MINUTES OF A SPECIAL SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 30TH DAY OF JULY 2013.

A SPECIAL MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 30TH DAY OF JULY 2013 IN THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 12:00 P.M. COMPLETE AUDIO IS AVAILABLE IN THE COMMISSION OFFICE.

THE FOLLOWING MEMBERS WERE PRESENT:

W. KENT CARPER, PRESIDENT
DAVE HARDY, COMMISSIONER

THE FOLLOWING MEMBERS WERE ABSENT:

HENRY C. SHORES, COMMISSIONER

07/30/13	2013-480	Order Confirming and Approving Purchase Orders in Excess of $4,999.99 to be issued by the Kanawha County Commission Purchasing Department
07/30/13	2013-481	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for the General Fund
07/30/13	2013-482	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for Special Funds
07/30/13	2013-483	Order authorizing the President of the Kanawha County Commission to sign a Contract Agreement, Certifications, and Special Conditions and Assurances for the Court Security Grant Program, for $20,993.00
07/30/13	2013-484	Order authorizing the Clerk of the County Commission to issue check payable to Anthony Braxton in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)
07/30/13	2013-485	Order authorizing the Clerk of the County Commission to issue check payable to Eli Cloonan in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)
07/30/13	2013-486	Order authorizing the Clerk of the County Commission to issue check payable to Elizabeth Belcher in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

07/30/13	2013-487	Order authorizing the Clerk of the County Commission to issue check payable to Cody Green in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)
07/30/13	2013-488	Order authorizing the Clerk of the County Commission to issue check payable to Skyler Workman in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)
07/30/13	2013-489	Order authorizing the Clerk of the County Commission to issue check payable to Emily Hammond in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)
07/30/13	2013-490	Order authorizing the Clerk of the County Commission to issue check payable to Kelsey Harrah in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)
07/30/13	2013-491	Order authorizing the Clerk of the County Commission to issue check payable to Taylor Lacy in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)
07/30/13	2013-492	Order authorizing the Clerk of the County Commission to issue check payable to Joshua Gainer in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contribution)*
07/30/13	2013-493	Order authorizing the Clerk of the County Commission to issue check payable to Alyson Ruffatto in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 *Commission Contributions*)
07/30/13	2013-494	Order authorizing the Clerk of the County Commission to issue check payable to Allison Gregory in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)
07/30/13	2013-495	Approval of the Erroneous Assessments Submitted by the Kanawha County Assessor ($5,790.26 decrease)
07/30/13	2013-496	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

07/30/13	2013-497	Order authorizing the President of the Kanawha County Commission to execute documents for the Pinch Volunteer Fire Department for the purpose of Refinancing property and fire apparatus
07/30/13	2013-498	Order voiding check #515, dated January 17, 2013, to WV Department of Transportation in the amount of $165,286.87 and authorization for the County Clerk to reissue a check to WV Department of Transportation in the amount of $165,286.87 for reimbursement for expenses related to the Sissonville Gas Line Explosion
07/30/13	2013-499	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the County Commission of Kanawha County, West Virginia (supplemental)

Documents NOT on the Agenda but approved/processed at 07/30/13 Commission Meeting:
Purchase Order and Supplemental check: Vendor: Waste Management of WV; Department: Kanawha Co. Planning & Community Dev.; Description: Spring 2013 Cleanups at Corridor G ($9,244.35); Elkview Middle School ($7,841.80); and landfill fees ($234.64) Total Amount: $17,322.79 (see 2013-480 and 2013-499)

Supplemental Check: Vendor: WEX Bank; Department: Sheriff's Department and Commission staff; Description: fuel purchased while traveling; Amount: $308.26 (see 2013-499)

07/30/13	2013-500	New Employee: Harold L. Summers, III, Kanawha County Deputy Sheriff, Sheriff's Law Enforcement Department, full-time employee, $34,000.00 per year, replacing Randy Sullivan, effective August 16, 2013
07/30/13	2013-501	New Employee: Johnathan Robert Coleman, Kanawha County Deputy Sheriff, Sheriff's Law Enforcement Department, full-time employee, $34,000.00 per year, replacing Adam Justice, effective August 16, 2013
07/30/13	2013-502	The Revision of the Levy Estimate (Budget) for the County of Kanawha –F.Y. 2013-2014 General Fund Budget Revision #3

Minutes approved/processed at the 07/30/13 Commission Meeting:
Approval of the Minutes of the Special Commission Meeting of July 18, 2013

Budget Revisions approved/processed at 07/30/13 Commission Meeting:
Fiscal Year 2013-2014 General Fund Budget Revision #3
Fiscal Year 2013-2014 Public Safety Grant Fund Line Item Budget Revision

