

COMMISSION MEETING

THURSDAY, MARCH 18, 2010

PRESENT: **W. SCOTT BIAS, PRESIDENT**
ROBERT L. BAILEY, COMMISSIONER
NANCY CARTMILL, COMMISSIONER
WILLIAM WATSON, COUNTY ATTORNEY
STEPHEN ZOELLER, COUNTY MANAGER
SHARON ROSS, ASSISTANT COUNTY MANAGER
FOR BILLABLES AND PAYABLES
CHRIS TATUM, ASSISTANT COUNTY MANAGER
FOR PERSONNEL AND PURCHASING

W. Scott Bias, President, called the regular meeting of the Cabell County Commission to order at 10:00 a.m.

APPROVE:

Stephen Zoeller, County Manager, informed the Commission an item needed to be added to the agenda concerning the recommendation for awarding the bid for the Milton Ambulance Station.

Robert L. Bailey, Commissioner, **moved to approve amending the agenda to include awarding the bid for the Milton Ambulance Station.** Nancy Cartmill, Commissioner, seconded the motion and vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve the agenda as amended.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, **moved to approve purchase orders #10-22168 through #10-22535 and pay jackets.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve the minutes from the February 26, 2010 special meeting, minutes of the March 4, 2010 regular meeting, erroneous assessments, land consolidations, split tickets and probate documentation.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, **moved to approve handwritten checks to Blue Cross and Blue Shield Company, not to exceed \$100,000.00, from the Cabell County Medical Insurance Fund.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

THURSDAY, MARCH 18, 2010

PAGE TWO

**“OPEN BIDS FOR 13 PANASONIC TOUGHBOOK 30 – CORE 2 DUO SL9300
MODEL #CF30KCPRO2M COMPUTERS”**

Stephen Zoeller, County Manager, informed the Commission nine bids had been received and they were as follows:

1. Southern Computer Warehouse, GA	Unit Price	\$4,341.51
	Total	\$56,439.63
2. PC Mall, Canada	Unit Price	\$4,229.00
	Total	\$55,887.00
3. ZHAI Network Parametrix, IL	Unit Price	\$4,190.00
	Total	\$54,470.00
4. Rugged Depot, TX	Unit Price	\$4,150.00
	Total	\$53,950.00
5. Diskomp Computer, FL	Unit Price	\$5,055.00
	(Plus Freight)	
6. Berry Weinstein, NY	Unit Price	\$4,488.00
	Total	\$58,334.00
7. PCS, TN	Unit Price	\$4,667.00
	Total	\$60,671.00

8. Waring Enterprises, CA	Unit Price	\$4,676.00
	Total	\$60,788.00

9. Software Systems, WV	Unit Price	
	Total	\$61,750.00

Robert L. Bailey, Commissioner, **moved to take the bids under advisement.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

**#100 AWARD OF BID FOR THE AMBULANCE STATION
 TO BE LOCATED IN MILTON, WEST VIRGINIA**

Edward Tucker, Architect, stated that the recommendation for construction for the ambulance station would be Oval Construction Management, LLC, based on document criteria of bid specifications. Mr. Tucker went on to say that Oval Construction was the second lowest bidder and that the lowest bidder did not meet the criteria of bid specifications.

THURSDAY, MARCH 18, 2010

PAGE THREE

Nancy Cartmill, Commissioner, **moved to award the bid to the second low bidder, Oval Construction Management, in the amount of \$1,239,000.00.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#081

LETTER, KAREN S. COLE, COUNTY CLERK

**RE: APPOINTMENT OF EMERGENCY BALLOT
COMMISSIONER**

Mrs. Cole informed the Commission that the Democrat Executive Committee had nominated Carolyn Hager and Irene Keller and that the Republican Executive Committee had nominated Nora Ankrom and April Black to serve as Emergency Ballot Commissioners for the Primary Election.

Robert L. Bailey, Commissioner, **moved to approve appointing Carolyn Hager, Irene Keller, Nora Ankrom and April Black as Emergency Ballot Commissioners for the 2010 Primary Election.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#082

**APPOINTMENT AND APPROVAL OF 2010 PRIMARY
ELECTION POLL WORKERS**

Robert L. Bailey, Commissioner, **moved to approve the appointments of the 2010 Primary Election Poll Workers.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#083

APPEARING, JASON LEASURE, ESQUIRE

**RE: PETITIONER, DEBORAH CHRISTIAN'S EXCEPTION
TO THE REPORT OF FIDUCIARY COMMISSIONER
THE ESTATE OF JERRY L. CHRISTIAN**

APPEARING, PAUL RYKER, ESQUIRE

**RE: EXCEPTIONS OF RESPONDENTS TO AMENDED
REPORT OF FINDINGS AND RECOMMENDATIONS
OF FIDUCIARY COMMISSIONER IN THE ESTATE
OF JERRY L. CHRISTIAN**

Jason Leasure, Attorney for Deborah Christian, stated this was a complicated estate matter and his client had taken exception with the report from the Fiduciary Commissioner regarding the issue of the commuted value of the petitioner's retirement. Mr. Leasure further stated he believed there was a need for clarification concerning the fees and expenses.

