

**COMMISSION MEETING  
THURSDAY, APRIL 10, 2014**

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

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

**APPROVE:**

Robert L. Bailey, Commissioner, stated the agenda would need to be amended to include an item regarding the appointment of a member to the Civil Service Commission.

Nancy Cartmill, President, stated she had an appointment scheduled for later in the day with Judge Husted regarding the vacancy on the Civil Service Commission Board. President Cartmill stated Judge Husted did question her as to when an appointment would be made, but she did not feel she considered the situation to be an emergency.

Commissioner Bailey stated during the hearing held the previous day, Judge Husted had addressed the need to fill the position on the Civil Service Commission Board that had remained vacant for the past two months. Commissioner Bailey stated he simply wanted to fulfill the request made by Judge Husted, but if a meeting with President Cartmill was scheduled, he would be fine with allowing that to take place first.

Anne Yon, 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 #14-56838 through #14-57083 and pay jackets.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, Commissioner, **moved to approve the minutes from the 2014 Board of Equalization and Review; minutes from the March 13, 2014 & March 27, 2014, regular Commission meetings; 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.

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**CITIZENS TO SPEAK**

Cathy Burns, President of the Chamber of Commerce, appeared before the Commission to express gratitude for the continued support of their Downtown Live program. Ms. Burns also introduced Suzanne Brady, the New Downtown Live Coordinator, to the Commission. Ms. Burns stated Ms. Brady had already scheduled several activities and events, such as the Childrens Art Festival Extravaganza and also Train Day at Heritage Station.

**#372 LETTER, JEFFERY E. HOOD, CIRCUIT CLERK**

**RE: EMPLOYMENT  
SUSAN WILL, PART-TIME CLERK**

Robert L. Bailey, Commissioner, **moved to approve the employment of Susan Will as a part-time clerk in the Circuit Clerk's office, effective April 11, 2014.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#373 RESOLUTION, CABELL COUNTY COMMISSION**

**RE: RECLASSIFICATION  
GEORGE TAYLOR- FULL TIME EMT  
ALISON WILLIAMS- FULL TIME EMT**

Anne Yon, Commissioner, **moved to approve the reclassification of George Taylor as a full time EMT, effective April 11, 2014, at a rate of pay of \$14.3837 per hour; Alison Williams as a full time EMT, effective April 11, 2014, at a rate of pay of \$8.9643 per hour.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#374 LETTER, SEAN "CORKY" HAMMERS, PROSECUTING ATTORNEY**

**RE: EMPLOYMENT  
JOE FINCHAM, FULL-TIME ASSISTANT PROSECUTOR**

Robert L. Bailey, Commissioner, **moved to approve the employment of Joe Fincham as a full time Assistant Prosecutor, effective April 15, 2014, at a rate of pay of \$50,000.00 annually.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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**#375    AGREEMENT, CABELL COUNTY COMMISSION**

**RE: USE OF COURT HOUSE GROUNDS PERMIT- EASTER EGG  
HUNT- FIRST CONGRESSIONAL UNITED CHURCH OF  
CHRIST- APRIL 20, 2014**

Anne Yon, Commissioner, **moved to approve the use of Courthouse Grounds by the First Congressional United Church of Christ on April 20, 2014 for an Easter egg hunt.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#376    RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF THE PUBLIC TEST OF THE EARLY  
VOTING EQUIPMENT**

Karen Cole, County Clerk, explained the public test of the early voting i-Votronic voting equipment would take place on April 23, 2014, at 10:00 a.m., in Room 108 of the Cabell County Courthouse. Ms. Cole explained the purpose of the test would be to ensure the accuracy of the equipment that would be used during the Early Voting period.

Robert L. Bailey, Commissioner, **moved to approve the public test of the Early Voting Equipment.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (A)**

**#377    RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF THE PUBLIC TEST OF THE  
ELECTION TABULATION EQUIPMENT**

Karen Cole, County Clerk, explained the public test of election tabulation equipment would take place on May 6, 2014, at 10:00 a.m., in Room 108 of the Cabell County Courthouse. Ms. Cole explained the test would ensure the accuracy of the equipment used to tabulate the votes cast in the Primary Election.

Robert L. Bailey, Commissioner, **moved to approve the public test of the Election Tabulation Equipment.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

**#378    RESOLUTION, CABELL COUNTY COMMISSION**

**RE: ADVERTISEMENT FOR SEALED BIDS TO REFURBISH  
THE COURTHOUSE BELL TOWER**

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Tim Keaton, Grant Coordinator, explained bids for the restoration of the Cabell County Courthouse Bell Tower would be accepted until 10:00 a.m., on Thursday, May 22, 2014.

