

COMMISSION MEETING

THURSDAY, MARCH 29, 2012

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

ABSENT: **RHONDA VANOOTEGHEM, 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 #12-400663 through #12-40901 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 regular Commission meeting of February 16, 2012, special Commission meeting of February 23, 2012, and regular Commission meeting of March 1, 2012, erroneous assessments, land**

consolidations, split tickets, and probate documentation. Ann 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, 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.

#65 RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE RELEASE AND SUBSTITUTION OF
COLLATERAL BONDS BY 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)**

COMMISSION MEETING

THURSDAY, MARCH 29, 2012

PAGE TWO

#66 RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE PUBLIC TEST OF EARLY VOTING
EQUIPMENT**

Chris Tatum, County Manager, stated that the testing would be conducted on April 18th at 10:00 a.m. in Room 108.

Anne Yon, Commissioner, **moved to approve the public test of early voting equipment.**
Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Exhibit (B)

#67 APPEARING, BERNARD T. NIBERT, II, ESQUIRE

**RE: PETITION REQUESTING A HEARING ON THE EXCEPTIONS
OF THE CO-EXECUTORS TO THE REPORT OF DANIEL T.
YON, FIDUCIARY COMMISSIONER IN THE ESTATE OF
GENE W. BLACK**

APPEARING, MICHAEL T. HOGAN, ESQUIRE

RE: MOTION TO REMOVE KIMBERLY BLACK AS

CO-EXECUTRIX IN THE ESTATE OF GENE W. BLACK

Bernard T. Nibert, Attorney for David and Kimberly Black, stated that neither he nor his clients were in agreement with the findings of Daniel T. Yon, Fiduciary Commissioner. Mr. Nibert stated that although the Fiduciary Commissioner found that estate items were sold under market value, there was no evidence as to the actual fair market value of the property. Mr. Nibert explained the Fiduciary Commissioner's findings also stated that estate items were given in exchange for work performed, but all items had been returned upon the request of Mr. Yon. Mr. Nibert stated that Mr. Yon also found that the Co-Executors failed to account for the proceeds from the sale of property, yet an annual accounting was submitted that showed all monies received. Mr. Nibert also stated that the Commissioner assessed the costs of the hearing individually against the Co-Executors, when said costs should be assessed against the estate.

Michael T. Hogan, Attorney for Bill Bradley, Casey Bradley, and Paul Davis, stated that his clients wished to have Kimberly Black removed as Co-Executrix in the Estate of Gene W. Black. Mr. Hogan stated that Fiduciary Commissioner, Daniel T. Yon, found that Mrs. Black had failed to properly administer the estate. Furthermore, Mrs. Black stated by means of a letter to the heirs, that she no longer wished to serve, and for the foregoing reasons, the petitioners request that Mrs. Black be removed.

COMMISSION MEETING

THURSDAY, MARCH 29, 2012

PAGE THREE

Mr. Hogan went on to state that the exceptions submitted by Mr. Nibert's clients were not timely filed. Mr. Hogan stated that this matter had gone on far too long, and asked that the Commission overrule the exceptions. Mr. Hogan also informed the Commission that Mr. Nibert's clients had failed to pay Mr. Yon \$1,000.00, whereas his clients had already submitted the fee.

Daniel T. Yon, Fiduciary Commissioner, stated that Mr. Nibert's clients had failed to pay the \$1,000.00 hearing fee to him, whereas Mr. Hogan's clients had already submitted their payment. Mr. Yon stated that he believed that the requests that Mr. Hogan had made to Mr. Nibert's clients were reasonable, but Mr. Nibert's clients had failed to respond. Mr. Yon stated that he felt that Mrs. Kimberly Black should be removed as Co-Executrix of the estate, and recommended that Paul Davis be appointed as Administrator.

William Watson, County Attorney, stated that he agreed that the objections were not filed in a timely manner. Mr. Watson stated that as a rule, the Fiduciary Commissioner was to receive \$1,000.00 from each side. Mr. Watson stated that he felt that the \$1,000.00 submitted from the clients of Mr. Hogan be returned, and the alternative to a cash payment would be to have the amount withheld from their portion of the estate. Mr. Watson stated that believed it was best to approve the motion to have Kimberly Black removed as Co-Executrix of the estate, and to have Paul Davis appointed as Administrator.

Robert L. Bailey, Commissioner, **moved to approve that the \$1000 fee be returned to the clients of Michael T. Hogan and that Paul Davis be appointed Administrator of the estate of Gene W. Black.** Nancy Cartmill, President, seconded the motion.

