

**COMMISSION MEETING**

**WEDNESDAY, NOVEMBER 10, 2010**

**PRESENT:**            **W. SCOTT BIAS, PRESIDENT**  
**ROBERT L. BAILEY, COMMISSIONER**  
**NANCY CARTMILL, COMMISSIONER**  
**WILLIAM WATSON, COUNTY ATTORNEY**  
**STEPHEN ZOELLER, COUNTY MANAGER**  
**CHRIS TATUM, ASSISTANT COUNTY MANAGER**  
**RHONDA MONTANEZ, PURCHASING ASSISTANT**

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

**APPROVE:**

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

Robert L. Bailey, Commissioner, **moved to approve purchase orders #11-28248 through #11-29743 and pay jackets.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, **moved to approve the minutes from the October 14, 2010, regular Commission meeting, erroneous assessments, land consolidations, split tickets and probate documentation.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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

**#350**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF THE RELEASE AND  
SUBSTITUTION OF COLLATERAL BONDS  
BY FIRST SENTRY BANK**

Nancy Cartmill, Commissioner, **moved to approve the release and substitution of collateral bonds by First Sentry Bank.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (A)**

**THURSDAY, NOVEMBER 10, 2010**

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**#351**

**APPEARING, ANTHONY CALDWELL, STEPTOE AND  
JOHNSON**

**RE: CONSIDERATION FOR ADOPTION OF AN  
INDUCEMENT RESOLUTION PRELIMINARILY  
APPROVING THE ISSUANCE BY THE COUNTY  
COMMISSION OF CABELL COUNTY OF ITS  
COMMERICAL DEVELOPMENT REVENUE BONDS,  
SERIES 2010 (THE MARSHALL UNIVERSITY  
FOUNDATION, INC., PROJECTS) TO FINANCE THE  
PLANNING, DESIGN ACQUISITION, CONSTRUCTION  
AND EQUIPPING OF A NEW “FACILITY” FOR THE  
MARSHALL UNIVERSITY FOUNDATION, INC.,  
LOCATED IN THE CITY OF HUNTINGTON, CABELL  
COUNTY, WEST VIRGINIA, INCLUDING BUT NOT  
LIMITED TO CONSTRUCTION AND EQUIPMENT OF  
THE NEW MARSHALL UNIVERSITY FOUNDATION  
HALL AND ERICKSON ALUMNI CENTER, TO  
REFINANCE TAXABLE DEBT ASSOCIATED  
THEREWITH AND TO AUTHORIZE THE TAKING OF  
CERTAIN ACTIONS RELATED THERETO**

Fred Williams, Attorney for Steptoe & Johnson, explained that this was the first step for the adoption of a resolution concerning the financing of bonds for a Marshall University Project. Mr. William stated that next month there would be a public hearing regarding the matter. Mr. William went on to say that the Cabell County Commission would not be responsible for any payment regarding the bonds.

William Watson, County Attorney, stated he had reviewed the documentation and found it to be in order and would recommend that the Commission sign the documents.

Robert L. Bailey, Commissioner, **moved to approve the commercial development revenue bonds for The Marshall University Foundation, Inc., Projects.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

**#352** **ITEM MOVED TO THE END OF THE AGENDA**

**#353** **APPEARING, HENRY M. KAYES, ESQUIRE**

**RE: VERIFIED PETITION FOR PROBATE OF LOST WILL  
OF SUSAN EDWARDS DRAKE**

William Watson, County Attorney, stated Ms. Drake's will had been accidentally misplaced or lost and he had reviewed the documentation and found it to be in order, therefore, he would recommend the Commission allow a copy of Susan Edwards Drake's will be filed.

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Robert L. Bailey, Commissioner, **moved to approve the petition to allow a copy of the will of Susan Edwards Drake to be filed for probate.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

**#354** **APPEARING, PAUL A. RYKER, ESQUIRE**

**RE: PETITION OF JEWELL CREMEANS, FORMER  
PERSONAL REPRESENTATIVE OF ESTATE OF  
GOLDEN JEFFERS, TO HAVE SHERIFF APPOINTED  
AS CURATOR OR ADMINISTRATOR CTA OF ESTATE**

William Watson, County Attorney, stated that Bryan Jeffers had come forward and agreed to be bonded in order to represent the estate of Golden Jeffers, therefore, he would recommend the Commission deny the petition to have the Sheriff appointed.

Robert L. Bailey, Commissioner, asked if there were any objections to having Bryan Jeffers appointed Administrator for the Estate. No objections were presented.

