

**COMMISSION MEETING
THURSDAY, JUNE 26, 2014**

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:

Chris Tatum, County Manager, stated the agenda would need to be amended to add an item regarding the renewal of Workers' Compensation Insurance, due to an upcoming deadline.

Anne Yon, Commissioner, **moved to approve the agenda as amended.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve purchase orders #14-58663 through #14-59040 and pay jackets.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, Commissioner, **moved to approve the minutes of the May 8, 2014, and May 22, 2014, 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 Guardian 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.

"BID OPENING"

OPENING OF BIDS FOR 2014/2015 CIRCUIT COURTROOM #4

Chris Tatum, County Manager, stated there had been six bids received and were as follows:

**CAPITAL BUILDERS
HUNTINGTON, WV** **BASE BID \$1,093,500.00**

**DON HILL CONSTRUCTION
GAULEY BRIDGE, WV** **BASE BID \$1,025,000.00**

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**HAGER CONSTRUCTION
HUNTINGTON, WV**

BASE BID \$891,000.00

**EP LEECH & SONS
HUNTINGTON, WV**

BASE BID \$912,434.00

**NEIGHBORGALL CONSTRUCTION
HUNTINGTON, WV**

BASE BID \$897,300.00

**LOMBARDEE DEVELOPMENT
FOLLANSBEE, WV**

BASE BID \$815,000.00

Robert L. Bailey, Commissioner, **moved to approve taking the bids under advisement.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

CITIZENS REGISTERED TO SPEAK

Mike Clark, President Cabell County Deputy Sheriff's Civil Service Commission, appeared before the Commission to explain the ruling just made by Judge Husted. Mr. Clark stated the ruling deemed a Special Commissioner be appointed by the County Commission to serve only during the Patrice Lambert hearing.

Nancy Cartmill, President, stated she would need an order from Judge Husted in order to take any action on the matter.

Rodman Lowe, CPA, executor of the Estate of William B. Saunders, appeared before the Commission to request assistance. Mr. Lowe stated he had filed appraisal papers for the Estate back in October of 2013 and since had been misinformed and strung along. Mr. Lowe stated he had made numerous calls throughout the fall and upon information received from Ms. Templeton in the Prosecuting Attorney's office, had been led to believe the Estate would be able to be closed in March of 2014. Mr. Lowe had been informed Sean "Corky" Hammers had initially been in place as Fiduciary Commissioner, but once he had changed positions, the Estate had been handed over to Kent Bryson. Mr. Lowe stated once he was finally able to reach Mr. Bryson. He had been informed nothing regarding the estate had been done during the time it was being handled by Mr. Hammers. Mr. Lowe stated Mr. Bryson had stated he would contact him to work things out, but thus far had not. Mr. Lowe stated he has made countless calls without response and needed something to be done.

Chris Tatum, County Attorney, stated he had tried multiple times to seek out Mr. Bryson regarding Mr. Lowe's case, and unfortunately had gotten the same result as Mr. Lowe. Mr. Tatum said until action was taken from the Fiduciary Commissioner there was nothing else the Commission could do.

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Mr. Lowe stated he questioned whether or not it was a conflict of interest for someone who is an employee of the County to serve as Fiduciary Commissioner.

Howard Cruz, Attorney, stated he had also attempted to contact County Attorney William Watson on two separate occasions and had received no response.

President Cartmill stated the matter would be looked into and the Commission would see what further action needed to be taken.

#446

**MOTION FOR HEARING SEEKING REMOVAL OF
PERSONAL REPRESENTATIVE**

RE: ESTATE OF OPAL MARIE TAYLOR

Janet Noble, a beneficiary of the Estate of Opal Marie Taylor, appeared before the Commission to explain why she felt the current Executor, Neal Adkins, should be removed. Ms. Noble began by saying it had taken Mr. Adkins over 11 years to produce a will, after years of denial that a will even existed. Ms. Noble stated Mr. Adkins had exhibited complete disregard throughout his time as executor and felt there was no evidence to show this neglect had ceased.

