

COMMISSION MEETING

THURSDAY, JULY 21, 2011

PRESENT: **NANCY CARTMILL, PRESIDENT**
ROBERT L. BAILEY, COMMISSIONER
ANNE YON, COMMISSIONER
WILLIAM WATSON, COUNTY ATTORNEY
CHRIS TATUM, COUNTY MANAGER
RHONDA MONTANEZ, PURCHASING ASSISTANT

Nancy Cartmill, Commissioner, called the regular meeting of the Cabell County Commission to order at 10:00 a.m.

APPROVE:

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

Anne Yon, Commissioner, **moved to approve purchase orders #12-34718 through #12-35074 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 June 9, 2011, regular Commission meeting, June 23, 2011, regular Commission meeting, June 30, 2011, special Commission meeting, erroneous assessments, land consolidation, split tickets and probate documentation.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, Commissioner, **moved to approve handwritten checks to Highmark West Virginia, 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.

**“PUBLIC HEARING” RE: ABANDONMENT OF AN UNIMPROVED AND
UNUSED ROADWAY KNOWN AND
DESIGNATED AS EAST FIRST STREET “J”
MIDWAY CITY SUBDIVISION, CULLODEN,
GRANT DISTRICT, CABELL COUNTY**

Ronald Flora, Attorney for Rodney and Mary McCallister and Elvia and Linda Thompson, appeared before the Commission to request the abandonment of an unused roadway. Mr. Flora stated that all parties had been notified and the hearing had been advertised.

Richard and Donna Linger appeared before the Commission in opposition to the abandonment.

William Watson, County Attorney, informed the Commission that if there were any opposition to the request for abandonment, the Commission could not approve the matter.

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Nancy Cartmill, Commissioner, **moved to deny the petition for abandonment of an unused Roadway known as East First Street.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#222

IN THE MATTER OF HONORING JACOB BURCHAM

Nancy Cartmill, President, read the Proclamation honoring Jacob Burcham and “Proclaiming July 21, 2011 as Jacob Burcham Day in Cabell County.” Anne Yon, Commissioner, presented the Distinguished Cabell County Resident Award to Jacob Burcham. Robert L. Bailey, Commissioner, presented Mr. Burcham with a Key to the County. **Exhibit (A)**

#223

LETTER, KAREN S. COLE, COUNTY CLERK

**RE: PRESENTATION OF 2010-2011 CARRYOVER FROM
THE GENERAL COUNTY FUND**

Anne Yon, Commissioner, **moved to accept the letter from, Karen Cole, County Clerk, regarding the 2010-2011 Carryover of \$1,303,083.26 from the General Fund.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#224

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE RELEASE OF A LETTER
OF CREDIT BY FIRST SENTRY BANK**

Robert L. Bailey, Commissioner, **moved to approve the release of a Letter of Credit by First Sentry Bank.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

#225

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF PLEDGING OF COLLATERAL
BONDS BY FIRST SENTRY BANK**

Anne Yon, Commissioner, **moved to approve the pledging of collateral bonds by First Sentry Bank.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.
Exhibit (C)

#226 LETTER, THOMAS W. MCCOMAS, SHERIFF

RE: EMPLOYMENT – TAX DEPARTMENT

Robert L. Bailey, Commissioner, **moved to approve the employment of Sharon Ross as a part time clerk in the Tax Department, effective July 18, 2011, with a rate of pay of \$10.00 per hour.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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#227 ESTATE OF WILLIAM H. PLYBON

RE: PETITION FOR FINAL ORDER CLOSING THE ESTATE

Anna Price, Attorney, informed the Commission that Carl Blankenship, Co-Executor of said estate, was requesting that the Commission approve an order releasing him of his Fiduciary responsibilities. Ms. Price went on to say that Mr. Blankenship and Mrs. Plybon had signed the Waiver of Final Settlement, however, the other Co-Executor, Ronald W. Plybon, had refused to sign the waiver or file an objection to said estate.

**RECOMMENDATIONS OF FIDUCIARY
COMMISSIONER**

Paul Ryker, Attorney for Jonathan Sexton, stated that his client objected to the findings of the Fiduciary Commission. Mr. Ryker provided documentation which reflected the issue for review.

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William Watson, County Attorney, stated he would have to defer to the Fiduciary Commissioner's findings regarding this matter. Mr. Watson further stated that the matter could be taken to the Circuit Court, if the parties involved were not satisfied with the findings.

