

**COMMISSION MEETING**

**THURSDAY, AUGUST 18, 2011**

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

**ABSENT:**            **RHONDA MONTANEZ, PURCHASING ASSISTANT**

Nancy Cartmill, President, 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 #12-35479 through #12-35838 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 July 21, 2011, regular Commission meeting, erroneous assessments, land consolidations, 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 Funds.** Robert I. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**OPEN BIDS                    TO REPLACE FLOORING ON THE 3<sup>RD</sup> FLOOR OF THE  
CABELL COUNTY COURTHOUSE**

Chris Tatum, County Manager, stated that one bid was received for the flooring and that bid was for \$15,100.00 from Fabric Town.

Robert L. Bailey, Commissioner, **moved to take the bid under advisement.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#271                                RESOLUTION, CABELL COUNTY COMMISSION  
  
RE: IN THE MATTER OF TEMPORARY PRECINCT  
LOCATION CHANGE**

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Robert L. Bailey, Commissioner, **moved to approve the temporary precinct change of Precinct #54 from the YMCA Kennedy Center to Cox Landing Elementary School for the 2011 Special Election.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (A)**

**#272**

**LETTER, T.W. MCCOMAS, SHERIFF**

**RE: EMPLOYMENT – TAX OFFICE**

Anne Yon, Commissioner, **moved to approve the employment of Shelley McFeeley as a part time clerk, effective August 15, 2011, with a rate of pay of \$10.00 per hour.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#273**

**APPEARING, DAVID LUNSFORD, ESQUIRE**

**RE: TO CONDUCT A PUBLIC HEARING IN CONNECTION WITH THE PROPOSED ADOPTION OF AN ORDER BY THE COUNTY COMMISSION AUTHORIZING (i) THE CONTINUED LEASING OF THE 911 EMERGENCY RESPONSE CENTER, THE SITE THEREOF AND ALL NECESSARY APPURTENANCES FROM THE CABELL COUNTY BUILDING COMMISSION; (ii) THE REFUNDING OF THE BUILDING COMMISSION'S LEASE REVENUE BONDS, SERIES 2008 (THE "2008 BONDS") PREVIOUSLY ISSUED FOR THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING**

**OF THE 911 EMERGENCY RESPONSE CENTER; (iii) THE SALE AND ISSUANCE BY THE BUILDING COMMISSION OF NOT TO EXCEED \$7,000,000 LEASE REVENUE REFUNDING BONDS, SERIES 2011 (THE “SERIES 2011 BONDS”), THE PROCEEDS OF WHICH SHALL BE USED TO REFUND THE 2008 BONDS AND PAY THE COSTS ASSOCIATED WITH THE TERMINATION OF AN INTEREST RATE MANAGEMENT CONTRACT ASSOCIATED WITH THE 2008 BONDS AND COSTS OF ISSUANCE OF THE SERIES 2011 BONDS; (iv) THE EXECUTION AND DELIVERY OF AN AGREEMENT AND LEASE WITH RESPECT TO THE 911 EMERGENCY RESPONSE CENTER AND OTHER DOCUMENTS AND MATTERS RELATING TO THE TERMS AND SECURITY OF THE SERIES 2011 BONDS; AND (v) CERTAIN OTHER MATTERS IN CONNECTION THEREWITH (THE “ORDER”).**

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David Lunsford, Attorney with Stepto and Johnson, informed the Commission this was the Public Hearing and the second reading of the order regarding the refinancing for the E-911 Center.

Robert L. Bailey, Commissioner, **moved to approve the second reading of the order for refinancing the E-911 Center.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#274 ORDER, CABELL COUNTY COMMISSION**

**RE: TO CONSIDER FOR ENACTMENT OF THE ORDER BY**

**THE COUNTY COMMISSION ON SECOND READING  
FOLLOWING THE PUBLIC HEARING THEREON**

Anne Yon, Commissioner, **moved to approve the order regarding the refinancing of the E-911 Center.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#275 APPEARING, ANNA M. PRICE, ESQUIRE**

**RE: MOTION TO QUASH SUBPOENA IN THE ESTATE  
OF NELL REVES MOORE**

**#276 APPEARING, ANNA M. PRICE, ESQUIRE**

**RE: MOTION FOR PRELIMINARY INJUNCTIVE RELIEF  
IN THE ESTATE OF NELL REEVES MOORE**

Chris Tatum, County Manager, read a memo from Sean Hammers, Fiduciary Commissioner, stating a hearing should be held to approve all expenditures and fees charged to the estate before payment.

There was a lengthy discussion by William Watson, County Attorney, Richard Fredeking, Attorney representing David Tyson, and Anna Price, Attorney representing the Alzheimer's Association, regarding the fees and expenses of the estate and the continued protection of the estate.

Nancy Cartmill, President, **moved to table the motion to quash the subpoena and refer back to the Fiduciary Commissioner for final hearing and that all expenses and fees charged to the estate must be approved by the Fiduciary Commissioner prior to payment by the estate.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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**#277**

**APPROVE ORDER IN THE ESTATE OF ROBERT**

**G. MCNEELY**

William Watson, County Attorney, informed the Commission this order would need to be dismissed as the matter was in the Circuit Court.

