

**COMMISSION MEETING**

**THURSDAY, JUNE 23, 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, informed the Commission that an item needed to be added to the agenda regarding the Workers' Compensation contract.

Robert L. Bailey, Commissioner, **moved to approve amending the agenda to include the Workers' Compensation contract and 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 #11-33891 through #11-34422 and pay jackets.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve 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 Fund.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**“OPEN BIDS” TO PROVIDE THREE (3) 2011 OR NEWER FORD E350  
NARROWED TYPE I AND ONE (1) 2011 TYPE III FORD E450  
CCT AMBULANCES FOR CCEMS**

Chris Tatum, County Manager, informed the Commission that five bids were received to provide ambulances for CCEMS and they were as follows:

<b>Penn Care Public Safety</b>	<b>\$602,698.00</b>
<b>J &amp; J Emergency Vehicles</b>	<b>\$413,785.00</b>
<b>Northwestern</b>	<b>\$526,789.00</b>
<b>Wheeled Coach</b>	<b>\$495,495.00</b>
<b>Pierce</b>	<b>\$559,000.00</b>

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**CITIZENS TO SPEAK:**

Brittany Ellis, Putnam County, appeared before the Commission requesting stricter dog laws in the county. Ms. Ellis stated her daughter was bitten by a dog in Cabell County and the dog has been allowed to stay at home instead of being quarantined at the Cabell/Wayne Animal Shelter.

William Watson, County Attorney, informed Ms. Ellis she would need to hire an attorney to petition the court for an order to pick up the dog in question. Mr. Watson also informed Ms. Ellis that he would look into the county's ordinance regarding dog bites.

**#195**

**DEBRA JOHNSON, WELLS FARGO INSURANCE**

**RE: WORKERS' COMPENSATION PROPOSAL**

Debra Johnson, Accordia Representative, informed the Commission that she would recommend Travelers Insurance for the Workers' Compensation contract. Ms. Johnson went on to say she believed they were the best company to work with and Travelers rates were excellent.

Robert L. Bailey, Commissioner, **moved to approve the contract with Travelers Insurance for Workers' Compensation.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#173**

**LETTER, ADELL CHANDLER, CIRCUIT CLERK**

**RE: INTEREST BEARING ACCOUNT – WV CODE 59-1-37**

Robert L. Bailey, Commissioner, **moved to accept the letter regarding the interest bearing account from the Circuit Clerk, stating interest earned for 2010/2011 as \$11,832.68.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#174**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF THE DESIGNATION OF  
DESPOSITORIES FOR FICAL YEAR 2011-2012**

Robert L. Bailey, Commissioner, **moved to approve the Designation of Depositories for fiscal year 2011-2012.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.  
**Exhibit (A)**

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**#175**

**LETTER, THOMAS W. MCCOMAS, SHERIFF**

**RE: EMPLOYMENT – TAX DEPARTMENT**

Robert L. Bailey, Commissioner, **moved to approve the employment of Carol R. Gibson as a part time clerk in the Tax Office, effective July 11, 2011, with a rate of pay of \$9.00 per hour.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#176**

**LETTER, THOMAS W. MCCOMAS, SHERIFF**

**RE: REQUEST FOR CARRYOVER OF FUNDS FROM FY  
2011 TO FY 2012**

Anne Yon, Commissioner, **moved to approve the request of carryover funds, in the amount of \$396.00, for the Sheriff.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#177**

**APPEARING, JOHN F. HUSSELL, IV**

**RE: PETITION TO REMOVE EXECUTRIX AND APPOINT  
CURATOR IN THE ESTATE OF RICHARD J.  
PENHORWOOD**

**RE: RESPONSE TO PETITION  
MICHAEL A. WOELFEL, ESQUIRE**

John Hussell, Attorney for the Heirs, requested that the Commission remove the Executrix and appoint a Curator for the Estate. Mr. Hussell went on to say that there was action pending in the Circuit Court regarding said estate.

Michael Woelfel, Attorney for the Executrix, stated he had no objection to a Fiduciary Commissioner, however, he believed his client was fulfilling her duties.

William Watson, County Attorney, stated he had reviewed the documentation and he would recommend that Judge Pancake should order the Executrix not to spend any estate money.

Mr. Woelfel stated that the money was still in the estate.

