

**COMMISSION MEETING  
THURSDAY, NOVEMBER 8, 2012**

**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 purchase orders #13-45686 through #13-45984.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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

Anne Yon, Commissioner, **moved to approve the minutes from the October 11, 2012, regular Commission meeting, October 17, 2012 special Commission meeting, October 17, 2012, public test of voting equipment, 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, not to exceed \$100,000.00, from the Cabell County Medical Insurance Fund.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#288 RESOLUTION, T.W. MCCOMAS, SHERIFF**

**RE: EMPLOYMENT  
MATTHEW DENNING, FULL-TIME HOME  
CONFINEMENT OFFICER**

Robert L. Bailey, Commissioner, **moved to approve the employment of Matthew Denning as a full-time home confinement officer, effective November 16, 2012, at a rate of pay of \$23,500.00 annually.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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**#289**                                **APPEARING: GREGORY L. HOWARD, JR., ESQUIRE**

**RE: ESTATE OF DANNY DOYLE BOYER  
NOTICE OF HEARING- PETITION TO RELEASE  
CLAIMS FILED AGAINST THE ESTATE**

Gregory L. Howard, Jr., Counsel for Kris Bowyer, appeared before the Commission to request the estate of Danny Doyle Bowyer be declared insolvent, so it could be finalized and closed. Mr. Howard stated he had sent out letters to all creditors involved informing them of the hearing, and he did not believe any were present.

Nancy Cartmill, President, asked if anyone present had a claim against the estate of Danny Doyle Bowyer. No one was present.

Mr. Howard stated he had spoken with several of the creditors and was informed all that would be needed was a letter from the Commission stating the estate was insolvent.

William Watson, County Attorney, stated he had reviewed the petition and based on the appraisal filed, it appeared the properties associated with the estate had no equity. Mr. Watson stated he felt the estate was insolvent and the Commission was in a position to allow the estate to be closed by indicating such.

Robert L. Bailey, Commissioner, **moved to approve declaring the Estate of Danny Doyle Bowyer insolvent.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#290**                                **RESOLUTION, CABELL COUNTY COMMISSION**

**RE: SUPPORT OF A GRANT REQUEST TO THE WV  
DEVELOPMENT OFFICE FOR INDUSTRIAL ACCESS  
ROAD FUNDS**

Chris Tatum, County Manager, stated the Commission had received a letter from the Huntington Area Development Council requesting the support of the Commission in their effort to obtain funds from the Industrial Access Road Program. Mr. Tatum explained the funds were being requested by HADCO on behalf of Service Wire Company, and the letter indicated the funds would be used by Service Wire to move and improve road access to the facility located in Culloden, WV.

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Robert L. Bailey, Commissioner, stated, for the record, he would like to explain the Commission was not responsible for paving roads in the Cabell County. Commissioner Bailey stated that was a function of the State Department of Highways, and the county had no funds available for such projects. Commissioner Bailey said on multiple occasions he had been asked by citizens of Cabell County if the Commission would help improve the condition of roads in their area. Commissioner Bailey said he would like to make the public aware the roadways were the state's responsibility.

Anne Yon, Commissioner, **moved to approve supporting a grant request from HADCO to the WV Development Office for Industrial Access Road Funds.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (A)**

**#291 RESOLUTION, CABELL COUNTY COMMISSION**

**RE: CABELL-HUNTINGTON HEALTH DEPARTMENT-  
BOARD OF HEALTH REAPPOINTMENT- THOMAS  
GILPIN**

Robert L. Bailey, Commissioner, **moved to approve the reappointment of Thomas Gilpin to the Cabell-Huntington Board of Health, for a five year term beginning January 1, 2013, and ending December 31, 2017.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

**#292 RESOLUTION, CABELL COUNTY COMMISSION**

**RE: SALT ROCK SEWER PSD  
REAPPOINTMENT- BEN HORTON**

Anne Yon, Commissioner, **moved to approve the reappointment of Ben Horton to the Salt Rock Sewer PSD, for a term beginning immediately and ending February 7, 2018.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

