

**MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 20TH DAY OF MAY 2010.**

**A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 20TH DAY OF MAY 2010. THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 5:03 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  
DAVE HARDY, COMMISSIONER  
HENRY C. SHORES, COMMISSIONER**

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|---------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5-20-10 | 2010-289 | Order Confirming and Approving Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department                                                                                                                                                                                                             |
| 5-20-10 | 2010-290 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund                                                                                                                                                                                                                       |
| 5-20-10 | 2010-291 | Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-Special Fund                                                                                                                                                                                                                       |
| 5-20-10 | 2010-292 | Certificate of Board of Canvassers' Votes Cast for Candidates at Primary Election of May 11, 2010                                                                                                                                                                                                                                             |
| 5-20-10 | 2010-293 | Order Confirming and Approving Orders Entered by the Clerk of the county Commission of Kanawha County, West Virginia ( <i>Probate Order Report April 1, 2010, through April 30, 2010</i> )                                                                                                                                                    |
| 5-20-10 | 2010-294 | <u><i>New Employee</i></u> , Sarah Anderson, Prosecuting Attorney's Office, Intern, temporary, part-time employment for eight weeks, \$10.00 per hour, effective May 24, 2010                                                                                                                                                                 |
| 5-20-10 | 2010-295 | <u><i>New Employee</i></u> , Abigail Dawn Cosby, Sheriff's Department, Deputy Sheriff, permanent employment replacing Timothy Casto (currently on long-term military leave), waiving Court Order 2006-765 ( <i>attached and made a part hereof</i> ), at the salary of \$34,000.00 per year, effective June 1, 2010 ( <i>To be Sworn In</i> ) |
| 5-20-10 | 2010-296 | <u><i>New Employee</i></u> , Jeremy David Yost, Sheriff's Department, Deputy Sheriff, permanent employment replacing Scott Hill; at the salary of \$34,000.00 per year, effective June 1, 2010 ( <i>To be Sworn In</i> )                                                                                                                      |
| 5-20-10 | 2010-297 | <u><i>New Employee</i></u> , Deborah Dykes, Circuit Clerk's Office, Deputy Clerk, permanent employment replacing Shelley Newman, at the salary of \$21,000.00 per year, effective May 24, 2010                                                                                                                                                |

5-20-10	2010-298	Approval of Erroneous Assessment Exonerations submitted by the Kanawha County Assessor <i>(Increase: \$15,669.46)</i>
5-20-10	2010-299	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
5-20-10	2010-300	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$49,857.67 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
5-20-10	2010-301	Order approving overtime for Kanawha County Commission employees for pay period ending May 28, 2010, for hours worked in the pay period of April 26, 2010, through May 9, 2010
5-20-10	2010-302	Authorization for Kanawha County Clerk to perform duties for delinquent land sales by Kanawha County Sheriff
5-20-10	2010-303	Appointment of Steve Hedrick to the Metro 911 Board of Directors (Chemical Industry Representative, Term to Expire May 20, 2016)
5-20-10	2010-304	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$24,947.00 from account #001-973.14-700-4-59.00 to the American Red Cross for reimbursement of expenses related to Homeland Security Region One Grant
5-20-10	2010-305	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$50,020.80 from account #001-973.14-700-4-59.00 to Metro 911 for reimbursement of expenses related to Homeland Security Region One Grant
5-20-10	2010-306	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$1,102.20 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
5-20-10	2010-307	Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-704.00-2-30.00, in the amount of Three Hundred Twenty Thousand Six Hundred Seventy-Two Dollars and Fifty Cents (\$320,672.50) to the WV Regional Jail Authority representing payment for March, 2010
5-20-10	2010-308	Order-Supplemental Checks <i>(As set forth Below (Sheraton Boston Hotel, individual checks for participants); per diems for Prosecuting Attorney for Stonewall Resort Seminar; Ballot Commissioners, Emergency Ballot Commissioners; utility bills)</i>
5-20-10	2010-309	Order-Supplemental Checks <i>(payment to Metro as listed below and lodging for Seminar)</i>

- |         |          |                                                                                                                                                                                                                                                                                                                                 |
|---------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5-20-10 | 2010-310 | Order authorizing the Clerk of the County Commission to issue checks for payment to the Emergency Ballot Commissioners and Ballot Commissioners used in the May 11, 2010, Primary Election ( <i>as set forth on the attached requests from the County Clerk</i> ) from Line Item No. 001-413.00-1-03.05 (Election Poll Workers) |
| 5-20-10 | 2010-311 | Resolution setting hearing date for the Chelyan PSD and Upper Kanawha Valley PSD Merger (Kanawha Public Service District) – setting hearing for June 15, 2010, at 6:00 p.m.                                                                                                                                                     |

**Minutes approved/processed at 5/20/10 Commission Meeting:**

Minutes of the Public Inspection and Inspection for the Primary Election held at 900 Christopher Street and Voters Registration Offices, 415 Quarrier Street, Charleston, West Virginia, of May 4, 2010

