

COMMISSION MEETING

THURSDAY, JULY 22, 2010

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

ABSENT: **ROBERT L. BAILEY, COMMISSIONER**

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 approve the agenda as presented.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, **moved to approve purchase orders #11-25393 through #11-25720 and pay jackets.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

Nancy Cartmill, Commissioner, **moved to approve the minutes for the June 10, 2010 regular Commission meeting, June 24, 2010 regular Commission meeting, July 8, 2010 regular Commission meeting, erroneous assessments, land consolidations, split tickets and probate documentation.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

Nancy Cartmill, 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.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

#233

LETTER, KAREN S. COLE, COUNTY CLERK

**RE: PRESENTATION OF 2009-2010 CARRYOVER FROM
GENERAL COUNTY FUND**

Nancy Cartmill, Commissioner, **moved to accept the 2009-2010 General Fund carryover letter, stating an unbudgeted carryover of \$1,751,182.00, presented by the County Clerk, from the General County Fund.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

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MOVED TO THE END OF THE MEETING

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#235

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE SUBSTITUTION OF A
LETTER OF CREDIT BY FIRST SENTRY BANK**

Nancy Cartmill, Commissioner, **moved to approve the substitution of a Letter of Credit by First Sentry Bank.** W. Scott Bias, President, seconded the motion and the vote was unanimous. **Exhibit (A)**

#236 RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE PLEDGING OF A LETTER
OF CREDIT BY FIRST SENTRY BANK**

Nancy Cartmill, Commissioner, **moved to approve the pledging of a Letter of Credit by First Sentry Bank.** W. Scott Bias, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

**#237 REQUEST FOR WEST VIRGINIA LOCAL GOVERNMENT
PURCHASING CARD**

Stephen Zoeller, County Manager, informed the Commission that the County Clerk, Karen Cole, had requested a purchasing card. Mr. Zoeller reminded the Commission that all requests had to be approved by the Commission.

Nancy Cartmill, Commissioner, **moved to approve the request from the County Clerk, Karen Cole, for a purchasing card.** W. Scott Bias, Commissioner, seconded the motion and the vote was unanimous.

#238

APPEARING, RYAN TURNER, ESQUIRE

**RE: VERIFIED PETITION FOR CLOSURE OF UNUSED
STREET PURSUANT TO WV CODE §7-1-3H**

Ryan Turner, Attorney, appeared before the Commission to request that Second Street, between Oak Road and Walton Road, be closed. Mr. Turner stated the street was unused, had never been a public street and the abutting landowners were in agreement for closure. Mr. Turner presented documentation showing this matter had been published.

Nancy Cartmill, Commissioner, **moved to approve the petition to close Second Street between Oak Road and Walton Road.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

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#239

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF CONFIRMING THE AUTHORITY
OF THE PRESIDENT PRO TEM TO ACT PURSUANT
TO PRIOR RESOLUTION OF THE COUNTY
COMMISSION OF JUNE 10, 2010**

Nancy Cartmill, Commissioner, **moved to adopt the resolution confirming the authority of the President Pro-Tem to act pursuant to prior resolution of the County Commission dated June 10, 2010.** W. Scott Bias, President, seconded the motion and the vote was unanimous. **Exhibit (C)**

#240

RESOLUTION, CABELL COUNTY COMMISSION

**RE: AUTHORIZE THE PRESIDENT PRO TEM TO SIGN
FINAL CERTIFICATION FOR RECOVERY ZONE
BONDS**

Nancy Cartmill, Commissioner, **moved to approve the authorization for the President Pro-Tem to sign final certification for Recovery Zone Bonds.** W. Scott Bias, President, seconded the motion and the vote was unanimous. **Exhibit (D)**

#241

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF A RESOLUTION OF
PARTICIPATION AND COOPERATION WITH
THE WEST VIRGINIA LOCAL ECONOMIC
DEVELOPMENT GRANT PROGRAM**

Nancy Cartmill, Commissioner, **moved to approve the participation and cooperation with the West Virginia Local Economic Development Grant Program.** W. Scott Bias, President, seconded the motion and the vote was unanimous. **Exhibit (E)**