Robert L. Bailey, Commissioner, **moved to approve the Fiduciary Commissioner's findings regarding the Estate of John A. Ryker.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#230

APPEARING, PAUL A. RYKER, ESQUIRE

**RE: PETITION TO REQUIRE POSTING OF ESTATE BOND
IN THE ESTATE OF ROBERT G. MCNEELY**

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#233

RESOLUTIONS, CABELL COUNTY COMMISSION

RE: EMPLOYMENTS – CCEMS

Robert L. Bailey, Commissioner, moved to approve the employment of Cynthia Louise Carver as a full time Paramedic, with a rate of pay of \$11.7098 per hour; Zachary Robert Shaw as a Per Diem Paramedic, with a rate of pay of \$10.9598 per hour and Jessica Adiel Adkins, Sarah Jane Adkins, Ryan Clare Barnes, Kelly Daniel Bradley, Laura Machel Chaffin, Virgil Louis Cole, Beth Ann Fletcher, Jeffrey Benjamin Gibbs, Michael Lee Johnson, Peter Matthew Lunsford, Steve Andrew Obermeyer, Jessie Uriah Wellman and Jamie Lin Wroten as Per Diem EMT's, with a rate of pay of \$8.1997 per hour, with all employments effective July 22, 2011. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#234

LETTER, CABELL COUNTY COMMISSION

RE: ESTABLISHMENT OF A LINE ITEM ACCOUNT

BYRNE GRANT FUNDS

Anne Yon, Commissioner, **moved to approve the establishment of a line item account, regarding the Byrne Grant funds.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#235

DISCUSSION/ACTION:

**RE: FRANCHISE AGREEMENT BETWEEN CABELL
COUNTY, A POLITICAL SUBDIVISION OF THE STATE
OF WEST VIRGINIA AND SUDDENLINK
COMMUNICATIONS**

Nancy Cartmill, Commissioner, **moved to approve the franchise agreement between Cabell County Commission and Suddenlink Communications.** Nancy Cartmill, President, seconded the motion and the vote was as follows:

Nancy Cartmill, President	<u>aye</u>
Robert L. Bailey, Commissioner	<u>nay</u>
Anne Yon, Commissioner	<u>aye</u>

Robert L. Bailey, Commissioner, requested the record show he was not against Suddenlink, but he objected to the 10 year agreement, as he would like for the agreement to be for five years.

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#236

RESOLUTION, CABELL COUNTY COMMISSION

**RE: ADVERTISEMENT FOR BIDS TO PROVIDE AN
IMAGING SYSTEM FOR THE CABELL COUNTY
CIRCUIT CLERK**

Robert L. Bailey, Commissioner, **moved to approve the advertisement for bids for an imaging system for the Circuit Clerk's office.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

#237

RESOLUTION, CABELL COUNTY COMMISSION

**RE: ADVERTISEMENT FOR BIDS TO REPLACE FLOORING
ON THE 3rd FLOOR OF THE COUNTY COURTHOUSE**

Robert L. Bailey, Commissioner, **moved to approve advertisement for bids to replace flooring on the 3rd floor of the Courthouse.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

#238

**AWARD OF PROPOSAL TO REFINANCE CABELL COUNTY
BUILDING COMMISSION'S LEASE REVENUE BOND**

**SERIES 2007 FOR CABELL COUNTY EMERGENCY
RESPONSE CENTER**

Anne Yon, Commissioner, **moved to award the bid to Chase Bank with an interest rate of 3.71%**. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#239

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE ADOPTION OF A
RESOLUTION TO ALLOCATE CABELL COUNTY
HOTEL OCCUPANCY TAX FUNDS TO THE
FOUNDATION FOR THE TRI-STATE COMMUNITY,
INC., FOR THE HEALING FIELD AT SPRING HILL
CEMETERY**

Robert L. Bailey, Commissioner, **moved to table this item**. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#244

LETTER, T.W. MCCOMAS, SHERIFF

RE: SHERIFF'S COMMISSION - \$15,000.00

Robert L. Bailey, Commissioner, **moved to approve the Sheriff's Commission, in the amount of \$15,000.00, for the collection of taxes.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#245

MEMO, CHRIS TATUM, COUNTY MANAGER

RE: MANDATED GASB45 STANDARDS

Robert L. Bailey, Commissioner, **moved to approve the mandated GASB45 Standards.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve placing on record the minutes from the Pea Ridge Public Service District, Regular Board Meeting, June 13, 2011; Salt Rock Water Public Service District, Regular Meeting, June 7, 2011 and documentation to be placed on record for Cabell Huntington Health Department, Clinic Monthly Report, May, 2011; Green Acres Regional Center, Financial Report, January, June, 2011; Milton Volunteer Fire Department, Agreed Upon Procedures Report for Fiscal Year Ended June 30, 2010 and The Bank of New York Mellon, Various Trust Accounts, June 30, 2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, President, adjourned the Cabell County Commission meeting at 11:35 a.m., until the next regular schedule meeting on Thursday, August 4, 2011, at 10:00 a.m.

PRESIDENT, COUNTY COMMISSION

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