Minutes of Military Online Voting System Activation of May 11, 2010

Minutes of the Public Pre-Test and After-Test Inspection for the Primary Election of May 11, 2010

**New Hires approved/processed at 5/20/10 Commission Meeting:**

**New Employee**, Sarah Anderson, Prosecuting Attorney’s Office, Intern, temporary, part-time employment for eight weeks, \$10.00 per hour, effective May 24, 2010

**New Employee**, Abigail Dawn Cosby, Sheriff’s Department, Deputy Sheriff, permanent employment replacing Timothy Casto (currently on long-term military leave), waiving Court Order 2006-765 (*attached and made a part hereof*), at the salary of \$34,000.00 per year, effective June 1, 2010 (*To be Sworn In*)

**New Employee**, Jeremy David Yost, Sheriff’s Department, Deputy Sheriff, permanent employment replacing Scott Hill; at the salary of \$34,000.00 per year, effective June 1, 2010 (*To be Sworn In*)

**New Employee**, Deborah Dykes, Circuit Clerk’s Office, Deputy Clerk, permanent employment replacing Shelley Newman, at the salary of \$21,000.00 per year, effective May 24, 2010

**Budget Revisions approved/processed at 5/20/10 Commission Meeting:**

1. Fiscal Year 2009-2010 General Fund Line Item Budget Revision

**Supplementals/Check Register approved/processed at the 5/20/10 Commission Meeting (Set Forth in 2010-309):**

Supplemental voucher, Sheraton Boston Hotel, \$5,585.20 (*Hotel Rooms for Judge Jennifer Bailey, Susan Given, Rebecca Metzger, Jennifer Wehrle, and Dylan Shaffer to attend the National Association of Drug Court Professionals Conference in Boston, MA*)

Supplemental voucher, Dylan Shaffer, \$319.50 (*Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA*)

Supplemental voucher, Ronni Sheets, \$319.50 (Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA)

Supplemental voucher, Jennifer Wehrle, \$319.50 (*Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA*)

Supplemental Voucher, Judge Jennifer Bailey, \$319.50 (*Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA*)

Supplemental Voucher, Susan Given, \$319.50 (*Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA*)

Supplemental voucher, Justin Collin, \$319.50 (*Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA*)

Supplemental voucher, Rebecca Metzger, \$319.50 (*Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA*)

**Supplementals/Check Register approved/processed at the 5/20/10 Commission Meeting (Set Forth in 2010-310):**

Supplemental voucher, Metro 911, \$50,020.80 (*reimbursement of expenses related to Homeland Security Region One Grant*)

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

### **Pledge of Allegiance**

**Commission President Kent Carper**

Sheila Melton, Kanawha County Sheriff's Department

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

## **NEW EMPLOYEES**

### **❖ Sheriff's Department – Law Enforcement Division**

**Abigail Dawn Cosby, Deputy Sheriff, permanent employment replacing Timothy Casto (currently on long-term military leave), waiving Court Order 2006-765 (*attached and made a part hereof*), at the salary of \$34,000.00 per year, effective June 1, 2010 (*To be Sworn In*)**

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

**Jeremy David Yost, Deputy Sheriff, permanent employment replacing Scott Hill; at the salary of \$34,000.00 per year, effective June 1, 2010 (*To be Sworn In*)**

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

Commissioner Shores moved to approve the new deputies, with the order that is temporarily waiving the maximum number of deputies employed by the Sheriff's Department. Commissioner Hardy seconded. Motion carried. Sheriff Rutherford stated that with these two new hires the total number of deputies comes to 101. He stated that there is a deputy on military leave that is leaving the Sheriff's Department and one of these new deputies will fill that vacancy. Commissioner Carper ordered for the record to reflect that the Commission has no intention of reducing the number of deputies employed by the Sheriff's Department. Commissioner Shores gave the new deputies the oath of office. Commissioner Carper spoke of the increased budget for the Sheriff's Department. He stated that the Kanawha County Sheriff's Department is properly funded. Sheriff Rutherford stated that no one has shown more concern for public safety than this Commission. Commissioner Carper thanked Sheriff Rutherford for his leadership with the Public Safety Levy.

❖ **MINUTES**

**Minutes of the Public Inspection and Inspection for the Primary Election held at 900 Christopher Street and Voters Registration Offices, 415 Quarrier Street, Charleston, West Virginia, of May 4, 2010**

**Minutes of Military Online Voting System Activation of May 11, 2010**

**Minutes of the Public Pre-Test and After-Test Inspection for the Primary Election of May 11, 2010**

Commissioner Shores moved to approve the minutes as listed on the agenda. Commissioner Hardy seconded. Motion carried.

**Appointment of Steve Hedrick to the Metro 911 Board of Directors  
(*Chemical Industry Representative, Term to Expire May 20, 2016*)  
Commission President Kent Carper**

Commissioner Carper moved to approve the appointment of Steve Hedrick to the Metro 911 Board of Directors. Commissioner Hardy seconded. Motion carried. It was stated that Mr. Hedrick is the Plant Manager for Bayer.

