

**COMMISSION MEETING**

**THURSDAY, DECEMBER 9, 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**  
**RHONDA MONTANAZ, PURCHASING ASSISTANT**

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

Nancy Cartmill, Commissioner, **moved to approve purchase orders #11-28973 through #11-29268 and pay jackets.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve the minutes from the November 10, 2010, regular Commission meeting, minutes from the November 24, 2010, regular Commission meeting, erroneous assessments, land consolidations, split tickets and probate**

**documentation.** Nancy Cartmill, Commissioner, 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 and Fort Dearborn Medical Life, not to exceed \$100,000.00, from the Cabell County Medical Fund.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**CITIZENS REGISTERED TO SPEAK:**

Steve Stewart, AEP, appeared before the Commission regarding copper theft which has become a public safety issue. Mr. Stewart also invited the Commissioners or any county representatives to a seminar on Emergency Response Training to be held Friday, December 17, 2010.

John Cooney, county resident, appeared before the Commission to discuss the Sheriff's Deputies taking their county vehicles to their second job. Mr. Cooney stated he believed it was a waste of tax payer money and fraud.

Doug Ferguson, Sheriff's Department Chief Deputy, stated that even through the deputies were on their second job, their first obligation was to the Sheriff's Department and since the deputy may have to respond to a call, they believed it was beneficial for the deputy to have their vehicle with them.

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**#383**

**APPEARING, ANTHONY CALDWELL, ESQUIRE**

**RE: TO CONDUCT A PUBLIC HEARING TO RECEIVE**

**COMMENTS WITH RESPECT TO THE ISSUANCE BY  
THE COUNTY COMMISSION OF CABELL COUNTY,  
WEST VIRGINIA, OF ITS COMMERCIAL  
DEVELOPMENT REVENUE BONDS, SERIES 2010  
(THE MARSHALL UNIVERSITY, INC., PROJECTS)**

W. Scott Bias, President, asked if there were any comments or objections to the purposed revenue bonds regarding The Marshall University, Inc., Projects and as there were no objections, President Bias closed the public hearing.

**#384**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: CONSIDERATION FOR ADOPTION OF A RESOLUTION  
APPROVING THE ISSUANCE BY THE COUNTY  
COMMISSION OF CABELL COUNTY, WEST VIRGINIA  
OF ITS COMMERCIAL DEVELOPMENT REVENUE**

**UNIVERSITY**

**BONDS, SERIES 2010 (THE MARSHALL  
INC. PROJECTS) TO ASSIST THE MARSHALL  
UNIVERSITY FOUNDATION, INCORPORATED (THE  
“CORPORATION”) IN THE CONSTRUCTION AND  
EQUIPPING OF A NEW “FACILITY” FOR THE  
CORPORATION, INCLUDING BUT NOT LIMITED TO,  
CONSTRUCTION AND EQUIPPING OF THE NEW  
MARSHALL UNIVERSITY FOUNDATION HALL AND  
ERICKSON ALUMNI CENTER AND THE**



Nancy Cartmill, Commissioner, **moved to approve the reclassification of Toni L. Matt as a temporary full time Paramedic with a rate of pay of \$10.4049 per hour, effective December 10, 2010.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#387**

**RESOLUTIONS, CABELL COUNTY COMMISSION**

**RE: EMPLOYMENT – E-911**

Nancy Cartmill, Commissioner, **moved to approve the employment of Corey Garcia and Kim Mills as part time per diem Telecommunicators, effective December 9, 2010, with a rate of pay of \$11.11 per hour; the reclassification of Jimmie Foltz, Jr., as a full time temporary Telecommunicator, effective December 9, 2010, with a rate of pay of \$11.11 per hour.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**#388**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: EMPLOYMENT – SECURITY**

W. Scott Bias, President, excused himself from the meeting.

Robert L. Bailey, Commissioner, **moved to approve the employment of Brent Bias as part time Courthouse Security.** Motion died for lack of second.

