COMMISSION MEETING
THURSDAY, JANUARY 12, 2017

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

Nancy Cartmill, President Pro Tem, called the meeting of the Cabell County Commission to order at 10:00 a.m.

“NOMINATION/ELECTION OF PRESIDENT OF THE COUNTY COMMISSION FOR THE YEAR 2017”

Jim Morgan, Commissioner, moved to nominate Robert L. Bailey as President of the Cabell County Commission for 2017. Nancy Cartmill, President Pro Tem, seconded the motion and the vote was unanimous.

“NOMINATION/ELECTION OF PRESIDENT PRO-TEM OF THE COUNTY COMMISSION FOR THE YEAR 2017”

Robert L. Bailey, President, moved to nominate Jim Morgan as President Pro-Tem for the Cabell County Commission for 2017. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

APPROVE:

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

Nancy Cartmill, Commissioner, moved to approve the minutes from the November 10, 2016, regular commission meeting; minutes from the November 22, 2016, regular commission meeting; minutes from the December 8, 2016, regular commission meeting; minutes from the December 22, 2016, regular commission meeting. Robert L. Bailey, President, seconded the motion and the vote was unanimous.

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

Jim Morgan, Commissioner, moved to approve purchase orders #17-75992 through #17-76301 and pay jackets; Handwritten Checks to HMBCBS; ACH Drafts for Weekly Claims Experience/Administration Cost- EBSO; ACH Drafts for Weekly Claims Experience/Administration Cost- HMBCBS. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.
Robert L. Bailey, President, stated he would like to recognize Teresa Powell, Chief Deputy in the County Clerk’s Office, for 40 years of service with Cabell County. President Bailey presented Ms. Powell with a plaque honoring her as a Distinguished Cabell County Resident.

“OPEN BIDS”- I.T. PRODUCTS, MANAGEMENT & SUPPORT SERVICES FOR CABELL COUNTY

Beth Thompson, County Administrator, stated 1 bid had been received, from Alpha Technologies, the current provider of IT services for Cabell County. Mrs. Thompson said she would like to take the bid under advisement, allowing time to score it against the RFP.

“OPEN BIDS”- AUDIT REVIEW SERVICES

Beth Thompson, County Administrator, stated 3 bids had been received, and were as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Location</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>BALESTRA, HARR &amp; SCHERER, CPA’S, INC.</td>
<td>HUNTINGTON, WV</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>SUTTLE &amp; STALNAKER, PLLC</td>
<td>CHARLESTON, WV</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>PERRY &amp; ASSOCIATES, CPA’S, A.C.</td>
<td>PARKERSBURG, WV</td>
<td>$38,950.00</td>
</tr>
</tbody>
</table>

Beth Thompson, County Administrator, stated the Audit Committee would be meeting to review the bids and would submit their recommendation to the County Commission upon completion.

#242 ESTATE OF PHILIP GREGORY KEY

RE: HEARING

William Watson, County Attorney, stated Nancy Adkins, daughter of Philip Gregory Key, wished to challenge the validity of the signature on the will. Mr. Watson stated it was his recommendation to refer the matter to a Fiduciary Commission to ascertain whether or not the will was legitimate.

Jim Morgan, Commissioner, moved to approve referring the matter regarding the Estate of Philip Gregory Key to a Fiduciary Commissioner. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.
William Watson, County Attorney, stated he had reviewed the findings and recommendations submitted by Fiduciary Commissioner, Steve Flesher, regarding the Estate of Michael Scott Adkins. Mr. Watson stated the report stated Elicia McNeal should be permitted to continue serving as Administratrix, and the petition should be denied.

Amber Adkins, daughter of Michael Scott Adkins, stated several items belonging to her father had been left out of the appraisement filed by Elicia Adkins.

Mr. Watson asked Ms. Adkins if she had brought the issue to Mr. Flesher’s attention during the hearing.

Ms. Adkins stated she had not, because the telephone hearing had been conducted before she had received a copy of the appraisement.

William Watson, County Attorney, stated it was his recommendation to refer the matter back to Fiduciary Commissioner Steve Flesher to determine if the appraisement needs to be amended.

Jim Morgan, Commissioner, moved to approve re-refering the Estate of Michael Scott Adkins to Fiduciary Commissioner Steve Flesher. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

William Watson, County Attorney, stated Connie Wetherall wished to be removed as Administratrix of the Estate of Charles E. Wetherall, and her sister, Cathy Chaffin, be appointed in her place. Mr. Watson stated Ms. Wetherall lived in Florida, and had been appointed as Administratrix of her brother’s estate because her sister, Ms. Chaffin, had been hospitalized and unable to serve.