William Waston, County Attorney, stated it was his understanding that Mr. Richard Fredeking now represented Mr. Adkins. Mr. Watson explained he did feel it was reprehensible that Mr. Adkins had withheld the Will of Ms. Taylor for such a long period of time, and understood the frustration of the family. Mr. Watson stated an advertisement had been filed in the paper, and thus far no responses had been received. Mr. Watson stated if no claims were filed by August 13, the Estate could then be closed. Mr. Watson stated if the current executor were removed, the time frame for closure would be delayed greatly. Mr. Watson went on to say if the parties felt the final accounting was inaccurate, they did have the right to dispute it. Mr. Watson also explained the family had the option to file with the Circuit Clerk's office if their primary concern was to have Mr. Adkins removed.

Mr. Fredeking stated his client had not understood all of the responsibilities his position held, but now that he had legal counsel, things would be handled in the appropriate fashion. Mr. Fredeking stated he was confident he could have the estate worked out by September 30, 2014.

Janet Noble's daughter spoke on her behalf stating the family was not concerned with extending the length of time it would take to settle the Estate, as it had already been nearly 12 years. Ms. Noble's daughter said the primary concern of the family was to have Mr. Adkins removed, since they did not have any trust in him, whatsoever.

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William Watson, County Attorney, stated he had the utmost sympathy for the family, but it was his recommendation to allow the personal representative to stay in place. Mr. Watson stated since the matter had gone on for so long now he felt it was best to allow Mr. Richard Fredeking the opportunity to try and resolve the estate, with a deadline of September 30, 2014 in place.

Robert L. Bailey, Commissioner, **moved to allow Richard Fredeking to proceed with the Estate of Opal Marie Taylor, with a deadline of September 30, 2014 in place.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#447

**MOTION FOR HEARING SEEKING REMOVAL OF
PERSONAL REPRESENTATIVE**

RE: ESTATE OF DELBERT MARTIN

William Watson, County Attorney, stated his recommendation would be to schedule the hearing for the meeting scheduled July 10, 2014.

Anne Yon, Commissioner, **moved to approve setting the hearing regarding the Estate of Delbert Martin for July 10, 2014.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#448

LETTER, T.W. MCCOMAS, SHERIFF

**RE: EMPLOYMENT
SHAWN LUSHER- FULL TIME CONFINEMENT
OFFICER**

Anne Yon, Commissioner, **moved to approve the employment of Shawn Lusher as a full time Home Confinement Officer with the Cabell County Sheriff's Office, effective June 26, 2014, at a rate of pay of \$23,500.00 annually.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#449

LETTER, T.W. MCCOMAS, SHERIFF

**RE: EMPLOYMENT
DOUGLAS WEST- PART TIME SECURITY OFFICER
JERRY BLAKE- PART TIME SECURITY OFFICER**

Robert L. Bailey, Commissioner, **moved to approve the employment of Douglas West and Jerry Blake as part time security officers with the Cabell County Sheriff's Office, effective June 30, 2014, both 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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#450

RESOLUTION, CABELL COUNTY COMMISSION

RE: EMPLOYMENT- FULL TIME MAINTENANCE

Chris Tatum, County Manager, stated he had received a letter from Wes Linville requesting the employment of Justin Shane Adkins.

Robert L. Bailey, Commissioner, asked if Mr. Adkins was related to Mr. Linville.

Mr. Tatum stated he was uncertain if Mr. Adkins and Mr. Linville were related, but if the Commissioners wished to do so, they could approve the employment contingent upon that factor.

Nancy Cartmill, President, **moved to approve the employment of Justin Shane Adkins, contingent upon Mr. Adkins relationship to Mr. Linville.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#451

LETTER, CABELL COUNTY COMMISSION

**RE: NAMING AN AGENT FOR THE COUNTY'S GROUP
DENTAL & VISION INSURANCE PLAN**

Chris Tatum, County Manager, stated approval of this item would name Dave Barton as the agent of record for the County's group dental and vision insurance. Mr. Tatum stated Mr. Barton was already the agent of record for the County's health coverage so it would make things streamline throughout.

Robert L. Bailey, Commissioner, **moved to approve naming Dave Barton as agent of record for the County's group dental and vision insurance plan.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#452

**LETTER, IRV JOHNSON, ASSESSOR OF CABELL
COUNTY**

RE: DOG FUND

Anne Yon, Commissioner, **moved to accept the letter from the Irv Johnson regarding the dog fund.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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#453

LETTER, CABELL COUNTY COMMISSION

**RE: FY 2014 COMMUNITY PARTICIPATION GRANT
PROGRAM- CONTRACT CABELL COUNTY
LIBRARY- SEAL AND STRIPE PARKING LOTS
PROJECT NUMBER: 14LEDA0032- \$2,000.00**

Chris Tatum, County Manager, explained the funds would be used by the Cabell County Library to seal and strip the parking lots at the Guyandotte Library, West Huntington Library, and at least one of the parking lots at the Main Library.

