

**MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 18TH DAY OF FEBRUARY 2010.**

**A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 18TH DAY OF FEBRUARY 2010. 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**

2-18-10	2010-084	Order Confirming and Approving Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department
2-18-10	2010-085	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund
2-18-10	2010-086	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-Special Fund
2-18-10	2010-087	Order Confirming and Approving Orders Entered by the Clerk of the County Commission of Kanawha County, West Virginia ( <i>Probate Order Report January 1, 2010, through January 31, 2010</i> )
2-18-10	2010-088	Resolution – Fiscal Year 2009-2010 General Fund Budget Revision #15
2-18-10	2010-089	Approval of Erroneous Assessment Exonerations submitted by the Kanawha County Assessor (Decrease: \$47,902.84)
2-18-10	2010-090	Applications for Apportionment of Personal Property Taxes Pursuant to Final Divorce Orders in 2Accordance with Chapter 11, Article 5, Section 14, of the Code of West Virginia
2-18-10	2010-091	<i>New Employee</i> , Adam Petry, Kanawha County Commission, Intern, temporary, part-time employment, \$10.00 per hour, effective February 19, 2010
2-18-10	2010-092	<i>Change of Employment Status</i> , Angela T. Kirk, Data Entry Clerk, from part-time to full-time employment, replacing Christy Bryson, \$25,000.00, effective March 1, 2010
2-18-10	2010-093	Order authorizing and approving the Manual Journal Entries as set forth in 2/8/10 Memorandum from Kim Lutz, Director of Accounting
2-18-10	2010-094	Order re-appointing Rick Atkinson to the Metro 911 Board of Directors and Executive Board ( <i>term to expire July 1, 2016</i> )

2-18-10	2010-095	Order re-appointing Dan Foster to the Metro 911 Board of Directors and Executive Board ( <i>term to expire July 1, 2016</i> )
2-18-10	2010-096	Order re-appointing John Wells, III, to the Metro 911 Board of Directors and Executive Board ( <i>term to expire July 1, 2016</i> )
2-18-10	2010-097	Order re-appointing Joe Lynch to the Metro 911 Board of Directors ( <i>term to expire July 1, 2016</i> )
2-18-10	2010-098	Order re-appointing Mayor Charles Armstrong to the Metro 911 Board of Directors ( <i>term to expire July 1, 2016</i> )
2-18-10	2010-099	Order authorizing the Clerk of the County Commission to issue a check from the General Fund #001-809.00-5-68.00 in the amount of Fifty Thousand Dollars (\$50,000.00) to the Kanawha-Charleston Humane Association from Table Game Revenues
2-18-10	2010-100	Order authorizing the Clerk of the County Commission to issue a check from the County Stabilization Fund #058-401.00-5-68.00 in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) to the County General Fund #001
2-18-10	2010-101	Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Two Thousand Five Hundred Eighty Dollars and Seventy-Five Cents (\$2,580.75) to the Assessor's Valuation Fund (#056), for reimbursement of life insurance costs
2-18-10	2010-102	Order approving overtime for Kanawha County Commission employees for pay period ending February 26, 2010, for hours worked in the pay period of January 25, 2010, through February 7, 2010
2-18-10	2010-103	Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of One Hundred Ninety-Five Dollars and Thirty Cents (\$195.30) to the Coal Severance Fund (#002), for reimbursement of life insurance costs
2-18-10	2010-104	Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Four Hundred Eighty-Eight Dollars and Twenty-Five Cents (\$488.25) to the Fiduciary Fund (#016), for reimbursement of life insurance costs
2-18-10	2010-105	Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Thirty Eight Thousand Two Hundred Sixty-Four Dollars and Eighty-Five Cents (\$38,264.85) to the General County Fund (#001), for reimbursement of life insurance costs through the end of January, 2010

