COMMISSION MEETING
THURSDAY, AUGUST 10, 2017

PRESENT: ROBERT L. BAILEY, PRESIDENT
JIM MORGAN, COMMISSIONER
NANCY CARTMILL, COMMISSIONER
WILLIAM WATSON, COUNTY ATTORNEY
BETH THOMPSON, COUNTY ADMINISTRATOR

Robert L. Bailey, President, called the meeting of the Cabell County Commission to order at 10:00 a.m.

APPROVE:

Beth Thompson, County Administrator, stated approval of the minutes for the May 25, 2017, would need to be stricken from the agenda.

Nancy Cartmill, Commissioner, moved to amend the agenda. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

Jim Morgan, Commissioner, moved to approve the agenda as amended. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Jim Morgan, Commissioner, moved to approve the minutes from the June 8, 2017, Regular Commission Meeting; minutes from the June 22, 2017, Regular Commission Meeting; and minutes from the July 13, 2017, Regular Commission Meeting. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, moved to approve erroneous assessments; land consolidations; split tickets; and probate documentation. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

Jim Morgan, Commissioner, moved to approve purchase orders #18-79948 through #18-80396 and pay jackets; ACH Drafts for Weekly Claims Experience/Administration Cost-HMBCBS. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

CITIZENS REGISTERED TO SPEAK

There were no citizens registered to speak.

#517 ESTATE OF BETTY R. CICCARELLO

RE: PETITION FOR REFERRAL OF ELECTIVE SHARE PROCEEDINGS FOR LITIGATION, TO FIDUCIARY COMMISSIONER
Paul Ryker, Attorney for Nick Ciccarello, appeared before the commission to request the Estate of Betty R. Ciccarello be referred back to the Fiduciary Commissioner. Mr. Ryker stated his request was based on the presence of additional assets which would modify the spousal share. Mr. Ryker went on to say access would be required to obtain these documents, which would be needed to accurately determine the assets of the estate.

William Watson, County Attorney, stated in his opinion, the statute only allowed the Fiduciary Commissioner the ability to issue a subpoena to bring in witnesses, not to obtain records. Mr. Watson stated it was not the responsibility of the County Commission’s to request discovery.

Bryan Collier, Attorney for Jessie L. Richardson, daughter of the decedent, stated he agreed with the Fiduciary Commissioner and Mr. Watson. Mr. Collier also stated if any financial institution received a subpoena from the Fiduciary Commissioner; it would not be recognized.

Robert L. Bailey, President stated he felt the best option would be for both parties to meet and attempt to come to an agreement on their own. He went on to say this would be the most cost effective and least timely way to resolve this issue.

Mr. Collier agreed with Mr. Ryker, stating both parties required financial records and suggested they complete cross financial authorizations which would allow both parties to review the records.

William Watson, County Attorney, stated if the petition was sent to the Circuit Court, they would be able to request the financial documents.

Nancy Cartmill, Commissioner, moved to deny the petition for referral to a Fiduciary Commissioner. Jim Morgan, Commissioner, seconded the motion and the vote was as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROBERT L. BAILEY, PRESIDENT</td>
<td>NAY</td>
</tr>
<tr>
<td>JIM MORGAN, COMMISSIONER</td>
<td>AYE</td>
</tr>
<tr>
<td>NANCY CARTMILL, COMMISSIONER</td>
<td>AYE</td>
</tr>
</tbody>
</table>

#518 APPROVAL OF THE HOWARD E. NYHART COMPANY, INC. (“NYHART”) SERVICE AGREEMENT (“AGREEMENT”)

Jim Morgan, Commissioner, moved to approve the service agreement with The Howard E. Nyhart Company, Inc. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.
Jim Morgan, Commissioner, moved to approve the agreement with West Virginia American Water to tie into an existing water main and install five fire hydrants to serve the West Pea Ridge Area in West Virginia. Robert L. Bailey, President, seconded the motion, and the vote was as follows:

ROBERT L. BAILEY, PRESIDENT       AYE
JIM MORGAN, COMMISSIONER           NAY
NANCY CARTMILL, COMMISSIONER       AYE

Nancy Cartmill, Commissioner, stated she could not vote in favor of the item, as she did not feel Economic Development Funds should be used for this project. Commissioner Cartmill stated she also felt a comprehensive study of the county should be done, which would show the locations most in need of fire hydrants. Commissioner Cartmill stated the county could also look into grant opportunities to fund the project.

