MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 8TH DAY OF JANUARY 2009.

A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 8TH DAY OF JANUARY 2009. THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 5:03 PM. COMPLETE AUDIO IS AVAILABLE IN THE COMMISSION OFFICE.

THE FOLLOWING MEMBERS WERE PRESENT:

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

Pledge of Allegiance
Commissioner Henry C. Shores

Moment of Silence and Recognition

APPROVAL OF COMMISSION MEETING MINUTES

Approval of Commission Meeting Minutes of January 22, 2009
Approval of Commission Meeting Minutes of January 29, 2009


RESOLUTIONS/PROCLAMATIONS

♦ Proclamation Declaring February as American Heart/Kanawha County Goes Red Month (February 6, 2009 is National Wear Red Day)

Commission President Kent Carper
The Honorable Dan Foster, West Virginia Senator


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

Commissioner Dave Hardy


AGENDA ITEMS

♦ Discussion regarding current status of the Pratt Sewer Plant

Commission President Kent Carper
The Honorable Joe Douglas, Mayor, Town of Pratt
Jim Weimer, Engineer, Engineering Division, Public Service Comm.
Richard Hackney, District Inspector, WVDEP

Discussion regarding the West Virginia Chamber of Commerce Property Tax Appeal Bill Draft (Senate Bill 585 – Presently the right of appeal from a decision of the Assessor is limited to the Board of Equalization and Review process or arbitration. SB 585 redraft would allow for
taxpayers who have been appraised by the Tax Commissioner, i.e. industrial and natural resources property, to appeal directly to the Office of Tax Appeals (OTA), rather than the Board of Equalization and Review), discussion may also include, but not be limited to, the County’s 2009 Legislative Agenda.

Commission President Kent Carper
Vivian Parsons, Executive Director, CCAWV
Carrie Clendening, Grant Coordinator/Legislative Liaison
Representative(s) of the State Chamber of Commerce Tax Committee

Discussion regarding the adequacy of Kanawha County’s liability coverage for motorized vehicles
Commission President Kent Carper
Brent Pauley, County Manager
David Fontalbert, Chief Fiscal Officer

Discussion regarding Kanawha County Commission Umbrella Policy, CGL policy to include, but not be limited, to coverage limits to determine if sufficient
Commission President Kent Carper
Brent Pauley, County Manager
David Fontalbert, Chief Fiscal Officer

Discussion regarding Kanawha County Planning Department Year-End Report
Commission President Kent Carper
David Armstrong, Planning Director

Discussion regarding the proposed adoption of the Kanawha County Commissions’ Funding/Earmark Procedures Policy
Commission President Kent Carper
Jennifer Sayre, Deputy County Manager/Grants Director

Discussion regarding the 2009 Recreation Trails Grant Application for the Kanawha County Parks and Recreation Trails at Coonskin Park
Commissioner Henry C. “Hoppy” Shores
Carrie Clendening, Grant Coordinator/Legislative Liaison
Jeff Hutchinson, Director of Kanawha County Parks & Recreation

Discussion regarding the 2009 Victims of Crime Act Grant for the Sheriff’s Department
Commission President Kent Carper
Jennifer Sayre, Deputy County Manager/Grants Director
Carrie Clendening, Grant Coordinator/Legislative Liaison

Discussion regarding situation with Relation Road Bridge in Cross Lanes to include, but not be limited to, estimate for repair of same and possibility of grants
Commission President Kent Carper
Jennifer Sayre, Deputy County Manager/Grants Director
Marc J. Slotnick, County Attorney
Norm Steenstra, Dir. of Operations, Kan. County Solid Waste Authority
Status on availability of Administrative Law Judge or Hearing Examiner for public meth hearings
Commission President Kent Carper
Marc J. Slotnick, County Attorney

Public Hearing - Annexation without Petition of the City of Charleston, a municipal corporation, to Annex 1409 Greenbrier Street, 2.5 Acres, a contiguous Parcel of Land in Elk District, Tax Map 45C, Parcel 81
John Luoni, Subdivision Manager/Planning Engineer
Dan Vriendt, Planning Director, City of Charleston

Public Hearing - Street Closing Application of Kenneth and Nancy Scarberry of part of Valley View Drive which runs between Cottage Avenue and an Alley Parallel to Cottage Avenue at 120 feet North East, located in Jefferson District, Tax Map 9B, between Parcels 55 and 56
John Luoni, Subdivision Manager/Planning Engineer
Kenneth Scarberry, Property Owner

PUBLIC COMMENT

COUNTY MANAGER’S REPORT

DEPUTY COUNTY MANAGER’S REPORT

CHIEF FISCAL OFFICER’S REPORT

COUNTY ATTORNEY’S REPORT

STAFF REPORTS

FIDUCIARY

Order Declaring Re-Opened Estate Closed, Estate of Eugene Burl Hoover, Sr.