Robert L. Bailey, Commissioner, **moved to dismiss the order in the Estate of Robert G. McNeely as the matter was in the Circuit Court.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#278**

**DISCUSSION/ACTION:**

**RE: PURCHASE OF HARVEYTOWN PATH PROPERTY**

Chris Tatum, County Management, informed the Commission that the purchase of this property would help complete the Paul Ambrose Trail for Health. Mr. Tatum stated that the county would purchase the property and then be reimbursed \$17,000.00 from the Rahall Transportation Institute. Mr. Tatum went on to say the total cost would be \$21,000.00 and the Rahall Transportation Institute would cover the other \$4,000.00

Robert L. Bailey, Commissioner, **moved to approve the purchase of the Harveytown Path Property for the Paul Ambrose Trail for Health.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#279**

**RESOLUTIONS, CABELL COUNTY COMMISSION**

**RE: EMPLOYMENT/RECLASSIFICATIONS – CCEMS**

Anne Yon, Commissioner, **moved to approve the employment of Brandon Tyrel Lasseter as a per diem Paramedic, effective August 19, 2011, with a rate of pay of \$10.9598 per hour; the reclassifications for John Hesson as a full time EMT, effective August 19, 2011, with a rate of pay of \$12.9413 per hour and Michael Akers as a per diem EMT, effective August 5, 2011, with a rate of pay of \$12.9413 per hour.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#280**

**MEMORANDUM, NANCY CARTMILL, PRESIDENT**

**RE: ESTABLISHMENT OF ACCOUNTS – FY 2011**

**COMMUNITY PARTICIPATION GRANTS**

Robert L. Bailey, Commissioner, **moved to approve the establishment of accounts for fiscal year 2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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**#281**

**LETTER, RESOLUTION AND GRANT APPLICATION**

**RE: WEST VIRGINIA SUB-GRANT APPLICATION FLOOD**

**MITIGATION ASSISTANCE PROGRAM**

**PRE-DISASTER MITIGATION ASSISTANCE**

**PROGRAM, HAZARD MITIGATION GRANT  
PROGRAM APPLICATION**

Connie Gray, Administrator for Grants, Planning and Permits, explained that the funds from this grant will allow the Commission to acquire two structures that have repetitively flooded.

Anne Yon, Commissioner, **moved to approve the grant application for the Flood Mitigation Assistance Program.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**



**#282**

**LETTER, RESOLUTION AND GRANT APPLICATION**

**RE: FY 2011 COMMUNITY PARTICIPATION CONTRACT**

**PROGRAM SUBSTANCE ABUSE PREVENT/**

**EQUIPMENT AND SUPPLIES**

**PROJECT #11LEDA0390 - \$3,000.00**

Robert L. Bailey, Commissioner, **moved to approve the grant contract, in the amount of \$3,000.00, for the United Way of the River Cities Substance Abuse Program.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

**#283**

**LETTER, KAREN S. COLE, COUNTY CLERK**

**RE: AMENDING THE CCERC CARRYOVER AMOUNT**

Robert L. Bailey, Commissioner, **moved to approve the CCERC Carryover Amount for 2010-2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#284**

**SPECIAL FUNDS BUDGET REVISION #1 FY 2011-2012**

Robert L. Bailey, Commissioner, **moved to approve Special Funds Budget Revision #1 for fiscal year 2011-2012.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

**#285**

**SPECIAL BUDGET REVISION, CCEMS #1, FY 2011-2012**

Anne Yon, Commissioner, **moved to approve Special Budget Revision #1 for CCEMS fiscal year 2011-2012.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

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**#286 SPECIAL BUDGET REVISION, CCERC #1, FY 2011-2012**

Robert L. Bailey, Commissioner, **moved to approve Special Budget Revision #1 for CCERC for fiscal year 2011-2012.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

**#287 RESOLUTION, GENERAL FUND, COUNTY BUDGET  
REVISION #2, FY 2011-2012**

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

**#288 RESOLUTION, GENERAL FUND, STATE BUDGET  
REVISION #3 FY 2011-2012**

Anne Yon, Commissioner, **moved to approve General Fund State Budget Revision #3 for fiscal year 2011-2012.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (H)**

**#289**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: ADVERTISEMENT FOR PROPOSALS TO PROVIDE**

**DEMO (STOCK) OR NEW MOBILE COMMAND**

**VEHICLE**

Robert L. Bailey, Commissioner, **moved to approve the advertisement for proposals to provide demo (stock) or new Mobile Command Vehicle.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (I)**

**PLACE ON RECORD**

Robert L. Bailey, Commissioner, **moved to place on record the Cabell Huntington Health Department, Clinic Monthly Report, June, 2011; Branch Banking and Trust Company, Trustee, Cabell County WV Lease Revenue Bonds for February 1, 2011 to July 31, 2011 and The Bank of New York Mellon, Various Trust Accounts, July 31, 2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Chris Tatum, County Manager, gave the Commission an update on the Barboursville Ambulance Station.

Mr. Tatum also informed the Commission that Richard Tyson would be retiring as Fiduciary Commissioner.

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Mr. Tatum informed the Commission that the West Virginia American Water Company would not be able to participate on any new water infrastructure projects at this time.

Nancy Cartmill, President, adjourned the regular meeting of the Cabell County Commission at 11:10 a.m., until the next scheduled meeting on Thursday, September 1, 2011, at 10:00 a.m.

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**PRESIDENT, COUNTY COMMISSION**

**KSC:ar**

