

COMMISSION MEETING

THURSDAY, SEPTEMBER 16, 2010

PRESENT: **W. SCOTT BIAS, PRESIDENT**
ROBERT L. BAILEY, COMMISSIONER
NANCY CARTMILL, COMMISSIONER
WILLIAM WATSON, COUNTY ATTORNEY
STEPHEN ZOELLER, COUNTY MANAGER
CHRIS TATUM, ASSISTANT COUNTY MANAGER
FOR PERSONNEL AND PURCHASING

ABSENT: **RHONDA MONTANEZ, PURCHASING ASSISTANT**

W. Scott Bias, President, called the regular meeting of the Cabell County Commission to order at 10:00 a.m.

APPROVE:

Nancy Cartmill, Commissioner, **moved to amend the agenda to remove item #308.** W. Scott Bias, President, seconded the motion and the vote was as follows:

W. Scott Bias, President	<u>aye</u>
Robert L. Bailey, Commissioner	<u>nay</u>
Nancy Cartmill, Commissioner	<u>aye</u>

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 #11-26850 through #11-27211 and pay jackets.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, **moved to approve 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 Mountain State Blue Cross and Blue Shield Company, not to exceed \$100,000.00, from the Cabell County Medical Insurance Fund.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

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#298

RESOLUTION, CABELL COUNTY COMMISSION

**RE: RELEASE AND SUBSTITUTION OF COLLATERAL
BONDS BY FIRST SENTRY BANK**

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

#299 RESOLUTION, CABELL COMMISSION

**RE: IN THE MATTER OF PERMANENT PRECINCT
LOCATION CHANGE**

Robert L. Bailey, Commissioner, **moved to approve the permanent precinct location change for Precinct #13 from the Huntington High Renaissance Center to the Jr. League Building.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

#300 APPEARING, ANTHONY CALDWELL, ESQUIRE

**RE: CONSIDERATION FOR ADOPTION OF AN
INDUCEMENT RESOLUTION PRELIMINARILY
APPROVING THE ISSUANCE OF ITS
COMMERCIAL DEVELOPMENT AND
REFUNDING
REVENUE BONDS, SERIES 2010 (FOSTER
FOUNDATION) TO REFINANCE CERTAIN BONDS
PREVIOUSLY ISSUED BY THE COUNTY**

**COMMISSION ON BEHALF OF THE FOSTER
FOUNDATION, INC., AND TO FINANCE THE
MAKING OF CERTAIN IMPROVEMENTS TO
EXISTING PROPERTY OWNED BY THE FOSTER
FOUNDATION, INC.**

Anthony Caldwell, Attorney, explained to the Commission this was the first step for a project by the Foster Foundation to issue bonds and to refinance bonds previously issued. Mr. Caldwell went on to say the next step would be a public hearing.

Robert L. Bailey, Commissioner, **moved to approve item #300 regarding the Foster Foundation Project.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

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#301

APPEARING, DENNIS BLOSS, FRONTIER

COMMUNICATIONS

RE: FRONTIER LEADERSHIP INTRODUCTION AND

BROADBAND BUILDOUT PLAN

Dennis Bloss, Frontier Communications, appeared before the Commission with a presentation regarding Frontier Communication's purchase of Verizon.

Robert L. Bailey, Commissioner, stated he had been concerned that Frontier Communication would downsize employees.

Mr. Bloss stated they had not downsized, they had added employees to their work force.

#302

DISCUSSION/ACTION:

RE: CITY OF HUNTINGTON'S OCCUPANCY TAX

W. Scott Bias, President, stated he had attended a Huntington City Council meeting in opposition to the proposed occupancy tax.

Robert L. Bailey, Commissioner, stated he believed the proposed tax was unconstitutional, as there would be no representation for the employees who live outside the City of Huntington.

Nancy Cartmill, Commissioner, stated for the record that she never said she wanted to sue the City of Huntington. Commissioner Cartmill further stated she had requested the County Attorney look into the constitutionality of this matter. Commissioner Cartmill went on to say that she believed that the action taken by the legislature was wrong regarding the Home Rule Committee, who in turn gave Huntington the right to impose such a tax.

