COMMISSION MEETING
THURSDAY, AUGUST 11, 2016

PRESENT: ANNE YON, PRESIDENT
ROBERT L. BAILEY, COMMISSIONER
NANCY CARTMILL, COMMISSIONER
WILLIAM WATSON, COUNTY ATTORNEY
BETH THOMPSON, COUNTY ADMINISTRATOR

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

APPROVE:

Beth Thompson, County Administrator, stated the agenda would need to be amended to correct a typo on item #140, and also to add one additional purchase order to the list to be approved.

Nancy Cartmill, Commissioner, moved to approve amending the agenda. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, 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 #17-73270 through #17-73479 and pay jackets. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, moved to approve minutes from July 8, 2016, special Commission meeting; minutes from the July 14, 2016, regular Commission meeting; minutes from the July 28, 2016, regular Commission meeting. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, moved to approve erroneous assessments; land consolidations; split tickets; and probate documentation. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, moved to approve handwritten checks to HMBCBS; ACH Drafts for Weekly Claims Experience/Administration Cost- EBSO; ACH Drafts for Weekly Claims Experience/Administration Cost- HMBCBS. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#131 PETITION TO REMOVE PERSONAL REPRESENTATIVE

RE: THE ESTATE OF ELLA STEPP
Arden Brooks, son in law of the late Ella Mae Stepp, appeared before the Commission to request the removal of Kathleen Pauley as personal representative of the Estate of Ella Mae Stepp. Mr. Brooks stated he did not feel Ms. Pauley had properly fulfilled her duties as personal representative. Mr. Brooks stated Ms. Pauley had allowed property belonging to the estate to be taken and sold, and the family wanted to do whatever they could to make sure that nothing else was removed from the residence without their knowledge. Mr. Brooks explained Mrs. Ella Mae Stepp did have a will, but after searching the home the family had been unable to locate the original. Mr. Brooks stated he had contacted the probate department and explained the situation, but had been told that a copy would not be accepted. Mr. Brooks stated the family wanted to do whatever they could to prevent the estate from suffering any further loss.

William Watson, County Attorney, stated it was his recommendation to refer the matter to a Fiduciary Commissioner.

Nancy Cartmill, Commissioner, moved to approve referring the Estate of Ella Stepp to a Fiduciary Commissioner. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#132 DISCUSSION/ACTION RE: SOLID WASTE AUTHORITY/RECYCLING

John Short, Huntington resident, appeared before the Commission to speak in favor of placing the proposed Solid Waste Authority levy on the ballot. Mr. Short stated he felt recycling was a productive way of making sure landfills were not filled with reusable materials.

Jim St Clair, Cabell County resident, stated he felt the citizens of Cabell County deserved to be given the right to vote for or against the proposed Solid Waste Authority levy. Mr. St. Clair stated he knew there was some concern over maxing out the county’s authority to place things on the ballot, but he didn’t feel there was any topic more important than recycling. Mr. St. Clair urged the commission to vote in favor of placing the proposed levy on the ballot.

Tom Bell, Cabell County Solid Waste Authority Board member, encouraged the commission to place the proposed levy on the ballot. Mr. Bell stated he understood the county had budget constraints, which is why the Solid Waste Authority was seeking alternate funding through the proposed levy.

Mark Buchanan, Cabell County Solid Waste Authority Board member, stated the real issue wasn’t whether or not people were in favor of recycling, but was about allowing the tax paying citizens of Cabell County the right to vote yay or nay on the matter.
Marilyn Howells, Cabell County resident, stated she was in favor of the recycling program, but did not feel the proposed funding rates were fair. Ms. Howells stated she felt the rates should be based on the amount of waste, otherwise families and businesses that did not create much waste would be overcharged.

Helen Gibbons appeared before the Commission on behalf of the League of Women’s voters in support of placing the proposed Solid Waste Authority Levy on the ballot. Ms. Gibbons stated since the Earth’s resources are finite, items should be reused and recycled as often as possible. Ms. Gibbons stated she felt the proposed levy would provide a secure and dependable source of funds to continue the recycling program.

Natalie Thompson, Director of the Ohio Valley Environmental Coalition, stated she felt the recycling program had been a source of pride to the Huntington community. Ms. Thompson went on to say the Ohio Valley Environmental Coalition was in support of the proposed levy as was she and many of her friends and family members.