2-18-10	2010-106	Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Seven Hundred Eighty-One Dollars and Twenty Cents (\$781.20) to the Home Confinement Fund (#008), for reimbursement of life insurance costs
2-18-10	2010-107	Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Six Hundred Fifty-Five Dollars and Seventy-Six Cents (\$655.76) to the Parking Facility Fund (#271), for reimbursement of life insurance costs
2-18-10	2010-108	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 Five Thousand, Nine Hundred Thirty Eight Dollars and Twenty Three Cents (\$5,938.23) to match funds for Pay Request No. 6 – to which the Department of Environmental Protection’s Abandoned Mine Lands division has matched with \$53,444.11 – to Kanawha County Regional Development Authority, which will then write a combined check of Kanawha County Funds and DEP-AML funds to Famco, Inc., representing payment for Invoice No. 7 on the Sanderson/Dutch Ridge Water Line Extension Project
2-18-10	2010-109	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$85,796.80 from account #001-973.14-700-4-59.00 to the Wood County Commission for reimbursement of expenses related to Homeland Security Region One Grant
2-18-10	2010-110	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$17,300.68 from account #001-973.14-700-4-59.00 to the Putnam County Commission for reimbursement of expenses related to Homeland Security Region One Grant
2-18-10	2010-111	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$18,148.75 from account #001-973.14-700-4-59.00 to the Calhoun County Commission for reimbursement of expenses related to Homeland Security Region One Grant
2-18-10	2010-112	Authorization for the President of the Kanawha County Commission to sign Change Order #8 for the W. Kent Carper Justice and Public Safety Complex Renovation Project ( <i>additional visual equipment, installation of television cable, provide and install additional floor tile</i> )
2-18-10	2010-113	Resolution Honoring the Kanawha-Charleston Humane Association and other related matters
2-18-10	2010-114	Resolution honoring Deborah Linz
2-18-10	2010-115	Animal Cruelty & Canine Tethering Ordinance, officially renamed “The Linz Law,” effective February 20, 2010

2-18-10            2010-116            Order – Supplemental Checks (*as set forth below*)

**Order NOT on Agenda but approved/processed at 2/18/10 Commission Meeting:**

2-18-10            2010-117            New Employee, Stephanie Michelle Adams, Sheriff's Department, Deputy Sheriff, \$34,000.00 per year, effective March 1, 2010

**Resolutions approved/processed at 2/18/10 Commission Meeting:**

Resolution Honoring the Kanawha-Charleston Humane Association and other related matters  
Resolution honoring Deborah Linz

**Minutes approved/processed at 2/18/10 Commission Meeting:**

Approval of Commission Meeting Minutes of January 28, 2010  
Approval of Commission Meeting Minutes of February 2, 2010  
Approval of Commission Meeting Minutes of February 4, 2010  
Approval of Commission Meeting Minutes of February 9, 2010  
Approval of Commission Meeting Minutes of February 11, 2010

**New Hires /Change of Employment Status approved/processed at 2/18/10 Commission Meeting:**

New Employee, Adam Petry, Kanawha County Commission, Intern, temporary, part-time employment, \$10.00 per hour, effective February 19, 2010

Change of Employment Status, Angela T. Kirk, Sheriff's Department, Data Entry Clerk, from part-time to full-time employment, replacing Christy Bryson, \$25,000.00, effective March 1, 2010

New Employee, Stephanie Michelle Adams, Sheriff's Department, Deputy Sheriff, \$34,000.00 per year, effective March 1, 2010

**Budget Revisions approved/processed at 2/18/10 Commission Meeting:**

1.            Fiscal Year 2009-2010 General Fund Budget Revision #17
2.            Fiscal Year 2009-2010 Fiduciary Fund Line Item Budget Revision

**Letter of Intent approved/processed at 2/18/10 Commission Meeting:**

Chelyan Public Service District, \$10,000.00 (*purchase of billing system software*)

**Supplementals/Check Register approved/processed at the 2/18/10 Commission Meeting (Set Forth in 2010-016):**

Supplemental voucher, Kanawha-Charleston Humane Association, \$50,000.00 (*from Table Game Revenues*)

Supplemental voucher, General County Fund, \$750,000.00 (*transfer from Stabilization Fund*)

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

Recessed for Board of Review

Back on record for regular meeting 5:03

**Pledge of Allegiance**

**Commission President Kent Carper**  
**Sheriff Rutherford**

**Moment of Silence and Recognition**

Commissioner Hardy asked to remember the passing of Helaine Rotgin stating that she dedicated her life to serving the community.

Not on agenda. Commissioner Carper moved to amend the agenda and approve the new employee for the Sheriff's Department. Commissioner Shores seconded. Motion carried. Commissioner Shores swore in the new deputy, Stephanie Michelle Adams.