Order Referring to a Fiduciary Commissioner, Estate of Dean E. Lewis (Charles Phalen, Jr., Fiduciary Commissioner)

Order Referring to a Fiduciary Commissioner, Estate of Paul Dimitroff (O. Gay Elmore, Fiduciary Commissioner)

Order Referring to a Fiduciary Commissioner, Estate of Loretta Ann Vannoy (Jennifer R. Victor, Fiduciary Commissioner)

Order Admitting Will to Probate, Estate of Kenneth R. Burdette

Order Admitting Will to Probate, Estate of James Burl Epperley

Order Affirming Recommendation of Fiduciary Commissioner, Estate of Atlee Thaxton, Sr. (Jennifer Victor, Fiduciary Commissioner)


LETTER OF INTENT
East Bank Volunteer Fire Department, $7,248.00 (*Grant matching funds for purchase of SCBA’s and turn-out gear*)


**PURCHASE ORDERS**

Order Confirming and Approving Purchase Orders in Excess of $4,999.99 to be issued by the Kanawha County Commission Purchasing Department:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Department</th>
<th>Amount</th>
<th>Comments/Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia University</td>
<td>WV Extension</td>
<td>$12,766.25</td>
<td>Salary reimbursement for Period January 1, 2009, through March 3, 2009</td>
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<tr>
<td>Charleston Newspapers</td>
<td>Fiduciary</td>
<td>$10,000.00</td>
<td>Legal ads for FY June 2008 to June 2009</td>
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<tr>
<td>Gibbons &amp; Kawash, CPA’s</td>
<td>Commission</td>
<td>$23,000.00</td>
<td>Progress billing for services in connection with audit for the year ending June 30, 2008</td>
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<tr>
<td>Pitney Bowes</td>
<td>Sheriff’s Tax</td>
<td>$13,794.28</td>
<td>Pitney Bowes DI950, folder, inserter, Lease Payment, second half Fiscal Year 2009</td>
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</table>

Order Confirming and Approving Purchase Orders in Excess of $4,999.99 to be issued by the Kanawha County Commission Purchasing Department for *Project 301*:

<table>
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<tr>
<th>Vendor</th>
<th>Department</th>
<th>Amount</th>
<th>Comments/Description</th>
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<tbody>
<tr>
<td>Oval Construction Management, LLC</td>
<td>Project 301</td>
<td>$260,000.00</td>
<td>Replace windows in the Alpha and Bravo Buildings at 301 Virginia Street per bids received 1/28/09</td>
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**ORDERS**

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*)

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*)

The Honorable Vera J. McCormick, County Clerk

Order authorizing the President of the Kanawha County Commission to execute Wellness Agreement with Charleston Area Medical Center

Brent Pauley, County Manager

Order authorizing the President of the Kanawha County Commission to execute a renewal Service Agreement for dental insurance administrative services with United Concordia

Brent Pauley, County Manager
Resolution – Fiscal Year 2008-2009 General Fund Budget Revision #17
David Fontalbert, Chief Fiscal Officer

Approval of Erroneous Assessment Exonerations submitted by the Kanawha County Assessor
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 Adopting the Kanawha County Commissions’ Funding Allocation/Earmark Procedures Policy
Commission President Kent Carper

Authorization of policy requiring the Clerk of the County Commission to establish procedure for automatic transfer of deposited monies from Fund 007 to Metro 911 operating account via check or ACH/Wire
Marc J. Slotnick, County Attorney

Authorization for the President of the Kanawha County Commission to sign a Contract between the Kanawha County Commission & Oval Construction Management
Jerie Whitehead, Purchasing Director

Order approving overtime for Kanawha County Commission employees for pay period ending February 28, 2009, for hours worked in the pay period of January 12, 2009, through January 25, 2009
Brent Pauley, County Manager
Jennifer Sayre, Deputy County Manager/Grants Director

PAY PERIOD 01/12/2009-01/25/2009

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<th>NAME</th>
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<th>OT TIME/HALF</th>
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<td>Downey, Leslie</td>
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<td>King, Amy</td>
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<td>Morrison, Rachelle</td>
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<td>Hackney, Cathy</td>
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<td>Shaffer, Sandra</td>
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<td>Withrow, Robert</td>
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<td>Beller, Gary</td>
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<td>Clark, Mike</td>
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<tr>
<td>Moore, Allen</td>
<td>4.79</td>
<td>$66.32</td>
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<td>$66.32</td>
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</table>
Rucker, Raymond  8.02  $102.82  1.80  34.61  $137.43
White, Mike    0.18  $2.54   
Jones, Greg 1.07  $23.01  
Keller, Joanna 2.10  $37.20  
Robinson, Debbie 3.08  $66.97  