Jim Morgan, Commissioner, moved to approve the removal of Connie Wetherall as Administratrix of the Estate of Charles E. Wetherall, and the appointment of Cathy Chaffin as Administratrix of the Estate of Charles E. Wetherall. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.
LETTERS, KAREN COLE, CLERK OF THE COUNTY COMMISSION

RE: EMPLOYMENT
JOYCE FERGUSON
TODD KANATUS

Nancy Cartmill, Commissioner, moved to approve the employment of Joyce Ferguson as a full time employee in the Cabell County Clerk’s Office, effective January 13, 2017; Todd D. Kanatus as a full time employee in the Cabell County Clerk’s Office, effective January 17, 2017. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF DECLARING THE DISTRIBUTION OF PAIN MEDICATIONS A PUBLIC NUISANCE AND RETAINING THE FIRM GREEN KETCHUM TO SEEK CIVIL REMEDY

Bert Ketchum, Attorney for Greene, Ketchum, Farrell, Bailey and Tweel, stated over the past 4 years 2 million oxycodone pills had been dispersed in Cabell County, creating a public health and safety hazard. Mr. Ketchum went on to say only the County Commission had the authority to declare a matter a public nuisance. Mr. Ketchum stated his firm would like the opportunity to try and help the commission recoup their losses, by going after the chain of distribution. Mr. Ketchum stated the case would be on contingency fee basis, charging the county 30% of what is recovered, and charging the county nothing if the case was lost.

Senator Mike Woelfel, Attorney with Woelfel and Woelfel, stated he agreed this was an issue that needed to be dealt with, but did not feel it was fair to award the case to a firm simply because they were the first to show up. Senator Woelfel stated he felt other firms should be allowed the opportunity to be considered by the commission before a final decision was made.

Nancy Cartmill, Commissioner, stated she agreed the county should review all options before making a decision. Commissioner Cartmill stated the issue should be handled in a fair and responsible way.

Paul Farrell, Attorney with Greene, Ketchum, Farrell, Bailey and Tweel, stated his firm’s purpose was to present an option to the commission. Mr. Farrell stated the commission did have the right to consider other options, if they chose to do so.

Nancy Cartmill, Commissioner, moved to table the item until other law firms had the opportunity to submit their agreements.
Nancy Cartmill, Commissioner, moved to amend the motion to table the item until the January 26, 2017, commission meeting. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

#247 AGREEMENT, CABELL COUNTY COMMISSION

RE: GREENE KETCHUM- AUTHORITY TO REPRESENT

Nancy Cartmill, Commissioner, moved to table item #247. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

#248 RESOLUTION, CABELL COUNTY COMMISSION


Jim Morgan, Commissioner, moved to approve the appointment of Bob Bailey as a member of the Board of Directors of the Cabell County Community Services Organization, for a term beginning January 13, 2017, and ending coextensive with his term of office ending December 31, 2018. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. Exhibit (A)

#249 RESOLUTION, CABELL COUNTY COMMISSION


Nancy Cartmill, Commissioner, stated she felt having two commissioners, representing the County Commission, serve on a board would be a violation of the open meetings act.

Jim Morgan, Commissioner, stated the commission could request an opinion from the Ethics Commission regarding the issue.

Jim Morgan, Commissioner, voted to table the item until the commission received a response from the ethics commission. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.
#250

RESOLUTION, CABELL COUNTY COMMISSION

RE: RECLASSIFICATION
JASON HOWERTON- PER DIEM PARAMEDIC
JORDAN C. WALKER

Jim Morgan, Commissioner, moved to approve the reclassification of Jason Howerton as a per diem paramedic, retroactive to January 3, 2017, at a rate of pay of $12.5317 per hour; Jordan C. Walker as a full time paramedic effective January 13, 2017, at a rate of pay of $12.6817 per hour. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#251

LETTER, SEAN HAMMERS, PROSECUTOR

RE: EMPLOYMENT
RYAN HAMADY- ASSISTANT PROSECUTING ATTORNEY

Nancy Cartmill, Commissioner, moved to approve the employment of Ryan Hamady as an Assistant Prosecutor in the Cabell County Prosecuting Attorney’s Office, effective January 17, 2017. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

