

**COMMISSION MEETING
THURSDAY, SEPTEMBER 26, 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.

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 #14-52690 through #14-53032 and pay jackets.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, Commissioner, **moved to approve minutes from the September 12, 2013, regular 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 Life Insurance Company, not to exceed \$100,000.00, from the Cabell County Medical Insurance fund.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

CITIZENS REGISTERED TO SPEAK

Will Roberts appeared before the Commission to discuss issues regarding the Estate of Shirley Anne Akers Hensley. Mr. Roberts stated there was an active claim against the Estate, but the Estate was insolvent. Mr. Roberts explained he had contacted Fiduciary Commissioner Matt Woelfel to inform him there were no monies remaining in the Estate. Mr. Roberts said Mr. Woelfel stated he would contact the claimant and inform them of the situation. Mr. Roberts stated he had still received no word back and was uncertain of how to proceed with the matter.

Mr. Roberts went on to say he jointly owned a piece of property with the deceased which was a non-probate item. Mr. Roberts questioned why he could not receive a deed to the property if it was not in probate.

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William Watson, County Attorney, explained to Mr. Roberts the Estate must be closed before anything belonging to the deceased, whether solely or jointly, could be released. Mr. Watson stated he would call Fiduciary Commissioner Matt Woelfel and ask him to contact Mr. Roberts regarding the matter.

#216 **EXCEPTION TO FIDUCIARY COMMISSIONER W.
STEVE FLESHER'S REPORT AND APPROVAL OF
PAYMENT, FIDUCIARY COMMISSIONER'S FEES**
RE: ESTATE OF BRUCE A. BIAS

William Watson, County Attorney, stated based on Fiduciary Commissioner Steve Flesher's report, it did not appear the personal representative had conducted herself in a manner that would dictate she should be removed. Mr. Watson stated it was his recommendation to uphold Fiduciary Commissioner Steve Flesher's report.

Robert L. Bailey, Commissioner, **moved to approve removal of personal representative in the Estate of Bruce A. Bias and appointment of Sheriff Thomas W. McComas as Fiduciary of the Estate.** The motion died due to lack of a second.

Nancy Cartmill, President, **moved to uphold Fiduciary Commissioner Steve Flesher's report.** Anne Yon, Commissioner, seconded the motion and the vote was as follows:

NANCY CARTMILL, PRESIDENT	<u>AYE</u>
ROBERT L. BAILEY, COMMISSIONER	<u>NAY</u>
ANNE YON, COMMISSIONER	<u>AYE</u>

Anne Yon, Commissioner, **moved to approve Fiduciary Commissioner Steve Flesher's fees and expenses for the Estate of Bruce A. Bias.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

#217 **RESOLUTION, CABELL COUNTY COMMISSION**
**RE: IN THE MATTER OF SETTING DATES FOR THE
BOARD OF ASSESSMENT APPEALS FOR OCTOBER,
2013**

Anne Yon, Commissioner, **moved to approve setting the dates and times for the Board of Assessment appeals as October 10, 2013, at 1:00 p.m., and October 23, 2013, at 10:00 a.m.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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#218 LETTER, IRV JOHNSON, ASSESSOR

**RE: ADDITIONAL COMPENSATION- ASSESSOR'S
CERTIFICATE OF COMPLIANCE, FARM CENSUS
OF 2013**

Chris Tatum, County Manager, stated the Commission had received notification Irv Johnson, Assessor had successfully completed the requirements of the Farm Statistics Law.

Anne Yon, Commissioner, **moved to approve additional compensation for Assessor Irv Johnson.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#219 RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF PLEDGING OF COLLATERAL
BONDS- FIRST SENTRY BANK**

Robert L. Bailey, Commissioner, **moved to approve the pledging of collateral bonds by First Sentry Bank.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.
Exhibit (A)

**#220 APPROVAL OF ADDITIONAL HOTEL/MOTEL FUNDING
AND SENIOR EXCESS LEVY REQUESTS- FY 2013-2014**

Chris Tatum, County Manager, stated he would go over each organization individually to allow the Commissioner's an opportunity to discuss each before voting.