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#242

RESOLUTION, CABELL COUNTY COMMISSION

RE: CONSIDERATION OF ENACTMENT OF A

RESOLUTION ACCEPTING THE RETURN OF THE

ALLOCATION OF THE RECOVERY ZONE

DEVELOPMENT BOND LIMITATION ALLOCATED

TO THE COUNTY COMMISSION OF CABELL COUNTY

**UNDER SECTION 1400U-1(a)(3)(A) OF THE UNITED
STATES INTERNAL REVENUE CODE (THE “CODE”)
FOR THE ISSUANCE OF RECOVERY ZONE
DEVELOPMENT BONDS PREVIOUSLY
SUBALLOCATED TO A PROJECT (THE HUNTINGTON
PROJECT) FOR THE CITY OF HUNTINGTON
APPROVING THE WAIVER OF SUCH ALLOCATION**

Anthony Caldwell, Steptoe & Johnson, explained that since some of the participants in the different projects had to find their own financing all the documents had not been completed, however, once financing was in place, they would be able to apply at a later date. Mr. Caldwell stated that only one of the projects was ready to close on the bond issue. Mr. Caldwell went on to say the next five resolutions dealt with these issues.

Nancy Cartmill, Commissioner, **moved to approve the enactment of a resolution accepting the return of the allocation of the Recovery Zone Development Bond regarding the “Huntington Project” for the City of Huntington.** W. Scott Bias, President, seconded the motion and the vote was unanimous. **Exhibit (F)**

#243

RESOLUTION, CABELL COUNTY COMMISSION

**RE: CONSIDERATION OF ENACTMENT OF A
RESOLUTION APPROVING THE FILING WITH THE
STATE OF THE FINAL CERTIFICATION OF THE
ALLOCATION OF RECOVERY ZONE FACILITY
BOND LIMITATION ALLOCATED TO THE COUNTY
COMMISSION UNDER SECTION 1400U-1(A)(3)(A)**

**OF THE CODE FOR THE ISSUANCE OF RECOVERY
ZONE FACILITY BONDS PREVIOUSLY
SUBALLOCATED TO A PROJECT (THE “RTIF”
PROJECT”) FOR RAHALL TRANSPORTATION
INSTITUTE FOUNDATION, INC., OR, IN THE
ALTERNATIVE, ACCEPTING THE RETURN OF THE
ALLOCATION**

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Nancy Cartmill, Commissioner, **moved to approve the filing with the State the final certification of the allocation of Recovery Zone Facility Bond for a project regarding the Rahall Transportation Institute Foundation, Inc., or, in the alternative, accepting the return of the allocation.** W. Scott Bias, President, seconded the motion and the vote was unanimous. **Exhibit (G)**

#244

RESOLUTION, CABELL COUNTY COMMISSION

RE: CONSIDERATION OF ENACTMENT OF A

RESOLUTION ACCEPTING THE RETURN OF THE

**ALLOCATION OF THE RECOVERY ZONE FACILITY
BOND LIMITATION ALLOCATED UNDER SECTION
1400U-A(a)(3)(A) THAT WAS PREVIOUSLY
SUBALLOCATED TO A PROJECT
(THE “HIC PROJECT”) FOR THE HUNTINGTON
INDUSTRIAL CORPORATION (THE “HIC”)
APPROVING THE WAIVER OF SUCH ALLOCATION**

Nancy Cartmill, Commissioner, **moved to approve the resolution accepting the return of the allocation of Recovery Zone Facility Bonds regarding the Huntington Industrial Corporation.** W. Scott Bias, President, seconded the motion and the vote was unanimous.
Exhibit (H)

#245

RESOLUTION, CABELL COUNTY COMMISSION

**RE: CONSIDERATION OF ENACTMENT OF A
RESOLUTION ACCEPTING THE RETURN OF THE
ALLOCATION OF THE RECOVERY ZONE FACILITY
BOND LIMITATION ALLOCATED TO THE COUNTY
COMMISSION UNDER SECTION 1400U-1(a)(3)(A) OF
THE CODE FOR THE ISSUANCES OF RECOVERY
ZONE FACILITY BONDS THAT WAS PREVIOUSLY
SUBALLOCATED TO A PROJECT (THE “HIC
PROJECT #2”) FOR THE HIC, APPROVING THE
WAIVER OF SUCH ALLOCATION**