❖ **Circuit Clerk's Office**

**Deborah Dykes, Deputy Clerk, permanent employment replacing Shelley Newman, at the salary of \$21,000.00 per year, effective May 24, 2010  
The Honorable Cathy S. Gatson, Circuit Clerk**

Commissioner Shores moved to approve the new employee for the Circuit Clerk's Office, Deborah Dykes. Commissioner Hardy seconded. Motion carried.

**Prosecuting Attorney's Office**

**Sarah Anderson, Intern, temporary, part-time employment for eight weeks, \$10.00 per hour, effective May 24, 2010**

**The Honorable Mark A. Plants, Prosecuting Attorney  
Maryclaire Akers, Chief of Staff**

Commissioner Carper moved to approve, Sarah Anderson, Intern, temporary, part-time for the Prosecuting Attorney's Office. Commissioner Shores seconded. Motion carried.

**Prosecuting Attorney's Office – Unpaid Positions**

**Timothy Persaud, Intern, unpaid, volunteer, unpaid position, fulfilling hours/credits, effective May 24, 2010**

**The Honorable Mark A. Plants, Prosecuting Attorney  
Maryclaire Akers, Chief of Staff**

**Alex Ulbricht, Intern, unpaid, volunteer, unpaid position, fulfilling hours/credits, effective May 24, 2010**

**The Honorable Mark A. Plants, Prosecuting Attorney  
Maryclaire Akers, Chief of Staff**

Prosecuting Attorney's Office volunteer interns were not present.

Brent Pauley introduced Justin Shirkey and Conner Snodgrass to the Commission. These interns had been previously approved, this was an introduction only.

**AGENDA ITEMS**

**5:00 P.M. Discussion, Approval, and Certification of the May 11, 2010, Primary Election Results as declared by the Board of Canvassers during Canvass on May 17, 2010**

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

Commissioners thanked Vera McCormick, County Clerk, for a flawless election. Mrs. McCormick stated that no irregularities were found and she recommends that the election results be certified. Commissioner Shores moved for approval and certification of the election results for the May 11, 2010, Primary Election. Commissioner Hardy seconded. Motion carried. It was stated that the total costs of the election was approximately \$400,000. Mrs. McCormick stated that voter turnout was the lowest ever at 19.7%. She stated that next lowest year was 23% in 1998.

**Discussion regarding Senate Bill 232 regarding transferring certain requirements for redeeming delinquent land sales from County Clerks to State Auditor**

**Commission President Kent Carper**

Vera McCormick stated that the County Clerk's Office already performs the duties related to the sale of delinquent land; there is simply a change in the law. Commissioner Carper confirmed that the County Clerk's Office does not need additional staffing. David Dodd stated that the collection fee increased from \$5.00 to \$10.00 and estimates this will generate an additional \$40,000 in revenue. Commissioner Carper moved to approve the matters regarding SB 232. Commissioner Shores seconded. Motion carried.

**Update regarding Humane Society Task Force**

**Commission President Kent Carper**

**Nikki Walters, Chairman, Task Force**

Nikki Walters stated that the Task Force is targeting the outlying areas of the county. She has termed the efforts, "The Fix Blitz". She stated the Task Force is giving citizens information regarding the spaying and neutering of pets as well as working with area veterinarians to provide services at a discount rate. There is also the Tomcat Fund which offers \$20 refund for all neutered cats. She stated that nearly 70 percent of animals brought to the shelter are not adopted and have to be put to sleep. She stated that 182 forms have been given out. They have discovered that most are willing to have their pet spayed or neutered; they just can not afford it. The Task Force has raised \$8,500 thus far; this includes a donation of \$5,000 from Channel 13 and \$500 from a recent fundraiser. Commissioner Carper stated that the Commission will be notifying the station as to when to appear before the Commissioners for a public thank you to them for the donation. Ms. Walters stated that Clendenin was the first stop of the Task Force and there were 26 certificates handed out in the town. Commissioner Carper instructed staff to research the possibility of using advertising on the KRT buses to make citizens aware of the project.

