COMMISION MEETING
THURSDAY, NOVEMBER 14, 2013

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 meeting of the Cabell County Commission to order at
10:00 a.m.

Chris Tatum, County Manager, explained to the Commission two items would need to be added
to the agenda. Mr. Tatum stated the Commission had been notified by the tax office several
individuals who had purchased properties from the tax sale were now unable to locate their tax
sale certificates. Mr. Tatum stated he had been advised a letter signed by the President of the
Commission must be received before these individuals could be given copies of the tax sale
certificates. Mr. Tatum stated the other item would be regarding the water line extension project
on Dummy Hollow. Mr. Tatum stated this item would authorize the President of the
Commission to sign the contracts to the water company so the project could begin.

APPROVE:

Robert L. Bailey, Commissioner, moved 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 #14-53749 through #14-54197
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 October 24, 2013,
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 fund.
Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.
CITIZENS REGISTERED TO SPEAK

Charles Masters, Huntington resident, stated he had recently obtained his LLC status and was interested in reopening the Courthouse Grill.

Nancy Cartmill, President, stated that venture had been tried previously, but had failed. President Cartmill stated since then the space had been converted into a juvenile courtroom.

Mr. Masters stated he had also had a lifelong interest in horses and would like to explore the possibility of holding horse shows at St. Clouds Commons. Mr. Masters explained this would be a great source of commerce for the county.

Mr. Masters went on to explain how Jesse James had robbed two banks in the Huntington area and how he would like to hold a staging of the event. Mr. Masters explained due to being in a high traffic area, the event would have to be held somewhere other than the original location of the robberies. Mr. Masters stated he had spoken with the individuals who ran Central City and stated they had shown interest in holding the event.

Mark Buchanan, Director of the Solid Waste Authority, appeared before the Commission to offer thanks for the continued support of the county. Mr. Buchanan stated there were currently eight drop off facilities in the county and they were hoping to add more locations. Mr. Buchanan stated he would also like to announce the Solid Waste Authority would be holding an electronics recycling event on November 18, 2013, from 8 a.m. to 4 p.m. at the East End Kroger location.

Steve Stewart, Appalachian Power, stated he would like to explain the energy efficiency program offered by AEP to all customers. Mr. Stewart stated the program was free to the public and he would like to see as many people as possible take advantage of this opportunity. Mr. Stewart stated the program offered tips and other information to help patrons lower their energy bills.

Nancy Cartmill, President, stated she would like to commend Mr. Stewart and all of Appalachian Power for the excellent job they did in keeping the public informed during outages.

#255 MOTION AND PETITION TO SCHEDULE HEARING

RE: ESTATE OF MARSHALL E. HOOD

William Watson, County Attorney, stated it was his recommendation to appoint the Sheriff as Administrator, and instruct him to refer the matter to a Fiduciary Commissioner.

Robert L. Bailey, Commissioner, moved to approve appointing the Sheriff as Administrator of the Estate and to refer the matter to a Fiduciary Commissioner. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.
#256 ESTATE OF ELLIOT W.COOK

RE: MOTION AND ORDER TO APPOINT SHERIFF TO ADMINISTER ESTATE

William Watson, County Attorney, stated the documents provided indicated more than nine months had lapsed with no appointment of a Personal Representative. Mr. Watson explained it would be his recommendation to appoint the Sheriff as Administrator of the Estate. Robert L. Bailey, Commissioner, moved to approve the appointment of Sheriff Thomas McComas as Administrator of the Estate of Elliot W. Cook. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#257 ESTATE OF CYNTHIA MUSICK

RE: PETITION SEEKING APPROVAL TO DEED REAL PROPERTY TO RESIDUARY BENEFICIARIES IN LIEU OF SALE

William Watson, County Attorney, explained the Estate of Cynthia Musick had been open since her death in 1981, due to some of the requirements that were made in her will regarding the sale of properties. Mr. Watson stated David H. Daugherty had been the Executor of the Estate of Cynthia Musick since 1981. Mr. Watson stated Ms. Musick’s Estate had included coal properties in Mingo County, West Virginia and Pike County, Kentucky which her will stated were to be sold and the monies be divided between two charities. Mr. Daugherty had been trying with no success to sell the properties since Ms. Musick’s death. Mr. Watson stated the Estate could not be closed until all the assets had been distributed. Mr. Watson explained Mr. Daugherty was requesting in lieu of selling the properties, to be allowed to deed them to the charities. Mr. Watson stated the properties values were comparable and both charities were in agreement to accept one of the properties each. Mr. Watson stated allowing this would permit Mr. Daugherty to deed the properties over and then file a final accounting and close the Estate.