Nancy Cartmill, Commissioner, **moved to deny the petition to appoint the Sheriff as the Administrator of the Estate of Golden Jeffers and to appoint Bryan Jeffers as the Administrator of said estate.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#355**

**ESTATE OF BONNIE WALTERS**

**RE: ORDER APPOINTING FIDUCIARY COMMISSIONER**

William Watson, County Attorney, informed the Commission that an agreement could not be worked out with both parties, however, they were in agreement to have Matt Woolfell appointed as the Fiduciary Commissioner.

Robert L. Bailey, Commissioner, **moved to appoint Matt Woelfel as the Fiduciary Commissioner for the Estate of Bonnie Walters.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

**#356**

**PROCLAMATION, CABELL COUNTY COMMISSION**

**RE: DECLARE NOVEMBER PANCREATIC CANCER**

**AWARENESS MONTH IN CABELL COUNTY**

Robert L. Bailey, Commissioner, **moved to approve the proclamation “Declaring November Pancreatic Cancer Awareness Month.”** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (A)**

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**#357**

**DISCUSSION/ACTION:**

**DEDICATION OF AMBULANCE STATION AT**

**MILTON, WEST VIRGINIA**

Steve Wellman, CCEMS, stated the dedication of the ambulance station, located in Milton, would be November 30, 2010. Mr. Wellman asked the Commission to set a time.

Nancy Cartmill, Commissioner, **moved to approve the dedication of the Milton Ambulance Station for November 30, 2010 at 1:00 p.m.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#358**

**RESOLUTIONS, CABELL COUNTY COMMISSION**

**RE: EMPLOYMENTS – CCEMS**

Robert L. Bailey, Commissioner, **moved to approve the employments of Douglas Chad Lynch as a full time Paramedic, with a rate of pay of \$10.6549 per hour; Robert Russell Armstrong, Jr., Donald Gene Canterbury, Brian Marcus Craft, Rodney William Friend, Jeremy Allen Gullett, Lindsay Elizabeth Harmon, William Gregory Held, Jr., John Timothy Hesson, Jason Matthew Hoover, Loryn Shay Howard, Jason Michael Howerton, Tamika Christine Moore, Amanda Brook Niemeyer and Dustin Robert O’Neill as per diem EMTS, with a \$7.8948 rate in pay and all employments effective November 12, 2010: the reclassification of Jessie L. Hayes as a per diem accounts receivable clerk, effective October 29, 2010, with a rate of pay of \$15.7824 per hour.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

**#359**

**RESOLUTIONS, CABELL COUNTY COMMISSION**

**RE: EMPLOYMENTS – E-911**

Mike Davis, E-911 Director, stated this was a new program he hoped would help with the enormous amount of calls the E-911 Center receives. Mr. Davis further stated that the hiring of call takers would also mean there would be employees already trained when positions needed to be filled.

Nancy Cartmill, Commissioner, **moved to approve the employments of Jimmie Foltz, Tasha Newton, Ted Grant, Patrick Stapleton, Ashley Atteberry, Sarah Hickman and Brittany Clark as per diem call takers, effective November 10, 2010, with a rate of pay of \$10.00 per hour.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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**#360**

**LETTER AND RESOLUTION, CABELL COUNTY  
COMMISSION**

**RE: REQUEST FOR A PROJECT AMENDMENT**

**SCOPE/ACTIVITY CHANGE (FORM 2)**

**PROJECT NAME: VETERANS COUNCIL FOR**

**CIVIC IMPROVEMENT PROJECT # 07LEDA0043**

**GRANT #09-701**

Nancy Cartmill, Commissioner, **moved to approve the request for project amendment for the Veterans Council for Civic Improvement.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

**#361**

**LETTER AND RESOLUTION, CABELL COUNTY  
COMMISSION**



**RE: REQUEST FOR A PROJECT AMENDMENT**  
**SCOPE/ACTIVITY CHANGE (FORM 2)**  
**PROJECT NAME: VIETNAM VETERANS OF**  
**AMERICAN-CHAPTER 949 PROJECT #07LEDA0044**  
**GRANT #09-699**

Nancy Cartmill, Commissioner, **moved to approve the request for project amendment for the Vietnam Veterans of American-Chapter 949.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

**#362**

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

**RE: REQUEST FOR A PROJECT AMENDMENT**  
**SCOPE/ACTIVITY CHANGE (FORM 2)**  
**PROJECT NAME: VETERANS COUNCIL FOR CIVIC**  
**IMPROVEMENT PROJECT # 08LEDA0062**  
**GRANT #09-709**

Nancy Cartmill, Commissioner, **moved to approve the request for project amendment for the Veterans Council for Civic Improvement.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

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**#363**

**DISCUSSION/ACTION**

**RE: LETTER FROM THE WEST VIRGINIA SUPREME  
COURT OF APPEALS REGARDING EMERGENCY  
RESPONSE PLAN FOR CABELL COUNTY COURTS**

Stephen Zoeller, County Manager, informed the Commission that a letter was received from the Supreme Court of Appeals requesting that the Commission select two representatives who would be responsible for coordinating the development, maintenance and implementation of emergency plans.