**RESOLUTION**

**Resolution Honoring the Kanawha-Charleston Humane Association and other related matters**

**Commission President Kent Carper**

**Presentation of Resolution and formal announcement of the Kanawha County Cruelty and Canine Anti-Tethering Ordinance, which becomes effective February 20, 2010**

**Commission President Kent Carper**

**Donna Clark, Director, Kanawha-Charleston Humane Association**

**Deborah Linz, Board Member, KCHA**

**Board Member(s) from the Kanawha-Charleston Humane Association**

Commissioner Carper spoke of the recently found dogs that were "left for dead". Kanawha-Charleston Humane Officer brought in Barlow, one of those rescued dogs. Commissioners signed the Kanawha County Cruelty and Canine Anti-Tethering Ordinance that is to go into effect February 20<sup>th</sup>. There was an amendment to change the name of the ordinance to The Linz Law. Commissioner Shores moved to approve the ordinance. Commissioner Hardy seconded. Motion carried. (The resolution is attached.) Commission Hardy read the resolution honoring Deborah Linz for her hard work in the passing of the ordinance. Commissioner Hardy moved for adoption of the resolution. Commissioner Shores seconded. Motion carried. Deborah Linz thanked all involved in the ordinance. Commissioner Hardy read the resolution honoring the Kanawha-Charleston Humane Association Board for its efforts in the passing of the ordinance. Commissioner Hardy moved for adoption of the resolution. Commissioner Shores seconded. Motion carried. Vera McCormick, County Clerk, presented the Commission with a \$50,000 check from the revenue of table games. Commission then gave the check to the Kanawha-Charleston Humane Association. Gary Knapp, President of the Bear Hunters Association, was present to thank the Commissioners for the opportunity to work on this project and stated that he hopes it will be used as a guideline for others. He introduced Gerald Hardman and Jim Summers, members of the WV Wildlife Federation; he stated that they are directly responsible for the adoption posting of the dogs. Commissioner Carper thanked all who worked on the ordinance. Chris Smith stated that he wanted it to be clear that hunting dogs are not exempt from the

ordinance. Commissioner Carper stated that this ordinance has increased awareness of the situations that exist.

### **AGENDA ITEMS**

#### **Discussion regarding potential intergovernmental agreements with the City of Charleston and the Kanawha County Commission**

**Commission President Kent Carper**

**Commissioner Henry C. Shores**

**Commissioner Dave Hardy**

**The Honorable Dave Higgins, Charleston City Council**

**The Honorable Marc Weintraub, Charleston City Council**

Commissioner Hardy stated that the County Commission is interested in developing intergovernmental agreements with the City of Charleston. He stated that as a starting point the County Commission and the Sheriff's Department are offering the Charleston Police Department the use of the new Sally Port. He stated that the invitation extends to all police departments in Kanawha County and that the Commission is open for more ideas of consolidation. Councilman Marc Weintraub stated that they are open to ideas as a city, but as a community not ready at this time. He would like to spend time together to determine specific functions for consolidations. City Council has decided that they will not be the ones to determine which services will be consolidated, so council will rely on experts within the departments to make those determinations. Commissioner Carper stated that cost effectiveness is not the only concern; there is a safety issue that is brought with the use of the Sally Port. Chief John Rutherford stated that all east end police departments will be using the Sally Port. Commissioner Carper stated that recently the City of Charleston and the Kanawha County Sheriff's Department both purchased a simulator. This is an example of what could be a combined purchase. Commissioner Carper inquired as to if council will take this up formally. Councilman Weintraub stated that this information will be taken back to Chief Webster and they will get professionals together to work out the details. Commissioner Hardy stated that this is a good place to start with the use of the Sally Port and expand on that. He stated that the Commission is willing to do presentations to help get the project started. Commissioner Shores stated that there are possibilities with Parks and Recreation also. Councilman Dave Higgins stated that efficiency is part of consolidation. The possibility of consolidation with the use of the City's healthcare clinic was discussed. Tom Susman stated that there is the possibility of developing a program between the City of Charleston and the Kanawha County Commission. Commissioner Carper stated that Brent Pauley, County Manager, is the contact person for this.

### **CHANGE OF EMPLOYMENT STATUS**

**Sheriff's Department**

**Angela T. Kirk, Data Entry Clerk, from part-time to full-time employment, replacing Christy Bryson, \$25,000.00, effective March 1, 2010**

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

Commissioner Carper moved to approve the change of status for Angela Kirk from part-time to full-time employment. Commissioner Hardy seconded. Motion carried.

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

**Approval of Commission Meeting Minutes of January 28, 2010**

**Approval of Commission Meeting Minutes of February 2, 2010**

**Approval of Commission Meeting Minutes of February 4, 2010**

**Approval of Commission Meeting Minutes of February 9, 2010**

**Approval of Commission Meeting Minutes of February 11, 2010**

Commissioner Hardy moved to approve all meeting minutes listed. Commissioner Shores seconded Motion carried.