Anne Yon, Commissioner, moved to approve allowing David H. Daugherty, Executor of the Estate of Cynthia Musick, to deed the remaining properties to the residual beneficiaries in lieu of selling them. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.
#258  APPEARING, CASEY BAKER, ESQUIRE

RE: AGREED ORDER, ESTATE OF PHYLLIS C. HESSON

William Watson, County Attorney, stated this was an agreed order and it would be his recommendation to allow it to be entered.

Robert L. Bailey, Commissioner, moved to approve the agreed order for the Estate of Phyllis C. Hesson. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#259  APPEARING, W. MERTON PRUNTY/ PAUL J. PRUNTY, ESQUIRES

RE: PETITION FOR PROBATE OF LOST WILL AND TESTAMENT OF ELIZABETH MANN

Paul Prunty, Esquire, Counsel for Chelsie and Coralie Adkins, appeared before the Commission explaining the last will and testament of Elizabeth Mann could not be located. Mr. Prunty explained the petitioners were requesting the Commission allow a conformed copy to be probated.

Chelsie Adkins, brother-in-law of the late Elizabeth Mann, stated Ms. Mann had given him a copy of the will she had executed in 2000. Mr. Adkins stated all of Ms. Mann’s siblings, other than his wife, were deceased and she had no children of her own.

William Watson, County Attorney, asked Mr. Adkins if he could recall Ms. Mann ever indicating she wanted to destroy the will.

Mr. Adkins stated Ms. Mann had never indicated she had any desire or intent to destroy the will.

Mr. Watson stated the primary objective was always to grant the wishes of the testatrix. Mr. Watson stated he felt there was no substantial evidence to indicate Ms. Mann had destroyed the will intentionally. Mr. Watson said it would be his recommendation to accept the conformed will and allow it to be probated.

Robert L. Bailey, Commissioner, moved to approve probating the conformed will of Elizabeth Mann. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#260  RESOLUTION, CABELL COUNTY COMMISSION

RE: ISSUANCE OF REVENUE BONDS/ FOSTER FOUNDATION/ INDUCEMENT RESOLUTION
Robert L. Bailey, Commissioner, moved to approve the inducement resolution for the issuance of revenue bonds. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (A)

#261 RESOLUTION, CABELL COUNTY COMMISSION

RE: BOARD OF ASSESSMENT APPEALS
APPROVAL OF PROPERTY VALUES AND MINUTES
TAX YEAR 2013

Anne Yon, Commissioner, moved to approve the property values and minutes for the Board of Assessment Appeals tax year 2013. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#262 APPROVAL OF ADDITIONAL HOTEL/MOTEL FUNDING
FY 2013/2014

RE: WV SOCCER ASSOCIATION

Chris Tatum, County Manager, explained the WV Soccer Association had two upcoming tournaments and were requesting $10,000.00 in funding. Mr. Tatum stated the Commission had previously given $5,000.00. Mr. Tatum explained the WV Soccer Association had informed him the monies would be used for ancillary expenses. Mr. Tatum also stated the WV Soccer Association was in the process of providing the Commission with a financial report, but it had not yet been received.

Robert L. Bailey, Commissioner, moved to approve funding for the WV Soccer Association after the required documentation was received.

The motion died due to lack of a second.

Anne Yon, Commissioner, moved to table the item regarding Hotel/Motel funding for the WV Soccer Association until financial statements were received. Nancy Cartmill, President, seconded the motion and the vote was as follows:

NANCY CARTMILL, PRESIDENT AYE
ROBERT L. BAILEY, COMMISSIONER NO
ANNE YON, COMMISSIONER AYE
Chris Tatum, County Manager, explained CCCSO had requested funding in the amount of $10,000.00. Mr. Tatum stated the monies would be used to purchase a hot/cold meal delivery truck and also a food warmer.

