

COMMISSION MEETING

THURSDAY, SEPTEMBER 27, 2012

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:

Anne Yon, 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 #13-44723 through #13-45074 and pay jackets.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, Commission, **moved to approve the minutes from the September 13, 2012, regular Commission meeting, the September 18, 2012, special 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 Highmark West Virginia and Fort Dearborn Medical Life, not to exceed \$100,000.00, from the Cabell County Medical Insurance Fund.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#253

RESOLUTION, CABELL COUNTY COMMISSION

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

Chris Tatum, County Manager, explained the public test would be held on Wednesday, October 17, 2012, at 10:00 a.m., in the Cabell County Clerk's office.

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

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#254

LETTER, T.W. MCCOMAS, SHERIFF

RE: 2011 DELINQUENT REAL ESTATE LISTING

Anne Yon, Commissioner, **moved to accept the list prepared by Sheriff T.W. McComas.**
Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#255

APPEARING, RONALD J. FLORA, ESQUIRE

RE: ORDER FOR PUBLIC HEARING ON ENLARGEMENT

**OF BOUNDARIES, PEA RIDGE PUBLIC SERVICE
DISTRICT**

Ronald J. Flora, Counsel for the Pea Ridge Public Service District, appeared before the Commission to request that an Order be entered to set a hearing date for the matter of enlarging their boundaries. Mr. Flora explained that the Pea Ridge Public Service District would like to extend their boundaries to the Mason County line. Mr. Flora went on to say the Pea Ridge Public Service District had plans on building a wastewater treatment facility in the future and would like for it to be located on Route 2 near the Mason County line.

Chris Tatum, County Manager, stated the hearing could be scheduled for the meeting of October 25, 2012 at 10:00 if it pleased the Commission. The Commissioners were all in agreement of the October 25, 2012 date.

Robert L. Bailey, Commissioner, **moved to set the date for a public hearing regarding the enlargement of the boundaries of the Pea Ridge Public Service District for October 25, 2012 at 10:00 a.m.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#256

ESTATE OF RUSSELL F. WEST, SR.

**RE: MOTION FOR HEARING TO REMOVE PERSONAL
REPRESENTATIVE**

Paula Harper, Attorney for Marsha Dalton, appeared before the Commission explaining that Ms. Dalton wished to be removed as Administratrix of the Estate of Russell F. West, Sr.

William Watson, County Attorney, stated that Audrey Ross West, widow of Russell F. West, Sr., stated that she would like to have Ms. Dalton removed and have herself appointed as Administratrix of the Estate. Mr. Watson recommended that the Commission move to allow Ms. Dalton to resign and to appoint Audrey West as Administratrix.

Anne Yon, Commissioner, **moved to approve allowing Ms. Dalton to resign and to appoint Audrey West as Administratrix of the Estate of Russell F. West, Sr.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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#257

ESTATE OF CLARENCE E. LEWIS

RE: MOTION FOR HEARING TO SETTLE ESTATE

William Watson, County Attorney, explained Dr. Carolyn Clark, Executrix of the Estate, would be unable to attend the hearing due to a scheduled surgery. Mr. Watson stated that he had been informed that Dr. Clark had already distributed checks to the beneficiaries via certified mail.

Deborah Smith, daughter of Clarence E. Lewis, stated that she had filed the motion due to the fact that the Estate had still not been finalized after 10 years. Ms. Smith said that she would like to withdraw her petition since distribution had been distributed to the beneficiaries.

William Watson, County Attorney, stated that on behalf of the petitioner he would suggest having Carolyn Clark remain as Executrix of the Estate and to withdraw the existing petition.

Nancy Cartmill, President, **moved to accept the withdrawal of the petition.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#258

ESTATE OF JOSEPH E. MARTIN

**RE: MOTION TO RESIGN AS PERSONAL
REPRESENTATIVE**

William Watson, County Attorney, explained Lisa Gamby had been appointed as Administratrix after the previous Administratrix, Angela Harmon, was removed. Mr. Watson said Ms. Gamby had expressed she was unable to accomplish anything further due to the fact there was nothing remaining in the Estate and there also being a tax lien against the Estate. Mr. Watson said due to the severity of the previous actions of Ms. Harmon, Ms. Gamby felt there was nothing more she could do. Mr. Watson said Ms. Gamby requested she be removed as Administratrix and he felt the Commission could grant the motion under the premise Ms. Gamby file accounting records regarding any actions she had made up to the current time.

Ronald Flora, Attorney, explained the Estate had a judgement against Angela Harmon in the amount of \$660,000.00. Mr. Flora stated writs of execution were done and no personal properties were found. Mr. Flora said there was approximately \$60,000.00 in the Estate bank account when Ms. Gamby took over, but since then the IRS had seized all the liquid assets in the Estate, leaving Ms. Gamby no funds to work with. Mr. Flora explained that Ms. Gamby was currently speaking with the Cabell County Sheriff and also the Prosecuting Attorney about filing criminal charges against Angela Harmon.