Nancy Cartmill, Commissioner, **moved to approve the resolution accepting the return of the allocation of Recovery Zone Bonds regarding the Huntington Industrial Corporation (“The HIC Project”)**. W. Scott Bias, President, seconded the motion and the vote was unanimous.
Exhibit (I)

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#246

RESOLUTION, CABELL COUNTY COMMISSION

**RE: CONSIDERATION OF ENACTMENT OF A
RESOLUTION ACCEPTING THE RETURN OF THE
ALLOCATION OF THE RECOVERY ZONE FACILITY
BOND LIMITATION ALLOCATED TO THE COUNTY
COMMISSION UNDER SECTION 1400U-1 (a)(3)(A) OF
CODE FOR THE ISSUANCE OF RECOVERY ZONE
FACILITY BONDS PREVIOUSLY SUBALLOCATED TO
A PROJECT (THE “TIPS PROJECT”) FOR THE
TRI-STATE C-P SYSTEM, LLC, dba TRI-STATE**

Nancy Cartmill, Commissioner, **moved to approve the application for a Homeland Security and Emergency Management Grant.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

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#249 RESOLUTION, CABELL COUNTY COMMISSION

RE: RECLASSIFICATION – CCEMS

Nancy Cartmill, Commissioner, **moved to approve the reclassification of Scott Michael Preston as a full time Paramedic, effective July 30, 2010, with a rate of pay of \$10.5049 per hour.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

#250 LETTER, CABELL COMMISSION

RE: FY 2006 CABELL COUNTY WATERLINE EXTENSION

PROJECT DRAWDOWN #16 - \$58,626.81

PROJECT #06SCBG0027

Trick or Treat-\$2,500.00; Cabell County Fair-\$5,000.00; Cabell County Fair Livestock Committee-\$1,000.00; Cabell-Wayne Beekeepers-\$5,000.00; Central City Association (Old)-\$5,000.00; Central City Market-\$0, Chamber of Commerce (Downtown Live)-\$10,000.00; Collis P. Huntington Railroad Society-\$4,000.00; City of Milton (Beautification)-\$10,000.00; Create Huntington-\$1,000.00; 4-H Camp-\$93,754.00;

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Greater Huntington Parks-\$7,000.00; Guyandotte Civil War Days-\$1,000.00; Huntington Applebutter Festival-\$2,500.00; Huntington League #3-\$7,500.00; Huntington Kennel Club, Inc.-\$2,000.00; Huntington Elks Lodge #313-\$0; Huntington Professional Firefighters-\$0; Huntington Municipal Development (Ribfest)-\$3,000.00; Huntington Museum of Art-\$10,000.00; Huntington Outdoor Theatre-\$10,000.00; Huntington Symphony Orchestra-\$5,000.00; Keith Albee Performing Arts-\$0; Kindred Charties-\$9,000.00; Madie Carroll House-\$3,000.00; Marshall Artist Series-\$3,000.00; Museum of Radio & Technology-\$8,000.00; Musical Arts Guild-\$4,000.00; Native American Indian Federation-\$1,000.00; Swinfest Solutions-\$4,000.00; Tri-State Baseball Association-\$500.00; West Virginia Assisted Living Association-\$2,000.00; West Virginia Cross County (C-M H.S.)-\$5,000.00; West Virginia Dusters Softball-None; West Virginia 5K ChampionshipRun-\$1,000.00; West Virginia Pumpkin Festival-\$10,000.00; West Virginia Spikefest Volleyball Tournament-\$5,000.00; West Virginia Soccer Association-\$0; WFSSAC Wrestling Tournament-\$10,000.00 and YNCA Buddy Basketball-\$2,000.00, for a total of \$273,554.00.

#253

DISCUSSION/ACTION:

RE: CABELL COUNTY WATERLINE EXTENSION PROJECT

Chris Tatum, Assistant County Manager, gave the Commission information on completing the Coopers Road project. Mr. Tatum stated he had collected several estimates on this project and the cost would be anywhere between \$137,000.00 to \$190,000.00. Mr. Tatum further stated that the West Virginia American Water Company would have about \$85,064.00 to contribute to this project and the county's contribution would be around \$89,936.00, which would include fire protection and a 6 inch line.