Anne Yon, Commissioner, moved to approve Senior Excess Levy Funding FY 2013/2014 for CCCSO in the amount of $10,000.00. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Tim Keaton, Grant Manager, explained the funds would be used by the Cabell County Assessor’s Office to digitize the real estate map cards and provide them for public view.

Anne Yon, Commissioner, moved to approve the WV Technical Assistance Broadband Grant. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Tim Keaton, Grant Coordinator, explained the funds would be used to pay fifty percent of the salaries for a planner, three organizational staff members and equipment.

Robert L. Bailey, Commissioner, moved to approve the 2013 EMPG grant application. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.
#266  LETTER, IRV JOHNSON, ASSESSOR OF CABELL COUNTY

RE: ADDITIONAL COMPENSATION- DOG/GOAT TAGS-
OCTOBER, 2013- $398.40

Robert L. Bailey, Commissioner, moved to approve additional compensation for collection of dog and goat tax for Irv Johnson, Cabell County Assessor. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#267  RESOLUTION, CABELL COUNTY COMMISSION

RE: EMPLOYMENT:
MICHAEL SHAWN MARCUM- FULL TIME PARAMEDIC

Anne Yon, Commissioner, moved to approve the employment of Michael Shawn Marcum as a full time paramedic, effective November 15, 2013, at a rate of pay of $12.2244 per hour. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#268  SPECIAL FUNDS BUDGET REVISION- CCERC- FY 2013/2014

Robert L. Bailey, Commissioner, moved to approve Special Funds Budget Revision #1 CCERC FY 2013/2014. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. Exhibit (D)

#269  LETTERS/BINDER, T.W. MCCOMAS, SHERIFF

RE: DELINQUENT LIST OF SALES, SUSPENSIONS AND REDEMPTIONS
2012 DELINQUENT REAL ESTATE TAXES

Anne Yon, Commissioner, moved to approve the letter/binder provided by T.W. McComas, Sheriff listing 2012 delinquent real estate taxes. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.
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#270 EXECUTIVE SESSION

RE: LITIGATION

Anne Yon, Commissioner, moved to approve going into executive session to discuss litigation. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

The Commission went in to executive session at 10:53 a.m.

Nancy Cartmill, President, reconvened the meeting of the Cabell County Commission at 11:28 a.m., with no action taken.

#271 LETTER, CABELL COUNTY COMMISSION

RE: TAX SALE CERTIFICATES

Chris Tatum, County Manager, stated there were a few citizens who had purchased property at the tax sale and were unable to find their sale certificates. Mr. Tatum stated in order for those individuals to receive a copy of the sale certificates the tax office required a signed letter from the County Commission. Mr. Tatum stated approval of this item would authorize President Cartmill to sign the letter.

Robert L. Bailey, Commissioner, moved to approve the letter regarding tax sale certificates to be signed by President Cartmill. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#272 CONTRACT, CABELL COUNTY COMMISSION

RE: WEST VIRGINIA AMERICAN WATER DUMMY HOLLOW EXTENSION PROJECT

Chris Tatum, County Manager, explained he had expected to receive the contracts before the Commission meeting, but they had still not arrived. Mr. Tatum stated he was requesting approval of President’s signature on the documents upon arrival, and then send them to West Virginia American Water.

Anne Yon, Commissioner, moved to approve the contracts to West Virginia American Water, regarding the Dummy Hollow extension project to be signed by President Cartmill. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.
PLACE ON RECORD

Robert L. Bailey, Commissioner, moved to place on record minutes from the September 10, 2013, Salt Rock Water Public Service District, regular meeting; September 16, 2013, Pea Ridge Public Service District, regular meeting; Other Documentation to be Recorded: Cabell-Huntington clinical monthly report and combined narrative, September 2013. Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, President, adjourned the meeting of the Cabell County Commission at 11:45 a.m., until the next regular schedule meeting on November 26, 2013.

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PRESIDENT, COUNTY COMMISSION

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