Fiduciary orders processed at 07/18/13 Commission Meeting
Order Confirming and Ratifying Supervisor's Report of Claims and Settlement Reports
Order Confirming and Ratifying Supervisor's Report of Claims and Short Settlement Reports

Ratification of Documents Processed at 07/09/13 Commission Meeting:
Order authorizing the President of the Kanawha County Commission to execute a Lease Renewal for the Kanawha County Deputy Sheriff's Sissonville Detachment between the Sissonville Public Service District and the Kanawha County Commission (line item 001-700.00-2-19.00)

Emergency Check: BeBetter in the amount of $20,031.34 for coaching with Bebetter System, April, May & June and health Screenings March 2013

Emergency Check: BB&T Financial FSB in the amount of $1,442.04 for Kanawha County Sheriff's credit card payment (due 7/23/13)

Emergency Check: Exxon Mobile Company USA, in the amount of $557.75 for credit card payment (due 8/3/13)

12:00 P.M. **CALL TO ORDER**

Pledge of Allegiance
Commissioner Kent Carper
Sheriff John Rutherford

Moment of Silence and Recognition

The two new deputies were sworn in by Commissioner Hardy. Commissioner Hardy moved to approve the hiring of the new deputies. Commissioner Carper seconded. Motion carried.

New Employee: Harold L. Summers, III, Kanawha County Deputy Sheriff, Sheriff's Law Enforcement Department, full-time employee, $34,000.00 per year, replacing Randy Sullivan, effective August 16, 2013

New Employee: Johnathan Robert Coleman, Kanawha County Deputy Sheriff, Sheriff's Law Enforcement Department, full-time employee, $34,000.00 per year, replacing Adam Justice, effective August 16, 2013

AGENDA ITEMS

12:00 P.M.

Public Hearing for public comment with respect to the proposed issuance by the Commission of one or more series of its Student Housing Revenue Bonds in the aggregate principal amount of not more than $30,000,000 (the "Bonds") and the use of the proceeds of the Bonds for the Project for West Virginia State University in accordance with Section 147 of the Internal Revenue Code of 1986, as amended

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

Mark Imbrogno, Jackson & Kelly PLLC, stated the Commission would simply act as a conduit for the bond funds. Commissioner Carper stated the understanding the Commission having little risk, but stated the feeling the Commission should be considered more than just a conduit. Mr. Imbrogno explained the bond proceeds will go to West Virginia State University (WVSU) Foundation. He stated

the Foundation leases the grounds to WVSU. He state the funds will be used to construct a new dorm for the students. He stated the revenues from the fees and rents collected will be used to repay the bonds. He stated the property will be owned by the WVSU and the improvements will be owned by the Foundation until the bonds are paid in full and then ownership will go to WVSU. Commissioner Carper stated he is a member of the Foundation and stated having received nor will receive in the future any benefit from this transaction. Melvin Jones, Vice President for Business and Finance at WVSU, introduced Patricia Shuman, President of the Foundation. Mr. Jones stated the facility will have 291 beds to house resident students. He stated the last residence hall having been built in the 1960's. He stated the current facility to be inadequate housing. He stated the new facility will be single occupancy rooms with shared restrooms. It was stated this project would not be underway without the efforts of Dr. Hemphill, who was not able to be present for the meeting today. John Poffenbarger, Commission Bond Counsel, stated the assurance to proceed with no risk to the Commission. Commissioner Hardy verified the tax payers of Kanawha County are at no risk. Mr. Poffenbarger stated there to be no obligation by the Commission; the bond will be repaid with the revenues received. It was confirmed the property is owned by the Foundation and is leased to the University. Commissioner Hardy verified the fees collected and paid to the University will be paid to the Foundation, which then will go through the County Commission's promissory note and then to the Bond Trustee, Huntington National Bank. All parties present were identified; Cam Siegrist, representing WVSU, John Poffenbarger, representing the County Commission, Mark Imbrogno, bond counsel, Melvin Jones, WVSU, and Patricia Shuman, the Foundation. Mr. Jones stated currently the University has 320 beds, upon removal of the old facility and completion of the new, there will be 78 less rooms. Commissioner Carper verified the Commission will not have to write checks nor collect checks. Marc Slotnick, County Attorney, stated no reason for the Commission to not participate; stating having participated in similar transactions in the past. Commissioner Carper stated the option to charge a fee, but stated the Commission will not be doing so. Commissioner Carper moved to issue the bonds as represented. Commissioner Hardy seconded. Commissioner Carper verified there to be no objection present in the courtroom. He inquired for comments from the public. Kenny Bass, area news representative, inquired as to what happens if the payments cannot be made, who is liable. Commissioner Carper stated WVSU will be the responsible party to pay. He stated these will go to market for bond holders to purchase. He verified there to be no additional comment from the public. Motion carried. Commissioners signed the documentation including the order and certificate. Commissioner Carper read a memo of support from Commissioner Shores and made it a part of the record with no objection. Document attached. It was signed documents will be delivered to the County Clerk's Office for signature. It was stated September 20th will be the groundbreaking ceremony.