Anne Yon, Commissioner, **moved to approve the advertisement for bids to refurbish the Courthouse Bell Tower.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

**#379 LETTER, FACING HUNGER FOOD BANK  
RE: SENIOR LEVY FUNDING ALLOCATION**

Tiffany Tatum, Executive Director of the Facing Hunger Foodbank, appeared before the Commission to request Senior Levy Funds to help establish and maintain a Senior Citizen Community Supported Agriculture program. Ms. Tatum explained the program would provide low income seniors with fresh, local produce.

Robert L. Bailey, Commissioner, **moved to approve allocating \$5,000.00 from the Senior Levy Fund to the Facing Hunger Foodbank.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#380 LETTER, CABELL COUNTY PLANNING COMMISSION  
RE: THERESA LITTERAL- CONTRACTED SERVICES  
PROJECT OFFICER FOR THE CABELL COUNTY  
COMPREHENSIVE PLAN**

Anne Yon, Commissioner, **moved to approve the employment and salary funding for Theresa Litteral as the Project Officer for the Cabell County Comprehensive Plan, beginning April 2014 and ending June 2015.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#381 RESOLUTION: IN THE MATTER OF THE NOMINATION AS  
A MEMBER OF THE CABELL/WAYNE LOCAL EMERGENCY  
PLANNING COMMITTEE  
RE: CHARLES BENNETT, WV OF MILITARY AFFAIRS &  
PUBLIC SAFETY  
ANGELA STRAIT, ASST. DIR., CABELL COUNTY PUBLIC  
LIBRARY**

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Robert L. Bailey, Commissioner, **moved to approve the nomination of Charles Bennett and Angela Strait as members of the Cabell/Wayne Local Emergency Planning Committee.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

**#382 LETTER, JUNETEENTH CELEBRATION**

**RE: HOTEL/MOTEL TAX ALLOCATION**

Robert L. Bailey, Commissioner, **moved to approve Hotel/Motel tax funding in the amount of \$3,500.00 to the Go 1<sup>st</sup> Community Development Corporation for the Juneteenth Celebration.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#383 PROCLAMATION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF DECLARING APRIL 14-18, 2014 AS  
“NATIONAL TELECOMMUNICATOR’S WEEK”**

Anne Yon, Commissioner, **moved to approve declaring April 14th through April 18th, 2014, as “National Telecommunicator’s Week” in Cabell County.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

**#384 RESOLUTION, CABELL COUNTY COMMISSION**

**RE: MODIFICATION OF THE BOUNDARIES TO THE CURRENT  
HIC-HADCO PARK PROJECT NO. 1; APPLICATION FOR  
APPROVAL OF THE MODIFICATION; NOTICE OF PUBLIC  
HEARING MAY 8, 2014**

Fred Williams appeared before the Commission on behalf of HADCO, with a request to expand the current TIF district by approximately 55 acres. Mr. Williams also requested funding for the Pea Ridge Public Service District to assist in various projects. Mr. Williams explained if the Commission approved this request, on May 8, 2014 a public hearing would be held to allow any interested party to speak in favor or against the modification of boundaries. Mr. Williams stated approval of this item did not obligate the Commission to the expansion or the funding, but simply began the procedural process.

Robert L. Bailey, Commissioner, **moved to approve the application for approval of the modification of the boundaries to the current HADCO park TIF district.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

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**#385                               LETTER, SALT ROCK FIRE DEPARTMENT  
  
  RE: REQUEST FOR SURPLUS VEHICLE**

Chris Tatum, County Manager, explained the Salt Rock Volunteer Fire Department had submitted a letter to the Commission requesting a surplus vehicle. Mr. Tatum stated there were multiple vehicles available that the County had removed from service due to high mileage. Mr. Tatum stated approval of the item would authorize the signing and transfer of the title of one of the surplus vehicles to the Salt Rock Volunteer Fire Department.

Robert L. Bailey, Commissioner, **moved to approve the transfer of a surplus county vehicle to the Salt Rock Volunteer Fire Department.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#386                               LETTER, MIKE DAVIS, DIRECTOR CCERC  
  
  RE: AT&T LEASE CONTRACT**

J.R. Vanooteghem, CCERC, stated this would be a standard lease agreement similar to the contract that was already in place for the tower located in Salt Rock. Mr. Vanooteghem stated this agreement would serve as a small source of revenue for CCERC as well.

Nancy Cartmill, President, **moved to approve the lease contract between Cabell County Emergency Response Center and AT&T.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#387                               MEMO, CHRIS TATUM, COUNTY ADMINISTRATOR  
  
  DEPENDENT ELIGIBILITY AUDIT SERVICES AGREEMENT**

Chris Tatum, County Manager, explained a dependent eligibility audit had been recommended by the Shenandoah Group during the annual health insurance renewal. Mr. Tatum stated this audit would help identify any individuals who had accidentally remained on policies after their eligibility had expired. Mr. Tatum explained approval of this item would authorize completion of the audit.

