

**COMMISSION MEETING
THURSDAY, OCTOBER 25, 2012**

PRESENT: **NANCY CARTMILL, PRESIDENT
ROBERT L. BAILEY, COMMISSIONER
WILLIAM WATSON, COUNTY ATTORNEY
CHRIS TATUM, COUNTY MANAGER
RHONDA MONTANEZ, PURCHASING ASSISTANT**

ABSENT: **ANNE YON, COMMISSIONER**

Nancy Cartmill, President, called the 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.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve purchase orders #13-45395 through #13-45685 and pay jackets.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve the minutes from the October 4, 2012, special meeting, erroneous assessments, land consolidations, split tickets, and probate documentation.** Nancy Cartmill, President, 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.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

“PUBLIC HEARING” PERTAINING TO PETITION OF PEA RIDGE PUBLIC SERVICE DISTRICT TO ENLARGE ITS BOUNDARIES

Ronald J. Flora, Director of the Pea Ridge Public Service District, appeared before the Commission, requesting approval of enlargement of the Pea Ridge Public Service District’s boundaries, up to the Mason County line. Mr. Flora explained the Pea Ridge Public Service District had followed the guidelines set forth by filing the petition with the County Commission, posting five notices of the hearing in conspicuous areas within the area to be enlarged, by having notice of the hearing ran as a Class-I legal ad in the newspaper, and the hearing was held not less than 20 days and no more than 40 days from the date the Commission entered the order setting the hearing.

Mr. Jonathon Carpenter, Thrasher Engineering, presented a diagram that showed the existing boundaries of the Pea Ridge Public Service District, and also highlighted the proposed area to be enlarged.

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Robert L. Bailey, Commissioner, stated he would like to know how much the project would cost.

Ronald Flora, Director of the Pea Ridge Public Service District, stated there were no projects anticipated at this time. Mr. Flora stated since there were no anticipated projects, there were currently no anticipated costs. Mr. Flora stated at this time there was nothing in the works, but the territory would be used at a later date for future expansion.

Commissioner Bailey questioned whether or not the Pea Ridge Public Service District intended on raising the rates of the customers to complete the future project.

President Nancy Cartmill stated the meeting today was not about rate increases, but about the enlargement of the Pea Ridge Public Service District's boundaries. President Cartmill said what the Commission would vote on today would not cost the public or the County anything.

Commissioner Bailey stated he did understand there would be no initial costs associated with the enlargement, but eventually the tax payers of Pea Ridge would experience a rate increase, due to future projects that would take place in the area of expansion.

Mr. Flora stated there were anticipated rate increases for the waste water treatment plant.

President Cartmill stated the waste water treatment project would still be carried out, regardless of whether or not the expansion was approved. President Cartmill stated this hearing was only regarding the expansion of the boundaries, an area for which there were no anticipated projects.

William Watson, County Attorney, stated Mr. Flora had outlined the statutory requirements, and the matter was in a posture to be approved if the Commission chose to do so.

President Cartmill asked if anyone present opposed the expansion, or wished to discuss the matter. No one replied.

Nancy Cartmill, President, **moved to approve allowing the Pea Ridge Public Service District to enlarge its boundaries based on the maps that were presented.** The motion died due to lack of a second.

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**PRESENTATION: “DISTINGUISHED CABELL COUNTY CITIZEN AWARD TO
CONNIE GRAY”**

Nancy Cartmill, President, presented the Distinguished Cabell County Citizen award to Connie Gray, Grant Coordinator, who would be retiring at the end of the month. President Cartmill stated Connie had always been a very conscientious worker, and had been an asset to the county. President Cartmill told Mrs. Gray she wished her the very best.

Robert L. Bailey, Commissioner, congratulated Mrs. Gray on her retirement and awarded her with a key to the County.

#277

APPEARING, RONALD J. FLORA, ESQUIRE

**RE: PETITION OF ELBERT PRESTON HALL TO ABANDON
AND VACATE THE ROAD KNOWN AND DESIGNATED
AS “MORNING SIDE DRIVE” IN CABELL COUNTY,
WEST VIRGINIA**

Ronald Flora, Counsel to Elbert Preston Hall, appeared before the Commission requesting a date be set for a public hearing regarding the request to abandon and vacate Morning Side Drive. Mr. Flora stated his client owned both sides of the mapped right of way known as “Morning Side Drive,” and the road had not been utilized in well over twenty years, due to bisection created by the development of I-64.