The vote was as follows: NC AYE

RLB AYE

AY EXCUSED FROM VOTING

#68 ESTATE OF VIRGINIA EUBANK CHAPPELL

RE: PETITION TO APPOINT SHERIFF TO ADMINISTER ESTATE

William Watson, County Attorney, stated that Charles E. Chappell, Jr., George H. Chappell, Sr., and Mark E. Chappell had all been appointed as Co-Executors of the Estate of Virginia Eubank Chappell and that these individuals all declined to serve. Mr. Watson stated all three individuals had signed documentation stating that they wished to have the Sheriff appointed as the Administrator of the estate.

Robert L. Bailey, Commissioner, **moved to approve appointing the Sheriff to administer the Estate of Virginia Eubank Chappell.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

COMMISSION MEETING

THURSDAY, MARCH 29, 2012

PAGE FOUR

**#69 APPEARING, CHRIS LAMBERT AND KELLY SHAFER, SUTTLE
 AND STALNAKER**

**RE: PRESENTATION OF THE 2010-2011 AUDITED FINANCIAL
 STATEMENT OF THE CABELL COUNTY COMMISSION**

Chris Lambert, Suttle and Stalnaker, presented the audited financial statement for fiscal year 2010- 2011 to the Commission. Mr. Lambert stated that their independent auditor's report was an unqualified opinion, which is the best you can receive and it signifies that the financial statement presented fairly all material specifications of the county.

Mr. Lambert stated that the independent audit report on internal control showed a few material weaknesses, but no significant deficiencies were found. Mr. Lambert stated the findings were relatively minor and a qualified opinion had to be given on the independent auditors report on compliance with requirements on major programs, due to the fact that some errors were found.

Anne Yon, Commissioner, **moved to accept the report of the audited financial statement for fiscal year 2010-2011.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#70 LETTER, HARRY TWEEL, M.D., DIRECTOR, CABELL

HUNTINGTON HEALTH DEPARTMENT

RE: VULNERABLE NEEDS REGISTRY

Elizabeth Ayers appeared on behalf of the Cabell Huntington Health Department to go over the general outline of the Special Needs Registry. Ms. Ayers explained that the registry would provide the names and locations of citizens with special needs, so that in the instance of a catastrophic event they could be easily located and placed in a facility that could accommodate their needs. Ms. Ayers requested financial support from the Commission in the amount of \$3,000.00 to assist with this effort.

Gordon Merry, Director CCEMS, stated that he felt that this registry would be instrumental in helping his agency and other emergency responders. Mr. Merry stated that he believed that the citizens of Cabell County would benefit greatly from the registry.

Robert L. Bailey, Commissioner, **moved to approve the donation of \$3,000.00 to the Cabell Huntington Health Department, for use with the Vulnerable Needs Registry.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

COMMISSION MEETING

THURSDAY, MARCH 29, 2012

PAGE FIVE

#71 RESOLUTION, CABELL COUNTY COMMISSION

RE: EMPLOYMENT

RICHARD R. HEATER, FULL-TIME PARAMEDIC

Anne Yon, Commissioner, **moved to approve the employment of Richard R. Heater as a full-time paramedic, effective March 30, 2012, at a rate of pay of \$11.5598 per hour.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#72 DISCUSSION/ACTION:

RE: CABELL COUNTY EMERGENCY SERVICES STATION #8

Gordon Merry, Director CCEMS, stated to the Commission that he had reached an agreement with a land owner on Riverview Drive to purchase 2.45 acres of land that would serve as the future location of CCEMS Station #8. Mr. Merry explained that the land would be sold at a price of \$130,000.00 per acre, which was much lower than other properties that they had considered purchasing in the past. Mr. Merry stated that the location of the property was excellent, and would benefit the public greatly by lowering response times to citizens located in the Barboursville area.

Robert L. Bailey, Commissioner, **moved to execute an agreement to purchase the property located on Riverview Drive.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#73 RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF AN ADVERTISEMENT FOR PROPOSALS
TO PROVIDE ARCHITECTURAL SERVICES FOR THE NEW
CCEMS AMBULANCE STATION TO BE LOCATED IN OR
AROUND BARBOURSVILLE, WEST VIRGINIA**

Chris Tatum, County Manager, stated that proposals must be submitted by 10:00 a.m. on April 19, 2012.

