COMMISSION MEETING
THURSDAY, AUGUST 18, 2011

PRESENT: NANCY CARTMILL, PRESIDENT
    ROBERT L. BAILEY, COMMISSIONER
    ANNE YON, COMMISSIONER
    WILLIAM WATSON, COUNTY ATTORNEY
    CHRIS TATUM, COUNTY MANAGER

ABSENT: RHONDA MONTANEZ, PURCHASING ASSISTANT

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

APPROVE:

Robert L. Bailey, Commissioner, moved to approve the agenda as presented. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, Commissioner, moved to approve purchase orders #12-35479 through #12-35838 and pay jackets. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, moved to approve the minutes from the July 21, 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 Highmark West Virginia, not to exceed $100,000.00, from the Cabell County Medical Insurance Funds. Robert l. Bailey, Commissioner, seconded the motion and the vote was unanimous.

OPEN BIDS TO REPLACE FLOORING ON THE 3RD FLOOR OF THE CABELL COUNTY COURTHOUSE

Chris Tatum, County Manager, stated that one bid was received for the flooring and that bid was for $15,100.00 from Fabric Town.

Robert L. Bailey, Commissioner, moved to take the bid under advisement. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#271 RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF TEMPORARY PRECINCT LOCATION CHANGE

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Robert L. Bailey, Commissioner, moved to approve the temporary precinct change of Precinct #54 from the YMCA Kennedy Center to Cox Landing Elementary School for the 2011 Special Election. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (A)

#272 LETTER, T.W. MCCOMAS, SHERIFF

RE: EMPLOYMENT – TAX OFFICE

Anne Yon, Commissioner, moved to approve the employment of Shelley McFeeley as a part time clerk, effective August 15, 2011, with a rate of pay of $10.00 per hour. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#273 APPEARING, DAVID LUNSFORD, ESQUIRE

RE: TO CONDUCT A PUBLIC HEARING IN CONNECTION

WITH THE PROPOSED ADOPTION OF AN ORDER BY
THE COUNTY COMMISSION AUTHORIZING (i) THE
CONTINUED LEASING OF THE 911 EMERGENCY
RESPONSE CENTER, THE SITE THEREOF AND ALL
NECESSARY APPURTENANCES FROM THE CABELL
COUNTY BUILDING COMMISSION; (ii) THE
REFUNDING OF THE BUILDING COMMISSION’S
LEASE REVENUE BONDS, SERIES 2008 (THE “2008
BONDS”) PREVIOUSLY ISSUED FOR THE DESIGN,
ACQUISITION, CONSTRUCTION AND EQUIPPING

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David Lunsford, Attorney with Stepto and Johnson, informed the Commission this was the Public Hearing and the second reading of the order regarding the refinancing for the E-911 Center.

Robert L. Bailey, Commissioner, moved to approve the second reading of the order for refinancing the E-911 Center. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#274 ORDER, CABELL COUNTY COMMISSION

RE: TO CONSIDER FOR ENACTMENT OF THE ORDER BY THE COUNTY COMMISSION ON SECOND READING FOLLOWING THE PUBLIC HEARING THEREON

Anne Yon, Commissioner, moved to approve the order regarding the refinancing of the E-911 Center. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#275 APPEARING, ANNA M. PRICE, ESQUIRE

RE: MOTION TO QUASH SUBPOENA IN THE ESTATE OF NELL REEVES MOORE

#276 APPEARING, ANNA M. PRICE, ESQUIRE

RE: MOTION FOR PRELIMINARY INJUNCTIVE RELIEF IN THE ESTATE OF NELL REEVES MOORE
Chris Tatum, County Manager, read a memo from Sean Hammers, Fiduciary Commissioner, stating a hearing should be held to approve all expenditures and fees charged to the estate before payment.

There was a lengthy discussion by William Watson, County Attorney, Richard Fredeking, Attorney representing David Tyson, and Anna Price, Attorney representing the Alzheimer’s Association, regarding the fees and expenses of the estate and the continued protection of the estate.