#### **NEW EMPLOYEES**

**Adam Petry, Intern, temporary, part-time employment, \$10.00 per hour, effective February 19, 2010**

**Jennifer Sayre, Deputy County Manager**

Commissioner Carper moved to approve the intern for the Commission Office, Adam Petry. Commissioner Shores seconded. Motion carried.

**Discussion regarding proposed closure of existing park access at Coonskin Park at Coonskin Drive to a bridge crossing the Elk River, to include, but not be limited to, position of Kanawha County Commission (*public hearings are scheduled by the Department of Highways for March 1, 2010 at Capital High School and March 2, 1010, at Elk Elementary Center*)**

**Commissioner Henry C. Shores**

**Commission President Kent Carper**

**Adjutant General Allen E. Tackett**

**Rick Atkinson, Director, Yeager Airport**

**Jeff Hutchinson, Director, Kanawha Parks & Recreation**

**Representative(s) of Kanawha Parks & Recreation Commission**

Commissioner Carper stated that Adjutant General Allen Tackett is the longest serving adjutant general. He stated that the project to change the entrance into Coonskin Park will be at no cost to the county's park system. This is an initiative by the Guard. The new entrance will consist of a bridge across the Elk River. General Tackett stated that any property disturbed will be replaced. The General has met with Senator Byrd to discuss this project. Senator Byrd's Office is on board for this project to take place this year. Senator Byrd has provided assistance to the Guard totaling \$700 million for projects in the past 15 years. Commissioner Carper moved for the Commission to support the project. Commissioner Hardy seconded. Commissioner Carper stated that Parks and Rec wanted this new entrance years ago, but did not have the funding. Commissioner Hardy stated that the park should take this opportunity. General Tackett stated that he has eliminated every item that was on the BRAC Report with the exception of the road into Coonskin. He stated that the road is a security violation. He stated that the Guard's payroll is \$128,542,237 and that over \$40 million is contributed back into Kanawha County for day to day operations. Commissioner Carper stated that the road will be owned and maintained by the Department of Highways. General Tackett stated that this change will not take any property from the park and the old entrance will still be there with a gate for emergency exit if needed. General Tackett stated that there will be public hearings on the project and would request that the supporters attend such hearings. Commissioner Shores has asked the Parks and Recreation Board to attend meetings and they have confirmed support of the project. Commissioner Carper moved for staff to prepare a letter and resolution showing support of the Guard's efforts to provide security to protect and maintain the Guard. Staff was also instructed to send a letter to the Parks and Recreation Board to encourage passage of a similar resolution. He stated that this opens up opportunities for improvement. Motion carried. Commissioner Shores requested that Yeager Airport Board of Directors recognize the National Guard Fire Brigade at their next meeting. The brigade is there to serve at a savings of \$1.8 million to Kanawha County and the Airport Authority. Rick Atkinson stated that the fire brigade exceeds the emergency response requirements. Commissioner Carper stated that the guard saved the airport.

**Presentation of 2009 Fiduciary Annual Report**

**Commission President Kent Carper**

**Commissioner Henry C. Shores**

**Commissioner Dave Hardy**

**Ray Keener, Fiduciary Supervisor**

**Cathy Hackney, Deputy Fiduciary Supervisor**

Cathy Hackney presented figures from the 2009 Fiduciary Annual Report. She stated that the office opened 1,669 estates in 2009, closed 2,058 estates of which 602 were delinquent. The office filed 1,745 appraisals of which 225 were delinquent. The office received 113 annual accountings for guardians. Commission Carper stated that the office is doing a good job. He stated that they

receive more compliments than complaints. Commissioner Hardy agreed. (The report is attached.)

**PUBLIC COMMENT**

Dunbar Mayor Yeager was present to request assistance for the West Dunbar Community. He is requesting that West Dunbar be allowed to join with the City of Dunbar. He stated this would bring services to the area such as enhanced police and fire protection and street paving. He stated revenues will increase for the City of Dunbar. He is requesting that Regional Intergovernmental Council conduct a feasibility study. Commissioner Caper instructed for this item to be placed on the March 11th agenda for discussion purposes.

Commissioner Hardy moved to recess from regular commission meeting for BOR. Commissioner Shores seconded. Motion carried.

Back on record for the regular commission at 7:08 p.m.