Tom McCallister, Cabell County resident, stated he believed this tax was unconstitutional and requested that the county take this to the Supreme Court.

Bonnie Maynard, Wayne County resident, stated she was against this tax and believed it to be unconstitutional.

Pam Booth, Cabell Huntington Hospital worker, stated she believed if the tax was approved, it would hurt the local businesses because employees would not be able to spend money in the area. Ms. Booth asked the Commission to represent them if the tax was approved.

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Charlotte Wright, Wayne County resident, stated she worked at Cabell Huntington Hospital and the employees could not afford to live, let alone pay this tax.

Geisha Miller, Cabell County resident, stated she was against the user fee and this tax. Ms. Miller further stated she was afraid the area would lose employees and this would also hurt the small businesses.

Robert L. Bailey, Commissioner, moved to approve for the County Attorney to file an injunction to stop the collection process on October 1, 2010 and to take this matter to court, if the City of Huntington received approval on the 1% occupancy from the Home Rule Board on September 24, 2010.

W. Scott Bias, President, suggested Commissioner Bailey amend his motion to include a county employee's name in the suit and also approval for the County Attorney to hire Fredeking Law Services to help with the law suit, if needed.

After a lengthy discussion, William Watson, County Attorney, stated that the suit, on the constitutionality of the tax, would be filed in the Circuit Court and if the court dismissed the suit it would then be presented to the Supreme Court.

Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#303

CONTRACT OF LEASE BETWEEN CABELL COUNTY

COMMISSION AND JERRY D AND LINDA HODGE

1259 GEORGIA AVENUE, MILTON WV 25541

Robert L. Bailey, Commissioner, **moved to approve the lease agreement between the Cabell County Commission and Jerry and Linda Hodge for FEMA property in Milton.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

#304

CONTRACT OF LEASE BETWEEN CABEL COUNTY

COMMISSION AND JERRY D AND LINDA HODGE

612 JIMMY STREET, MILTON, WV 25541

Nancy Cartmill, Commissioner, **moved to approve the lease agreement between the Cabell County Commission and Jerry and Linda Hodge for FEMA property in Milton.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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#305

RESOLUTION, CABELL COUNTY COMMISSION

RE: ALLOCATE HOTEL OCCUPANCY TAX FUNDS

**TO WEST VIRGINIA ASSOCIATION OF COUNTIES
CONVENTION**

Nancy Cartmill, Commissioner, **moved to approve the allocation, in the amount of \$300.00, for the West Virginia Association of Counties Convention, from the Hotel Occupancy Tax Funds.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.
Exhibit (D)

#306 RESOLUTION, CABELL COUNTY COMMISSION

REAPPOINTMENT – SOLID WASTE AUTHORITY

Robert L. Bailey, Commissioner, **moved to approve the reappointment of Tom Bell to the Cabell County Solid Waste Authority, for a term beginning immediately and ending June 30, 2014.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.
Exhibit (E)

#307 RESOLUTION, CABELL COUNTY COMMISSION

RE: RECLASSIFICATION – CCEMS

Nancy Cartmill, Commissioner, **moved to approve the reclassification of John A. Simons as a full time diem Paramedic, retroactive to August 29, 2010, with a rate of pay of \$10.6549 per hour.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#308 REMOVED FROM THE AGENDA

#309

RESOLUTION, GENERAL FUND, COUNTY BUDGET

REVISION #1, FY 2010-2011

Robert L. Bailey, Commissioner, **moved to approve General Fund County Budget Revision #1.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

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Robert L. Bailey, Commissioner, thanked the Day Report Center for picking up trash around the City of Huntington.

W. Scott Bias, President, adjourned the Commission meeting at 10:55 a.m., until the next regular scheduled meeting on Thursday, September 30, 2010, at 10:00 a.m.

PRESIDENT, COUNTY COMMISSION

KSC:ar