

COMMISSION MEETING

THURSDAY, OCTOBER 14, 2010

PRESENT: **W. SCOTT BIAS, PRESIDENT**
ROBERT L. BAILY, COMMISSIONER
NANCY CARTMILL, COMMISSIONER
WILLIAM WATSON, COUNTY ATTORNEY
STEPHEN ZOELLER, COUNTY MANAGER
CHRIS TATUM, ASSISTANT COUNTY MANAGER
RHONDA MONTANEZ, PURCHASING ASSISTANT

W. Scott Bias, President, called the regular meeting of the Cabell County Commission to order at 10:00 a.m.

APPROVE:

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

Robert L. Bailey, Commissioner, **moved to approve purchase orders #11-27552 through #11-27936 and pay jackets.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, **moved to approve the minutes from the September 30, 2010 regular Commission meeting, erroneous assessments, land consolidations, split tickets and probate documentation.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve handwritten checks to Mountain State Blue Cross and Blue Shield Company and Fort Dearborn Medical Life, not to exceed \$100,000.00, from the Cabell County Medical Insurance Fund.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#323

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE PUBLIC TEST OF THE
ELECTION TABULATION EQUIPMENT**

Robert L. Bailey, Commissioner, **moved to set the public test of the election tabulation equipment to be used for the 2010 General Election, for Tuesday, October 26, 2010, at 10:00 a.m.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.
Exhibit (A)

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#324

RESOLUTION, CABELL COUNTY COMMISSION

**RE: TO CONDUCT A PUBLIC HEARING TO RECEIVE
COMMENTS WITH RESPECT TO THE ISSUANCE BY
THE COUNTY COMMISSION OF CABELL COUNTY,
WEST VIRGINIA, OF ITS COMMERCIAL
DEVELOPMENT IMPROVEMENT AND REFUNDING
REVENUE BONDS, SERIES 2010
(FOSTER FOUNDATION PROJECTS)**

Anthony Caldwell, Attorney, explained that the public hearing was a requirement by State Code.

W. Scott Bias, President, asked if there were any objections for the proposed refunding of revenue bonds and as there were no objections, President Bias closed the public hearing.

Robert L. Bailey, Commissioner, **moved to close the public hearing.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#325

RESOLUTION, CABELL COUNTY COMMISSION

**RE: CONSIDERATION FOR ADOPTION OF A RESOLUTION
APPROVING THE ISSUANCE BY THE COUNTY
COMMISSION OF CABELL COUNTY, WEST VIRGINIA,
OF ITS COMMERCIAL DEVELOPMENT
IMPROVEMENT AND REFUNDING REVENUE BONDS,**

**SERIES 2010 (FOSTER FOUNDATION PROJECTS) TO
(i) REFUND THE FOLLOWING BONDS PREVIOUSLY
ISSUED BY THE COUNTY COMMISSION ALL ON
BEHALF OF THE FOSTER FOUNDATION: LIFE CARE
FACILITIES MULTI-OPTION ADJUSTABLE RATE
REVENUE BONDS, SERIES 1995, LIFE CARE
FACILITIES MULTI-OPTION ADJUSTABLE RATE
REVENUE BONDS, SERIES 1998 A AND B AND LIFE
CARE FACILITIES MULTI-OPTION ADJUSTABLE
RATE REVENUE BONDS, SERIES 2003; AND (ii)
FINANCE CERTAIN ADDITIONAL IMPROVEMENTS
TO THE FOSTER FOUNDATION'S FACILITIES
LOCATED IN CABELL COUNTY, INCLUDING BUT
NOT LIMITED TO THE ADDING OF NEW SIDING
AND RELATED IMPROVEMENTS TO ITS BUILDINGS
USED BY THE FOSTER FOUNDATION IN THE
OPERATION OF A CONTINUING CARE RETIREMENT
COMMUNITY**

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Nancy Cartmill, Commissioner, **moved to approve the resolution regarding the matter of revenue bonds for the Foster Foundation.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, wanted the record to show this matter would save money for the Foster Foundation.

#326

APPEARING, PAUL RYKER, ESQUIRE

**RE: PETITION IN THE ESTATE OF BONNIE L. WALTERS,
DECEASED**

APPEARING, RICHARD L. VITAL, ESQUIRE

**RE: RESPONSE TO PETITION IN THE ESTATE OF BONNIE
L. WALTERS, DECEASED**

Paul Ryker, Attorney, stated that due to matters regarding the existence of a will and other issues, he was requesting the Commission appoint his client to represent the deceased's estate or refer this matter to a Fiduciary Commissioner.

Richard Vital, Attorney, stated he was requesting the Commission dismiss the petition filed by Mr. Ryker as the co-administrators were duly appointed.