**Discussion regarding County's cash position to include, but not be limited to, 2010-2011 Budget**

**Commission President Kent Carper  
David Fontalbert, Chief Fiscal Officer**

Dave Fontalbert stated that he has circulated a flat budget to all elected officials for their review. Commission Carper inquired as to the effect of the recent news of a potential 11 percent increase of health insurance cost. Dave Fontalbert stated that the cost would be an additional \$410,000 across all departments and \$90,000 for employees. Commissioner Carper stated that there is \$2 million in new spending that the Commission has no control over. He is suggesting that the PERS increase be phased in or to have the percentage reduced. He encourages other elected officials to express their concern for the increase as well. Dave Fontalbert stated that the current balance of the General Fund is approximately \$1.3 million after the transfer of the \$750,000 from Financial Stabilization tonight and this will leave a balance of \$1.25 million in the Financial Stabilization Fund. He stated that January collections were down from what was projected. He stated that Coal Severance collections are down as well as table games revenue. Commissioner Carper directed for a budget discussion to be placed on the February 23<sup>rd</sup> agenda and for a vote to take place on March 11<sup>th</sup> agenda. He stated that the expected increase in revenue is \$1 million, but the natural increase in expenses will take that \$1 million. Commissioner Carper stated that if the projections for the budget are better, then figures for the elected officials will be revisited.

**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 moved to approve the County Health Benefits Policy. Commissioner Shores seconded. Motion carried. Brent Pauley stated that the policy will be implemented in 4 to 6 weeks. During this time there will be meetings with elected officials to discuss the policy and procedures. It was stated that BEbetter was the only bidder at \$35,000. Commissioner Carper clarified that the information obtained from employees is HIPA protected.

**Presentation by U.S. Census Bureau to, include but not be limited to,  
Proposed 2010 Census Partner Resolution  
Commission President Kent Carper  
Richard Hartman, Senior Partnership Specialist**

Sharon Parsons was present from the U.S. Census Bureau to ask the Commission to pass a resolution. Commissioner Carper stated that the resolution will be considered for placement on the next agenda. Ms. Parsons stated that over 60 percent of WV is still post office box addresses. These will have to be hand delivered and the Census Bureau is in need of workers to help with this task. She stated that the census forms need to be returned by April 1, 2010. Commissioner Carper directed staff to determine if this would qualify for an appropriate posting within the Courthouse. Ms. Parsons stated that the Commission has a vested interest in the forms being filled out properly and returned because of the effect on the amount of certain funding received. She stated that the census will be complete by the end of the year and the figures will be released to the states in April 2011. Commissioner Carper instructed staff to contact various other county boards with regard to placing the Census presentation on their agendas. It was also discussed placing an informational item in the payroll.

**Update regarding Capital Resource Agency  
Commission President Kent Carper  
John Luoni, Deputy Planning Director and Board Member, CRA**

Commissioner Carper instructed John Luoni as a board member to stay well informed of the situation with CRA.

**Discussion regarding Loan Repayment Extension granted by the Secretary of State's Office (extending payment from October 1, 2010, to October 1, 2011)**

**Commission President Kent Carper**

To be addressed at the next commission meeting.

Discussion regarding maintenance of the County Parking Garage, including, but not limited to, discussion regarding bids received on February 2, 1010, and projected timeline

Commission President Kent Carper  
 Jennifer Sayre, Deputy County Manager/Grants Director  
 Jerie Whitehead, Purchasing Director  
 Steve Neddo, Clerk of the Works

To be addressed at the next commission meeting.

**2010 Legislative Update**

Commission President Kent Carper  
 Carrie Clendening, Grant Coordinator/Legislative Liaison

Carrie Clendening stated that the Constitutional Amendment passed the House yesterday. Commissioner Carper instructed for the Legislative Update to be placed on the next agenda.

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

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

DATE	TIME	DESIGNATION
Thursday, February 18, 2010	5:00 p.m.	△ ✕
Tuesday, February 23, 2010	8:30 a.m.	◆ §
Thursday, March 11, 2010	5:00 p.m.	△
Thursday, April 1, 2010	5:00 p.m.	△
Thursday, April 15, 2010	5:00 p.m.	△
Thursday, April 29, 2010	5:00 p.m.	△

- △ Regularly Scheduled Commission Meeting
- ◆ 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

**Kanawha County Commission Dates for 2010 Primary Election**

Commission President Kent Carper  
 Commissioner Henry C. Shores  
 Commissioner Dave Hardy  
 Marc J. Slotnick, County Attorney