Lisa Gamby, Administratrix, presented her accounting records to the Commission and stated she had also attached outstanding bills which she did not have the means to pay.

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Mr. Watson stated he would recommend allowing Ms. Gamby to resign and to appoint the Sheriff as Administrator of the Estate.

Robert L. Bailey, Commissioner, **moved to remove Lisa Gamby as Administratrix and to appoint Sheriff Thomas McComas as Administrator of the Estate of Joseph E. Martin.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#259

RESOLUTIONS, CABELL COUNTY COMMISSION

RE: EMPLOYMENTS

JACOB LEVI SMITH, FULL-TIME PARAMEDIC

RECLASSIFICATIONS

ASHLEY D. REEVES, FULL-TIME PARAMEDIC

RYAN BARNES, FULL-TIME EMT

PARRISH WILLIAM HOLMES, FULL-TIME EMT

Anne Yon, Commissioner, **moved to approve the employment of Jacob Levi Smith as a full-time paramedic, effective September 28, 2012, at a rate of pay of \$11.8622 per hour;**

reclassifications of Ashley D. Reeves as a full-time paramedic, effective October 1, 2012, at a rate of pay of \$11.1122 per hour; Ryan Barnes as a full-time EMT, effective September 28, 2012, at a rate of pay of \$13.1817 per hour. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#260

LETTER AND RESOLUTION

**RE: PRE-FUNDING STATEMENT OF NEED &
APPLICATION FOR COURTHOUSE FACILITIES**

IMPROVEMENT FUNDS- \$100,000.00

**CABELL COUNTY COURTHOUSE- SIDEWALK
REPAIRS OR REPLACEMENT**

Connie Gray, Grant Coordinator, explained to the Commission that if awarded, the funds would be used to replace and repair the sidewalks around the courthouse. Ms. Gray stated the estimated cost of the project would total \$162, 661.00.

Robert L. Bailey, Commissioner, **moved to approve the application for Courthouse Facilities Improvement Funds.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

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#261 RESOLUTIONS, CABELL COUNTY COMMISSION

RE: REAPPOINTMENT

**BOB BAILEY, CABELL COUNTY AIRPORT
AUTHORITY**

**DAVID CLARK, CABELL COUNTY AIRPORT
AUTHORITY**

APPOINTMENT

**JASON SPEARS, CABELL COUNTY AIRPORT
AUTHORITY**

Anne Yon, Commissioner, moved to approve the reappointment of Bob Bailey to the Cabell County Airport Authority for a five year term retroactive to July 1, 2012 and ending June 30, 2017, David Clark to the Cabell County Airport Authority for a five year term retroactive to July 1, 2012 and ending June 30, 2017, and the appointment of Jason Spears to the Cabell County Airport Authority for a five year term beginning August 30, 2012 and ending August 30, 2017. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (C)

#262 RESOLUTION, CABELL COUNTY COMMISSION

RE: APPOINTMENT

**ANNE YON, CABELL COUNTY SOLID WASTE
AUTHORITY**

Robert L. Bailey, Commissioner, **moved to approve the appointment of Anne Yon to the Cabell County Solid Waste Authority beginning immediately and ending June 30, 2015.**
Nancy Cartmill, President, seconded the motion and the vote was unanimous. **Exhibit (D)**

#263 RESOLUTION, GENERAL FUND, COUNTY BUDGET
REVISION #4, FY 2012-2013

Anne Yon, Commissioner, **moved to approve County Budget Revision #4, FY 2012-2013.**

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

Exhibit (E)

#264 RESOLUTION, GENERAL FUND, STATE BUDGET
REVISION #3, FY 2012-2013

Anne Yon, Commissioner, **moved to approve State Budget Revision #3, FY 2012-2013.**

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

Exhibit (F)

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PLACE ON RECORD

Robert L. Bailey, Commissioner, **moved to place on record minutes from the Culloden Public Service District, Regular Meeting, August 15, 2012; special meeting August 28, 2012; Pea Ridge Public Service District, regular meeting, July 9, 2012, and regular meeting, August 16, 2012; Salt Rock Water Public Service District, regular meeting, August 10, 2012; Verification of Audit, by Lewis & Associates, AC, CPA, Audit of Excess Levy Tax Funds, Barboursville Volunteer Fire Department; Bank of New York, Various Trust Accounts, August 31, 2012.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, President, adjourned the regular meeting of the Cabell County Commission at 10:48 a.m., until the next scheduled meeting on October 11, 2012.

PRESIDENT, COUNTY COMMISSION

KSC:ss