COMMISSION MEETING
THURSDAY, APRIL 23, 2015

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

Anne Yon, President, called the meeting of the Cabell County Commission to order at 10:00 a.m.

APPROVE:

Nancy Cartmill, 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 #15-64520 through #15-64746 and pay jackets. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, moved to approve the minutes from the March 12, 2015, regular Commission meeting; minutes from the March 24, 2015, special Commission meeting; minutes from the March 26, 2015, 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 ACH drafts for Weekly Claims Experience/Administration Cost- EBSO and handwritten checks to Guardian and Mutual of Omaha, not to exceed $100,000.00. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

CITIZENS REGISTERED TO SPEAK

Steven Harper, Culloden resident, appeared before the Commission to voice his concerns regarding the proposed Milton annexation. Mr. Harper started off by thanking Commissioner Robert Bailey for taking the time to attend the meeting held on Tuesday, April 21, by the newly formed Committee Against Annexation. Mr. Harper went on to say that he and his wife had chosen their home based on its location outside of city limits. Mr. Harper stated he did not feel the annexation would be a minor boundary adjustment, but a complete lifestyle change for all residents affected.

William Watson, County Attorney, stated a hearing had been scheduled for May 14, 2015, at 10:00 a.m., during which time the Commission would hear any objections the citizens might have. Mr. Watson stated the Commission would also render their decision regarding the annexation at that time.
Karen Cremeans, Culloden resident, stated the majority of citizens felt they had not been properly notified of the proposed annexation. Ms. Cremeans stated many of the citizens who opposed the annexation would not be able to attend the May 14th meeting due to schedule conflicts. Ms. Cremeans stated there were several petitions in circulation, as well as an online petition.

Mr. Watson explained the statute required that notifications of the hearing be posted in five conspicuous areas, and that a notice be published in the newspaper to alert the citizens affected.

A member of the audience asked if the Commission had received the application for annexation from the City of Milton.

Mr. Watson explained the application had been received during the April 9th meeting, and a hearing date had been set. Mr. Watson explained he had given instructions to Mayor Tom Canterbury on what would need to be done before the hearing. Mr. Watson stated Mayor Canterbury had not provided the Commission with a Meets and Description and would need to do so.

Michelle Woodall, Culloden resident, stated she had opted to purchase rental property in Culloden primarily due to the fact that it was outside of city limits. Ms. Woodall stated Mayor Canterbury had already made it clear that no further services would be provided to the residents of Culloden, and she felt the only thing the annexation would accomplish would be a tax increase for the residents.

Joshua Pierson, Culloden resident, stated that neither he nor anyone in the Cornerstone community had been aware of the proposed annexation until recently. Mr. Pierson explained he was an attorney in Teays Valley and had reviewed the statutes regarding annexation. Mr. Pierson explained the statutes read if the majority of the freeholders objected to the annexation, the Commission would have to deny the request. Mr. Pierson stated he would like to get the word out that the citizens were strongly opposed to the annexation.

Anne Yon, President, thanked everyone who had taken time out of their schedule to attend the meeting and reminded them of the hearing set for Thursday, May 14, 2015, at 10:00 a.m. President Yon also encouraged those in attendance to invite anyone who would like to voice their concerns to attend the hearing as well.

Mayo Canterbury announced a special City Council Meeting was scheduled for Monday, April 27, 2015, at 7:00 p.m., and all were welcome to attend.
“BID OPENING”
OPENING OF BIDS FOR MAINTENANCE VEHICLE TRUCK FOR CCEMS

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

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<thead>
<tr>
<th>STEPHENS AUTO CENTER</th>
<th>DANVILLE, WV</th>
<th>$38,291.00</th>
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<tr>
<td>TURNPIKE FORD</td>
<td>HUNTINGTON, WV</td>
<td>$32,804.00 (GAS)</td>
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<td>$38,733.00 (DIESEL)</td>
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Mr. Tatum stated Steve Murray, Assistant Director CCEMS, would take the bids under advisement and return at the end of the meeting with his decision.