Mr. Tatum explained all information required for funding had been received from Arts Resources for the Tri State.

Anne Yon, Commissioner, **moved to approve funding for Arts Resources for the Tri State.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Mr. Tatum stated a request was made by the Cabell Midland Cross Country team for funding of \$5,000 to \$7,500.00. Mr. Tatum stated in the past the Commission had always allocated \$5,000.00, but could elect to give a different amount if they chose.

Robert L. Bailey, Commissioner, **moved to approve funding in the amount of \$5,000.00 to the Cabell Midland Cross Country Team.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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Mr. Tatum explained the Cabell/Wayne Beekeepers Association had submitted a request in the amount of \$10,000.00. Mr. Tatum stated the Cabell/Wayne Beekeepers Association provided information which stated the monies would be used to help fund their school program, and to help cover the cost of their annual conference, which would be held in Cabell County this year.

Robert L. Bailey, Commissioner, **moved to approve funding in the amount of \$10,000.00 to the Cabell/Wayne Beekeepers Association.** The motion died due to lack of a second.

Anne Yon, Commissioner, **moved to approve funding in the amount of \$7,500.00 to the Cabell/Wayne Beekeepers Association.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

Mr. Tatum explained Forest Hills Neighborhood Association had submitted the banking information requested by the Commission. Mr. Tatum explained last year had been the first time the Forest Hills Neighborhood Association had held the Oktoberfest event and it had been a huge success.

Robert L. Bailey, Commissioner, **moved to approve funding in the amount of \$1,000.00 for the Forest Hills Neighborhood Association.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Mr. Tatum explained the Musical Arts Guild had submitted all documentation requested by the Commission. Mr. Tatum stated the Musical Arts Guild had requested funding in the amount of \$5,000.00, which is what had been allocated in past years.

Robert L. Bailey, Commissioner, **moved to approve funding in the amount of \$5,000.00 to the Musical Arts Guild.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Mr. Tatum stated a request for funding in the amount of \$4,000.00 had been submitted by Swinefest Solutions. Mr. Tatum stated a copy of the budget for the event had been submitted along with letters of support.

Robert L. Bailey, Commissioner, **moved to approve funding in the amount of \$4,000.00 for Swinefest Solutions.** The motion died due to lack of a second.

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Nancy Cartmill, President, explained the letter submitted clearly stated some vendors did not receive proper payment. President Cartmill explained the letter went on to say the secretary at the bank had made the payments to the unpaid vendors and would be reimbursed when state grant monies were received. President Cartmill questioned Tim Keaton, Grant Manager, about problems regarding the grant requests submitted by Swinefest Solutions.

Mr. Keaton stated he had several grants for Swinefest Solutions in his file, but did not have all the necessary documentation for any to be processed. Mr. Keaton explained he had requested receipts and other documentation, but still had yet to receive anything.

Anne Yon, Commissioner, stated she felt there were simply too many red flags to approve allocating funds to Swinefest Solutions, to which President Cartmill agreed.

Mr. Tatum stated the Commission still had not received a written opinion from the State Auditor regarding the requests from CCCSO and The Jeffrey E. George Comfort House.

Anne Yon, Commissioner, stated she would like to wait on the response from the State Auditor before voting on the requests from CCCSO and The Jeffrey George Comfort House.

Robert L. Bailey, Commissioner, **moved to table the requests from CCCSO and the Jeffrey George Comfort House until a response was received from the State Auditor.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Chris Tatum, County Manager, explained the Veterans' Honor Guard had requested funding in the amount of \$2,000. Mr. Tatum stated the funds would be used for continuation of the honor guard program.

Robert L. Bailey, Commissioner, **moved to approve funding in the amount of \$2,000.00 for the Veterans' Honor Guard.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, President, stated she had recently spoken with the Chairman of the Board at the Ebenezer Outreach Center regarding additional funding. President Cartmill stated in the past a contribution of \$20,000.00 had always been given to the Ebenezer Outreach Center, but for some reason the Commission had cut the allocation down to \$10,000.00. President Cartmill stated she could not remember the reason for the decrease in the funding amount and the center was simply requesting the additional \$10,000.00 be added back to the contribution amount.