Mr. Leasure requested that the Commission reject the findings of the Fiduciary Commission and that the matter be submitted to another Fiduciary Commissioner.

THURSDAY, MARCH 18, 2010

PAGE FOUR

Paul Ryker, Attorney for Michael and Ricky Christian, stated that his clients were in agreement with the findings of the Fiduciary Commission, however, they would like a clarification regarding the fees and expenses.

Robert L. Bailey, Commissioner, **moved to accept the Fiduciary Commissioner's findings regarding the Estate of Jerry L. Christian and that the expenses be divided between the petitioner and the respondents.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Paul Ryder stated he would prepare an order for this matter for Mr. Watson and Mr. Leasure to review and for the Commission to sign, if all parties agreed.

#084

PETITION AND NOTICE OF HEARING

RE: ESTATE OF CAROL GERALDINE DENNISON

REQUEST TO CLOSE ESTATE AS INSOLVENT

John Stapleton, Attorney, appeared before the Commission requesting that the Estate of Geraldine Dennison be closed due to insufficient funds. Mr. Stapleton stated an appraisal had been filed for this estate.

William Watson, County Attorney, informed the Commission that since the estate did not have any assets, the only way for the Administrator and the claims to be discharged would be for the Commission to close said estate.

Nancy Cartmill, Commissioner, **moved to close the Estate of Geraldine Dennison due to lack of assets.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#085

PROCLAMATION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF DECLARING APRIL, 2010 AS

FAIR HOUSING MONTH IN CABELL COUNTY

Robert L. Bailey, Commissioner, **moved to approve the proclamation “In the Matter of Declaring April, 2010, Fair Housing Month in Cabell County.”** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (A)**

#086

LETTER, A. GORDON MERRY, III, CABELL COUNTY

EMERGENCY MEDICAL SERVICE

RE: REQUEST APPROVAL OF UPDATED CCEMS VEHICLE

FLEET POLICY

Gordon Merry, CCEMS Director, stated the revised guidelines were at the request of the CCEMS insurance carrier.

THURSDAY, MARCH 18, 2010

PAGE FIVE

Robert L. Bailey, Commissioner, **moved to approve the updated Vehicle Fleet Policy for CCEMS.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#087

RESOLUTIONS, CABELL COUNTY COMMISSION

RE: RECLASSIFICATIONS – CCEMS

Nancy Cartmill, Commissioner, **moved to approve the reclassification of Jeff Holley as a per diem EMT, retroactive to March 6, 2010, and the reclassification of Corie Cremeans as a per diem EMT, retroactive to February 28, 2010, with a rate of pay of \$7.59 per hour for both employees and \$11.98 per hour when working on transport squad.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#088

LETTER, CABELL COUNTY COMMISSIONER

**RE: IN SUPPORT OF THE CONSTRUCTION OF A SENIOR
CENTER COMPLEX AT THE FORMER WEST MIDDLE
SCHOOL SITE**

Robert L. Bailey, Commissioner, **moved to approve the letter of support for construction of a senior center on the West Middle School site.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#089

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF ALLOCATING SENIOR CITIZEN
PROJECTS AND PROGRAMS EXCESS LEVY TAX
FUNDS TO CCCSO - \$6,000.00**

Robert L. Bailey, Commissioner, **moved to approve allocating \$6,000.00 from the Senior Citizen Excess Levy Funds for CCCSO.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

#090

DISCUSSION/ACTION:

RE: FY 2010 COURT SECURITY GRANT FUNDS

Stephen Zoeller, County Manager, stated the funds from this grant would be to purchase cameras for areas in the Courthouse, portable radios, tasers and a computer/monitor/printer for the Court Marshals.