**Discussion regarding proposed Annexation of 1.72 miles of Route 119 North of City Limits of Town of Clendenin by Town of Clendenin**

**Commissioner Dave Hardy**

**Commissioner Henry C. Shores**

**Commission President Kent Carper**

**The Honorable Robert C. Ore, Mayor, Town of Clendenin**

Several members of the community, business owners, and Mayor Ore were present to discuss the annexation of Route 119 in Clendenin. Ronald Carson was present to state opposition to the annexation and offered a petition with 189 signatures. Commission accepted the petition as part of the record. The petition is attached. Commissioner Carper stated that the annexation and the PSD sanitary system are two separate projects and have no affect on the other. He

stated that the work toward the new sanitary system will continue regardless of the annexation. Mayor Ore explained his position of the annexation. He feels the Town of Clendenin is geographically and financially locked in. He feels that annexation is necessary for the town to grow. He stated that Clendenin's total budget is \$500,000 and that as of last meeting two weeks ago the town had \$41,000 in the bank. He stated that the town is not behind on the bills, there is just never any extra funding to do things so the town can grow. He stated that there will be no new taxes and there will not be annexation of any personal properties, only the annexing of Route 119. Commissioner Hardy inquired as to the number of businesses in the area to be annexed. Mayor Ore stated two. The opposition stated that there are 4 small businesses in the area. Commissioner Carper ordered for the record to reflect that there were 14 members of the public present to express opposition to the annexation. He also inquired as to if the Town had a lawyer and suggested obtaining one. Roger Mullins of Mountaineer Auction stated that he has been in contact with individuals from 7-10 states; that are looking for property close to the interstate. He feels that if the annexation occurs more will become interested. Commissioner Carper ordered for fliers to be prepared, newspaper ads published, signs posted, and a press release held. He suggested that the next step is for the Town of Clendenin to file a petition for a minor boundary adjustment. Commissioner Shores moved for the matter to be referred to the Planning Commission, who will analyze the petition and hold public hearings in the Clendenin area and then return to the Commission with a recommendation. Commissioner Hardy seconded. Motion carried.

**6:00 p.m. Public Hearing - Request of refund requested from the Kanawha County Assessor's Office for Tax Year 2008 (Tax Map 9999, Parcel 0701 and Tax Map 9999, Parcel 0702)**

**The Honorable Phyllis Gatson, Assessor  
Laura Chapman, Petitioner/Property Owner  
Jeff Tignor, Petitioner/Property Owner**

Public hearing began at 6:25. Steve Sluss was present representing the Assessor's Office. He stated that the issue is a tax liability and the amount is irrelevant. He stated that Commission does not have the jurisdiction to rule, this is simply a step to get to Circuit Court for an appeal. Mr. Sluss stated that in 1994 the law changed and stated that the purchaser's title would be dated back to July 1 of the year prior to going delinquent. He stated that this is not an isolated case and that the law requires back taxing of property that is off the books. Commissioner Carper verified that the Assessor's Office is following the appropriate procedure, that there is not a rev ruling from the State Tax Commissioner, and that there is no state auditor ruling. Mr. Sluss stated that the Auditor's employee is relying on a 1953 Attorney General Opinion. He stated that there are other counties that do fulfill such requests as this. This issue was discussed at the recent Assessor's Association meeting and the other counties are evaluating their policies. Laura Chapman delivered letters that were previously submitted to the commissioners and those were placed in the record. Those filings are attached. Jeff Tignor stated that the amount to be refunded is

\$242. He stated that this same circumstance took place in Putnam County and the amount was refunded. Commissioner Carper stated that the Attorney General Opinions are not binding. Ms. Chapman stated that all taxes and licenses are taken from the proceeds of the sale so in her opinion no back taxes can be owed. She referenced code 11-A-362 as to title dating back to July 1 of the year prior to delinquency, and not taxation. Mr. Sluss stated that Jefferson County has this same practice as Kanawha County on taxation. Commissioner Carper ordered Marc Slotnick to review the tape of this hearing and make recommendation, and then the Commission will rule. He requested information as to determination as which counties handle this as Kanawha County does, and which authority has the ability to make a ruling.

**Discussion and Resolution for Proposed Merger of the sewer authority of the Upper Kanawha Valley Public Service District and the Chelyan Public Service District, renaming the merged Public Service District to the Kanawha Public Service District to include, but not be limited to, scheduling of Public Hearing**

**Commission President Kent Carper  
Commissioner Henry C. Shores  
Commissioner Dave Hardy  
Marc J. Slotnick, County Attorney  
David Howell, Chairman, Chelyan PSD  
Robert Rodecker, Esquire, Counsel for Chelyan PSD  
Representative(s) from Upper Kanawha Valley PSD**

Commissioner Carper verified that there were no objections to the merger present. Ray Keener confirmed that the merger had been properly noticed. Robert Rodecker stated that it is in the best interest for the merger to proceed with a public hearing. It was stated that the current Chelyan PSD has 2400 customers, after the merger and the expansion of service take place there will be approximately 3500 customers. Chairman Howell stated that the PSD is not sure as to how the Town of Pratt will act so they are proceeding with out them. He stated that the Public Service Commission has given Pratt 10 days to sign the O & M agreement or the PSC will institute a general investigation to place the Town of Pratt in receivership. Commissioner Hardy moved to set the hearing date for June 15, 2010. Commissioner Shores seconded. Motion carried. Commissioner Carper confirmed that there have been no objections and that both boards have agreed unanimously to approve the merger.