Nancy Cartmill, Commissioner, **moved to approve that the President of the Commission and the Sheriff be appointed to represent Cabell County.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#364**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF THE ESTABLISHMENT OF**

**REGULAR MEETING DATES FOR THE CABELL  
COUNTY COMMISSION FROM JANUARY 1, 2011  
THROUGH JUNE 30, 2011**

Nancy Cartmill, Commissioner, **moved to approve the establishment of the regular meeting dates for the Cabell County Commission from January 1, 2011 through June 30, 2011.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

**#365 RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF SETTING LEGAL HOLIDAYS**

**FOR THE CABELL COUNTY COMMISSION FOR 2011**

Robert L. Bailey, Commissioner, **moved to approve the setting of legal holidays for 2011 for the Cabell County Commission.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (G)**

**#366 RESOLUTION, GENERAL FUND, COUNTY BUDGET**

**REVISION #4, FY 2010-2011**

Nancy Cartmill, Commissioner, **moved to approve General Fund County Budget Revision #4.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (H)**

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**#352**

**APPEARING, R.R. FREDEKING, II, ESQUIRE**

**RE: PETITION TO REMOVE FIDUCIARIES AND  
COMPEL AN ANNUAL ACCOUNTING IN THE  
ESTATE OF LOIS JAYNE CYFERS MILLER**

**APPEARING, BRUCE L. STOUT, ESQUIRE**

**RE: ANSWER TO THE PETITION TO REMOVE  
FIDUCARIES AND COMPEL AN ANNUAL  
ACCOUNTING IN THE ESTATE OF LOIS  
JAYNE CYFERS MILLER**

R.R. Fredeking, Attorney for Jack Cyers, Helen Cyers and Roger Cyers, appeared before the Commission to request that Cathy Cyers and Phillip Vallandingham be removed as Fiduciaries for the Estate of Lois Jayne Cyers Miller and that an annual accounting of said estate be filed. Mr. Fredeking was also requesting that the Commission appoint Jack Cyers, Helen Cyfers and Roger Cyfers as Co-Administrators of the Estate.

Mr. Fredeking stated that the co-executors filed an appraisalment of the estate assets, however, they had not filed an annual accounting of the estate nor had the co-executors distributed the assets of the estate.

Bruce L. Stout, Attorney for Phillip Vallandingham and Cathy Cyfers, stated that an accounting was filed and the Co-Executors had filed for Declaratory Relief to determine how to proceed with the distribution of the estate.

After a lengthy discussion, Robert L. Bailey, Commissioner, **moved to grant the petition to remove Cathy Cyfers and Phillip Vallandingham as Co-Executors of the Estate of Lois Jayne Cyfers Miller, to compel an annual accounting of said estate and to appoint the Sheriff as the Administrator of the Estate.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

**#367**

**EXECUTIVE SESSION**

**RE: PERSONNEL MATTERS**

Nancy Cartmill, Commissioner, **moved to go into executive session to discuss personnel matters.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

The Commission went into executive session at 11:00 a.m.

The Commission came back into regular session at 11:20 a.m., with no action taken.

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Nancy Cartmill, Commissioner, **moved to adjust Assistant County Manager Chris Tatum salary to \$55,000.00, effective November 15, 2010.** Robert L. Bailey, Commissioner seconded the motion and the vote was unanimous.

**#368**

**ASSESSOR'S OFFICE**

**RE: CORRECTION/DOG FUND**

Chris Tatum, Assistant County Manager, stated that an emergency item needed to be added to the agenda regarding the Dog Fund. Mr. Tatum explained that an error had been made in the deposits for the dog fund and this needed to be corrected.

Robert L. Bailey, Commissioner, **moved to approve the correction regarding the Dog Fund.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous

Stephen Zoeller, County Manager, reminded the Commission that Friday, November 12, 2010, at 3:30 p.m., they would meet to certify the General Election.

W. Scott Bias, President, adjourned the Commission meeting at 11:50 a.m., until the next regular scheduled meeting on Wednesday, November 24, 2010, at 10:00 a.m.

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**PRESIDENT, COUNTY COMMISSION**

**KSC:ar**