Robert L. Bailey, Commissioner, **moved to approve for Mr. Ryker and Mr. Vital to meet with William Watson, County Attorney, to see if this matter could be resolved and if not, the matter would be referred to a Fiduciary Commissioner.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#327

ESTATE OF BETTY LOU KOUNSE

**RE: BRANDON KOUNSE REQUESTS PERMISSION TO
WITHDRAW AS CO-ADMINISTRATOR**

William Watson, County Attorney, stated he had reviewed the documents and he would recommend that the Commission grant Mr. Kounse's request to withdraw as Co-Administrator of the estate.

Nancy Cartmill, Commissioner, **moved to approve the request of Brandon Kounse to withdraw as Co-Administrator for the Estate of Betty Lou Kounse.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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#328

RESOLUTION, CABELL COUNTY COMMISSION

**RE: ADVERTISEMENT FOR SEALED BIDS TO PROVIDE A
COMPLETE FIRE ALARM SYSTEM FOR THE CABELL**

COUNTY COURTHOUSE

Stephen Zoeller, County Manager, stated that this project did not include sprinklers and reminded the Commission that funds had been allocated for the project. Mr. Zoeller further stated that the specifications had been approved by the State Fire Marshall.

Robert L. Bailey, Commissioner, **moved to approve the advertisement of bids for a complete fire alarm system for the Courthouse.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

#329

LETTER, CABELL COUNTY COMMISSION

RE: APPOINTMENT

Robert L. Bailey, Commissioner, **moved to approve the appointment of Glen Conway to the Cabell County Deputy Sheriff's Civil Service Association.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#330

RESOLUTIONS, CABELL COUNTY COMMISSION

RE: EMPLOYMENTS - RECLASSIFICATIONS – CCEMS

Nancy Cartmill, Commissioner, **moved to approve the employments of John Allen Blount, Michael Dewayne Carson and Brad Edward Richardson as full time Paramedics, with a rate of pay of \$10.6549 per hour; the reclassification of William Quentin Couch as a temporary full time EMT, with a rate of pay of \$12.4606 per hour; reclassifications of Don Mark Newman, William R. Sawyers and Justin Trent Talbert as a full time EMTS, with a rate of pay of \$7.8948 per hour, with all employments and reclassifications effective October 15, 2010.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#331

RESOLUTION, CABELL COUNTY COMMISSION

RE: RECLASSIFICATION – E-911

Robert L. Bailey, Commissioner, **moved to approve the reclassification of Dakota Miller as a part time Telecommunicator, retroactive to October 6, 2010, with a rate of pay of \$11.00 per hour.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

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#332

RESOLUTION, CABELL COUNTY COMMISSION

RE: EMPLOYMENT – SECURITY

Robert L. Bailey, Commissioner, **moved to approve the employment of Linda Eastham as a part time Security Marshall, effective October 15, 2010, with a rate of pay of \$11.35 per hour.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#333

SPECIAL BUDGET REVISION, CCERC #3, FY 2010-2011

Nancy Cartmill, Commissioner, **moved to approve Special Budget Revision #3 for CCERC.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

#334

RESOLUTION, GENERAL FUND, COUNTY BUDGET

REVISION #3, FY 2010-2011

Nancy Cartmill, Commissioner, **moved to approve General Fund County Budget Revision #3.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

Stephen Zoeller, County Manager, stated that Chris Tatum, Connie Gray and himself had discussed with Edward Tucker the possibility of providing another way into the Courthouse in case the existing elevator was not working. Mr. Zoeller gave the following suggestions to the Commission:

1. Lift in front of the Courthouse
2. Ramp on the 5th Street side of the Courthouse
3. Elevator outside of the Courthouse
4. Additional elevator next to the existing elevator

Nancy Cartmill, Commissioner, requested Mr. Zoeller get a cost on the four suggestions.

Mr. Zoeller stated he had asked for a report on the existing elevator and he was also looking into grant money for this project.

Robert L. Bailey, Commissioner, wanted the record to show he had received a letter from Green Acres thanking Tom Bevins and the Day Report Center for the great job they did at the center.

Stephen Zoeller, County Manager, stated he had received notice that the State Auditor would no longer be doing the county's audit and the Commission would need to advertise for an outside auditor.

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William Watson, County Attorney, gave the Commission a report regarding the Board of Equalization. Mr. Watson informed the Commission that Judge Pancake ruled in favor of the taxpayer due to the Assessor's Office not using Economic Obsolescence in their appraisal.

W. Scott Bias, President, adjourned the meeting at 10:45 a.m., until the next regular scheduled meeting on Thursday, October 28, 2010 at 10:00 a.m.

PRESIDENT, COUNTY COMMISSION

KSC:ar