COMMISSION MEETING

THURSDAY, APRIL 14, 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, President, called the regular meeting of the Cabell County Commission to order at 10:00 a.m.

APPROVE:

Chris Tatum, County Manager, stated an item needed to be added to the agenda regarding the renewal of the County’s liability insurance.

Robert L. Bailey, Commissioner, moved to approve amending the agenda to include an item regarding the liability insurance. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, moved to approve the agenda as amended. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.
Anne Yon, Commissioner, moved to approve purchase orders #11-32128 through #11-32486 and pay jackets. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, moved to approve the minutes of the March 31, 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 Mountain State Blue Cross and Blue Shield Company and Fort Dearborn Medical Life, not to exceed $100,000, from the Cabell County Medical Insurance Fund. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF THE RELEASE AND

SUBSTITUTION OF COLLATERAL BONDS

FIRST SENTRY BANK

Robert L. Bailey, Commissioner, moved to approve the release and substitution of Collateral Bonds by First Sentry Bank. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (A)

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LETTER, KAREN S. COLE, COUNTY CLERK
RE: EMPLOYMENT – EARLY VOTING CLERKS

Anne Yon, Commissioner, moved to approve the employments of Johnna Leffingwell, Judy Mabe, Sharon Hurley and Connie Pridemore as Early Voting Clerks for the 2011 Special Primary Election. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#110 APPEARING, MIKE DAVIS, E-911 DIRECTOR

RE: TELECOMMUNICATOR OF THE YEAR

AWARD FOR 2010

Mike Davis, E-911 Director, informed the Commission that this week E-911 had been celebrating National Telecommunicator’s Week with several different events. Mr. Davis went on to say the Cabell County E-911 operators take 300,000 calls annually, work for seven fire departments, five police departments, one ambulance service and Home Confinement twenty-four hours a day.

Mr. Davis stated that E-911 employee, Caleb Stevens, had received the Telecommunicator Award for 2010 from the West Virginia 911 Enhanced Council.

#111 PROCLAMATION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF DECLARING APRIL 11-15, 2011

AS NATIONAL TELECOMMUNICATOR’S WEEK
Anne Yon, Commissioner, moved to approve the adoption of a proclamation “Declaring April 11-15, 2011, as National Telecommunicator’s Week in Cabell County.” Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (B)

#112 APPEARING, BRUCE L. STOUT, ESQUIRE

RE: ESTATE OF NELL REEVES MOORE – NOTICE AND
PETITION FOR REMOVAL OF EXECUTRIX – MOTION
TO COMPEL ACCOUNTING AND MOTION FOR
DEFAULT JUDGMENT

Dick Fredeking, representing the Estate of Nell Reeves Moore and David Tyson, Attorney, requested that this matter be continued as he just received the case this morning and had not been able to file the appropriate answers.

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Bruce Stout, representing the Alzheimer’s Association, stated that the Executor had not filed an accounting for the estate. Mr. Stout further stated that the house was being sold and he had concerns about this issue. Mr. Stout went on to say that he was very concerned over attorney fees and would like the Commission to address the issue.
William Watson, County Attorney, stated that when the final accounting was filed, they could take exception and the Commission could send this back to Fiduciary Commissioner, Dan Yon, who had knowledge of this matter.

Robert L. Bailey, Commissioner, moved to approve that an accounting be submitted by May 12, 2011 and that this matter be set for hearing on May 26, 2011. Nancy Cartmill, President, seconded the motion and the vote was as follows:

Nancy Cartmill, President  Aye
Robert L. Bailey, Commissioner  Aye
Anne Yon, Commissioner  Abstained

#113 APPEARING, PAUL A. RYKER, ESQUIRE

RE: ESTATE OF BONNIE L. WALTERS

EXCEPTIONS OF PETITIONER, LINDA POST TO
FINDINGS AND RECOMMENDATIONS OF FIDUCIARY
COMMISSIONER

APPEARING, RICHARD L. VITAL, ESQUIRE

RE: ADMINISTRATOR, JACK WALTERS, RESPONSE
TO EXCEPTIONS OF PETITIONER, LINDA POST

Paul Ryker, Attorney for Linda Post, stated that Ms. Post took exceptions with the findings of the Fiduciary Commissioner, Matthew J. Woelfel. Mr. Ryker requested that the Commission reject
Mr. Woelfel’s recommendation and that Mr. Walters be removed as the Administrator of said Estate.

Richard Vital, Attorney for Jack Walters, stated that Mr. Woelfel, in his findings, found that Mr. Walters had acted in good faith and met his obligations. Mr. Vital went on to say they believed that the findings of the Fiduciary Commissioner were correct.