Mr. Hussell stated he had concerns regarding the assets, however, he would work with Mr. Woelfel.

Robert L. Bailey, Commissioner, **moved to take no action on this item, as the matter was in the Circuit Court.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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**#178**

**THE ESTATE OF JOHN CLEDITH BECKELHEIMER**

**RE: FINDINGS AND RECOMMENDATIONS OF  
FIDUCIARY COMMISSIONER ON CLAIM OF  
CHARLES BECKELHEIMER**

William Watson, County Attorney, stated he had reviewed the documentation and he would recommend that the Commission accept the Fiduciary Commissioner's findings.

Robert L. Bailey, Commissioner, **moved to accept the Fiduciary Commissioner's report of findings.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#179**

**APPEARING, RONALD J. FLORA, ESQUIRE**

**RE: PETITION OF RODNEY MCCALLISTER AND  
MARY MORENE MCCALLISTER AND ELVIA  
M. SOWARDS, JR., AND LINDA Z. THOMPSON  
SOWARDS TO ABANDON AN UNIMPROVED AND  
UNUSED ROADWAY KNOWN AND DESIGNATED  
AS EAST FIRST STREET, SECTION "J" MIDWAY CITY  
SUBDIVISION, CULLODEN, GRANT DISTRICT,  
CABELL COUNTY**

William Watson, County Attorney, informed the Commission they needed to set a hearing date for this matter.

Robert L. Bailey, commissioner, **moved to set a hearing date of Thursday, July 21, 2011, at 10:00 a.m., to consider the petition for abandonment.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#180**

**LETTER, RESOLUTION AND GRANT APPLICATION**

**RE: FY 2011 COMMUNITY PARTICIPATION GRANT  
PROGRAM GOLDEN GIRLS/CAPITAL  
IMPROVEMENTS – PROJECT #11LEDA0020 - \$5,000.00**

Connie Gray, Administrator for Grants, Planning and Permits, informed the Commission that the funds from this grant would be used for improvements to living quarters.

Anne Yon, Commissioner, **moved to approve the grant contract, in the amount of \$5,000.00, for the Golden Girls Group Home.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

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**#181 MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITY OF HUNTINGTON AND CABELL COUNTY**

**RE: 2011 BYRNE JUSTICE ASSISTANCE GRANT (JAG)  
PROGRAM AWARD**

Anne Yon, Commissioner, **moved to approve the Memorandum of Understanding between the City of Huntington and Cabell County.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.



**#182**

**RESOLUTIONS, CABELL COUNTY COMMISSION**

**RE: JERRY LYNN BECKETT, PER DIEM PLANNER**

**BRENDA AGUIRRE WEBB, INFORMATION**

**TECHNOLOGY DEPARTMENT**

Robert L. Bailey, Commissioner, **moved to approve the employments of Jerry Lynn Beckett as a Per Diem Planner, effective July 1, 2011, with a rate of pay of \$22.90 per hour and Brenda Aguirre Webb, retroactive to June 13, 2011, with a rate of pay of \$20.6044 per hour.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#183**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: SET COBRA RATE – JULY 1, 2011 TO JUNE 30, 2012**

Robert L. Bailey, Commissioner, **moved to approve the Cobra Rates for July 1, 2011 to June 30, 2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

**#184**

**LETTERS, CABELL COUNTY COMMISSION**

**RE: WV CODE 7-7-7**

Robert L. Bailey, Commissioner, **moved to approve the West Virginia Code 7-7-7 payroll letter for the County Commission.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#185**

**LETTER, A. GORDON MERRY, DIRECTOR CCEMS**

**RE: WV CODE 7-7-7**

Robert L. Bailey, Commissioner, **moved to approve the West Virginia Code 7-7-7 payroll letter from CCEMS.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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**#186**

**LETTER, MIKE DAVIS, DIRECTOR CCERC**

**RE: WV CODE 7-7-7**

Robert L. Bailey, Commissioner, **moved to approve the West Virginia Code 7-7-7 payroll letter from CCERC (E-911).** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#187**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: EMPLOYMENT**

Robert L. Bailey, Commissioner, **moved to approve the employment of Tiffany Stark as a full time Budget/Financial Analyst for the County Commission, effective July 11, 2011,**

**with a rate of pay of \$45,000.00 per year.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#188**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF THE ADOPTION OF A  
RESOLUTION TO ALLOCATE CABELL COUNTY**