#670 ESTATE OF DONALD G. MCCLELLAN
RE: APPOINTMENT OF SHERIFF, T.W. MCCOMAS, AS ADMINISTRATOR CTA

William Watson, County Attorney, stated there were two wills involved in this estate, one from 2008 and the other from 2012. Mr. Watson explained the 2008 will had been submitted to probate. Mr. Watson went on to say the 2012 will had named an executor and a sole beneficiary, but the individual named had chosen not to submit it to probate. Mr. Watson explained Steve Flesher, Fiduciary Commissioner, had previously held a hearing in which he ruled to allow the 2008 will to prevail, due to the fact that no one named in the 2012 had come forward. Mr. Watson explained however, that County Clerk Karen Cole had notified the Commission if a will was in existence, it must be probated. Mr. Watson explained the order today would rescind the previous order approving Mr. Flesher’s ruling and appoint Sheriff Thomas McComas as Administrator CTA of the estate. Mr. Watson stated the matter would then be referred back to Mr. Flesher, at which time he would hold a hearing to determine whether or not the will was valid. Mr. Watson explained Mr. Ryker would have the opportunity to contest the validity of the will at that time.

Paul Ryker, Counsel for Donald Brian McClellan, stated his client had already incurred substantial costs from prior proceedings, and if the Commission were to approve today’s order, it would result in even more costs for continued litigation. Mr. Ryker went on to say the proponent of the 2012 will had been given ample opportunity to come forth to prove its validity, which he had failed to do. Mr. Ryker explained Fiduciary Commissioner Steve Flesher had ruled to uphold the 2008 will, which he felt had been the correct decision. Mr. Ryker urged the Commission to not disrupt the judicial proceedings, and to leave the original ruling of Mr. Flesher in place. Mr. Ryker added there were simply no statutory procedures for this type of do over.
Mr. Watson stated statutory procedure was if a will was in existence it must be probated.

Nancy Cartmill, Commissioner, moved to approve appointing Sheriff Thomas McComas as Administrator CTA of the Estate of Donald G. McClellan. Anne Yon, President, seconded the motion and the vote was as follows:

ANNE YON, PRESIDENT  AYE
ROBERT L. BAILEY, COMMISSIONER  NAY
NANCY CARTMILL, COMMISSIONER  AYE

#671 RESOLUTION: IN THE MATTER OF THE NOMINATION AS A MEMBER OF THE CABELL/ WAYNE LOCAL EMERGENCY PLANNING COMMITTEE

RE: PEGGY DAVIS, CABELL COUNTY COMMISSION
EDWARD DAWSON, RIVER PARK HOSPITAL
JOHN “JK” FIFE, WAYNE COUNTY HEALTH DEPARTMENT
DIANE POTTORFF, WAYNE COUNTY NEWS/MEDIA

Robert L. Bailey, Commissioner, moved to approve the appointments of Peggy Davis, Edward Dawson, John “JK” Fife, and Diane Pottorff to the Cabell/ Wayne Local Emergency Planning Committee. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. Exhibit (A)

#672 RESOLUTION, CABELL COUNTY COMMISSION

RE: ADVERTISEMENT FOR BIDS- SEAMLESS DIGITAL TAX PARCEL DATABASE

Irv Johnson, Cabell County Assessor, explained this project would remap the entire county in digital format, which would exceed current state standards. Mr. Johnson explained the estimated cost of the project would be in the $100,000.00 range.

Nancy Cartmill, Commissioner, moved to approve the advertisement for bids for a Seamless Digital Tax Parcel Database for the Assessor’s office. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (B)
Mike Davis, Director CCERC, stated the center had just ended its annual Telecommunicator Week celebration, which had once again been a great success. Mr. Davis stated an awards ceremony had been held to recognize employees who had exhibited superior performance and dedication throughout the year. Mr. Davis stated the Robbie Brown award had been given to Terri Fink; the Supervisor of the Year award had been given to Brian Noble; and the Telecommunicator of the Year award had been given to Lavonna Chastain. Mr. Davis stated each year the center presented the “Silent Hero” award to an individual or group who had demonstrated support, offered guidance, and shown concern for employees. Mr. Davis stated this year’s award went to the Cabell County Commission; Anne Yon, Robert L. Bailey, Nancy Cartmill, and Chris Tatum.

