

COMMISSION MEETING

THURSDAY, APRIL 28, 2011

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 regular meeting of the Cabell County Commission to order at 10:00 a.m.

Approve:

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

Anne Yon, Commissioner, **moved to approve purchase orders #11-32487 through #11-32836 and pay jackets.** Robert L. Bailey, 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.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, 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.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#129

RESOLUTION, CABELL COUNTY COMMISSION

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

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

#130

DISCUSSION/ACTION:

RE: CITY OF HUNTINGTON'S 1% OCCUPATION TAX

Ray Browning, County Resident, stated he was against the law suit and did not believe the County Commission should be involved.

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John O'Connor, Steel of WV, stated it was important that the Commission take part in the suite against the occupation tax and he believed the tax was unconstitutional.

Tom McCallister, County Resident, stated the Commission swore to uphold the Constitution of the State of West Virginia and the Commission was the only voice for residents that live in the county and asked that the Commission file suit.

Jim Riedel, County Resident, stated that the Occupation Tax would affect his family and the families of the people where he works. Mr. Riedel further stated that it was the Commission's duty to protect the citizens of Cabell County. Mr. Riedel stated that he was in favor of the suit.

Jim St. Clair, County Resident, stated that the City of Huntington and the County Commission each have their own functions and the two groups should be separate. Mr. St. Clair further stated that the City of Huntington had not told the Commission how to run the county, therefore, the Commission should not tell Huntington how to run the city. Mr. St. Clair went on to say tax payer's money should not be used to contest the Occupation Tax.

Joyce Gibson, County Resident, stated that she worked at Cabell Huntington Hospital and the Occupation Tax would hurt a lot of employees who work in Huntington and she would like to know how the tax money would be used.

Dennis Morgan, Union Representative, stated that the Commission was the only voice for some of the citizens in the county, as not everyone could vote for Huntington's Mayor and Council. Mr. Morgan asked that the Commission file suit.

Tom Turman, County Resident, stated that he believed the Commission was the only voice for the people who live in the county. Mr. Turman further stated that his company, located in Huntington, already pays for many services in the city. Mr. Turman also was in favor of the suit being filed.

Robert L. Bailey, Commissioner, stated this Occupation Tax was taxation without representation. Commissioner Bailey further stated he believed that the Commission should join in the suit with the businesses and let a Judge decide if the Occupation Tax was constitutional.

Robert L. Bailey, Commissioner, **moved to join the law suit against the City of Huntington, regarding the 1% Occupation Tax.**

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Nancy Cartmill, President, **moved to amend Commissioner's Bailey motion to join the law suit, if the suit is to question the constitutionality of this action through the Home Rule Committee.** Robert L. Bailey, Commissioner, seconded the motion and the vote was as follows:

Nancy Cartmill, President **aye**

Robert L. Bailey, Commissioner **aye**

Anne Yon, Commissioner **nay**

#131 RESOLUTIONS, CABELL COUNTY COMMISSION

RE: EMPLOYMENT – CCEMS

Robert L. Bailey, Commissioner, **moved to approve the employment of James William Berry as a full time Paramedic with CCEMS, effective April 29, 2011, with a rate of pay of \$10.2049 per hour.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#132

**LETTER, OSCAR ADKINS, DIRECTOR, HOME
CONFINEMENT AND T.W. MCCOMAS, SHERIFF**

RE: EMPLOYMENT – HOME CONFINEMENT OFFICER

Robert L. Bailey, Commissioner, **moved to approve the employment of Nathaniel A. Rogers as a full time Alternative Sentencing Officer for Home Confinement, effective May 15, 2011, with a rate of pay of \$833.33 per pay period.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#133

**LETTER, RESOLUTION AND GRANT APPLICATION,
CABELL COUNTY COMMISSION**

**RE: FY 2011 COMMUNITY PARTICIPATION GRANT
PROGRAM-COLLIS P. HUNTINGTON RAILROAD**

HISTORICAL SOCIETY-EQUIPMENT AND REPAIRS

PROJECT #11LEDA0356 - \$1,500.00

Connie Gray, Administrator for Grants, Planning and Permits, stated the funds from this grant would be used to re-upholster the existing furniture on the historic railroad cars for the New River Train Excursions.

Robert L. Bailey, Commissioner, **moved to approve the Community Participation Grant, in the amount of \$1,500.00, for the Collis P. Huntington Railroad Historical Society.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

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**#134
APPLICATION,**

LETTER,

**RESOLUTION,
GRANT
CABELL COUNTY COMMISSION**

RE: DAR/BURFORD CHAPTER/RITTER PARK CABIN

RESTORATION PROJECT #11LEDA0370 - \$6,500.00

Mrs. Gray stated the funds from this grant would be used to restore the log cabin located in Ritter Park.

Anne Yon, Commissioner, **moved to approve the grant application, in the amount of \$6,500.00, for the DAR Burford Chapter.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

#135

DISCUSSION/ACTION:

**RE: ADVERTISEMENT FOR SYSTEMS ADMINISTRATOR/
TECHNOLOGY SPECIALIST**

Chris Tatum, County Manager, explained the advertisement may not be necessary due to a possible transfer from another department and if necessary, the advertisement could be run at a later date.

Robert L. Bailey, Commissioner, **moved to table this item.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#136 RESOLUTION, GENERAL FUND, COUNTY BUDGET
REVISION #15, FY 2010-2011**

Robert L. Bailey, Commissioner, **moved to approve General Fund Budget Revision #15.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

PLACE ON RECORD

Robert L. Bailey, Commissioner, **moved to place on the record the minutes from the Culloden Public Service District, Special Meeting, March 2, 2011, Culloden Public Service District, Regular Meeting, March 16, 2011; Pea Ridge Public Service District, Regular Meeting, March 14, 2011; Salt Rock Water Public Service District, Regular Meeting, March 8, 2011 and OTHER DOCUMENTATION TO BE PLACED ON RECORD Report on Applying Agreed-Upon Procedures, Cabell County Magistrate Court, for the Period Ended December 31, 2008; Culloden Public Service District Sewer System, Financial Statements, Years Ended June 30, 2010 and 2009; Region II WIB Independent Auditors Report and Related Financial Statements for the Year Ended June 30, 2010 and The Bank of New York Mellon, Various Trust Accounts, March 31, 2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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Gordon Merry, CCEMS Director, informed the Commission he was working on bids for new ambulances. Mr. Merry stated that one company informed him if the county would pay up front, the county would receive a 7% discount after the ambulances were delivered.

Mr. Merry went on to say he had concerns about paying up front for items not received and he also was not sure that this would be legal. Mr. Merry stated he would prepare two different specifications for the ambulances, with one bid including the discount and the second bid without the discount, for the Commission to consider at the next meeting.

Chris Tatum, County Manager, gave the Commission an update on the 4-H Camp.

Nancy Cartmill, Commissioner, adjourned the Commission meeting until the next regular scheduled meeting on Thursday, May 12, 2011, at 10:00 a.m.

PRESIDENT, COUNTY COMMISSION

KSC:ar