**#293 AGREEMENT, CABELL COUNTY COMMISSION**

**RE: NOTICE OF AWARD, AGREEMENT, AND NOTICE TO  
PROCEED DEMOLITION SERVICES- #6 ADA COURT,  
CULLODEN, WV  
FEMA PROJECT FEMA DR- 1918  
TO: TERRY THAXTON EXCAVATING- \$4,700.00**

Robert L. Bailey, Commissioner, **moved to approve the notice of award for bid and agreement with Terry Thaxton Excavating, in the amount of \$4,700.00, for demolition services at #6 Ada Court.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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**#294 TRANSFER LETTER**

**RE: SERIES 2010B MARSHALL UNIVERSITY BONDS**

Audy Perry, Attorney, stated the Series 2010B Marshall University Bonds had been used to help construct the recreation center and freshman dormitories at Marshall University. Mr. Perry stated in order to help facilitate the construction the developer had taken subordinate bonds as part of his fee. Mr. Perry stated the developer was in the process of estate planning and the bond documents required authorization from both the University and the County Commission in order to be transferred. Mr. Perry stated the developer had submitted a written request to transfer the bonds to his family members.

William Watson, County Attorney, stated all participants in the bond issuance must be in agreement, and thus far no one had expressed any reservations about allowing the developer to transfer the bonds into a trust for his family. Mr. Watson stated it was his recommendation for the Commission to approve the transfer.

Anne Yon, Commissioner, **moved to approve the transfer of the Series 2010B Marshall Bonds.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#295 RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF ADVERTISEMENT FOR AN  
INVITATION TO BID TO PROVIDE FOUR (4) 2012 OR  
NEWER VEHICLES OF THE FOLLOWING TYPES: (2)  
FORD E350 TYPE III AND (2) FORD E350 TYPE II FORD  
E350 AMBULANCES, FOR CABELL COUNTY  
EMERGENCY MEDICAL SERVICES**

Robert L. Bailey, Commissioner, **moved to approve the advertisement for an invitation to bid on ambulances for CCEMS.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

**#296 APPEARING: LAURA GILLIAM**

**RE: REPORT- TEEN COURT**

Chris Tatum, County Manager, stated Laura Gilliam could not be present due to an emergency, but would appear at a subsequent commission meeting to give a full report. Mr. Tatum stated Ms. Gilliam had informed him the Teen Court account contained approximately \$30,000.00, and had indicated if the Commission would like those funds to be placed back in the General Fund she would be happy to do so.

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Nancy Cartmill, President, stated due to the uncertain future of the Teen Court program, she felt the money should be returned to the county.

Chris Tatum, County Manager, stated Laura Gilliam would be present at the next Commission meeting and the matter could be discussed further at that time.

**#297**

**APPEARING: MIKE DAVIS, CCERC**

**RE: REQUEST FOR PROPOSAL FOR A DISPATCH  
SOFTWARE SYSTEM DISCUSSION/ACTION ON AN  
E-911 TARIFF INCREASE**

Mike Davis, Director CCERC, explained to the Commission the State Legislature had mandated an emergency medical dispatch protocol be in place no later than July, 2013, which was quickly approaching. Mr. Davis said this was a program CCERC had wanted to put in place for quite some time, but thus far it had been cost prohibited. Mr. Davis stated there was an opportunity to use the remaining monies in the COPS grant to help fund this project, and explained he had already contacted Washington requesting to do so. Mr. Davis said as of yet he had not received an answer, but was anticipating a positive response. Mr. Davis stated with the Commission's approval, he would like to put the project out to bid.