Anne Yon, Commissioner, **moved to approve authorization of dependent eligibility audit services.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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**#388**

**RESOLUTION, CABELL COUNTY COMMISSION,  
APPOINTMENT**

**RE: CABELL HUNTINGTON HOSPITAL BOARD OF  
DIRECTORS**

Robert L. Bailey, Commissioner, stated he would like to nominate Dick Fredeking and Dan O'Hanlon for two of the available positions on the Cabell Huntington Hospital Board of Directors.

Nancy Cartmill, President, stated the Commission had received a letter from the Chairman of the Board of Directors recommending the Commission reappoint Claire Rose Sadler and Marian Cox, and also to appoint Randy Lawson. President Cartmill stated the bylaws stipulate what each member does; such as representing low income, senior citizens, or specific areas. President Cartmill stated the Commission had always followed the lead of the Board of Directors since they knew the specific criteria each member must meet.

Commissioner Bailey stated he felt there were no better candidates than former Judge Dan O'Hanlon and Attorney Dick Fredeking, and did not see why anyone would feel otherwise.

William Watson, County Attorney, stated traditionally the Commission had followed the recommendations received from the Chairman of the Board of Directors because they were aware of the specific criteria set forth.

Nancy Cartmill, President, moved to approve the reappointment of Clara Rose Sadler and Marion Cox; and the appointment of Randy Lawson to the Cabell Huntington Hospital Board of Directors. Anne Yon, Commissioner, seconded the motion.

Robert L. Bailey, Commissioner, stated he did not believe Commissioner Yon had the right to vote on this item. Commissioner Bailey stated he was under the assumption Commissioner Yon would not be at liberty to vote on the matter due to relationship between her husband and Cabell Huntington Hospital. Commissioner Bailey stated he had received a written statement from Chris Tatum, County Manager, explaining that County Attorney William Watson had advised him that Commissioner Yon should refrain from voting on such matters. Commissioner Bailey went on to say he had a letter from the West Virginia Ethics Commission which also advised that Commissioner Yon not vote on matters regarding institutions in which her husband's law firm was associated or had a financial interest. Commissioner Bailey stated he would once again urge Commissioner Yon to recuse herself from voting on the matter. Commissioner Bailey stated if Commissioner Yon decided to proceed with voting on the matter, he would then contact the West Virginia Ethics Commission regarding the issue. Commissioner Bailey stated he would like to make the letters received from both Chris Tatum and the West Virginia Ethics Commission part of the record.

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Commissioner Yon said she understood Commissioner Bailey's concern with her having the right to vote on the matter to be the fact that someone in her family gained employment or profited monetarily from Cabell Huntington Hospital. Commissioner Yon stated if that was the case, it would mean any of the Commissioners who had family members employed by Cabell Huntington Hospital would need to refrain from voting. Commissioner Yon stated, based on those concerns, she felt that Commissioner Bailey would also need to recuse himself from voting on the matter.

Commissioner Bailey stated the last time the appointments had come before the Commission, Commissioner Yon had not voted on the item.

President Cartmill stated Commissioner Yon had not voted "no" on the item, but Robert's Rule stated if you do not vote, it is considered a "yes" vote. President Cartmill explained Commissioner Yon had also signed the resolutions in favor of the appointments.

Commissioner Yon stated she would like to hear County Attorney William Watson's opinion on the matter.

Mr. Watson stated he believed Commissioner Yon did have the right to vote, based on her signing the paperwork on a similar issue in the past.

Nancy Cartmill, President, restated her motion to approve the reappointment of Claire Rose Sadler and Marian Cox; and the appointment of Randy Lawson to the Cabell Huntington Hospital Board of Directors. Anne Yon, Commissioner, seconded the motion and the vote was as follows:

<b>NANCY CARTMILL, PRESIDENT</b>	<b><u>AYE</u></b>
<b>ROBERT L. BAILEY, COMMISSIONER</b>	<b><u>NAY</u></b>
<b>ANNE YON, COMMISSIONER</b>	<b><u>AYE</u></b>

**Exhibit (G)**

**#389                      RESOLUTION, CABELL COUNTY COMMISSION- COUNTY  
BUDGET REVISION #14**

Nancy Cartmill, President, **moved to approve County Budget Revision #14.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (H)**



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**#390 RESOLUTION, CABELL COUNTY COMMISSION- STATE  
BUDGET REVISION #12**

Anne Yon, Commissioner, **moved to approve State Budget Revision #12.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

**GOOD AND WELFARE CABELL COUNTY**

Chris Tatum, County Manager, stated the Commission had received a letter of thanks from Penny Watkins for the continued support of the Marshall Artist Series.

Mr. Tatum also stated a letter of approval had been received from the Governor's office regarding our grant for record management preservation.

Mr. Tatum stated a special meeting, pertaining to insurance, would need to be held on April 18, 2014 at 10:00 a.m.

Nancy Cartmill, President, adjourned the meeting of the Cabell County Commission at 10:45 a.m., until the next scheduled meeting.

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**PRESIDENT, COUNTY COMMISSION**

**KSC:ksf**