**SENIOR CITIZENS PROJECTS AND PROGRAMS**

**EXCESS LEVY TAX FUNDS TO CABELL COUNTY**

**COMMUNITY SERVICES ORGANIZATION**

Anne Yon, Commissioner, **moved to approve the allocation of \$20,000.00, from the Senior Citizens Excess Levy Tax Funds to the Cabell County Community Services Organization for the purchase of a Meals on Wheels Delivery Van.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

**#189**

**ORDER TO REOPEN THE ESTATE OF PAUL K. NAPIER,**

**DAVID B. LAM AND JAMES WALTER HENSLEY**

William Watson, County Attorney, informed the Commission that these three estates were closed before claims were processed and would need to be reopened so the claims could be paid.

Anne Yon, Commissioner, **moved to approve reopening the Estates of Paul K. Napier, David B. Lam and James Walter Hensley.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#190**

**SPECIAL FUNDS, CCEMS BUDGET REVISION #7**

**FY 2010-2011**

Anne Yon, Commissioner, **moved to approve CCEMS Special Funds Budget #7.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

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**#191 SPECIAL FUNDS, CCERC BUDGET REVISION #6**

**FY 2010-2011**

Robert L. Bailey, Commissioner, **moved to approve CCERC Special Funds Budget Revision #6.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

**#192 RESOLUTION, GENERAL FUND, STATE BUDGET**

**REVISION #12, FY 2010-2011**

Anne Yon, Commissioner, **moved to approve General Fund State Budget Revision #12.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**Exhibit (G)**

**#193 RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF CALLING ON POLICYMAKERS  
TO SUPPORT JOBS AND ECONOMIC SECURITY BY  
FIXING COAL MINE PERMITTING SYSTEM**

Robert L. Bailey, Commissioner, **moved to approve the resolution regarding support for jobs and economic security by fixing the coal mine permitting system.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (H)**

**#194**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: CABELL COUNTY “P” PURCHASING CARD AND  
WEST VIRGINIA STATE AUDITOR’S OFFICE**

Chris Tatum, County Manager, explained to the Commission the use of P-Cards. Mr. Tatum stated that by using the P-Card Program to pay the county’s bills, the Commission would receive rebates. Mr. Tatum went on to say that about 70% of the county’s vendors accept P-Cards. Mr. Tatum explained that if the Commission should approve this item, it would allow the set up for the P-Card program and a coordinator.

Anne Yon, Commissioner, **moved to approve the authorization for the creation of the Cabell County Commission’s Payment Execution Account.** Robert L. Bailey, commissioner, seconded the motion and the vote was unanimous. **Exhibit (I)**

**#195**

**SEE FIRST OF AGENDA**

BIDS - Nancy Cartmill, President, stated that the bids, regarding the ambulances, would be taken under advisement.

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**PLACE ON RECORD**

Robert L. Bailey, Commissioner, **moved to place on record the minutes from the Culloden Public Service District, Regular Meeting, May 18, 2011; Culloden Public Service District, Special Meeting, May 25, 2011; Pea Ridge Public Service District, Regular Meeting, May 9, 2011; Salt Rock Water Public Service District, Regular Meeting, May 10, 2011 and OTHER DOCUMENTATION TO BE RECORDED Cabell-Huntington Health Department, Clinic Monthly Report, April; Salt Rock Sewer Annual Operating Budget for Fiscal Year Ending June 30, 2012; Audit of Salt Rock Sewer Public Service District for Fiscal Year Ended June 30, 2010 and The Bank of New York Mellon, Various Trust Accounts, May 31, 2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, President, informed the Commission she would have a meeting with Paul Turman, Mayor of Barboursville, regarding building an ambulance station in Barboursville.

Robert L. Bailey, Commissioner, informed the Commission he attended a Public Hearing regarding the franchise with the cable company. Commissioner Bailey stated the cable company wanted a fifteen year contract, however, Commissioner Bailey believed the contract should be for five years.

Chris Tatum, County Manager, stated he had attended a meeting on the re-districting and there would be another meeting July 21, 2011.

Nancy Cartmill, President, adjourned the meeting at 11:10 a.m., until the next scheduled meeting on Thursday, July 7, 2011, at 10:00 a.m.

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**PRESIDENT, COUNTY COMMISSION**

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