Robert L. Bailey, Commissioner, **moved to approve the grant contract for the Cabell County Library.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.
Exhibit (A)

#454

LETTER, CABELL COUNTY COMMISSION

**RE: FY 2014 COMMUNITY PARTICIPATION GRANT
PROGRAM- CONTRACT MADIE CARROLL HOUSE-
REHAB BARN/CIVIL WAR SOLIDERS QUARTERS
INTO THE RICK WISEMAN CIVIL WAR MUSEUM
PROJECT NUMBER: 14LEDA0030- \$5,000.00**

Chris Tatum, County Manager, explained the funds would be used by the Madie Carroll House Preservation Board to convert the barn/ Civil War solider quarters into the Rick Wiseman Civil War Museum.

Robert L. Bailey, Commissioner, **moved to approve the grant contract for the Madie Carroll House.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.
Exhibit (B)

#455

CABELL COUNTY EMERGENCY SERVICES-WV CODE
7-7-7

Anne Yon, Commissioner, **moved to approve the Cabell County Emergency Services payroll letter, pursuant to WV Code §7-7-7.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

#456

RESOLUTION, CABELL COUNTY COMMISSION-
COUNTY COMMISSION- COUNTY BUDGET REVISION
#19

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Robert L. Bailey, Commissioner, **moved to approve County Budget Revision #19.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

#457

**RESOLUTION, CABELL COUNTY COMMISSION-
STATE BUDGET REVISION #17**

Anne Yon, Commissioner, **moved to approve State Budget Revision #17.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

PLACE ON RECORD

Anne Yon, Commissioner, **moved to approve placing on record minutes from the May 12, 2014, Pea Ridge Public Service District, regular meeting.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

GOOD AND WELFARE CABELL COUNTY

Chris Tatum, County Manager, stated he would like the Commissioners to review the request received from the Deputy Sheriffs, so a written response could be prepared. Mr. Tatum stated he would like to have the response in the hands of the deputies as soon as possible.

Robert L. Bailey, Commissioner, said he would like to announce Cabell County 911 would be celebrating their 25th anniversary, with a celebration to be held on July 1, 2014.

Gordon Merry, Director CCEMS, explained a situation had occurred at the Shell Juvenile Center in which all of the refrigerators had gone down. Mr. Merry stated the Huntington Food Bank had been integral in the effort to preserve the food. Mr. Merry explained the Huntington Food Bank had sent out refrigerated trucks and all the food had been saved.

Mr. Merry stated he would also like to announce Field Day for Amateur radio operators would be held Saturday, June 28, 2014, at the Tri State Fire Academy. Mr. Merry said he would like all members of the Commission to make an appearance if they had the opportunity.

Irv Johnson, Assessor, stated he would like to announce the upcoming retirement of Sandy Abbott, employee of the Assessor's Office for 29 years. Mr. Johnson stated the office would be having a party for Ms. Abbott Friday and encouraged everyone to stop in and wish her well.

Mr. Johnson said he would also like to mention major changes to the forms Cabell County residents would be receiving in July. Mr. Johnson stated he felt the new design would be easier for citizens to read and understand.

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Nancy Cartmill, President, stated she had recently attended a meeting in Wheeling. President Cartmill stated many counties were facing challenges such as lawsuits and budget cuts. President Cartmill stated the county should feel good to be in the position it is.

Chris Tatum, County Manager, stated the Auditor's would soon be wrapping up the PCard audit. Mr. Tatum stated this was this first time in four years the County had been audited by the state, and it had been very extensive.

CCEMS Director Gordon Merry stated this audit had been the only one in which he had actually had to show the items purchased.

Mr. Tatum stated the Commission would need to hold a special meeting on Monday, June 30, 2014, to appoint a commissioner to the Civil Service Commission.

Nancy Cartmill, President, adjourned the meeting of the Cabell County Commission at 11:25 a.m., until the next regularly scheduled meeting.

PRESIDENT, COUNTY COMMISSION

KSC:ksf