Chris Tatum, County Manager, stated the meeting scheduled for Tuesday, November 20, 2012 would suffice for the hearing, if it pleased the Commission.

Robert L. Bailey, Commissioner, **moved to approve setting the date for the hearing regarding the request to abandon and vacate Morning Side Drive for Tuesday, November 20, 2012 at 10:00 a.m.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

#278

APPEARING, DAVID R. TYSON, ESQUIRE

**RE: OBJECTIONS AND EXCEPTIONS TO FIDUCIARY
COMMISSIONER’S REPORT IN THE ESTATE OF
JOHN J. MCDANIEL**

David Tyson, Attorney to Damon S. McDaniel, stated his associate Steven Wright would be discussing the issue with the Commission.

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Mr. Wright stated he felt numerous defaults and breaches of fiduciary duty had occurred in this case, one being failure to file a timely appraisal. Mr. Wright also stated there were numerous emails indicating the current Executor intended to deviate from the wishes expressed by the decedent in the original will. Mr. Wright informed the Commission the current Executor, John K. McDaniel, had taken possession of two vehicles from the estate during the time John J. McDaniel was hospitalized and under the guardianship of his Damon McDaniel. Mr. Wright stated John K. McDaniel had neither returned the vehicles, nor given fair market value back to the estate. Mr. Wright asked the Commission to remove John K. McDaniel as Executor of the estate of John J. McDaniel, and the Sheriff be placed as Administrator.

Michael Bailey, Attorney for John K. McDaniel, stated Fiduciary Commissioner Woelfel had already had the opportunity to hear all the information Mr. Wright presented, and had already made his decisions based on such. Mr. Bailey stated the issue of a timely appraisal had already been addressed by Commissioner Woelfel and he had found no problem. Mr. Bailey stated Commissioner Woelfel had found no reason to remove John K. McDaniel as Executor. Mr. Bailey stated he felt this was simply an attempt to re-litigate matters on which decisions had already been made. Mr. Bailey asked the Commission to deny the request.

Nancy Cartmill, President, **moved to deny the request to remove John K. McDaniel as Executor and to approve referring the case back to Fiduciary Commissioner, Matt Woelfel to discuss the issues in dispute.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#279

RESOLUTION, CABELL COUNTY COMMISSION

**RE: BOARD OF ASSESSMENT APPEALS
APPROVAL OF PROPERTY VALUES AND MINUTES
FOR TAX YEAR 2012**

Chris Tatum, County Manager, stated this would reaffirm the decision made by the Board of Assessment and Appeals in finding the appraised value of the Breoff property, located at 1000 5th Avenue, to be \$3,959,800.00.

Robert L. Bailey, Commissioner, **moved to approve the appraised property values determined by the Board of Assessment and Appeals and the minutes for tax year 2012.** Nancy Cartmill, President, seconded the motion and the vote was unanimous. **Exhibit (A)**

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**#280 RESOLUTION, CABELL COUNTY COMMISSION
RE: IN THE MATTER OF ALLOCATING HOTEL
OCCUPANCY TAX FUNDS TO THE HUNTINGTON AREA
FOOD BANK**

Robert L. Bailey, Commissioner, **moved to approve allocating \$2,500.00 from the Hotel Occupancy Tax Fund to the Huntington Area Food Bank.** Nancy Cartmill, President, seconded the motion and the vote was unanimous. **Exhibit (B)**

**#281 RESOLUTION, CABELL COUNTY COMMISSION
RE: IN THE MATTER OF ALLOCATING SENIOR CITIZENS
PROJECTS AND PROGRAMS EXCESS LEVY TAX
FUNDS TO THE AMERICAN LEGION POST 139,
MILTON, CABELL COUNTY, WV**

Chris Tatum, County Manager, stated if granted the funds from this request would be used by American Legion Post 139 to help purchase a refurbished television to be used by their members, which primarily consisted of senior citizens. The motion died to lack of a second.

Robert L. Bailey, Commissioner, **moved to approve allocating \$635.98 from the Senior Citizens Excess Levy Tax Fund to the American Legion Post 139.** The motion died due to lack of a second

Nancy Cartmill, President, stated she was unfamiliar with this request and would like some time to look over it. President Cartmill stated at this time she was uncertain how money from the Senior Citizens Tax Fund could be used to purchase a television. President Cartmill stated until she was able to review the request and determine whether or not Senior Citizen Funds could be used, she would not be able to second the motion.

Robert L. Bailey, Commissioner, stated the television would be utilized by senior citizens, so the request should be granted.