**Presentation regarding Congressional Ozone Legislation which could adversely impact the State of West Virginia, including Kanawha County, if passed**

**Commission President Kent Carper  
Chuck Smith, Field Director, Mountain Energy Forum**

This item was removed from the agenda to be discussed at a later time.

**Update on the start of repairs and maintenance to the County Parking Garage (*Anticipated start date is June 1, 2010*)**

**Commission President Kent Carper  
Brent Pauley, County Manager  
Jerie Whitehead, Purchasing Director  
Steve Neddo, Maintenance & Facilities Director/Clerk of the Works**

Jerie Whitehead stated that the work is to begin June 1, 2010 at a cost of \$519,000. She stated that there is a contingency of \$15,000, but is confident that it will not be used. Commissioner Carper stated that it is a good idea to complete the work now rather than at a later date and at a higher cost. Commissioner Hardy moved to go to bid for the elevators. Commissioner Shores seconded. Motion carried. Commissioner Carper ordered Jerie Whitehead and Marc Slotnick to research and determine as to if a change order is necessary for architectural services and if this amount should have a cap. It was stated that this will save money on electric with the newly updated equipment. The work will consist of the two front elevators and one elevator in the parking garage. Mrs. Whitehead stated that all inspections on elevators are good. Commissioner Carper ordered an RFP for the upgrade of the back elevator as well and suggested all this be done in phases. It was stated that there will be no public parking in the parking garage after June 1, 2010 and all elected officials have been notified.

**Kanawha County Commission meetings through August, 2010**

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

<b>DATE</b>	<b>TIME</b>
Tuesday, June 15, 2010	5:00 p.m.
Thursday, July 8, 2010	5:00 p.m.
Thursday, July 22, 2010	5:00 p.m.
Thursday, August 12, 2010	5:00 p.m.
Thursday, August 26, 2010	5:00 p.m.

**PUBLIC COMMENT**

**COUNTY MANAGER'S REPORT**

**DEPUTY COUNTY MANAGER'S REPORT**

**CHIEF FISCAL OFFICER'S REPORT**

**COUNTY ATTORNEY'S REPORT**

**MINUTES OF THE COMMISSION  
MEETING OF MAY 20, 2010**

**CLERK OF THE WORKS REPORT**

**STAFF REPORTS**

**NEW BUSINESS**

**FIDUCIARY**

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

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

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

**Order Affirming Recommendations and Report of Fiduciary Commissioner, Estate of Carl H. Wilson (*Charles Phalen, Jr., Fiduciary Commissioner*)**

**Order Affirming Recommendations and Report of Fiduciary Commissioner, Estate of Charles Beverly, Sr. (*Charles Phalen, Jr., Fiduciary Commissioner*)**

**Order Declaring Re-Opened Estate Closed, Estate of James Allen Daugherty**

**Order Declaring Re-Opened Estate Closed, Estate of Harold Fout**

**Order Declaring Re-Opened Estate Closed, Estate of Louise Witt**

**Order Referring to a Fiduciary Commissioner, Estate of Maurice F. Gatens (*Troy N. Giatras, Fiduciary Commissioner*)**

**Order Referring to a Fiduciary Commissioner, Estate of Jerusha Jane Gillespie (*Charles Phalen, Jr., Fiduciary Commissioner*)**

**Administrative Closing Order, Guardian Accounts (*after advertising Guardian Accounts, receiving no response, and confirming Wards are over the age of 18 years of age, the following Guardian Accounts are to have the sureties on the bonds release and matters officially closed*):**