Mr. Davis stated he was also present to discuss CCERC's declining revenue, and hopefully find possible solutions for the problem. Mr. Davis explained the revenue for CCERC came from two sources, wireless funds received from the Public Service Commission and the tariff the county had placed on landline phones. Mr. Davis went on to say the revenue for the center over the past few years had decreased dramatically due to the declining number of households and businesses utilizing landline service. Mr. Davis stated while they were witnessing a decline in revenue, they were also experiencing a significant increase in expenses. Mr. Davis explained all possible cuts to lessen the overall expenses of CCERC had been made, but with the considerable cut in their overall budget, these cuts had provided little help. Mr. Davis stated Kanawha Metro had been dealing with the same issues and had increased their tariff for a second time to try and remedy the situation.

J.R. Vanooteghem, CCERC, explained to the Commission when Cabell County initially put tariff fees in place, home phones were abundant and cell phones were scarce. Mr. Vanooteghem stated the tariff on home phones had continually progressed with the economy, while the tariff on cell phones had not. Mr. Vanooteghem stated with the growing popularity of cell phones, more households were choosing to abandon landline service completely. Mr. Vanooteghem explained the current tariff structure on cell phones was completely out dated and the County had no control over the amount charged or the distribution method. Mr. Vanooteghem stated until they were able to successfully lobby the State Legislature on this issue, he felt the only option was to have another means of revenue for the center originated within the County.

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Nancy Cartmill, President, **moved to approve scheduling the public hearing on the proposed tariff increase for Tuesday, November 20, 2012, immediately following the regular Commission meeting.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, Commissioner, **moved to approve the advertisement for proposals for a dispatch software system for the Cabell County Emergency Response Center.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

**#298                      RESOLUTION, GENERAL FUNDS, STATE BUDGET  
                                 REVISION #5, FY 2012-2013**

Anne Yon, Commissioner, **moved to approve State Budget Revision #5, FY 2012-2013.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.  
**Exhibit (E)**

**COMMISSIONER'S REPRESENTATION REPORTS**

Chris Tatum, County Manager, stated that under the supervision of Teresa Powell, Chief Deputy County Clerk, Commissioner Bailey had randomly drawn the precincts to be counted during the Canvass.

Robert L. Bailey, Commissioner, stated the precincts to be counted were 5, 11A, 38, and 57.

Nancy Cartmill, President, announced the Canvass would begin at 9:00 a.m. on Tuesday, November 13, 2012.

**GOOD AND WELFARE CABELL COUNTY**

Dolly Rossi appeared on behalf of AARP to request assistance from the county in their effort to help feed local senior citizens throughout the winter months. Ms. Rossi explained AARP would supply boxes to the county that would hold enough non perishable items to provide at least one meal. Ms. Rossi stated that any help with this effort would be greatly appreciated.

Chris Tatum, County Manager, stated he had received a request from the Huntington Area Food Bank asking permission to place containers within the courthouse to collect contributions during their peanut butter drive.

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Mr. Tatum said the Courthouse elevator would be closed for approximately 4-6 weeks, but should not have an impact on the public. Mr. Tatum stated the public's needs would be accommodated to as well as possible. Mr. Tatum stated a satellite office would be set up in the basement to provide forms for those who were unable to climb stairs. Mr. Tatum also explained any handicapped persons required to attend court on the second floor could be transported via the jail elevator. Mr. Tatum explained any hearings scheduled to take place on the third floor would be moved to either a courtroom on the second floor or the juvenile courtroom in the basement to accommodate handicap individuals.

Mr. Tatum stated the first conference call of the Regional Jail Oversight Committee was tentatively scheduled for November 19<sup>th</sup>, 2012 at 10:00 a.m. Mr. Tatum stated he had been appointed as chairman of this committee and intended on discussing legislative issues and also the matters they intended on lobbying for in the January session. Mr. Tatum also said they would be discussing how they would present the financial issues brought about by the rising jail bill to newly elected Commissioners.

Mr. Tatum said he had spoken with FEMA and was informed they would be covering the costs to replace the light posts that had been damaged by the storm.

Nancy Cartmill, President, adjourned the regular meeting of the Cabell County Commission at 10:58 a.m., until the next regularly scheduled meeting on Tuesday, November 20, 2012.

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**PRESIDENT, COUNTY COMMISSION**

**KSC:kss**