#520

RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF PROPOSED EMERGENCY PRECINCT LOCATION CHANGE
PRECINCT 13
BARNETT CENTER
1524 10TH AVENUE
HUNTINGTON, WV 25701

WILL BE PERMANENTLY MOVED TO:

A.D. LEWIS COMMUNITY CENTER
1450 A.D. LEWIS AVENUE
HUNTINGTON, WV 25701
Nancy Cartmill, Commissioner, moved to approve the intent to permanently move Precinct 13 from the Barnett Center (1524 10th Avenue, Huntington, WV) to the A.D. Lewis Center (1450 A.D. Lewis Avenue, Huntington, WV 25701). Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (A)

#521 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF PROPOSED EMERGENCY PRECINCT LOCATION CHANGES

PRECINCT 13
BARNETT CENTER
1524 10TH AVENUE
HUNTINGTON, WV 25701

HAS BEEN PERMANENTLY MOVED TO:

A.D. LEWIS COMMUNITY CENTER
1450 A.D. LEWIS AVENUE
HUNTINGTON, WV 25701

Nancy Cartmill, Commissioner, moved to adopt the permanent location change of Precinct 13 from the Barnett Center (1524 10th Avenue, Huntington, WV) to the A.D. Lewis Center (1450 A.D. Lewis Avenue, Huntington, WV 25701). Exhibit (B)

#522 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF PROPOSED EMERGENCY PRECINCT LOCATION CHANGE

PRECINCTS 20 & 27
COMMUNITY OF GRACE UNITED METHODIST CHURCH
225 28TH STREET
HUNTINGTON, WV 25702

WILL BE TEMPORARILY MOVED TO:

HIGHLAWN ELEMENTARY
2549 1ST AVENUE
HUNTINGTON, WV 25703
Nancy Cartmill, Commissioner, moved to approve the intent to temporarily change the location of Precincts 20 & 27 from the Community of Grace United Methodist Church (225 28th Street, Huntington, WV 25702) to Highlawn Elementary (2549 1st Avenue, Huntington, WV). Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (C)

#523 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF PROPOSED EMERGENCY PRECINCT LOCATION CHANGE
PRECINCTS 20 & 27
COMMUNITY OF GRACE UNITED METHODIST CHURCH
225 28TH STREET
HUNTINGTON, WV 25702

HAS BEEN TEMPORARILY MOVED TO:

HIGHLAWN ELEMENTARY
2549 1ST AVENUE
HUNTINGTON, WV 25703

Nancy Cartmill, Commissioner, moved to adopt the temporary location change of Precincts 20 & 27 from the Community of Grace United Methodist Church (225 28th Street, Huntington, WV 25702) to Highlawn Elementary (2549 1st Avenue, Huntington, WV 25703). Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (D)

#524 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF PROPOSED EMERGENCY PRECINCT LOCATION CHANGE
PRECINCTS 41-A & 41-B
CABELL COUNTY 4-H CAMP
6040 BOOTEN CREEK ROAD
BARBOURSVILLE, WV 25504

WILL BE TEMPORARILY MOVED TO:

DAVIS CREEK ELEMENTARY
6030 DAVIS CREEK ROAD
BARBOURSVILLE, WV 25504
COMMISSION MEETING
THURSDAY, AUGUST 10, 2017
PAGE SIX

Nancy Cartmill, Commissioner, moved to approve the intent to temporarily change the location of Precincts 41-A & 41-B from the Cabell County 4-H Camp (6040 Booten Creek Road, Barboursville, WV 25504) to Davis Creek Elementary (6030 Davis Creek Road, Barboursville, WV 25504). Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (E)

#525 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF PROPOSED EMERGENCY PRECINCT LOCATION CHANGE
PRECINCT 41-A & 41-B
CABELL COUNTY 4-H CAMP
6040 BOOTEN CREEK ROAD
BARBOURSVILLE, WV 25504

HAS BEEN TEMPORARILY MOVED TO:

DAVIS CREEK ELEMENTARY
6330 DAVIS CREEK ROAD
BARBOURSVILLE, WV 25504

Nancy Cartmill, Commissioner, moved to adopt the temporary location change of Precincts 41-A & 41-B from the Cabell County 4-H Camp (6040 Booten Creek Road, Barboursville, WV 25504) to Davis Creek Elementary (6030 Davis Creek Road, Barboursville, WV 25504). Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (F)

#526 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF PROPOSED EMERGENCY PRECINCT LOCATION CHANGE
PRECINCT 54
YMCA KENNEDY CENTER
5800 OHIO RIVER ROAD
HUNTINGTON, WV 25702

WILL BE TEMPORARILY MOVED TO:

GUYANDOTTE ELEMENTARY
607 5TH AVENUE
HUNTINGTON, WV 25702
Nancy Cartmill, Commissioner, moved to approve the intent to temporarily change the location of precinct 54 from the YMCA Kennedy Center (5800 Ohio River Road, Huntington, WV 25702) to Guyandotte Elementary (607 5th Avenue, Huntington, WV 25702). Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (G)

#527 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF PROPOSED EMERGENCY PRECINCT LOCATION CHANGE

PRECINCT 54
YMCA KENNEDY CENTER
5800 OHIO RIVER ROAD
HUNTINGTON, WV 25702

HAS BEEN TEMPORARILY MOVED TO:

GUYANDOTTE ELEMENTARY
607 5TH AVENUE
HUNTINGTON, WV 25702

Nancy Cartmill, Commissioner, moved to adopt the temporary location change of Precinct 54 from the YMCA Kennedy Center (5800 Ohio River Road, Huntington, WV 25702) to Guyandotte Elementary (607 5th Avenue, Huntington, WV 25702). Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (H)

#528 LETTER, IRV JOHNSON, ASSESSOR OF CABELL COUNTY

RE: CREATE A TAX TICKET: 01/11F/5

Nancy Cartmill, Commissioner, moved to accept the letter from Irv Johnson, Assessor of Cabell County, regarding a created tax ticket. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

#529 LETTER, IRV JOHNSON, ASSESSOR OF CABELL COUNTY

RE: ADDITIONAL COMPENSATION- DOG TAGS/FUND- JULY 2017- $1055.20

Nancy Cartmill, Commissioner, moved to accept the letter from Irv Johnson, Assessor, regarding additional compensation for dog tags- July 2017. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.
COMMISSION MEETING
THURSDAY, AUGUST 10, 2017
PAGE EIGHT

#530
LETTER, IRV JOHNSON, ASSESSOR OF CABELL COUNTY
RE: ADDITIONAL COMPENSATION- SHEEP AND GOAT TAX-
    JULY 2017- $6.40

Nancy Cartmill, Commissioner, moved to accept the letter from Irv Johnson, Assessor, regarding additional compensation for Sheep and Goat Tax- July 2017. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

#531
LETTER, CHUCK ZERKLE, SHERIFF CABELL COUNTY
RE: SHERIFF’S SETTLEMENT- JANUARY 1, 2017- JUNE 30, 2017

Jim Morgan, Commissioner, moved to accept the letter from Chuck Zerkle, Sheriff, regarding the Sheriff’s Settlement, January 1, 2017- June 30, 2017. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#532
LETTER, CHUCK ZERKLE, SHERIFF OF CABELL COUNTY
RE: SHERIFF’S COMMISSION- FY 2016-2017- $15,000.00

Jim Morgan, Commissioner, moved to accept the letter from Chuck Zerkle, Sheriff, regarding the Sheriff’s Commission- FY 2016/2017. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#533
LETTER, JPMORGAN CHASE BANK
RE: CABELL COUNTY HISTORIC LANDMARKS ACCOUNT
    CERTIFICATION FORM

Jim Morgan, Commissioner, moved to accept the letter from JPMorgan Chase Bank regarding the Cabell County Historic Landmarks Account Certification Form. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#534
RESOLUTION, CABELL COUNTY COMMISSION
RE: EMPLOYMENT
    EVAN ANDREW JAMES- FULL TIME PARAMEDIC
    RECLASSIFICATION
    TERRI KAY- FULL TIME EMT
Nancy Cartmill, Commissioner, moved to approve the employment of Evan Andrew James as a full time paramedic, effective August 11, 2017, at a rate of pay of $12.5317 per hour; and the reclassification of Terri Kay as a full time EMT, effective August 11, 2017, at a rate of pay of $9.4216 per hour. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