Robert L. Bailey, Commissioner, **moved to approve to proceed with applying for funds, in the amount of \$58,873.00, for the Courthouse.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

THURSDAY, MARCH 18, 2010

PAGE SIX

**#091 LETTER AND RESOLUTION, CABELL COUNTY
COMMISSION**

**RE: REQUEST FOR PROJECT AMENDMENT SCOPE/
ACTIVITY CHANGE FOR GUYANDOTTE CIVIL WAR
DAYS - PROJECT 09LEDA0065 - GRANT #10-824**

Nancy Cartmill, Commissioner, **moved to approve the authorization for submission of a request for project amendment scope/activity change for Guyandotte Civil War Days.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Exhibit (C)

#092 LETTER, RESOLUTION AND GRANT APPLICATION

**RE: FY 2010 COMMUNITY PARTICIPATION GRANT
PROGRAM CABELL/WAYNE BEEKEEPERS**

**ASSOCIATION/EQUIPMENT, PROMOTION AND
STAGING – PROJECT #10LEDA0026 - \$5,000.00**

Robert L. Bailey, Commissioner, **moved to approve the grant application, in the amount of \$5,000.00, for the Cabell/Wayne Beekeepers Association to purchase beekeeping equipment.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

#093 LETTER, RESOLUTION, AND GRANT APPLICATION

RE: FY 2010 COMMUNITY PARTICIPATION GRANT

PROGRAM CABELL/WAYNE BEEKEEPERS

ASSOCIATION PROJECT #10LEDA0406 - \$7,500.00

Nancy Cartmill, Commissioner, **moved to approve the grant application, in the amount of \$7,500.00, for the Cabell/Wayne Beekeepers Association.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

#094 AGREEMENT, CABELL COUNTY COMMISSION

RE: KINDRED CHARITIES

EASTER EGG HUNT-MARCH 27, 2010

Robert L. Bailey, Commissioner, **moved to approve the use of the Courthouse grounds by Kindred Charities for an Easter Egg Hunt, March 27, 2010 from 7:30 a.m. until 1:00 p.m.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

THURSDAY, MARCH 18, 2010

PAGE SEVEN

#095 AGREEMENT, CABELL COUNTY COMMISSION

**RE: FIRST CONGREGATIONAL CHURCH
EASTER EGG HUNT – APRIL 4, 2010**

Nancy Cartmill, Commissioner, **moved to approve the use of the Courthouse grounds by First Congregational Church for an Easter Egg Hunt April 4, 2010, from 12:00 p.m. until 1:00 p.m.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#096 DISCUSSION/ACTION:

**RE: TOWN OF MILTON WATERLINE EXTENSION
PROJECT**

Chris Tatum, Assistant County Manager, updated the Commission on the waterline project and stated that the cost would be approximately \$53,773.31, with the Town of Milton providing the labor, and explained that the higher cost was due to the river crossing. Mr. Tatum further stated he was looking at other companies for a better price for the pipe and supplies.

Nancy Cartmill, Commissioner, **moved to approve the waterline extension project for the Town of Milton from the Fire and Economic Development Levy Funds.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#097 SPECIAL FUND BUDGET REVISION, CCEMS FY 2009-2010

Nancy Cartmill, Commissioner, **moved to approve Special Budget Revision #4 for CCEMS and Budget Revision #1 for Civil Defense.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

**#098 RESOLUTION, GENERAL FUND, COUNTY BUDGET
REVISION #10, FY 2009/2010**

Nancy Cartmill, Commissioner, **moved to approve General Fund County Budget Revision #10.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (G)**

**#099 RESOLUTION, GENERAL FUND, STATE BUDGET
REVISION #11, FY 2009/2010**

Nancy Cartmill, Commissioner, **moved to approve General Fund State Budget Revision #11.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (H)**

THURSDAY, MARCH 18, 2010

PAGE EIGHT

PLACE ON RECORD:

Robert L. Bailey, Commissioner, **moved to approve placing on record the minutes from the Culloden Public Service District, Special Meetings, January 6, 2010 and January 27, 2010, Culloden Public Service District, Regular Meeting, January 20, 2010; Cabell County Regional Operation Committee, Inc., April, 2009 through November, 2009; Salt Rock Sewer PSD Meetings, May, 2009 through January, 2010; Salt Rock Water PSD Meetings, December 8, 200, January 12, 2010, February 9, 2010 and February 17, 2010 and OTHER DOCUMENTATION TO BE RECORDED: The Bank of New York Mellon, Various Trust Accounts, February 28, 2010.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

W. Scott Bias, President, adjourned the regular Commission meeting at 10:50 a.m., until the next scheduled meeting on Thursday, April 1, 2010, at 10:00 a.m.

PRESIDENT, COUNTY COMMISSION

KSC:ar