Stephen Zoeller, President of the Cabell County Solid Waste Authority, stated he would first like to express his gratitude for the support given by the Cabell County Commission to the Solid Waste Authority throughout the years. Mr. Zoeller stated the proposed program would primarily serve residential customers, but business owners would be encouraged to participate as well. Mr. Zoeller stated residents who owned large amounts of land or large businesses would be paying substantially more than others, but he felt the Solid Waste Authority had been very transparent about the proposed levy rates. Mr. Zoeller explained the levy would require a super majority, meaning a 60% approval rate would be needed in order for the levy to pass. Mr. Zoeller stated he would like to encourage the commission to place the proposed levy on the ballot, giving the citizens the right to decide.

Jeanette Rowsey, Cabell County resident, appeared before the Commission to speak in favor of the proposed levy. Ms. Rowsey stated she and many other residents living on East Pea Ridge Road recycled and would like to continue to do so, but could not depend on the municipalities to offer them the opportunity to recycle.

Anne Yon, President, stated she would like to know what the proposed budget had been based on, and would also clarification on what the collection facility would be, and where it would be located.
Tom Bell, Solid Waste Authority Board member, stated several sites had been looked at as a potential location for the collection facility. Mr. Bell stated the program would be self-operated by the Solid Waste Authority. Mr. Bell stated any revenue generated from the sale of materials would be put back into the program. Mr. Bell stated the Solid Waste Authority had met with other counties and looked at their recycling centers, as well as the DEP and Solid Waste Authority at the state level. Mr. Bell stated the information gathered from these agencies had been used in the preparation of the budget.

Steven Zoeller, President of the Solid Waste Authority, stated the proposed budget would allow the Solid Waste Authority to implement the program independent of the price of materials, Mr. Zoeller explained any revenue earned from the sale of the products would go into expanding the program. Mr. Zoeller stated the program would be able to maintain its initial level of operation, regardless of the price received from selling the products.

Nancy Cartmill, Commissioner, stated she would like to know what the Solid Waste Authority’s other sources of income were, as well as any other services offered to the community.

Mark Buchanan, Solid Waste Authority Board member, stated funding was received from the Cabell County Commission; the municipalities of Barboursville, Milton and Huntington; grant opportunities; and tax collections for landfill tipping fees. Mr. Buchanan stated all facets of recycling were provided to the community, allowing almost all types of recyclable materials to be accepted. Mr. Buchanan stated the Solid Waste Authority also held covered electronic device collections twice per year.

Anne Yon, President, asked if the Solid Waste Authority had sought a similar tax levying opportunities with the City of Huntington.

Steve Zoeller stated the problem with seeking a tax levy with the city would be that the usage of those funds would be limited to within the city of Huntington.

Robert L. Bailey, Commissioner, stated the Commission had received over 70 phone calls from residents requesting the levy be placed on the ballot. Commissioner Bailey stated he felt the item should be placed on the ballot, allowing the citizens of Cabell County to decide to vote in favor or against the levy.

Robert L. Bailey, Commissioner, moved to approve placing the Solid Waste Authority Levy on the ballot for the 2016 General Election.
Anne Yon, President, stated the levy amount requested by the Solid Waste Authority was the total remaining sum of Cabell County’s levying authority. President Yon stated she would like to know if knowledge of that amount had played a part in the preparation of the Solid Waste Authority’s proposed budget.

Tom Bell, Solid Waste Authority Board member, stated the budget had been prepared before the Solid Waste Authority had even looked into the available millage.

Nancy Cartmill, Commissioner, stated she felt it was important to look at the issue from the commission’s perspective. Commissioner Cartmill explained the county was experiencing financial difficulties and felt the commission had to be fiscally responsible at this time. Commissioner Cartmill stated in the future it might be necessary for the commission to use its levying authority to provide a service for the people of Cabell County. Commissioner Cartmill stated she could not support placing the recycling levy on the ballot because of those reasons.

Commissioner Bailey stated the most money the county could possibly get would not even be enough to cover the jail bill for one month. Commissioner Bailey stated he did not feel the commission had the authority to take the right to vote on the matter away from the people.

Anne Yon, President, stated there was a motion on the floor and asked if there was a second.

The motion died due to lack of a second.