DATE	TIME	EVENT/LOCATION
Wednesday, April 14, 2010	8:00 a.m.	Public Test, Early Voting, Voter's Registration Office
Tuesday, May 4, 2010	8:00 a.m.	Public Test, Christopher Street and Voter's Registration Office
Saturday, May 8, 2010	8:00 a.m. – 5:00 p.m.	Voting Supplies, Voter's Registration Office
Tuesday, May 11, 2010	6:30 a.m. to 7:30 p.m.	Primary Election Day
Monday, May 17, 2010 (Commission to meet on Friday, May 14, 2010, 8:00 a.m., to recess to Monday, May 17, 2010, by agreement of Commission and County Clerk)	7:00 a.m.	Canvass, Voter's Registration Office

**COUNTY MANAGER'S REPORT**

**DEPUTY COUNTY MANAGER'S REPORT**

**CHIEF FISCAL OFFICER'S REPORT**

**COUNTY ATTORNEY'S REPORT**

**CLERK OF THE WORKS REPORT**

**STAFF REPORTS**

**NEW BUSINESS**

**FIDUCIARY**

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

Objections and Exceptions (*advertised for proposed settlement in the February 1, 2010, issue of The Charleston Gazette and The Charleston Daily Mail, in accordance with West Virginia Code § 44-3A-19*)

**Order Confirming and Ratifying Supervisor's Report of Claims and Settlement Reports (*Settlements presented pursuant to West Virginia Code § 44 -3A-4a, as amended, Waiver and Short Form Settlement by the distributees and beneficiaries*)**

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

**Order Declaring Re-Opened Estate Closed, Estate of Arthur Leo Priddy**

**Order Declaring Re-Opened Estate Closed, Estate of Darlene Christine Ball**

**Recommended Order of Fiduciary Commissioner, Estate of Kathryn Elizabeth Townsend (*Troy N. Giatras, Fiduciary Commissioner*)**

**PURCHASE ORDERS**

Commissioner Hardy moved to approve the 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
N Visions Architects, Inc.	Parking Fac.	\$16,250.00	\$10,875.00, architectural fees for renovation project, bid document preparation; \$5,375.00, architectural fees for renovation project, completion of KD document preparation assistance with bid process
Dalmatian Fire and Safety	Loudendale VFD	\$12,272.62	SCBA's per bids received ( <i>Public Safety Grant Letter of Intent</i> )
St. Francis Hospital Industrial	Commission	\$13,750.00	110 Mammograms
Kanawha County Emergency Ambulance Authority	Commission	\$5,633.60	Four AED's with accessories for the Courthouse buildings
AT&T Mobility	Sheriff's LED	\$5,572.47	MDT services, December 24, 2009, through January 23, 2010
CIMCO, Inc.	Maintenance Annex	\$5,945.84	Annual filters for Judicial Building
Kanawha-Charleston Humane Association	KCHA	\$8,890.72	\$4,831.22, reimburse utilities for December 2009; \$1,078.78, reimburse supplies and materials for December 2009; \$2,980.72, reimburse food and drug purchases December 2009
GTSI Corporation	Sheriff's LED	\$63,217.80	15 Panasonic CF-130 Laptop computers, GSA Cooperative Purchasing Contract ( <i>Public Safety Letter of Intent</i> )
Dell Computer Corporation	Sheriff's LED	\$13,392.04	Two Poweredge R710 servers, WV State Contract ( <i>Public Safety Grant Letter of Intent</i> )
Charleston Newspapers	Sheriff's Tax	\$40,000.00	12/18-12/25/10 2009 Delinquent Tax Sales Notice Ad
State Tax Commission , Property Tax Division	Commission	\$53,641.22	Charges for State Computer System, October-December, 2009
BBL Carlton, LLC	W. Kent Carper Justice and Public Safety Complex	\$24,732.00	Provide and install additional audio visual equipment for Sheriff's Department ( <i>Change Order No. 8</i> )
Inside the Tape	Sheriff's LED	\$6,000.00	Tuition for 60 LED employees to attend the "Suspicious Death Investigation" class to be held April 22-23, 2010, at Kanawha County Sheriff's Office

### 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 February 18, 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 February 18, 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 January 1, 2010, through January 31, 2010*)

The Honorable Vera J. McCormick, County Clerk

Resolution – Fiscal Year 2009-2010 General Fund Budget Revision #15

David Fontalbert, Chief Fiscal Officer

Approval of Erroneous Assessment Exonerations submitted by the Kanawha County Assessor (*Decrease: \$47,902.84*)

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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Jennifer Sayre, Deputy County Manager

Change of Employment Status, Angela T. Kirk, Data Entry Clerk, from part-time to full-time employment, replacing Christy Bryson, \$25,000.00, effective March 1, 2010

The Honorable Michael Y. Rutherford, Sheriff

Order authorizing and approving the Manual Journal Entries as set forth in 2/8/10 Memorandum from Kim Lutz, Director of Accounting