Nancy Cartmill, Commissioner, **moved to approve allocating \$100,000.00 from the carryover to finish the Cooper Road waterline.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

#254 SPECIAL BUDGET REVISION, CCERC, FY 2010-2011

Nancy Cartmill, Commissioner, **moved to approve Special Budget Revision #6 for CCERC.** W. Scott Bias, President, seconded the motion and the vote was unanimous. **Exhibit (M)**

**#255 RESOLUTION, GENERAL FUND, STATE BUDGET
REVISION #1, FY 2010-2011**

Nancy Cartmill, Commissioner, **moved to approve General Fund State Budget Revision #1.** W. Scott Bias, President, seconded the motion and the vote was unanimous. **Exhibit (N)**

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PLACE ON RECORD:

Nancy Cartmill, Commissioner, **moved to approve placing on record the minutes from the Pea Ridge Public Service District, Regular Meeting, June 17, 2010; Salt Rock Water Public**

Service District, Regular Meeting, June 8, 2010 and OTHER DOCUMENTATION TO BE RECORDED Cabell-Huntington Health Department, Environmental Health and Monthly Narrative, April, 2010 and May, 2010; Cabell Huntington Health Department, Clinic Monthly Report, April, 2010 and May, 2010; Culloden Public Service District, Annual Operating Budget, 2011 Fiscal Year; Culloden Volunteer Fire Department, Agreed-Upon Procedures Report, FY Ended June 30, 2009, Milton Volunteer Fire Department, Agreed-Upon Procedures Report, FY ended June 30, 2009 and The Bank of New York Mellon, Various Trust Accounts, June 30, 2010. W. Scott Bias, President, seconded the motion and the vote was unanimous.

#234

APPEARING, KAREN S. COLE, COUNTY CLERK

**RE: DISCUSSION/ACTION REGARDING THE SPECIAL
PRIMARY ELECTION**

Karen Cole, County Clerk, informed the Commission that the Legislature had passed a bill mandating the poll workers from the 2010 Primary Election, be appointed to work in the Special Primary Election, with the County Clerks filling only vacancies.

Nancy Cartmill, Commissioner, **moved to approve the list of poll workers for the Special Primary Election, from the list of poll workers submitted who worked the 2010 Primary Election.** W. Scott Bias, President, seconded the motion and the vote was unanimous.

Mrs. Cole informed the Commission that due to the short time schedule for this election, the Commission would have to meet to approve issues.

Mrs. Cole explained that due to the election being held on a Saturday, several places had been reserved, therefore, there would be some precinct location changes. Mrs. Cole stated the Precincts 6 & 10 would be permantely changed back to the old Cammack School, which was now called Huntington Middle School. Mrs. Cole further stated the following precincts would be temporary changes: Precinct #13 to the Huntington High Renaissance Center, Precinct 54 to Cox Landing Elementary School, Precinct 56 to Greenbottom Missionary Baptist Church, Precinct 57 to Cabell Midland High School and Precincts 64 & 65 to Milton City Hall.

(TELECONFERENCED INTO THE MEETING)

STEPHEN ZOELLER, COUNTY MANAGER

CHRIS TATUM, ASSISTANT COUNTY MANAGER

RHONDA MONTANEZ, PURCHASING ASSISTANT

ABSENT: W. SCOTT BIAS, PRESIDENT

Robert L. Bailey, President Pro-Tem, reconvened the Cabell County Commission meeting, at 10:00 a.m., from the July 22, 2010 meeting.

#256 RECONVENE JULY 22, 2010 REGULAR COMMISSION MEETING

RE: DISCUSSION/ACTION AUGUST 28, 2010 PRIMARY ELECTION

Karen Cole, County Clerk, informed the Commission that the Secretary of State had approved the emergency precinct changes and that the notice of the changes would be published Wednesday, July 28, 2010.

Mrs. Cole stated that the Secretary of State had issued guidelines regarding the canvass. Mrs. Cole went on to say the canvass would start Tuesday August 31st, at 9:00 a.m., and would be completed by September 1, 2010, by 4:00 p.m., so that the election could be certified by Thursday, September 2, 2010. Mrs. Cole stated that the 48 hour waiting period for certifying the results was changed to a 24 hour waiting period.

Mrs. Cole stated that four (4) precincts were to be hand counted during the canvass.

PRESIDENT, COUNTY COMMISSION

KSC:ar