#133 LETTER, T.W. MCCOMAS, SHERIFF

RE: SHERIFF’S COMMISSION FOR F/Y 2015-2016-$15,000.00

Nancy Cartmill, Commissioner, moved to accept the letter from T.W. McComas, Sheriff, regarding the Sheriff’s Commission for FY 2015-2016. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#134 LETTER, IRV JOHNSON, ASSESSOR

RE: SHEEP AND GOAT TAX- JULY 2016- $5.30
DOG FUND- JUNE AND JULY 2016- $1,122.70

Nancy Cartmill, Commissioner, moved to accept the letter from Irv Johnson, Assessor, regarding additional compensation for Sheep and Goat Tax July 2016, and Dog Tag collections June and July 2016. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.
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#135  APPROVAL OF ADDITIONAL HOTEL/MOTEL FUNDING REQUEST FY 2016-2017

RE: 1. COLLIS P. HUNTINGTON RAILROAD HISTORICAL SOCIETY
2. WEST VIRGINIA QUEEN PRODUCERS
3. KINDRED CHARITIES

Nancy Cartmill, Commissioner, moved to approve Hotel/Motel Funding for Collis P. Huntington Railroad Historical Society in the amount of $5,000; West Virginia Queen Producers in the amount of $5,000.00; and Kindred Charities in the amount of $5,000.00. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#136  RESOLUTION, CABELL COUNTY COMMISSION

RE: CREATING AND ESTABLISHING THE TAX INCREMENT FINANCING DISTRICT IN CABELL COUNTY, WEST VIRGINIA KNOW AS “THE COUNTY COMMISSION OF CABELL COUNTY DEVELOPMENT DISTRICT NO. 2- TANYARD STATION”; APPROVING THE TANYARD STATION PROJECT NO. 1; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Nancy Cartmill, Commissioner, moved to approve creating and establishing the Tax Increments Financing District in Cabell County, West Virginia, known as “The County Commission of Cabell County Development District No. 2- Tanyard Station”; approving the Tanyard Station Project No. 1; and providing for other matters in connection therewith. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (A)

#137  RESOLUTION, CABELL COUNTY COMMISSION

RE: RECLASSIFICATION
ADAM R. CLARK- PER DIEM- PARAMEDIC
VICTORIA CATHERINE GEIS- FULLTIME- PARAMEDIC
ANTHONY D. JOHNSON- FULL TIME PARAMEDIC
Nancy Cartmill, Commissioner, moved to approve the reclassification of Adam R. Clark as a per diem paramedic, effective August 19, 2016, at a rate of pay of $12.5317 per hour; Victoria Catherine Geis as a full time paramedic, effective August 19, 2016, at a rate of pay of $12.5317 per hour; Anthony D. Johnson as a full time paramedic, effective August 19, 2016, at a rate of pay of $12.6817 per hour. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#138 RESOLUTION, CABELL COUNTY COMMISSION

RE: ESTABLISHING A FEE SCHEDULE FOR FREEDOM OF INFORMATION ACT (FOIA) REQUESTS FOR CABELL COUNTY PURSUANT TO WV CODE §29-B-13 (5)

Nancy Cartmill, Commissioner, moved to approve establishment of a fee schedule for Freedom of Information Act (FOIA) requests for Cabell County. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (B)

#139 RESOLUTION, GRANT APPLICATION, CABELL COUNTY COMMISSION

RE: HOMELAND SECURITY SUB-GRANT APPLICATION $91,200.00

Nancy Cartmill, Commissioner, moved to approve the Homeland Security Sub-Grant Application. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (C)

#140 LETTER, RESOLUTION, AND CONTRACT, CABELL COUNTY COMMISSION

RE: COURT SECURITY FUND GRANT- CONTRACT WV DIVISION OF JUSTICE AND COMMUNITY SERVICES
APPROVED FUNDING $60,388.00 PROJECT #16-CS-02

Nancy Cartmill, Commissioner, moved to approve the grant contract for the WV Division of Justice and Community Services. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (D)
Robert L. Bailey, Commissioner, moved to accept the letter from T.W. McComas, Sheriff, regarding the Sheriff Settlement, July 1, 2015-June 30, 2016. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, moved to approve the request from Karen Cole, County Clerk, for 3 sets of Emergency Ballot Commissioners for the 2016 General Election. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, moved to approve Special Funds Budget Revision, Fund 9052, #1. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. Exhibit (E)

Robert L. Bailey, Commissioner, moved to approve placing on record minutes from the June 22, 2016, Cabell-Huntington Health Department, regular meeting; May 9, 2016, Pea Ridge Public Service District, regular meeting; Additional Documentation to be Recorded: Pea Ridge Public Service District- Manager’s Report- April, 2016; Pea Ridge Public Service Department- Field Report- April 2016; Pea Ridge Public Service District- General Ledger Balance Sheet & Income Statement Period 11 Year Ending 2016. Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, President, stated she would like to recognize Alvin Bowyer and Jim Morgan, both candidates for Cabell County Commissioner, and thank them for their attendance.
Anne Yon, President, adjourned the meeting of the Cabell County Commission at 11:50 a.m., until the next regularly scheduled meeting.

PRESIDENT, COUNTY COMMISSION

KSC:ksf