#252

RESOLUTION, CABELL COUNTY COMMISSION

RE: RECLASSIFICATION
VICTOR BRUCE WORKMAN- FULL TIME CRITICAL CARE TRANSPORT (CCT) EDUCATOR

Jim Morgan, Commissioner, moved to approve the reclassification of Victor Bruce Workman as a full time Critical Care Transport (CCT) Educator, effective January 16, 2017, at a rate of pay of $51,320.00, annually. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#253

RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF THE APPOINTMENT OF PAUL E. BISER, ATTORNEY AT LAW, AS A FIDUCIARY COMMISSIONER IN CABELL COUNTY, WEST VIRGINIA

Nancy Cartmill, Commissioner, moved to approve the appointment of Paul E. Biser, Attorney at Law, as a Fiduciary Commissioner in Cabell County, West Virginia. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (B)
#254  DECISION, CABELL COUNTY COMMISSION

RE: REGARDING APPEAL
CIVIL ACTION NO. 16-C-374

Jim Morgan, Commissioner, moved to approve tabling item #254 until the January 26, 2017, commission meeting. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#255  RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF THE BOARD OF EQUALIZATION AND REVIEW SETTING HEARING DATES FOR CABELL COUNTY PROPERTY TAX ASSESSMENTS FOR TAX YEAR

Jim Morgan, Commissioner, moved to approve setting the dates for the Board of Equalization and Review meetings. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. Exhibit (C)

#256  GRANT APPLICATION, RESOLUTION, CABELL COUNTY COMMISSION

RE: 2016 EMPG GRANT APPLICATION- $165,176.00

Jim Morgan, Commissioner, moved to approve the 2016 EMPG Grant Application. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. Exhibit (D)

#257  RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF ADVERTISEMENT OF EMPLOYMENT FOR THE OFFICE OF GRANTS, PLANNING AND PERMITS

Nancy Cartmill, Commissioner, moved to approve the advertisement of employment for the Office of Grants, Planning and Permits. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous. Exhibit (D)
#258 APPROVAL OF ADDITIONAL HOTEL/MOTEL FUNDING REQUEST FY 2016-2017

RE: WVSSAC WRESTLING TOURNAMENT-ADDITIONAL $5,000.00

Jim Morgan, Commissioner, moved to approve additional Hotel/Funding request FY 2016-2017, for the WVSSAC Wrestling Tournament. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

PLACE ON RECORD

Nancy Cartmill, Commissioner, moved to approve placing on record minutes from the November 2, 2016, Culloden Public Service District, special meeting; minutes from the November 16, 2016, Culloden Public Service District, regular meeting; minutes from the November 30, 2016, Culloden Public Service District, regular meeting, minutes from the November 14, 2016, Pea Ridge Public Service District, regular board meeting; Other Documentation to be Recorded: Huntington Sanitary Board, Emergency Contingency Plan; October 2016, Pea Ridge Public Service District, Manager’s Report; October 2016, Pea Ridge Public Service District, Field Report; Pea Ridge Public Service District, General Ledger Balance Sheet and Income Statement Period 5, Year Ending 2017; Monthly Statement of Assessor Cabell County, West Virginia for the Month of December 2016. Jim Morgan, Commissioner, seconded the motion and the vote was unanimous.

GOOD AND WELFARE CABELL COUNTY

Chuck Zerkle, Sheriff, stated he had 3 cars which were not in use, which he would like to donate to Wayne County.

Nancy Cartmill, Commissioner, stated she had no problem with the cars being donated to Wayne County, but no action could be taken at this time, as the item had not been on the agenda.

Sheriff Zerkle thanked the commission, and stated he would like to introduce his assistant Rosann Brooks, who had also been his Executive Assistant when he was with the State Police.

Max Hyman, Office of Senator Shelley Moore Capito, stated he was looking forward to working with the commission in the coming year.

Jenna Jeffrey, Office of Governor Earl Ray Tomblin, stated she would still be serving in the same position when Governor Elect Jim Justice takes office, and her contact information would remain the same.
COMMISSIONER’S REPRESENTATION REPORTS

Nancy Cartmill, Commissioner, stated she had recently attended the National Association of Counties meeting held in Washington, D.C. Commissioner Cartmill stated it was interesting to work with commissioners from other states, and hear what issues were relevant to them. Commissioner Cartmill stated no other states were dealing with a jail bill issue, as West Virginia was the only state in which the jails were state run, but funded by the counties.

Robert L. Bailey, Commissioner, adjourned the meeting of the Cabell County Commission at 11:15 a.m., until the next regularly scheduled commission meeting.