Robert L. Bailey, Commissioner, explained that the Ethics Commission had stated that President Bias could not vote on the employment of his brother and that was the reason President Bias left the meeting, therefore, the Commission would not be in violation of law.

Nancy Cartmill, Commissioner, stated she believed that the law was still not being followed and she had not seen a formal letter from the Ethics Commission regarding this matter.

Commissioner Bailey stated that the motion did not need a second and called for question on the motion and the vote was as follows:

<b>Robert L. Bailey, Commissioner</b>	<b><u>aye</u></b>
<b>Nancy Cartmill, Commissioner</b>	<b><u>nay</u></b>

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**#389**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF AMENDING THE NOISE**

**CONTROL ORDINANCE FOR CABELL COUNTY**

Robert L. Bailey, Commissioner, **moved to approve amending the Noise Control Ordinance grandfathering in retail or wholesale business.** W. Scott Bias, President, seconded the motion.

Nancy Cartmill, Commissioner, stated that the Commission was gutting the ordinance that was passed several years ago just for one person.

Commissioner Bailey called for a question on the motion and the vote was as follows:

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

**Exhibit (A)**

**#390**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF THE ADOPTION OF A  
RESOLUTION ESTABLISHING A MANDATORY  
FIVE DOLLAR FEE FOR THE CABELL COUNTY  
TEEN COURT CITY OF HUNTINGTON**

Robert L. Bailey, Commissioner, **moved to approve establishing a mandatory five dollar (\$5.00) fee for any traffic violation for the funding of the Teen Court.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

**#391**

**RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF THE TRANSFER OF TWO (2)  
COUNTY VEHICLES TO THE TRI-STATE AIRPORT**

Nancy Cartmill, Commissioner, **moved to approve the transfer of two county vehicles to the Tri-State Airport.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

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**#392**

**RESOLUTIONS, CABELL COUNTY COMMISSION**

**RE: REAPPOINTMENTS – CABELL HUNTINGTON**

**CONVENTION & VISITORS BUREAU**

Nancy Cartmill, Commissioner, **moved to approve the reappointments of Bob Bailey, Randy Dunfee, Jon Campbell, Mike Stephenson and Paula Workman to the Cabell Huntington Convention & Visitors Bureau, for terms beginning January 1, 2011 and ending December 31, 2013.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

**#393**

**RESOLUTON, CABELL COUNTY COMMISSION**



**RE: ALLOCATE SENIOR CITIZEN PROJECTS AND  
PROGRAMS EXCESS LEVY TAX FUNDS TO CCCSO  
FOR SALT ROCK SENIOR CENTER**

Robert L. Bailey, Commissioner, **moved to approve funds, in the amount of \$1,500.00, from the Senior Citizens Excess Levy Funds to CCCSO for the Salt Rock Senior Center to install a security fence.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

**#394**

**DISCUSSION/ACTION:**

**RE: CABELL COUNTY 4-H CAMP AND CONFERENCE  
CENTER RENTAL RATES EFFECTIVE  
JANUARY 1, 2012**

Robert L. Bailey, Commissioner, **moved to approve rental rates for the Cabell County 4-H Camp and Conference Center, effective January 1, 2012.** Nancy Cartmill, Commissioner, seconded the motion and the vote was unanimous.

**#395**

**RESOLUTION, GENERAL FUND, COUNTY BUDGET  
REVISION #5, FY 2010-2011**

Nancy Cartmill, Commissioner, **moved to approve General Fund County Budget Revision #5.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

**#396**

**RESOLUTION, GENERAL FUND, STATE BUDGET**

**REVISION #5, FY 2010-2011**

Nancy Cartmill, Commissioner, **moved to approve General Fund State Budget Revision #5.**  
Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (G)**

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W. Scott Bias, President, adjourned the regular meeting of the County Commission at 10:45 a.m., until the next scheduled meeting on Tuesday, December 21, 2010, at 10:00 a.m.

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**PRESIDENT, COUNTY COMMISSION**

**KSC:ar**