All Commissioners and Mr. Tatum thanked Mr. Davis for the award.

President Yon stated it was easy to support a hardworking team.

Nancy Cartmill, Commissioner, moved to approve the appointment Andy Fisher to the Tri-State Airport Authority.

Robert L. Bailey, Commissioner, stated he would like to nominate Dick Fredeking to the Tri-State Airport Authority.

Anne Yon, President, stated Dick Fredeking was a tenant of the Tri-State Airport Authority, which presented a conflict of interest.

Nancy Cartmill, Commissioner, moved to approve the appointment of Andy Fisher to the Tri-State Airport Authority. Anne Yon, Commissioner, seconded the motion and the vote was as follows:

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<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>ANNE YON, PRESIDENT</td>
<td>AYE</td>
</tr>
<tr>
<td>ROBERT L. BAILEY, COMMISSIONER</td>
<td>NAY</td>
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<tr>
<td>NANCY CARTMILL, COMMISSIONER</td>
<td>AYE</td>
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#675 RESOLUTION, CABELL COUNTY COMMISSION

RE: EMPLOYMENT
BUDGET/ FINANCIAL ANALYST

Nancy Cartmill, Commissioner, moved to approve the employment of Beth Thompson, as a full time Budget/Financial Analyst for the Cabell County Commission, effective May 11, 2015, at a rate of pay of $45,000.00 annually. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#676 RESOLUTION, CABELL COUNTY COMMISSION-
COUNTY BUDGET REVISION #14

Nancy Cartmill, Commissioner, moved to approve County Budget Revision #14. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (D)

PLACE ON RECORD

Nancy Cartmill, Commissioner, moved to approve placing on record minutes from the Pea Ridge Public Service District, regular meeting, February 19, 2015; minutes from the Pea Ridge Public Service District, special meeting, February 23, 2015; other documentation to be recorded: Pea Ridge Public Service District, field report, January 2015; Pea Ridge Public Service District, Manager’s report, February 2015; Pea Ridge Public Service District, General Ledger Balance Sheet and Income Statement. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

COMMISSIONER’S REPRESENTATION REPORTS

Nancy Cartmill, Commissioner, stated she had seen a summary of the legislation that had passed during the last session, and several items would affect county commissioners. Commissioner Cartmill stated one of the bills passed would have a significant impact on Fiduciary Commissioners.

William Watson, County Attorney, explained the bill would reduce the time period for creditor publications to 60 days, and the asset amount of an estate with multiple beneficiaries would now have to exceed $200,000.00, before being referred out to a Fiduciary Commissioner. Mr. Watson stated this would help speed up the probate process.
Commissioner Cartmill stated the members of the state legislature were still studying tax reform, and were asking for comments from anyone that might have ideas on the issue. Commissioner Cartmill explained she had spoken at length with the Speaker of the House about options the State Legislature was considering that might affect county commissions and the amount of income that they receive. Commissioner Cartmill stated the Legislature hoped to have something prepared by the next legislative session.

**GOOD AND WELFARE CABELL COUNTY**

Anne Yon, President, stated she would like to remind everyone of the public hearing regarding the Milton annexation, scheduled for Thursday, May 14, 2015, at 10:00.

Chris Tatum, County Manager, stated he would like to once again welcome Beth Thompson to the County Commission staff. Mr. Tatum stated he would also like to extend his thanks once more to Mike Davis and the CCERC staff.

**“AWARD BID”**

Steve Murray, CCEMS, stated after reviewing the documentation it was his recommendation to award the bid to Turnpike Ford.

Nancy Cartmill, Commissioner, moved to approve awarding the bid for a Maintenance Vehicle Truck for CCEMS to Turnpike Ford. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, President, adjourned the meeting of the Cabell County Commission at 10:55 a.m., until the next regularly scheduled meeting.