#535  RESOLUTION, CABELL COUNTY COMMISSION

RE: REAPPOINTMENT
   CABELL WAYNE PORT DISTRICT, INC:
   BOB BAILEY

Jim Morgan, Commissioner, moved to approve the reappointment of Bob Bailey to the Cabell/Wayne Port District, Inc. Board, for a term beginning August 11, 2017, and ending August 10, 2020. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. Exhibit (I)

#536  SPECIAL FUNDS BUDGET REVISION- FUND 5 & 29

Nancy Cartmill, Commissioner, moved to approve Special Funds Budget Revision- Funds 5 & 29. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

#537  LETTER, KAREN COLE, CABELL COUNTY CLERK

RE: FY 2016-2017 CARRYOVER

Nancy Cartmill, Commissioner, moved to accept the letter from Karen Cole, County Clerk, regarding the FY 2016-2017 Carryover. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

#538  RESOLUTION, CABELL COUNTY COMMISSION- COUNTY BUDGET REVISION #1

Jim Morgan, Commissioner, moved to approve County Budget Revision #1. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. Exhibit (J)

#539  RESOLUTION, CABELL COUNTY COMMISSION- STATE BUDGET REVISION #2

“PER EXTENSION GRANTED BY WV STATE AUDITOR’S OFFICE”
Jim Morgan, Commissioner, moved to approve State Budget Revision #2. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. Exhibit (K)

#540 RESOLUTION, CABELL COUNTY COMMISSION- STATE BUDGET REVISION #3

Nancy Cartmill, Commissioner, moved to approve State Budget Revision #3. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (L)

#541 LETTER, SEAN HAMMERS, CABELL COUNTY PROSECUTING ATTORNEY

RE: EMPLOYMENT LAKISHA ADKINS- LEGAL SECRETARY

Nancy Cartmill, Commissioner, moved to approve the employment of LaKisha Adkins as a Legal Secretary in the Prosecuting Attorney’s office, effective August 11, 2017. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

PLACE ON RECORD

Jim Morgan, Commissioner, moved to approve placing on record Other Documentation to be Recorded: Milton Volunteer Fire Department Excess Levy Funds Reporting F/Y Ended June 30, 2017; Cabell-Huntington Board of Health Report- July 2017; Monthly Statement of Assessor Cabell County, West Virginia. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

COMMISSIONER’S REPRESENTATION REPORTS

Robert L. Bailey, President, stated he had spoken with several residents from the Barboursville area about issues they were experiencing with their sewage systems. President Bailey stated many developments in the Barboursville area had deteriorating sewer lines and sink holes on their property. President Bailey stated he would like to talk with Grant Administrator Jack Parker about possible grant funding for a project to help remedy the problems.

Nancy Cartmill, Commissioner, stated this was an issue throughout the county. Commissioner Cartmill explained developers would construct homes quickly, failing to take the time to put in quality sewage systems.
Robert L. Bailey, President, stated he had received a letter from Sean Hammers, Prosecuting Attorney, requesting funds for a prisoner transport. President Bailey explained the letter stated the county had 30 days to extradite the prisoner from Florida, and if action was not taken during that period, the prisoner would be released.

Nancy Cartmill, Commissioner, stated Prosecuting Attorney Hammers had monies in his budget allocated for that purpose. Commissioner Cartmill stated this type of request had never been received in the past, and did not understand why it was an issue now.

Jim Morgan, Commissioner, stated he was quite concerned about the possibility of a prisoner walking free if action was not taken on the matter.

Robert L. Bailey, President, instructed William Watson, County Attorney, to contact Sean Hammers, Prosecuting Attorney, about the matter.

Chuck Zerkle, Sheriff, stated he felt the issue should be dealt with by the state. Sheriff Zerkle stated the prisoner had been arrested on state charges, and normally the office which issued the warrant is held responsible.

Robert L. Bailey, President, adjourned the meeting of the Cabell County Commission at 11:17 a.m., until the next regular schedule meeting.