#### **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.

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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)

### 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:** <u>EMPLOYMENT – TAX DEPARTMENT</u>

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.

William Watson, County Attorney, stated he had reviewed the documentation and would recommend that the Commission approve the order.

Robert L. Bailey, Commissioner, **moved to approve the order to close the Estate of William H. Plybon.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#228 AGREED ORDER IN THE ESTATE OF NELL

**REEVES MOORE** 

William Watson, County Attorney, explained to the Commission that this order was concerning attorney fees by Tyson & Tyson. Mr. Watson stated that the order was requesting an itemized statement of fees for legal work.

Robert L. Bailey, Commissioner, moved to approve the agreed order regarding the Estate of Nell Reeves Moore. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#229 ESTATE OF JOHN CLEDITH BECKELHEIMER

RE: ORDER AFFIRMING FINDINGS OF FIDUCIARY
COMMISSIONER

APPEARING, PAUL A. RYKER, ESQUIRE

**RE: EXCEPTIONS TO FINDINGS AND** 

### 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

Robert L. Bailey, Commissioner, moved to table this matter at the request of Mr. Ryker. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#231 AMENDMENT TO PERSONNEL, MAINTENANCE AND
STORAGE AGREEMENT, BETWEEN CABELL
HUNTINGTON HOSPITAL, CABELL COUNTY
COMMISSION AND CABELL COUNTY MEDICAL SERVICES
TO INCLUDE HEALTHNET, INC.

Gordon Merry, CCEMS Director, explained Cabell Huntington Hospital transferred their ground transport to Healthnet and this amendment would transfer CCEMS to Healthnet.

Anne Yon, Commissioner, moved to approve the amendment for the agreement transferring **CCEMS** to **Healthnet**, **Inc.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#232 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF A RESOLUTION OF

PARTICIPATION AND COOPERATION WITH THE

WEST VIRGINIA LOCAL ECONOMIC DEVELOPMENT

GRANT PROGRAM

Anne Yon, Commissioner, moved to approve the participation and cooperation with the West Virginia Economic Development Grant Program. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (D)

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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 Machelle 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 aye

Robert L. Bailey, Commissioner <u>nay</u>

Anne Yon, Commissioner aye

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 3<sup>rd</sup> FLOOR OF THE COUNTY COURTHOUSE

Robert L. Bailey, Commissioner, moved to approve advertisement for bids to replace flooring on the  $3^{rd}$  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.

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#240 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF THE ADOPTION OF A

RESOLUTION TO ALLOCATE CABELL COUNTY

SENIOR CITIZENS PROJECTS AND PROGRAMS

EXCESS LEVY TAX FUNDS TO EBENEZER MEDICAL

OUTREACH, INC.

Nancy Cartmill, Commissioner, **moved to approve the allocation of funds, in the amount of \$20,000.00, to Ebenezer Medical Outreach, Inc., from the Senior Citizen Excess Levy Tax Funds.** Anne Yon, Commissioner, seconded the motion and the vote was as follows: **Exhibit (G)** 

Nancy Cartmill, President aye

Robert L. Bailey, Commissioner <u>nay</u>

Anne Yon, Commissioner, aye

#241 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF THE ADOPTION OF A

RESOLUTION TO ALLOCATE CABELL COUNTY

SENIOR CITIZENS PROJECTS AND PROGRAMS

# EXCESS LEVY TAX FUNDS TO SOUTHWESTERN COMMUNITY ACTION COUNCIL, INC.

Anne Yon, Commissioner, moved to approve the allocation of funds, in the amount of 15,000.00, to Southwestern Community Action Council, Inc., from the Senior Citizen Excess Levy Tax Funds. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (H)

#242 RESOLUTION, GENERAL FUND, COUNTY BUDGET
REVISION #1, FY 2011-2012

Anne Yon, Commissioner, moved to approve General Fund County Budget Revision #1 and Special Funds Budget for 2011-2012. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (I)

#243 RESOLUTION, GENERAL FUND, STATE BUDGET
REVISION #2, FY 2011-2012

Anne Yon, Commissioner, moved to approve General Fund State Budget Revision #2 for 2011-2012. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (J)

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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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