Nancy Cartmill, President, moved to table the motion to quash the subpoena and refer back to the Fiduciary Commissioner for final hearing and that all expenses and fees charged to the estate must be approved by the Fiduciary Commissioner prior to payment by the estate. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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#277 APPROVE ORDER IN THE ESTATE OF ROBERT

G. MCNEELY

William Watson, County Attorney, informed the Commission this order would need to be dismissed as the matter was in the Circuit Court.
Robert L. Bailey, Commissioner, moved to dismiss the order in the Estate of Robert G. McNeely as the matter was in the Circuit Court. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#278 DISCUSSION/ACTION:

RE: PURCHASE OF HARVEYTOWN PATH PROPERTY

Chris Tatum, County Management, informed the Commission that the purchase of this property would help complete the Paul Ambrose Trail for Health. Mr. Tatum stated that the county would purchase the property and then be reimbursed $17,000.00 from the Rahall Transportation Institute. Mr. Tatum went on to say the total cost would be $21,000.00 and the Rahall Transportation Institute would cover the other $4,000.00

Robert L. Bailey, Commissioner, moved to approve the purchase of the Harveytown Path Property for the Paul Ambrose Trail for Health. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#279 RESOLUTIONS, CABELL COUNTY COMMISSION

RE: EMPLOYMENT/RECLASSIFICATIONS – CCEMS

Anne Yon, Commissioner, moved to approve the employment of Brandon Tyrel Lasseter as a per diem Paramedic, effective August 19, 2011, with a rate of pay of $10.9598 per hour; the reclassifications for John Hesson as a full time EMT, effective August 19, 2011, with a rate of pay of $12.9413 per hour and Michael Akers as a per diem EMT, effective August 5, 2011, with a rate of pay of $12.9413 per hour. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#280 MEMORANDUM, NANCY CARTMILL, PRESIDENT
RE: ESTABLISHMENT OF ACCOUNTS – FY 2011

COMMUNITY PARTICIPATION GRANTS

Robert L. Bailey, Commissioner, moved to approve the establishment of accounts for fiscal year 2011. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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#281 LETTER, RESOLUTION AND GRANT APPLICATION

RE: WEST VIRGINIA SUB-GRANT APPLICATION FLOOD MITIGATION ASSISTANCE PROGRAM

PRE-DISASTER MITIGATION ASSISTANCE

PROGRAM, HAZARD MITIGATION GRANT PROGRAM APPLICATION

Connie Gray, Administrator for Grants, Planning and Permits, explained that the funds from this grant will allow the Commission to acquire two structures that have repetitively flooded.

Anne Yon, Commissioner, moved to approve the grant application for the Flood Mitigation Assistance Program. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (B)
Robert L. Bailey, Commissioner, moved to approve the grant contract, in the amount of $3,000.00, for the United Way of the River Cities Substance Abuse Program. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (C)

Robert L. Bailey, Commissioner, moved to approve the CCERC Carryover Amount for 2010-2011. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, moved to approve Special Funds Budget Revision #1 for fiscal year 2011-2012. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (D)

Robert L. Bailey, Commissioner, moved to approve Special Funds Budget Revision #1 for fiscal year 2011-2012. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (D)
Anne Yon, Commissioner, moved to approve Special Budget Revision #1 for CCEMS fiscal year 2011-2012. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (E)

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#286 SPECIAL BUDGET REVISION, CCERC #1, FY 2011-2012

Robert L. Bailey, Commissioner, moved to approve Special Budget Revision #1 for CCERC for fiscal year 2011-2012. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (F)

#287 RESOLUTION, GENERAL FUND, COUNTY BUDGET

REVISION #2, FY 2011-2012

Robert L. Bailey, Commissioner, moved to approve General Fund County Budget Revision #2 for fiscal year 2011-2012. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (G)

#288 RESOLUTION, GENERAL FUND, STATE BUDGET

REVISION #3 FY 2011-2012
Anne Yon, Commissioner, moved to approve General Fund State Budget Revision #3 for fiscal year 2011-2012. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (H)

#289 RESOLUTION, CABELL COUNTY COMMISSION

RE: ADVERTISEMENT FOR PROPOSALS TO PROVIDE

DEMO (STOCK) OR NEW MOBILE COMMAND VEHICLE

Robert L. Bailey, Commissioner, moved to approve the advertisement for proposals to provide demo (stock) or new Mobile Command Vehicle. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (I)

PLACE ON RECORD

Robert L. Bailey, Commissioner, moved to place on record the Cabell Huntington Health Department, Clinic Monthly Report, June, 2011; Branch Banking and Trust Company, Trustee, Cabell County WV Lease Revenue Bonds for February 1, 2011 to July 31, 2011 and The Bank of New York Mellon, Various Trust Accounts, July 31, 2011. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Chris Tatum, County Manager, gave the Commission an update on the Barboursville Ambulance Station.

Mr. Tatum also informed the Commission that Richard Tyson would be retiring as Fiduciary Commissioner.
Mr. Tatum informed the Commission that the West Virginia American Water Company would not be able to participate on any new water infrastructure projects at this time.

Nancy Cartmill, President, adjourned the regular meeting of the Cabell County Commission at 11:10 a.m., until the next scheduled meeting on Thursday, September 1, 2011, at 10:00 a.m.