TOTAL  84.96  $1,339.92  26.65  $556.41  $1,896.33

Order Authorizing the President of the Kanawha County Commission to Execute a 2009 Recreational Trails Grant Application for the Kanawha County Parks and Recreation Trails at Coonskin Park (Request - $80,000; Match Requirement - $20,000; Total Project cost $100,000) Carrie Clendening, Grant Coordinator/Legislative Liaison

Application of City of Charleston for Annexation without Election of 1409 Greenbrier Street, 2.5 Acres, in Elk District, Tax Map 45C, Parcel 61, Kanawha County, West Virginia (Approved unanimously by Kanawha County Planning Commission at their meeting of January 14, 2009) John Luoni, Subdivision Manager/Planning Engineer

Application of Kenneth and Nancy Scarberry for street closing of part of Valley View Drive which runs between Parcels 55 and 56, Kanawha County, West Virginia (Approved unanimously by Kanawha County Planning Commission at their meeting of January 14, 2009) John Luoni, Subdivision Manager/Planning Engineer

Demolition Order – In the matter of property owned by James M. Payne, secured by City National Bank (Tax Map 29A, Parcel 25, Malden District) Marc J. Slotnick, County Attorney

Demolition Order – In the matter of property owned by Thaddeous C. Boggess (Tax Map 28, Parcel 177, Union District) Marc J. Slotnick, County Attorney

Demolition Order – In the matter of property owned by Richard D. Hackney and Debra L. Hackney (Tax Map 15, Parcel 49, Malden District) Marc J. Slotnick, County Attorney

Demolition Order – In the matter of property owned by Jones Lane Company, Inc., secured by Capital State Bank (Tax Map 6, Parcel 171, Malden District) Marc J. Slotnick, County Attorney

Demolition Order – In the matter of property owned by Richard L. Haynes and Carol S. Haynes, secured by Wesbanco Bank, Inc. (Tax Map 8, Parcel 98-6002 and 98-6001, Union District) Marc J. Slotnick, County Attorney

Reappointment of Samuel Shelton to the Cheylan Public Service District (Term to expire February 5, 2005) Commission President Kent Carper

Reappointment of Kenneth “Poodle” Thomas to the Regional Development Authority Board (Term to expire December 31, 2010) Commission President Kent Carper

Reappointment of Manfred Holland to the Deputy Sheriff’s Civil Service Commission (Term to expire February 5, 2011) Commission President Kent Carper
Appointment of Mayor Frank Mullens to the Metro 911 Board (Term to expire February 5, 2012)
Commission President W. Kent Carper

Reappointment of Sandra Ashworth to the Greater St. Albans Public Service District (Term to expire February 5, 2015)
Commission President W. Kent Carper

Authorization for the Clerk of the County Commission to issue a check from the Stabilization Fund Line Item No. 058-401.00-5-68.00 in the amount of Seven Hundred Thousand Dollars ($700,000.00) payable to the General County Fund (001)
David Fontalbert, Chief Fiscal Officer


1. **F.Y. 2008-2009 GENERAL FUND BUDGET REVISION #17**

**REVENUE:**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>001-366-0-00.00</td>
<td>Miscellaneous Revenue</td>
<td>$124,000.00</td>
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**EXPENDITURE:**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>001-401.00-5-67.00</td>
<td>County Commission Transfer to Other Funds</td>
<td>($2,000.00)</td>
</tr>
<tr>
<td>001-716.00-2-26.00</td>
<td>Humane Society Insurance and Bonds</td>
<td>$2,000.00</td>
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<tr>
<td>001-809.00-5-68.00</td>
<td>Developing Projects</td>
<td>$124,000.00</td>
</tr>
</tbody>
</table>


2. **F.Y. 2008-2009 GENERAL FUND LINE ITEM REVISION**

**EXPENDITURES:**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>001-700.00-3-41.01</td>
<td>Sheriff’s LED Equipment Non-Depr.</td>
<td>($8,000.00)</td>
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<tr>
<td>001-700.00-3-41.02</td>
<td>Sheriff’s LED Operating Grant</td>
<td>($8,000.00)</td>
</tr>
<tr>
<td>001-700.00-3-41.03</td>
<td>Sheriff’s LED Bomb Squad Supplies and Materials</td>
<td>$8,000.00</td>
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<tr>
<td>001-700.00-3-41.04</td>
<td>Sheriff’s LED SWAT Supplies and Materials</td>
<td>$8,000.00</td>
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</table>


**CHECK REGISTERS/SUPPLEMENTALS**

Supplemental voucher, General County Fund, $700,000.00 (transfer from Stabilization Fund)


THE FOREGOING MINUTES ARE APPROVED THIS 10TH DAY OF FEBRUARY, 2009.

_____________________________
PRESIDENT

_____________________________
COMMISSIONER

_____________________________
COMMISSIONER

_____________________________
COUNTY ATTORNEY