The Estate of Jennifer Marie Adams, Ward; Susan Louise Adams, as Guardian; The Estate of Kara Suzanne Assaley, Ward; Maribeth A. Assaley, as Guardian; The Estate of Rickey Allen Baire, II, Ward; Robin Kay Baire, as Guardian; The Estate of James Edward Bartley, Ward; Ramona Bartley, as Guardian; The Estate of Justin A. Brightwell, Ward; Angela Marquart, as Guardian; The Estate of Latoya Tana Brown, Ward; Vera Mae Wiley, as Guardian; The Estate of Christine Burgess, Ward; Hazel Bays, as Guardian; The Estate of John Burgess, Ward; Hazel Bays, as Guardian; The Estate of Patrick Burgess, Ward; Hazel L. Bays, as Guardian; The Estate of T'Chrissa Louwayne Burks, Ward; Tia Burks, as Guardian; The Estate of Robin L. Claver, Ward; Wendy Jo Anderson Claver, as Guardian; The Estate of Jason Bryant Coleman, Ward; Carla D. Coleman, as Guardian; The Estate of Terrill Dante Crawford, Ward; Kimberly D. Crawford, as Guardian; The Estate of Danielle Marie Digiorgi, Ward; Mary Amy Carte, as Guardian; The Estate of Shirley Ann Evans, Ward; Clementine L. Fore, as Guardian; The Estate of Matthew Farley, Ward; Renea Farley, as Guardian; The Estate of Amanda Michelle Farrell, Ward; Deborah Lynn Archibald, as Guardian; The Estate of Jonathan Earl Ferguson, Ward; Geneva Ferguson, as Guardian; The Estate of Candie Sue Flynn, Ward; Lydia Jane Haynes, as Guardian; The Estate of Katherine M. Ford, Ward; Mary K. Ford, as Guardian; The Estate of Jacob Kyle Frerichs, Ward; Melissa Frerichs, as Guardian; The Estate of Tara Maria Gonzales, Ward; Leta Jan Gonzales, as Guardian; The Estate of Tamin Habal, Ward; Samer Habal, as Guardian; The Estate of Garrett Allen Hall, Ward; Arnold G. Hall, Jr., as Guardian; The Estate of Jose' Lee Hall, Ward; Martha M. Womack, as Guardian; The Estate of Michelle Renee Hall, Ward; Arnold G. Hall, Jr., as Guardian; The Estate of Christopher J. Hartwell, Ward; Sandra Hartwell, as Guardian; The Estate of Erica Michelle Haynes, Ward; Daniel Duane Haynes, as Guardian; The Estate of Christopher Cody Holtsclaw, Ward; Evelyn B. Hinton, as Guardian; The Estate of Samantha Jackson, Ward; Susan Mills Jackson, as Guardian; The Estate of Timothy Jacob Jackson, Ward; Susan Mills Jackson, as Guardian; The Estate of Andre Roy Johnson, Ward; Roy N. Johnson, as Guardian; The Estate of Jeffery Aron Johnson, Ward; Rodney William Johnson, as Guardian; The Estate of Tiffany Diane Johnson, Ward; Rodney William Johnson, as Guardian; The Estate of James Kirby, Jr., Ward; Gail I. Kirby, as Guardian; The Estate of Jean Ann Peoples Knighton, Ward; Darlene Durgan, as Guardian; The Estate of Dennis Lanham, Ward; Denise Lanham, as Guardian; The Estate of Joe Anthony Malcomb, Ward; Belinda Kay Williams, as Guardian; The Estate of Edward Mentz, Jr., Ward; Nancy Mentz, as Guardian; The Estate of Leighanna M. Mentz, Ward; Nancy Mentz, as Guardian; The Estate of William A. Mentz, Ward; Nancy Mentz, as Guardian; The Estate of Barbara Michell Miller, Ward; Barbara Ann Thacker, as Guardian; The Estate of Roberta Joy Miller, Ward; Barbara Ann Thacker, as Guardian; The Estate of Winifred Lynn Morriss, Ward; Carla K. Morriss, as Guardian; The Estate of Jeremy Michael O'Dell, Ward; Melinda C. O'Dell, as

Guardian; The Estate of Gary Michael Parker, Jr., Ward; Gary Michael Parker, Sr., as Guardian; The Estate of James Dean Peyton, Ward; Jamie Michelle Anderson, as Guardian; The Estate of Ginny Linnea Villette Raynes, Ward; Sandra L. DeKnight, as Guardian; The Estate of Williard Arlie Raynes, Ward; Sandra L. DeKnight, as Guardian; The Estate of Ervin Eugene Reneau, Ward; Dixie Gibson, as Guardian; The Estate of Gordon Frederick Reneau, Ward; Dixie Gibson, as Guardian; The Estate of Kanundra N. Robinson, Ward; Ramona L. Collins, as Guardian; The Estate of Janelle Michelle Rooks, Ward; Nora J. Johnson, as Guardian; The Estate of Michelle Gabrielle Rooks, Ward; Nora J. Johnson, as Guardian; The Estate of Mitzy Diane Ross, Ward; Gladys Fay Hutsenpiller, as Guardian; The Estate of Kara H. Sargent, Ward; Angela Sargent Dixson, as Guardian; The Estate of Kayla Suellen Sargent, Ward; Angela Sargent Dixson, as Guardian; The Estate of Jennifer Joyce Saunders, Ward; Michael Wayne Saunders, as Guardian; The Estate of Chad Lee Smarr, Ward; Carolyn Sue Smarr, as Guardian; The Estate of Kevin Ray Smith, Ward; Joann Smith, as Guardian; The Estate of Ryan Andrew Smith, Ward; Mary Elizabeth Smith, as Guardian; The Estate of Stephen D. Smith, Ward; Willie L. Smith, as Guardian; The Estate of Bobby Lee Staley, Ward; Stella Mae Staley, as Guardian; The Estate of Grace Ethey Staley, Ward; Stella Mae Staley, as Guardian; The Estate of Thomas Walter Staley, Jr., Ward; Stella Mae Staley, as Guardian; The Estate of Nancy Stepp, Ward; Gary D. Stepp, as Guardian; The Estate of Sarah Michelle Stevens, Ward; Beverly Diana Stevens, as Guardian; The Estate of Mark Lucas Thompson, Ward; Tammy Lynn Thompson, as Guardian; The Estate of Johnny C. Walker, Ward; Gay Nell King, as Guardian; The Estate of James Darrel Wandling, Ward; Margaret Wandling, as Guardian; The Estate of Michael Anthony Webb, Ward; Lester Michael Webb, as Guardian; The Estate of Cyndal Wellington, Ward; Deborah Ann T. Welch, as Guardian; The Estate of Angela Hollean White, Ward; Rebecca Ellen White, as Guardian; The Estate of Gerri Elizabeth Wilkinson, Ward; Sheila Kay Wilkinson, as Guardian; The Estate of Erin Gail Williams, Ward; Timothy B. Williams, as Guardian; The Estate of Namu E. Williams, Ward; Timothy B. Williams, as Guardian; The Estate of Nathaniel Wright Jr., Ward; Tina Wright, as Guardian