David Fontalbert, Chief Fiscal Officer

Order re-appointing Rick Atkinson to the Metro 911 Board of Directors and Executive Board (*term to expire July 1, 2016*)  
Commission President Kent Carper

Order re-appointing Dan Foster to the Metro 911 Board of Directors and Executive Board (*term to expire July 1, 2016*)  
Commission President Kent Carper

Order re-appointing John Wells, III, to the Metro 911 Board of Directors and Executive Board (*term to expire July 1, 2016*)  
Commission President Kent Carper

Order re-appointing Joe Lynch to the Metro 911 Board of Directors (*term to expire July 1, 2016*)  
Commission President Kent Carper

Order re-appointing Mayor Charles Armstrong to the Metro 911 Board of Directors (*term to expire July 1, 2016*)  
Commission President Kent Carper

Order authorizing the Clerk of the County Commission to issue a check from the General Fund #001-809.00-5-68.00 in the amount of Fifty Thousand Dollars (\$50,000.00) to the Kanawha-Charleston Humane Association from Table Game Revenues  
Commission President Kent Carper  
David Fontalbert, Chief Fiscal Officer

Order authorizing the Clerk of the County Commission to issue a check from the County Stabilization Fund #058-401.00-5-68.00 in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) to the County General Fund #001  
Commission President Kent Carper  
David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Two Thousand Five Hundred Eighty Dollars and Seventy-Five Cents (\$2,580.75) to the Assessor's Valuation Fund (#056), for reimbursement of life insurance costs  
David Fontalbert, Chief Fiscal Officer

Order approving overtime for Kanawha County Commission employees for pay period ending February 26, 2010, for hours worked in the pay period of January 25, 2010, through February 7, 2010  
Brent Pauley, County Manager  
Jennifer Sayre, Deputy County Manager

**PAY PERIOD 01/25/2010-02/07/2010**

NAME	OT		OT		TOTAL
	STRAIGHT	AMOUNT	TIME/HALF	AMOUNT	
Chandler, Tammie	1.53	\$32.60		\$0.00	\$32.60
Downey, Leslie	1.97	\$46.86		\$0.00	\$46.86
Fleck, Kimberly	2.60	\$61.84		\$0.00	\$61.84
Morrison, Rachelle	0.87	\$20.69		\$0.00	\$20.69
Hackney, Cathy	2.61	\$53.13		\$0.00	\$53.13
Lanham, Shellie	1.00	\$15.95		\$0.00	\$15.95
Lilly, Mindy	3.08	\$60.53	0.03	\$0.88	\$61.41
Whittington, Sue Ann	1.00	\$19.65		\$0.00	\$19.65
Gilkeson, Kelly	0.28	\$3.54		\$0.00	\$3.54
Sandoro, Colt	4.00	\$54.66	2.78	\$56.98	\$111.64
Harrison, Blanche	3.00	\$39.23		\$0.00	\$39.23
Hodge, Edna	1.80	\$23.54		\$0.00	\$23.54
Melton, Joe	8.12	\$126.58	10.15	\$237.33	\$363.91
Prowse, James	4.75	\$60.90	8.22	\$158.08	\$218.98
Shafer, Sheila	2.50	\$32.05	6.00	\$115.39	\$147.44
Shaffer, Sandra	2.12	\$27.18		\$0.00	\$27.18
Withrow, Robert	3.13	\$40.13		\$0.00	\$40.13
Beller, Gary	2.07	\$26.54		\$0.00	\$26.54
Beller, Philip	2.07	\$60.51		\$0.00	\$60.51
Clark, Michael	2.80	\$39.54		\$0.00	\$39.54
Estep, Bill	2.50	\$33.97	2.73	\$55.65	\$89.62
Moore, Allen	5.00	\$69.23	0.42	\$8.72	\$77.95
Rucker, Raymond	4.25	\$54.49	1.12	\$21.54	\$76.03
White, Bruce	5.00	\$64.10	3.71	\$71.35	\$135.45
<b>TOTAL</b>	<b>68.05</b>	<b>\$1,067.44</b>	<b>35.16</b>	<b>\$725.92</b>	<b>\$1,793.36</b>

Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of One Hundred Ninety-Five Dollars and Thirty Cents (\$195.30) to the Coal Severance Fund (#002), for reimbursement of life insurance costs  
David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Four Hundred Eighty-Eight Dollars and Twenty-Five Cents (\$488.25) to the Fiduciary Fund (#016), for reimbursement of life insurance costs  
David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Thirty Eight Thousand Two Hundred Sixty-Four Dollars and Eighty-Five Cents (\$38,264.85) to the General County Fund (#001), for reimbursement of life insurance costs through the end of January, 2010

