a.m.	◆ §

- △ **Regularly Scheduled Commission Meeting for February**
- ◆ **Board of Review and Equalization Meeting and Commission Meeting**
- ✕ **Board of Review and Equalization Industrial and Mineral Night**
- § **Proposed Board of Review and Equalization Sine Die**

Commissioner Hardy stated that he will be unable to attend the February 9th meeting, but may be able to call in if need be. Commissioner Carper stated that Canvas dates need added to the calendar. It will take place the Friday after the May Primary Election at 7 a.m.

Discussion regarding recent activity by Kanawha County Emergency Management

**Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy
Dale Petry, Emergency Services Director
C.W. Sigman, Deputy Emergency Services Director**

Dale Petry stated that DuPont had 4 incidents over the past weekend. He stated that the Chemical Safety Board held a briefing to notify that they are starting the investigation. Commissioner Carper stated that the investigation will take about 90 days and then there will be a community meeting. He stated that there is a problem with how Metro was notified of the situation. He is concerned with the protection of the public and those sent into the plant. Commissioner Hardy stated that he is disappointed in the plant. Mr. Petry stated that DuPont has been the good example all along. Metro did not know of the leak until the medics arrived on scene and informed them. People were sent in the area without knowing of

the risk. DuPont is disputing that they medics were stopped at the gate and told of the leak. The medics had no protection at all when entered the gate. Commissioner Carper stated that under the new reporting law, if the information is readily available it is to be shared with Metro, so it may be that they violated the reporting statutes. In the future, Metro needs to know the details so there can be a correct response to the situation. Commissioner Carper stated that he feels that DuPont is safe. C. W. Sigman stated that DuPont has held the industry standard in the world, which is a "Gold Standard". Commissioner Carper instructed Dale and C.W. to set up a meeting with KCEAA and Metro to discuss response situations. Commissioner Carper inquired as to if there is an audible alarm at the plant. C.W. stated that they are still unanswered questions.

PUBLIC COMMENT

COUNTY MANAGER'S REPORT

DEPUTY COUNTY MANAGER'S REPORT

CHIEF FISCAL OFFICER'S REPORT

Dave Fontalbert stated that two Jail Bills will be paid in February. He also stated that the General Fund has a balance of \$1 million.

COUNTY ATTORNEY'S REPORT

CLERK OF THE WORKS REPORT

STAFF REPORTS

NEW BUSINESS

Commissioner Carper instructed Jennifer Sayre and Jerie Whitehead to get together to discuss the responsibilities and determine a Human Resources Representative for the County. He instructed this to be placed on the next agenda.

FIDUCIARY

Commissioner Hardy moved to approve all Fiduciary Orders. Commissioner Shores seconded. Motion carried.

Order Confirming and Ratifying Supervisor's Report of Claims and Settlement Reports

Order Confirming and Ratifying Supervisor's Report of Claim sand Short Settlement Reports

Order Admitting Will to Probate, Estate of Ralph S. Green

Order approving Recommendations of Fiduciary Supervisor, Estate of William S. Dandy (*Jennifer Victor, Fiduciary Supervisor*)

Order approving Recommendations of Fiduciary Supervisor, Estate of Ardith N. Dandy (*Jennifer Victor, Fiduciary Supervisor*)

Order Declaring Re-Opened Estate Closed, Estate of William MacCorkle Smith

Order Declaring Re-Opened Estate Closed, Estate of Dorothy E. Thompson

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:

Vendor	Department	Amount	Comments/Description
National Law Enforcement Supply	South Chas. PD	\$10,027.34	Evidence processing equipment, per Public Safety Grant Letter of Intent
ABC Fire Services, LLC	Jefferson VFD	\$5,800.00	AMK-22 Cutter (to upgrade AMK-25 cutter), per Public Safety Grant Letter of Intent
WV Public Safety Expo	Emer. Ser.	\$30,000.00	2010 Public Safety Expo training fees, per Public Safety Grant Letter of Intent
Brewer & Company of WV	Maintenance	\$125,000.00	\$45,000.00, Commission grant match for attic sprinkler installation; \$80,000.00, grant to install attic sprinkler system; bids for each phase received in July of 2005 (<i>Brewer is requesting 9% increase for labor rate and material cost increases</i>)

Kanawha Putnam Emergency Planning Commission	Emer. Ser.	\$6,000.00	2010 Membership Contribution for Emergency Management OEMS
Prestera Center for Mental Health	Mental Hygiene	\$25,000.00	PI services for involuntary emergency medical commitments
Allen's Auto Part & Repair	Sheriff's LED	\$10,000.00	Miscellaneous parts and repairs

			for departmental fleet
MobileTEK Consulting, LLC	South Chas. PD	\$11,445.00	Three Panasonic Touchscreen computers, per Public Safety Grant Letter of Intent
Travelers	Commission	\$29,427.35	Claim #CAT8488
SHI Software House International	Assessor's Office	\$5,380.83	\$4,984.50, 50 Microsoft Windows 7 upgrade @ \$99.69 each; \$21,50, one Microsoft Windows professional, media, volume, DVD; \$374.83, Microsoft Technet Plus (<i>WV State Contract</i>)

- ❖ **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 2009-2010 Budget Revision.**

Vendor	Department	Amount	Comments/Description
Federal Sign	Commission	\$12,940.00	Siren, 2 way radio, 400 w amplifier, digital voice chip 480 second up to 250 messages (siren to be located at WV State University per contribution from Bayer Crop Science) GSA Cooperative Purchasing Contract

ORDERS

Commissioner Hardy moved to approve all orders. Commissioner Shores seconded. Motion carried. Commissioner Shores stated that John Luoni will be given the oath at the end of the meeting this evening.

Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for the General Fund (*documentation available for inspection at the County Clerk's Office as well as the Kanawha County Commission meeting of January 28, 2010*)

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 January 28, 2010*)

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 December 1, 2009, through December 31, 2009*)

The Honorable Vera J. McCormick, County Clerk

Approval of Erroneous Assessment Exonerations submitted by the Kanawha County Assessor (*Decrease: \$162.12*)

Marc Slotnick, County Attorney

Steve Sluss, Chief Legal Counsel, Assessor's Office

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

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Steve Sluss, Chief Legal Counsel, Assessor's Office

Order authorizing the President of the Kanawha County Commission to execute a grant application for the West Virginia Division of Criminal Justice Services Juvenile Accountability Block Grant Program

Carrie Clendening, Grant Coordinator/Legislative Liaison

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John Luoni, Deputy Planning Director/Subdivision Manager

Order adopting the County's Health Benefits Policy which includes a mandatory annual wellness check as a pre-requisite for eligibility for health insurance

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New Employee, Danny Allen, Assessor's Office, Real Estate Division, permanent employment to replace Pauline Eagle, \$21,000.00 per year, effective February 1, 2010

The Honorable Phyllis Gatson, Assessor

New Employee, Gina C. Guy, Assessor's Office, Real Estate Division, temporary, part-time employment, \$10.00 per hour, effective February 1, 2010

The Honorable Phyllis Gatson, Assessor

Order appointing Barry Kemerer to the Kanawha County Planning Commission to replace Lindy Vickers (*term to expire July 31, 2010*)

Commission President Kent Carper

Order appointing Donna Lipscomb to the Kanawha County Planning Commission to replace Bill Bevino (*term to expire July 31, 2010*)

Commission President Kent Carper

Order appointing John Luoni to the Capital Resource Agency Board of Directors to replace David Fontalbert

Commission President Kent Carper

Order authorizing the Clerk of the Kanawha County Commission to issue a check from the General County Fund #001-809.00-5-68.00 in the amount of Thirteen Thousand, Three Hundred Twenty-One Dollars and Eighty-Seven Cents (\$13,321.87) for Invoice No. 5 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

Order authorizing the President of the Kanawha County Commission to execute a lease document with the West Virginia Supreme Court for document storage space at 900 Christopher Street

Marc J. Slotnick, County Attorney

Demolition Order – In the matter of the property owned by Dale W. Holstein and Elaine E. Holstein (Tax Map 3P, Parcel 88.3, Jefferson District)

Marc J. Slotnick, County Attorney

- ❖ **Order authorizing the President of the Kanawha County Commission to execute a grant application for the Federal Emergency Management Agency Severe Repetitive Loss Program. Application will be submitted online**

David Armstrong, Planning Director

- ❖ **Notice of Intent – Order authorizing the County Commission to submit Notice of Intent to apply for FEMA-DR-1838-WV Hazard Mitigation Grant Program (HMGP)**

David Armstrong, Planning Director

- ❖ **Order authorizing the President of the Kanawha County Commission to sign a Grant Award in the amount of \$71,000 from the WV Department of Military Affairs and Public Safety
Carrie Clendening, Grant Coordinator/Legislative Liaison**
- ❖ **Resolution – Fiscal Year 2009-2010 General Fund Budget Revision #14
David Fontalbert, Chief Fiscal Officer**

1. Fiscal Year 2009-2010 General Fund Budget Revision #14

Commissioner Hardy moved to approve General Fund Budget Revision #14. Commissioner Shores seconded. Motion carried.

REVENUE:

001-366-0-00.00	Miscellaneous Income	\$25,000.00
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EXPENDITURES:

001-401.00-5-67.00	County Commission Transfers to Other Funds	(\$134,000.00)
001-406.00-1-06.00	Assessor Retirement	\$3,270.00
001-406.00-1-08.01	Assessor Overtime	\$29,730.00
001-406.00-1-09.00	Assessor Temporary Salaries	(\$33,000.00)
001-408.00-2-30.00	Re-Appraisal Contracted Services	\$134,000.00
001-711.00-5-68.00	Emergency Services Contributions	\$25,000.00

- ❖ **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**

There was one emergency item, a check payable to Carte Appraisal Service, \$750.00 for a FEMA grant. It requires a three day turn around. Commissioner Hardy moved to approve the emergency check. Commissioner Shores seconded. Motion carried.

THE KANAWHA COUNTY COMMISSION MEETING OF JANUARY 28, 2010, RECESSED AT 7:20 P.M., UNTIL THE 4TH DAY OF FEBRUARY, 2010, AT 8:30 A.M.

THE FOREGOING MINUTES ARE APPROVED THIS 18TH DAY OF FEBRUARY, 2010.

PRESIDENT

COMMISSIONER

COMMISSIONER

COUNTY ATTORNEY