**#282 RESOLUTION, CABELL COUNTY COMMISSION
RE: EMPLOYMENT
TIM KEATON, ADMINISTRATOR OF GRANTS,
PLANNING, AND PERMITS**

Robert L. Bailey, Commissioner, **moved to approve the employment of Tim Keaton as Administrator of Grants, Planning, and Permits, effective November 1, 2012, at a rate of pay of \$33,000.00.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

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#283 LETTER, CABELL COUNTY COMMISSION

**RE: DESIGNATE ZBA FINANCIAL GROUP, LLC AS
PRODUCER OF RECORD FOR GROUP HEALTH
CARE BENEFITS WITH HIGHMARK WV**

Chris Tatum, County Manager, stated with changes in healthcare reform happening continuously, he would like to have help from an agency who had experience in the market. Mr. Tatum said the commitment would only be through the end of the year, and the service would be at no cost to the county.

Nancy Cartmill, President, **moved to approve designating ZBA Financial Group LLC as Producer of Record for Group Health Care Benefits with Highmark WV.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#284 DISCUSSION/ACTION

RE: DOG FUND ACCOUNT

Chris Tatum, County Manager, stated the funds in the Dog Fund account were from monies collected from tax payers for dog tags, and was maintained by the Assessor's office. Mr. Tatum stated no allocation from this fund had been made to the Animal Shelter since 2010. Mr. Tatum stated he had spoken with the Assessor and he was in full agreement the money from this fund should be distributed to the shelter. Mr. Tatum explained the shelter had some specific needs that needed to be addressed immediately. Mr. Tatum stated the heating and cooling system in certain parts of the shelter was antiquated and in need of replacement, and the parking lot was also in desperate need of repair. Mr. Tatum explained anticipated costs for both projects were around \$20,000.00 each. Mr. Tatum said a disbursement could be made to specifically fund one project, and it would be perfectly reasonable and proper for the Commission to do so.

Nancy Cartmill, President, **moved to approve allocating \$25,000.00 to the Cabell Wayne Animal Shelter to be used to provide a new heating and cooling system.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#285 RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF APPOINTING AN AUDIT
COMMITTEE TO PROCURE AUDIT SERVICES FOR
CABELL COUNTY**

Chris Tatum, County Manager, stated once approved, the audit committee would begin conducting interviews and upon selection, present their recommendation to the Commission.

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Nancy Cartmill, President, **moved to approve appointing Chris Tatum, County Administrator, Carolyn Allen, Accountant, County Clerk's Office and Becky Haddox, CPA to the Cabell County Audit Committee.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

#286 MEMORANDUM, CHRIS TATUM, COUNTY ADMINISTRATOR

RE: APPOINT COUNTY ADMINISTRATOR AS "P CARD" COORDINATOR

Chris Tatum, County Manager, stated his appointment as Co-Coordinator would allow both the County Commission and the County Clerk's office to scrutinize billing on P Card purchases. Mr. Tatum stated this would also enable him to work with the state treasurer and allow him the capability to increase and decrease available credit limits, in the event that Teresa Powell, P Card Coordinator and Chief Deputy County Clerk's Office, was not able to do so.

Nancy Cartmill, President, **moved to approve the appointment of Chris Tatum, County Administrator, as P Card Co-Coordinator.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#287 RESOLUTION, GENERAL FUNDS, COUNTY BUDGET REVISION #5, FY 2012-2013

Robert L. Bailey, Commissioner, **moved to approve General Fund, County Budget Revision #5, FY 2012-2013.** Nancy Cartmill, President, seconded the motion and the vote was unanimous. **Exhibit (D)**

PLACE ON RECORD

Robert L. Bailey, Commissioner, **moved to approve the minutes from the Pea Ridge Public Service District, regular meeting, September 10, 2012; Salt Rock Public Service District, regular meeting, September 17, 2012; and other documentation to be recorded: Cabell-Huntington Health Department, Combined Narrative and Clinic Report, July and August, 2012; The Bank of New York, Various Trust Accounts, September 30, 2012.**

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GOOD AND WELFARE CABELL COUNTY

Chris Tatum, County Manager, explained the vehicles Sheriff Thomas McComas had promised to local fire departments were not ready to be distributed at this time. Mr. Tatum stated when the vehicles were ready he would notify the agencies to which they had been pledged.

Nancy Cartmill, President, adjourned the meeting of the Cabell County Commission at 11:18 a.m., until the next scheduled meeting on Thursday, November 8, 2012.

PRESIDENT, COUNTY COMMISSION

KSC:kss