Discussion regarding purchase and propane conversion of Ford F-250 truck for Emergency Management (for the cost, see proposed Purchase Orders No. 1 and 2, listed on page 2 of 6)
Commission President Kent Carper

Commissioner Henry C. Shores
Commissioner Dave Hardy
Matt Thomas, Emergency Management & Economic Development

Matt Thomas stated the conversion costs to be $10,000 and will be fully reimbursed by grant funds. He stated the vehicle will be assigned to C.W. Sigman, Emergency Management Services Fire Coordinator. Commissioner Carper stated the vehicle currently assigned to Mr. Sigman will be reassigned to Planning Department Staff, John Shelton. Mr. Thomas stated this conversion will save 40% on fuel costs. Commissioner Carper moved to approve the purchase and conversion. Commissioner Hardy seconded. Motion carried.

FIDUCIARY

Commissioner Hardy moved to approve the fiduciary orders listed on the agenda. Commissioner Carper seconded. Motion carried.

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

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

PURCHASE ORDERS

Commissioner Hardy moved to approve the purchase orders listed on the agenda. Commissioner Carper 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
Thornhill Group Inc.	Kanawha Co. Commission	$25,645.38	One (1) 2014 Ford F-250 $22,172.38 per WV State Contract #MV13H with the following options: alternative fuel engine prep package; 4-wheel drive; off-road package; sliding rear window
Propane Fuel Technologies LLC	Kanawha Co. Commission	$10,000.00	One (1) 2014 Ford F-250 propane kit
Capitol Conservation District	Kanawha Co. Commission	$6,000.00	Elk two-mile dam site cost share as per agreement
Election Systems & Software Inc.	Kanawha Co. Commission	$56,269.88	Annual usage agreement and support
Travelers CL Remittance Center	Kanawha Co.	$1,217,215.00	CGL premium for fiscal year

	Commission		2013/2014 to be invoiced quarterly; workers compensation premium for fiscal year 2013-2014
Syscon Imaging Systems	Assessor's Office	$6,120.00	Seventeen (17) OMMC for Assessor P-search @ $30 each; twelve (12) months software maintenance @ $510 per month
Dell Marketing LP	Sheriff's Tax Office	$7,395.03	One (1) powervault MD 1200 perc H810 controller and hard drives per quote #658002407; sole source due to compatibility with existing hardware

ORDERS

Commissioner Hardy moved to approve the orders listed on the agenda. Commissioner Carper 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 July 30, 2013)*

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 July 30, 2013*)

The Honorable Vera J. McCormick, County Clerk

Order authorizing the President of the Kanawha County Commission to sign a Contract Agreement, Certifications, and Special Conditions and Assurances for the Court Security Grant Program, for $20,993.00

Carrie Clendening, Grant Coordinator/Legislative Liaison

Order authorizing the Clerk of the County Commission to issue check payable to Anthony Braxton in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

Order authorizing the Clerk of the County Commission to issue check payable to Eli Cloonan in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book

Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

Order authorizing the Clerk of the County Commission to issue check payable to Elizabeth Belcher in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

Order authorizing the Clerk of the County Commission to issue check payable to Cody Green in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

Order authorizing the Clerk of the County Commission to issue check payable to Skyler Workman in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

Order authorizing the Clerk of the County Commission to issue check payable to Emily Hammond in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

Order authorizing the Clerk of the County Commission to issue check payable to Kelsey Harrah in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

Order authorizing the Clerk of the County Commission to issue check payable to Taylor Lacy in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

Order authorizing the Clerk of the County Commission to issue check payable to Joshua Gainer in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contribution)*

Order authorizing the Clerk of the County Commission to issue check payable to Alyson Ruffatto in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 *Commission Contributions*)

Order authorizing the Clerk of the County Commission to issue check payable to Allison Gregory in the amount of Three Hundred Dollars ($300.00), representing Summer Intern Book Reimbursement Program from Line Item No. 001-401.00-5-68.00 (*County Commission Contributions*)

