

Minutes of a Regular Session of the County Commission of Kanawha County, West Virginia, held at the Courthouse thereof on the 11th day of February, 2010.

A regular meeting of the County Commission of Kanawha County, West Virginia, was held on the 11th day of February, 2010, in the Courtroom of the County Commission located in the Kanawha County Courthouse in Charleston, West Virginia, beginning at 5:03 p.m., immediately following the Commission sitting as the Board of Review and Equalization.

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| 2-11-10 | 2010-080 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund |
| 2-11-10 | 2010-081 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-Special Fund |
| 2-11-10 | 2010-082 | Authorization by the Kanawha County Commission for its President to execute a Grant Application between the West Virginia Division of Criminal Justice Services Enforcing the Underage Drinking Laws and the Kanawha County Commission |

Commissioner Shores moved to approve orders. Commissioner Hardy seconded. Motion carried.

Arne Moltis was present to discuss with commissioners the recent activity that has taken place at his apartment building. Mr. Moltis felt there has been excessive testing to his building and that county employees had been treating him unfairly. Mr. Moltis filed a civil suit in Magistrate Court against the Kanawha County Planning Commission. Mr. Moltis asked the Commission for 20 days before more testing is completed. Commissioner Carper stated that there are rules in place as to how these situations are to be handled. Marc Slotnick, County Attorney, instructed the Planning Department to move forward with the testing as normally instructed to do so. He stated that Johnnie Brown, attorney with Pullin, Fowler and Flanagan is reviewing the matter. Mr. Armstrong stated that rooms at the apartment complex are coming back with positive results for meth. John Simon of Simon Environmental and Greg Pauley of Astar Abatement were present and both stated that the testing completed showed positive results for meth. The testing completed by Greg Pauley was completed at the request of Mr. Moltis. Commissioner Hardy stated to Mr. Moltis that he is at a bad starting point with the positive results and should try to work this out with the Planning Department. Commissioner Carper stated that items should not be moved from the contaminated area to a clean area. This contaminates the new area. He instructed Mr. Slotnick to prepare a consent decree to be signed by Mr. Moltis and if not signed to follow procedure. He stated that this ordinance is to protect the public from contamination. He suggested for Mr. Moltis to meet with John Luoni, Deputy Planning Director. He instructed staff to not do anything different with this situation than any other situation. It was verified that Simon Environmental is an independent agent and does not work for the county. His experience is in over 100 tests. He stated that there is the concern with cross contamination because items are being moved from room to room. Mr. Moltis stated that he has 16 residents. It was stated that 7 rooms have been tested so far. Mr. Moltis agreed to have further testing completed and to meet with John Luoni. Commissioner Carper instructed for this item to be placed on the agenda for February 16th, but until then would like for the commissioners to stay informed of the situation.

No further business to be conducted before the Commission, the meeting recessed at 5:37 p.m., until February 16, 2010, at 8:30 A.m. Complete audio is available in the Commission Office or online at <http://live.kanawha.us>.

The following members were present in person:

W. Kent Carper, President

Henry C. Shores, Commissioner

Dave Hardy, Commissioner

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

PRESIDENT

COMMISSIONER

COMMISSIONER

COUNTY ATTORNEY