Robert L. Bailey, Commissioner, stated Ebenezer Outreach Center could not be voted on during the meeting because it had not been placed on the agenda.

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President Cartmill stated none of the items being discussed were listed individually on the agenda. President Cartmill asked William Watson, County Attorney, his opinion on the matter.

Mr. Watson stated although the items were not listed singularly on the agenda, information regarding all those being discussed today had been included in the packet. Mr. Watson stated he felt the item should not be voted on today.

#221 RESOLUTION, CABELL COUNTY COMMISSION

**RE: REAPPOINTMENT, STEPHEN H. LOVEJOY, PEA
RIDGE PUBLIC SERVICE DISTRICT**

Robert L. Bailey, Commissioner, **moved to approve the reappointment of Stephen H. Lovejoy for a term beginning immediately and ending September 26, 2019.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

**#222 DISCUSSION, TAX COLLECTIONS, CABELL COUNTY
COMMISSION**

Chris Tatum, County Manager, stated the Commission had requested the bonding of Attorney David Tyson at a previous meeting. Mr. Tatum stated Mr. Tyson had been working with Teddy Klemper and they were still trying to find a market for the public official bond. Mr. Tatum stated once completed, it would be presented and billed appropriately.

**#223 LETTER, RESOLUTION AND GRANT CONTRACT,
CABELL COUNTY COMMISSION**

**RE: DIVISION OF JUSTICE AND COMMUNITY
SERVICES (VOCA) - \$57,819.00**

Tim Keaton, Grant Coordinator, explained the funds would be used for the continued salaries of three victim advocates for a victim/witness program at the Cabell County Prosecuting Attorney's Office.

Anne Yon, Commissioner, **moved to approve the grant contract for the Division of Justice and Community Services in the amount of \$57,819.00.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

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#224

RESOLUTIONS, CABELL COUNTY COMMISSION

RE: EMPLOYMENT:

**TRAVIS DALE HAYE- PER DIEM EMT
JONATHAN ADAM RABEL- FULL TIME
PARAMEDIC**

Robert L. Bailey, Commissioner, **moved to approve the employment of Travis Dale Haye as a per diem EMT, effective September 27, 2013, at a rate of pay of \$8.9643 per hour; Jonathan Adam Rabel as a full time EMT, effective September 27, 2013, at a rate of pay of \$12.0744 per hour.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#225

**RESOLUTION, CABELL COUNTY EMERGENCY
MEDICAL SERVICES**

RE: RECLASSIFICATION:

JOHN WESLEY MUSIC- FULL TIME EMT

Anne Yon, Commissioner, **moved to approve the reclassification of John Wesley Music as a full time EMT, effective September 27, 2013, at a rate of pay of \$9.1143 per hour.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#226

LETTER, CABELL COUNTY COMMISSION

RE: EMPLOYMENT

**JONATHAN M. RUTHERFORD- PART TIME
SECURITY OFFICER
BRANDON BYRD- PART TIME SECURITY
OFFICER**

Robert L. Bailey, Commissioner, **moved to approve the employment of Jonathan M. Rutherford as a part time security officer, effective September 29, 2013, at a rate of pay of \$11.52 per hour; Brandon Byrd as a part time security officer, effective September 29, 2013, at a rate of pay of \$11.52 per hour.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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#227 RESOLUTIONS, CABELL COUNTY COMMISSION

**RE: EMPLOYMENT:
EXECUTIVE SECRETARY
DIRECTOR, BUILDINGS AND GROUNDS
HOUSEKEEPING**

Robert L. Bailey, Commissioner, **moved to approve the employment of Marie Holmes as a full time Executive Secretary for the Cabell County Commission, effective October 1, 2013, at a rate of pay of \$25,200.00 annually; Wesley Linville as the full time Director of Buildings and Grounds for the Cabell County Commission, retroactive to September 1, 2013, at a rate of pay of \$35,000.00 annually; Cheryl Roberts for a full time custodial position for the Cabell County Commission, effective October 1, 2013, at a rate of pay of \$23,000.00 annually.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#228 DISCUSSION/ACTION- PURCHASE OF UTV, CABELL COUNTY 4-H CAMP

Chris Tatum, County Manager, stated Matt Keefer, Director of the Cabell County 4-H Camp, had requested the Commission's approval to purchase a UTV. Mr. Tatum stated Mr. Keefer would use the UTV for various tasks at the camp, such as removing large debris from the trails and plowing snow in the winter months.