Order Closing Appointment of a Committee, Charles A. Ritz, Incompetent  
(*Committee died September 8, 1984, no activity, revocation of  
Legal Guardian*)

#### **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
Waste Management of WV	Planning, Coal Severance	\$6,101.17	Packer trucks for Cabin Creek, Spring Cleanup 2010
BeBetter Health	Commission	\$20,918.50	Employee Wellness Checks, April 2010, per bids
Division of Highways	Planning, Coal Severance	\$7,492.27	Cabin Creek Cabin Creek, Elkview, South Ridge, Spring Cleanups 2010
Sheraton Boston Hotel		\$5,585.20	Hotel Accommodations for National Association of Drug Court Professionals Conference; Boston, MA ( <i>Judge Bailey, Susan Given, Rebecca Metzger, Jennifer Wehrle, and Dylan Shaffer</i> )
Electronic Communications of WV, Inc.	Metro	\$213,957.50	115 Kenwood TK-53101SK5 Portable Radios

### ORDERS

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

#### **Certificate of Board of Canvassers' Votes Cast for Candidates at Primary Election of May 11, 2010**

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

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 May 20, 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 May 20, 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 April 1, 2010, through April 30, 2010*)

The Honorable Vera J. McCormick, County Clerk

**New Employee**, Sarah Anderson, Prosecuting Attorney's Office, Intern, temporary, part-time employment for eight weeks, \$10.00 per hour, effective May 24, 2010

The Honorable Mark A. Plants, Prosecuting Attorney  
Maryclaire Akers, Chief of Staff

Approval of Erroneous Assessment Exonerations submitted by the Kanawha County Assessor (*Increase: \$15,669.46*)

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

Marc Slotnick, County Attorney  
Steve Sluss, Chief Legal Counsel, Assessor's Office

Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$49,857.67 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 approving overtime for Kanawha County Commission employees for pay period ending May 28, 2010, for hours worked in the pay period of April 26, 2010, through May 9, 2010

Brent Pauley, County Manager  
Jennifer Sayre, Deputy County Manager/Grants Director

**PAY PERIOD 04/26/2010-05/09/2010**

NAME	OT		OT		TOTAL
	STRAIGHT	AMOUNT	TIME/HALF	AMOUNT	
Chandler, Tammie	2.10	\$44.74	11.22	\$358.59	<b>\$403.33</b>
Connett, Elaine	2.62	\$46.41	0.23	\$6.11	<b>\$52.52</b>
Downey, Leslie	4.02	\$95.62		\$0.00	<b>\$95.62</b>
Fleck, Kimberly	2.95	\$70.17		\$0.00	<b>\$70.17</b>
Morrison, Rachelle	2.97	\$70.65	5.73	\$204.45	<b>\$275.10</b>
Hackney, Cathy	3.92	\$79.80	0.18	\$5.50	<b>\$85.30</b>
Hudson, Theresa	2.80	\$56.38		\$0.00	<b>\$56.38</b>
Lanham, Shellie	1.00	\$15.95		\$0.00	<b>\$15.95</b>
Lilly, Mindy	3.00	\$58.95	0.07	\$2.06	<b>\$61.01</b>
Whittington, Sue Ann	2.00	\$39.30		\$0.00	<b>\$39.30</b>
Sandoro, Colt	0.50	\$6.83		\$0.00	<b>\$6.83</b>
Harrison, Blanche	4.50	\$58.85		\$0.00	<b>\$58.85</b>
Hodge, Edna	3.76	\$49.17	0.27	\$5.30	<b>\$54.47</b>
Melton, Joe	5.00	\$77.94	14.09	\$329.46	<b>\$407.40</b>

Prowse, James	4.98	\$71.51		\$0.00	<b>\$71.51</b>
Shaffer, Sandra	3.92	\$50.26	3.75	\$72.12	<b>\$122.38</b>
Sullivan, Tom	5.50	\$70.51		\$0.00	<b>\$70.51</b>
Withrow, Robert	3.40	\$43.59		\$0.00	<b>\$43.59</b>
Estep, Bill	2.50	\$33.97	0.42	\$8.56	<b>\$42.53</b>
Moore, Allen	3.87	\$53.58	0.85	\$17.65	<b>\$71.23</b>
Rucker, Raymond	1.85	\$23.72		\$0.00	<b>\$23.72</b>
White, Mike	1.00	\$14.12		\$0.00	<b>\$14.12</b>
White, Bruce	2.50	\$32.05	0.42	\$8.08	<b>\$40.13</b>
	<b>70.66</b>	<b>\$1,164.07</b>	<b>37.23</b>	<b>\$1,017.88</b>	<b>\$2,181.95</b>