**David Fontalbert, Chief Fiscal Officer**

**Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Seven Hundred Eighty-One Dollars and Twenty Cents (\$781.20) to the Home Confinement Fund (#008), for reimbursement of life insurance costs**

**David Fontalbert, Chief Fiscal Officer**

**Order Authorizing the Clerk of the County Commission to issue a check from the Special Health Fund, #372-423.00-1-05.03, in the amount of Six Hundred Fifty-Five Dollars and Seventy-Six Cents (\$655.76) to the Parking Facility Fund (#271), for reimbursement of life insurance costs**

**David Fontalbert, Chief Fiscal Officer**

**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 Five Thousand, Nine Hundred Thirty Eight Dollars and Twenty Three Cents (\$5,938.23) to match funds for Pay Request No. 6 – to which the Department of Environmental Protection’s Abandoned Mine Lands division has matched with \$53,444.11 – to Kanawha County Regional Development Authority, which will then write a combined check of Kanawha County Funds and DEP-AML funds to Famco, Inc., representing payment for Invoice No. 7 on the Sanderson/Dutch Ridge Water Line Extension Project**

**Patrick Snyder, Project Coordinator, Planning Department**

**Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$85,796.80 from account #001-973.14-700-4-59.00 to the Wood County Commission for reimbursement of expenses related to Homeland Security Region One Grant**

**Carrie Clendening, Grant Coordinator/Legislative Liaison**

**Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$17,300.68 from account #001-973.14-700-4-59.00 to the Putnam County Commission for reimbursement of expenses related to Homeland Security Region One Grant**

**Carrie Clendening, Grant Coordinator/Legislative Liaison**

**Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$18,148.75 from account #001-973.14-700-4-59.00 to the Calhoun 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 Change Order #8 for the W. Kent Carper Justice and Public Safety**

Complex Renovation Project (*additional visual equipment, installation of television cable, provide and install additional floor tile*)

Jerie Whitehead, Purchasing Director

**LETTER OF INTENT**

Chelyan Public Service District, \$10,000.00 (*purchase of billing system software*)

**1. Fiscal Year 2009-2010 General Fund Budget Revision #15**

Commissioner Hardy moved to approve the General Fund Budget Revision #15. Commissioner Shores seconded. Motion carried.

**REVENUE:**

001-322-0-25.00	Federal Grants	\$8,354.00
001-382-0-00.00	Refunds/Reimbursements	\$1,020.00

**EXPENDITURES:**

001-405.00-1-03.01	Pros Atty Fulltime Salaries	\$28,514.00
001-428.00-2-30.00	Data Processing Contracted Services	\$25,000.00
001-699.00-5-68.00	Contingencies	(\$28,514.00)
001-700.00-1-08.01	Sheriff's LED Overtime	\$9,374.00
001-701.00-2-23.00	Legal Process Professional Services	\$2,500.00
001-701.00-3-41.01	Legal Process Equipment Non-Depr.	(\$2,500.00)
001-916.00-5-68.00	Public Libraries Contribution	(\$75,000.00)
001-809.00-5-68.00	Developing Projects	\$50,000.00

**2. Fiscal Year 2009-2010 Fiduciary Fund Line Item Budget Revision**

Commissioner Hardy moved to approve Fiduciary Line Item Budget Revision. Commissioner Shores seconded. Motion carried.

**REVENUE:**

016-388-0-02.00	Fiduciary Transfers for General County	\$1,000.00
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**EXPENDITURES:**

016-411.00-3-41.00	Fiduciary Refunds	\$1,000.00
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**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 and supplementals.  
Commissioner Shores seconded. Motion carried.

Supplemental voucher, Kanawha-Charleston Humane Association,  
\$50,000.00 (*from Table Game Revenues*)

Supplemental voucher, General County Fund, \$750,000.00 (*transfer from  
Stabilization Fund*)

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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 FEBRUARY 18, 2010, RECESSED AT 7:45 P.M., UNTIL THE 23RD DAY OF FEBRUARY, 2010, AT 8:30 A.M.**

**THE FOREGOING MINUTES ARE APPROVED THIS 11TH DAY OF MARCH, 2010.**

\_\_\_\_\_  
**PRESIDENT**

\_\_\_\_\_  
**COMMISSIONER**

\_\_\_\_\_  
**COMMISSIONER**

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