Anne Yon, Commissioner, **moved to authorize the purchase of a UTV for the Cabell County 4-H Camp.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#229 MEMO: RYAN COLE, ASSISTANT COUNTY ADMINISTRATOR

RE: CABELL COUNTY SURPLUS VEHICLE AUCTION

Ryan Cole, Assistant County Administrator, announced the Cabell County surplus vehicle auction would take place on October 5, 2013. Mr. Cole explained today's vote would authorize Nancy Cartmill, President, to sign the titles over so the sales could be finalized.

Anne Yon, Commissioner, **moved to authorize President Nancy Cartmill to sign the titles of the auction vehicles.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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#230

RESOLUTION, STATE BUDGET REVISION #4

Robert L. Bailey, Commissioner, **moved to approve State Budget Revision #4.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

PLACE ON RECORD

Anne Yon, Commissioner, **moved to place on record minutes from the August 7, 2013, Culloden Public Service District, special board meeting; August 21, 2013, Culloden Public Service District, regular board meeting; August 13, 2013, Salt Rock Public Service District, regular board meeting; September 25, 2013, Cabell Huntington Health Department, regular board meeting.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

COMMISSIONER'S REPRESENTATION REPORTS

Robert L. Bailey, Commissioner, stated he had received a letter from Terry McFann, President of the Cabell County Deputy Sheriffs' Association, regarding black mold at the farm. Deputy McFann stated something needed to be done to remedy the situation, due to the health risks associated with exposure to the mold.

Chris Tatum, County Manager, stated the maintenance department had recently accompanied the Health Department to the facility. Mr. Tatum stated they had discovered the mold was confined to the basement area. Mr. Tatum said they were currently checking to see if the mold was present in the air ducts. Mr. Tatum explained if mold was found, the ducts would be sanitized and the air flow would be redirected.

Commissioner Bailey stated it was the responsibility of the County Commission to keep a current account of all Commission property. Commissioner Bailey stated he felt an inventory of the building should be done in the near future.

Commissioner Bailey stated the Commission had received a letter from Karen Cole, County Clerk, which requested funds for an additional employee. Commissioner Bailey told the other Commissioners they should take the time to meet with Ms. Cole and allow her the opportunity to discuss her request.

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GOOD AND WELFARE

Chris Tatum, County Manager, explained work was being continued on the Dummy Hollow waterline extension project. Mr. Tatum stated he had also spoken with the water company in regards to the proposed extension on Camp Branch. Mr. Tatum said the cost estimate he had been given for the project had increased significantly from the estimate received the previous year. Mr. Tatum explained the new estimate was \$307,000.00. Mr. Tatum stated even after the water company's contribution a balance of \$280,000.00 would remain.

Carol Ramey, Camp Branch resident, stated he did not understand how the cost could increase from \$160,000.00 to \$307,000.00 over the span of one year. Mr. Ramey stated the Dummy Hollow extension is longer than the Camp Branch extension, yet is being done for \$126,000.00. Mr. Ramey said it simply did not make sense.

Mr. Tatum stated the Commissioners would need to sign an order to refer both the Estate of Emma Marie Williams and the Estate of Ezra Eugene Williams to a Fiduciary Commissioner.

Mike Tatum, Assistant Director CCERC, stated Linda Bradshaw would be retiring from CCERC on October 18, 2013. Mr. Tatum explained Ms. Bradshaw had been an employee since shortly after the facility opened and would be greatly missed. Mr. Tatum stated the Commission was welcome to attend the retirement party.

Nancy Cartmill, President, adjourned the meeting of the Cabell County Commission at 11:25 a.m., until the next regular schedule meeting on Thursday, October 10, 2013.

PRESIDENT, COUNTY COMMISSION

KSC:ksf