**Authorization for Kanawha County Clerk to perform duties for delinquent land sales by Kanawha County Sheriff**

**The Honorable Vera J. McCormick, County Clerk  
Marc J. Slotnick, County Attorney**

**Appointment of Steve Hedrick to the Metro 911 Board of Directors  
(*Chemical Industry Representative, Term to Expire May 20, 2016*)  
Commission President Kent Carper**

**Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$24,947.00 from account #001-973.14-700-4-59.00 to the American Red Cross 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 \$50,020.80 from account #001-973.14-700-4-59.00 to Metro 911 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 \$1,102.20 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**

**Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-704.00-2-30.00, in the amount of Three Hundred Twenty Thousand Six Hundred Seventy-Two Dollars and Fifty Cents (\$320,672.50) to the WV Regional Jail Authority representing payment for March, 2010**

**David Fontalbert, Chief Fiscal Officer**

- ❖ ***New Employee***, Abigail Dawn Cosby, Sheriff's Department, Deputy Sheriff, permanent employment replacing Timothy Casto (currently on long-term military leave), waiving Court Order 2006-765 (*attached and made a part hereof*), at the salary of \$34,000.00 per year, effective June 1, 2010 (*To be Sworn In*)  
The Honorable Michael Y. Rutherford, Sheriff
- ❖ ***New Employee***, Jeremy David Yost, Sheriff's Department, Deputy Sheriff, permanent employment replacing Scott Hill; at the salary of \$34,000.00 per year, effective June 1, 2010 (*To be Sworn In*)  
The Honorable Michael Y. Rutherford, Sheriff
- ❖ ***New Employee***, Deborah Dykes, Circuit Clerk's Office, Deputy Clerk, permanent employment replacing Shelley Newman, at the salary of \$21,000.00 per year, effective May 24, 2010  
The Honorable Cathy S. Gatson, Circuit Clerk

**1. Fiscal Year 2009-2010 General Fund Line Item Budget Revision**

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

**EXPENDITURES:**

001-401.00-3-41.00	County Commission Supplies	\$2,500.00
001-401.00-3-41.01	County Commission Equipment Non-Depr	(\$2,500.00)
001-439.00-2-14.00	Planning Commission Travel	(\$400.00)
001-439.00-2-20.00	Planning Commission Legal Publications	\$400.00
001-716.00-2-13.00	Humane Utilities	(\$2,180.00)
001-716.00-3-44.00	Humane Supplies F&D	\$2,180.00

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

Commissioner Hardy moved to approve the check register/supplemental. Commissioner Shores seconded. Motion carried.

**Supplemental voucher, Sheraton Boston Hotel, \$5,585.20 (*Hotel Rooms for Judge Jennifer Bailey, Susan Given, Rebecca Metzger, Jennifer Wehrle, and Dylan Shaffer to attend the National Association of Drug Court Professionals Conference in Boston, MA*)**

**Supplemental voucher, Dylan Shaffer, \$319.50 (*Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA*)**

Supplemental voucher, Ronni Sheets, \$319.50 (Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA)

Supplemental voucher, Jennifer Wehrle, \$319.50 (Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA)

Supplemental Voucher, Judge Jennifer Bailey, \$319.50 (Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA)

Supplemental Voucher, Susan Given, \$319.50 (Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA)

Supplemental voucher, Justin Collin, \$319.50 (Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA)

Supplemental voucher, Rebecca Metzger, \$319.50 (Per Diem while attending the National Association of Drug Court Professionals Conference in Boston, MA)

Supplemental voucher, Metro 911, \$50,020.80 (reimbursement of expenses related to Homeland Security Region One Grant)

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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**

Commissioner Carper moved to approve the multiple supplementals that were not placed on the agenda; checks for the Prosecuting Attorney's Office in the amount of approximately \$3,000, and payment for drug court certifications which are funded through grants. Commissioner Hardy seconded. Motion carried.

Commissioner Shores moved to adjourn until the next regularly scheduled commission meeting on June 15, 2010 at 5:00. Commissioner Hardy seconded. Motion carried.

THE KANAWHA COUNTY COMMISSION MEETING OF MAY 20, 2010, RECESSED AT 7:16 P.M., UNTIL THE 15TH DAY OF JUNE, 2010, AT 5:00 P.M.

THE FOREGOING MINUTES ARE APPROVED THIS 15TH DAY OF JUNE, 2010.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
COMMISSIONER

\_\_\_\_\_  
COMMISSIONER

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