Robert L. Bailey, Commissioner, **moved to approve the advertisement for proposals to provide architectural services for the new CCEMS ambulance station.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

COMMISSION MEETING

THURSDAY, MARCH 29, 2012

PAGE SIX

#74

RESOLUTION, CABELL COUNTY COMMISSION

**RE: ADVERTISEMENT FOR BIDS TO PROVIDE ROOF AT CABELL
COUNTY FOUR-H CAMP**

Chris Tatum, County Manager, stated that proposals would be accepted until 10:00 a.m. on Thursday, April 26, 2012.

Anne Yon, Commissioner, **moved to approve advertisement for bids to provide a roof at Cabell County Four-H Camp.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

#75 LETTER, RESOLUTION, AND GRANT CONTRACT

RE: FY 2012 COMMUNITY PARTICIPATION GRANT PROGRAM

COLLIS P. HUNTINGTON RAILROAD HISTORICAL SOCIETY

GRANT #12LEDA0268- \$2,500.00

Connie Gray, Grant Coordinator, explained that the funds would be used to paint, preserve, and install safety railing to Locomotive #1308, which is on display in Huntington Memorial Park in the railroad museum.

Robert L. Bailey, Commissioner, **moved to approve the grant contract, in the amount of \$2,500.00, for the Collis P. Huntington Railroad Historical Society.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

#76 LETTER, RESOLUTION, AND GRANT CONTRACT

RE: FY 2012 COMMUNITY PARTICIPATION GRANT PROGRAM

TRI-STATE YOUTH ORCHESTRA- VARIOUS PROJECTS

PROJECT NUMBER: 12LEDA-094- \$1,000.00

Connie Gray, Grant Coordinator, stated that the funds would be used to purchase percussion instruments for the orchestra, instrument repair, and new music needed for the orchestra's repertoire.

Robert L. Bailey, Commissioner, **moved to approve the grant contract, in the amount of \$1,000.00, for the Tri-State Youth Orchestra.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

COMMISSION MEETING

THURSDAY, MARCH 29, 2012

PAGE SEVEN

#77 LETTER, RESOLUTION, AND GRANT AGREEMENT

RE: 2012-2013 RECORDS MANAGEMENT GRANT PROGRAM-

\$6,661.00 DIVISION OF CULTURE AND HISTORY AND THE

CABELL COUNTY COMMISSION

Connie Gray, Grant Coordinator, explained that these funds would be used by the Cabell County Circuit Clerk to implement preservation of documents through microfilming.

Anne Yon, Commissioner, **moved to approve the grant contract with the Division of Culture and History.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (G)**

#78 SPECIAL FUNDS BUDGET REVISION, CCERC #5, FY 2011-2012

Robert L. Bailey, Commissioner, **moved to approve the Special Funds budget revision, CCERC #5 FY 2011-2012.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#79 RESOLUTION, GENERAL FUND, COUNTY BUDGET REVISION
#11, FY 2011-2012**

Anne Yon, Commissioner, **moved to approve County budget revision #11, FY 2011-2012.**

Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Exhibit (H)

PLACE ON RECORD

Robert L. Bailey, Commissioner, **moved to place on record the Culloden Public Service District, Regular Meeting, January 25, 2012, and Special Meeting, January 25, 2012; Salt Rock Water Public Service District, Regular Meetings, January 10, 2012, and February 14,**

2012, and Special Meeting, January 13, 2012; and Pea Ridge Public Service District, Regular Meeting, January 9, 2012, and OTHER DOCUMENTATION TO BE RECORDED Cabell County Public Library, Regular Audit for the year ended June 30,2011; Culloden Volunteer Fire Department Agreed-Upon Procedures Report for Fiscal Year Ended June 30, 2010; Culloden Public Service District Sewer System Financial Statements, Years Ended June 30, 2011 and 2010; Green Acres Regional Center Levy Report, July, August and September, 2011; The Bank of New York- Mellon, Various Trust Accounts, February 29, 2012.

COMMISSION MEETING

THURSDAY, MARCH 29, 2012

PAGE EIGHT

Chris Tatum, County Manager, stated that the Commission needed to move to executive session to discuss a personnel issue.

Anne Yon, **moved to approve going in to executive session to discuss a personnel issue.**
Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

The Commission recessed the meeting at 11:00 a.m.

The Commission reconvened the regular session at 11:20 a.m., with no action taken.

Nancy Cartmill, President, adjourned the Commission meeting at 11:20 a.m., until the next scheduled meeting on Thursday, May 26, 2012, at 10:00 a.m.

PRESIDENT, COUNTY COMMISSION

KSC:ss