William Watson, County Attorney, asked Mr. Woelfel several questions regarding the hearing where Mr. Woelfel listened to testimony and then asked Mr. Woelfel if he still believed in his findings. Mr. Woelfel stated he stood behind his findings.

Nancy Cartmill, President, moved to approve to accept the Fiduciary Commissioner’s findings and that Jack Walters not be removed as the Administrator of the Estate of Bonnie L. Waters. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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Mr. Watson informed Mr. Ryker and Ms. Post that this matter could be taken to the Circuit Court, if they were not satisfied of the findings.

#114 LETTER, ORA L. ASH, DIRECTOR, LOCAL GOVERNMENT SERVICES DIVISION

RE: NOTICE OF APPROVAL OF THE LEVY ESTIMATE (BUDGET)
Chris Tatum, County Manager, stated the Commission had received a letter from the West Virginia State Auditor approving the County’s budget for 2011-2012. Mr. Tatum further stated that the Commission would need to meet Tuesday, April 19, 2011 to officially Lay the Levy.

#115 LETTER, MELISSA FOSTER BIRD, PRESIDENT, CABELL COUNTY BAR ASSOCIATION

RE: APPOINTMENT OF RANDY SAUNDERS AS BAR ASSOCIATION’S REPRESENTATIVE TO DEPUTY SHERIFF’S CIVIL SERVICE COMMISSION

Robert L. Bailey, Commissioner, moved to accept the recommendation from the Cabell County Bar Association for the appointment of Randy Saunders to the Sheriff’s Civil Service Commission. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#116 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF APPROVING THE HOME INVESTMENT PARTNERSHIP PROGRAM GRANT BUDGET ALLOCATION FOR FISCAL YEAR 2010-2011 CABELL-HUNTINGTON-WAYNE HOME INVESTMENT TRUST FUNDS

Robert L. Bailey, Commissioner, moved to approve the Home Investment Partnership Program Grant Budget Allocation for 2010-2011 Cabell-Huntington-Wayne Home
**Investment Trust Funds.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. *Exhibit (C)*

#117  
**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: APPOINTMENT**

Anne Yon, Commissioner, moved to approve the appointment of Robert L. Bailey to the Tri-State County Route 10 Coalition. Nancy Cartmill, President, seconded the motion and the vote was unanimous. *Exhibit (D)*

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#118  
**RESOLUTIONS, CABELL COUNTY COMMISSION**

**RE: APPOINTMENTS**

Robert L. Bailey, Commissioner, moved to approve the appointments of Nancy Cartmill, Anne Yon, Chris Tatum and Phoebe Patton Randolph to the Region II Planning and Development Council. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. *Exhibit (E)*

#119  
**RESOLUTIONS, CABELL COUNTY COMMISSIONER**

**RE: RECLASSIFICATIONS**
Robert L. Bailey, Commissioner, moved to approve the reclassifications of Jimmy Wayne Forrest as a temporary full time EMT with CCEMS, effective April 11, 2011, with a rate of pay of $7.8948 per hour and Jennifer Workman as a Per Diem EMT Transport Coordinator with CCEMS, effective April 15, 2011, with a rate of pay of $12.4606 per hour. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#120 AGREEMENT, CABELL COUNTY COMMISSION

RE: KINDRED COMMUNICATIONS – EASTER EGG HUNT

APRIL 23, 2011 – 8:00 A.M. – 11:00 A.M.

Anne Yon, Commissioner, moved to approve the use of the Courthouse grounds April 23, 2011, for an Easter Egg Hunt by Kindred Communications. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#121 SPECIAL FUNDS BUDGET REVISION #5, FY 2010-2011

Robert L. Bailey, Commissioner, moved to approve Special Funds Budget Revision #5 for CCEMS for fiscal year 2010-2011. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (F)

#122 RESOLUTION, GENERAL FUND, COUNTY BUDGET

REVISION #13, FY 2010-2011

Anne Yon, Commissioner, moved to approve General Fund County Budget Revision #13 for fiscal year 2010-2011. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (G)
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#123 EXECUTIVE SESSION REGARDING LITIGATION

Robert L. Bailey, Commissioner, moved to go into Executive Session regarding litigation. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

The Commission went into Executive Session at 10:40 a.m.

Robert L. Bailey, Commissioner, left the meeting at 11:25 a.m.

The Commission came back into regular session at 11:28 a.m., with no action taken.

#124 INSURANCE RENEWAL – WELLS FARGO

Anne Yon, Commissioner, moved to approve the insurance renewal with Wells Fargo. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.
Nancy Cartmill, President, adjourned the regular Commission meeting at 11:38 a.m., until the next scheduled meeting on Tuesday, April 19, 2011 at 10:00 a.m., to Lay the Levy.

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PRESIDENT, COUNTY COMMISSION

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