

MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 23RD DAY OF FEBRUARY 2010.

A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 23RD DAY OF FEBRUARY 2010. THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING 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:

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

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| 2-23-10 | 2010-119 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund |
| 2-23-10 | 2010-120 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-Special Fund |
| 2-23-10 | 2010-121 | Order approving overtime for Kanawha County Commission employees for pay period ending March 15, 2010, for hours worked in the pay period of February 8, 2010, through February 14, 2010 |

Document *NOT* on Agenda but approved/processed at 2/23/10 Commission Meeting:

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| 2-23-10 | 2010-122 | Supplemental Check Register (The Sanitary Board of South Charleston, Appalachian Power Company, Mountaineer Gas, Suddenlink, and Brickstreet Insurance Company) |
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Order on Agenda but *NOT* approved/processed at 2/23/10 Commission Meeting:

Order Approving/Denying Erroneous Assessment Exonerations requested by Greenbrooke Associates, LLC, relating to the Greenbrooke Property

8:30 A.M. CALL TO ORDER

AGENDA ITEMS

- 8:30 A.M. Discussion regarding application for relief from Erroneous Assessment relating to Greenbrooke Associates, LLC, and the Greenbrooke Building Property to include, but not be limited to, approval and/or denial of same**
- Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy
The Honorable Phyllis Gatson, Assessor
Steve Duffield, Deputy Assessor**

**Marc J. Slotnick, County Attorney
Robert Schulenburg, III, Assistant Prosecuting Attorney
Legal Counsel for Greenbrooke Associates, LLC**

Commissioner Carper verified that all counsel was present. Mr. Chaney requested that Commission delay their decision for 60 days. This request is based on the recent passing of Albert Summers and this would allow the family time to assess the situation. Commissioner Carper moved for the Commission to withhold any action in this matter pending 60 days. Commissioner Carper asked that during this time mediation be considered. He also made the assumption that during the 60 days it would be a quiet period with no action by either party. He stated that the Commission will be prepared to present the decision at the April 29th commission meeting. Commissioner Shores seconded. Commissioner Hardy stated that this situation would be best served by mediation. He agreed that because of the situation there are adequate grounds for delaying the decision. Commissioner Carper instructed Mr. Rose and Mr. Slotnick to keep a time line on this and to keep Mr. Chaney informed. Motion carried. The order will be prepared for the next meeting.

Commissioner Shores moved to recess from regular commission meeting for BOR at 8:45 a.m. Commissioner Shores seconded. Motion carried.

Back on record for the regular commission meeting at 8:55 a.m.

2010 Legislative Update

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

Carrie Clendening spoke of a Senate Bill regarding real property transfer tax. The bill authorizes real property transfer taxes collected by the state be paid to the counties providing this be accomplished incrementally over a five year period. This would result in \$720,000 revenue for Kanawha County once fully achieved. It was confirmed that the County Clerk was not objecting to this. Commissioner Carper instructed Marc Slotnick to research the bill. Commissioner Carper moved for staff to send a letter to legislative delegation in support of the bill. Commissioner Shores seconded. Motion carried. Ms. Clendening informed the Commissioners of another bill that would require non state retirees, with less than 5 years of service with the County, to be responsible for the cost of their PEIA premiums. She stated that the bill is supported by Delegates White, Campbell, and Ross. Commissioner Carper stated that he will contact Delegate Mike Ross to see if Commission should get involved with this bill. He also stated that he is contacting the PERS Board for a reconsideration of the vote regarding the recent proposed increase in the employer contribution. He directed a letter be sent to PERS Board regarding PERS staff support of this increase. The calculation is \$700,000 for Kanawha County Commission and over \$1 million for all local county agencies. The next PERS Board meeting is to take place on March 3, 2010 at 10 a.m.

- ❖ **Discussion regarding Draft Budget for Fiscal Year 2010-2011 to include, but not be limited to, Elected Officials opportunity to address Commission regarding same**

**Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy
Brent Pauley, County Manager
Jennifer Sayre, Deputy County Manager/Grants Director
David Fontalbert, Chief Fiscal Officer**

Commissioner Carper stated that the vote on the budget will take place on March 11th. He offered the opportunity for elected officials to present any concerns or questions to the Commission. He also stated that elected officials can send communication if after this meeting there is a need to discuss the budget. He will call a special meeting if necessary. He directed the draft copy to be available to commissioners on Monday, March 1st. It was stated that elected officials have not returned their working papers to Dave Fontalbert at this time.