Approval of the Erroneous Assessments Submitted by the Kanawha County Assessor ($5,790.26 decrease)
Marc Slotnick, County Attorney

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

Order authorizing the President of the Kanawha County Commission to execute documents for the Pinch Volunteer Fire Department for the purpose of Refinancing property and fire apparatus

Order voiding check #515, dated January 17, 2013, to WV Department of Transportation in the amount of $165,286.87 and authorization for the County Clerk to reissue a check to WV Department of Transportation in the amount of $165,286.87 for reimbursement for expenses related to the Sissonville Gas Line Explosion

1. **Fiscal Year 2013-2014 General Fund Budget Revision #3**

Commissioner Hardy moved to approve the General Fund Budget Revision #3. Commissioner Carper seconded. Motion carried.

REVENUE:		
001-299-0.00-00	Unassigned Fund Balance	22,193
001-382-0-00.00	Refunds/reimbursements- (Cty Cleanups)	7,750
		29,943
EXPENDITURE:		
001-700.00-1-08.01	SHERIFF'S LED OVERTIME	29,943

2. **Fiscal Year 2013-2014 Public Safety Grant Fund Line Item Budget Revision**

Commissioner Hardy moved to approve the Public Safety Grant Fund Line Item Budget Revision. Commissioner Carper seconded. Motion carried.

REVENUE:		
029-299-0-00.00	Public Safety Levy - Assigned Fund Bal	15,493
EXPENDITURE:		
029-711.00-5-68.42	Public Safety Levy - KCSD	15,493

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/supplementals. Commissioner Carper seconded. Motion carried.

Vendor: Propane Fuel Technologies LLC
Department: Kanawha Co. Commission
Amount: $10,000.00
Description: one (1) 2014 Ford F-250 propane kit

Ratification of Documents processed at the 7/18/13 Commission Meeting:

Commissioner Hardy moved to ratify the documents processed on 7/18/13. Commissioner Carper seconded. Motion carried.

Order authorizing the President of the Kanawha County Commission to execute a Lease Renewal for the Kanawha County Deputy Sheriff's Sissonville Detachment between the Sissonville Public Service District and the Kanawha County Commission (line item 001-700.00-2-19.00)

Emergency Check: BeBetter in the amount of $20,031.34 for coaching with Bebetter System, April, May & June and health Screenings March 2013

Emergency Check: BB&T Financial FSB in the amount of $1,442.04 for Kanawha County Sheriff's credit card payment (due 7/23/13)

Emergency Check: Exxon Mobile Company USA, in the amount of $557.75 for credit card payment (due 8/3/13)

Commissioner Carper moved to approve the purchase order and payment to Waste Management of WV for the Spring 2013 Cleanups at Corridor G ($9,244.35) and Elkview Middle School ($7,841.80) and landfill fees ($234.64); total paid being $17,322.79. Commissioner Hardy seconded. Motion carried.

Commissioner Carper moved to approve the supplemental check payment to WEX Bank, for fuel purchases for the Sheriff's Department and Commission staff while traveling, $308.26. Commissioner Hardy seconded. Motion carried.

Commissioner Hardy moved to approve the order for F.Y. 2013-2014 General Fund Budget Revision #3, listed on the agenda. Commissioner Carper seconded. Motion carried.

Dave Fontalbert stated a miscommunication regarding the Public Safety Grant Fund budget revision listed on the agenda. He stated the correct amount to be $14,270. Commissioner Carper moved to approve the change. Commissioner Hardy seconded. Motion carried.

MINUTES

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

Approval of the Minutes of the Special Commission Meeting of July 18, 2013

Commissioner Hardy moved to adjourn until the next scheduled commission meeting. Commissioner Carper seconded. Motion carried.

THE KANAWHA COUNTY COMMISSION MEETING OF JULY 30, 2013, ADJOURNED AT 12:47 P.M., UNTIL THE 27TH DAY OF AUGUST, 2013, AT 5:00 P.M.

THE FOREGOING MINUTES ARE APPROVED THIS 27TH DAY OF AUGUST, 2013.

COMMISSIONER

COMMISSIONER

COMMISSIONER

COUNTY ATTORNEY

Kanawha County Commission

Memo

TO: Commissioner W. Kent Carper

Commissioner Dave Hardy

Commission Staff

FROM: Henry C. Shores, Commissioner

DATE: July 30, 2013

RE: Meeting of July 30, 2013

I have previously stated that I support West Virginia State University. The meeting today was scheduled as an emergency and I cannot attend as I am out of town. I fully support WVSU regarding the matter that is on the agenda today.

I offered to call in but was told that it was not necessary.