- ❖ **Discussion regarding to Dow Tech Park to include, but not be limited to, position of the Kanawha County Commission**

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

Commissioner Carper stated that there is a meeting today at 11:30 to further discuss the outcome of the State possibly accepting the donation of the Dow Tech Park. Commissioner Hardy agreed with the Governor's decision regarding the Lottery Commission. Commissioner Carper stated that the higher education options should have been a discussion item at the past meetings and plans to address that at today's meeting.

PUBLIC COMMENT

COUNTY MANAGER'S REPORT

Brent Pauley stated that he received an email from Georgette George after business hours last night, regarding a possible request for the use of the Recovery Zone Bonds. He stated it would require further research to determine if the project qualifies and the application deadline is Friday. Commissioner Carper moved to authorize the president to sign the application with the proviso that the County Attorney, County Manager, Deputy County Manager, and the Grant Coordinator determine that this would not affect any current project. The decision can be ratified on the March 11th meeting. Commissioner Hardy stated that if there is any question then he is willing to have a special meeting to discuss the situation. Commissioner Hardy seconded. Motion carried.

DEPUTY COUNTY MANAGER'S REPORT

**MINUTES-COMMISSION
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CHIEF FISCAL OFFICER'S REPORT

COUNTY ATTORNEY'S REPORT

CLERK OF THE WORKS REPORT

STAFF REPORTS

NEW BUSINESS

ORDERS

Commissioner Hardy moved to approve the orders with the exception of the order for the Erroneous Assessment Exonerations requested by Greenbrooke Associates, LLC, relating to the Greenbrooke Property. 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 23, 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 23, 2010*)**
The Honorable Vera J. McCormick, County Clerk
- ❖ **~~New Employee, Mark A. Johnson, Custodian, permanent employment to replace Scott Thomas, \$25,000.00 per year, effective March 22, 2010~~**
~~The Honorable Mark A. Plants, Prosecuting Attorney~~
- ❖ **Order approving overtime for Kanawha County Commission employees for pay period ending March 15, 2010, for hours worked in the pay period of February 8, 2010, through February 14, 2010**
Brent Pauley, County Manager
Jennifer Sayre, Deputy County Manager

PAY PERIOD 02/08/2010-02/14/2010

NAME	OT		OT		TOTAL
	STRAIGHT	AMOUNT	TIME/HALF	AMOUNT	
Morrison, Rachelle	2.30	\$54.71	3.03	\$108.11	\$162.82
Hackney, Cathy	0.52	\$10.59		\$0.00	\$10.59
Lilly, Mindy	1.00	\$19.65		\$0.00	\$19.65

**MINUTES-COMMISSION
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Gilkeson, Kelly	0.20	\$2.53		\$0.00	\$2.53
Sandoro, Colt	1.00	\$13.66		\$0.00	\$13.66
Hodge, Edna	0.87	\$11.38		\$0.00	\$11.38
Melton, Joe	2.50	\$38.97	7.40	\$173.03	\$212.00
Prowse, James	0.25	\$3.21		\$0.00	\$3.21
Beller, Gary	2.50	\$32.05	7.55	\$145.19	\$177.24
Beller, Philip	2.50	\$73.08	5.26	\$230.63	\$303.71
Clark, Michael	1.95	\$27.54		\$0.00	\$27.54
Estep, Bill	2.50	\$33.97	3.53	\$71.96	\$105.93
Moore, Allen	2.50	\$34.62	1.05	\$21.81	\$56.43
Rucker, Raymond	6.91	\$88.59		\$0.00	\$88.59
White, Bruce	2.67	\$34.23		\$0.00	\$34.23
White, Mike	4.07	\$57.47		\$0.00	\$57.47
Robinson, Debbie	4.18	\$90.89		\$0.00	\$90.89
TOTAL	38.42	\$627.14	27.82	\$750.73	\$1,377.87

**Order Approving/Denying Erroneous Assessment Exonerations requested by Greenbrooke Associates, LLC, relating to the Greenbrooke Property
Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy**

Commissioner Shores moved to approve the emergency items, which included \$25.97 payable to South Charleston Sanitary Board, \$9.46 payable to AEP, \$5,397.53 payable to Mountaineer Gas, \$310.60 payable to SuddenLink and \$306.07 payable to BrickStreet for Home Confinement's portion. Commissioner Hardy seconded. Motion carried.

- ❖ **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 23, 2010, RECESSED AT 9:20 A.M., UNTIL THE 11TH DAY OF MARCH, 2010, AT 5:00 P.M.

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

PRESIDENT

COMMISSIONER

COMMISSIONER

COUNTY ATTORNEY