

**COMMISSION MEETING**

**THURSDAY, MARCH 31, 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 moving item #104 to the top of the agenda.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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

Anne Yon, Commissioner, **moved to approve purchase orders #11-31793 through #11-32127 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 March 16, 2011 Special Commission meeting, March 17, 2011 regular Commission meeting, March 24, 2011 Special Commission meeting, 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 and Fort Dearborn Medical Life, 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.

**CITIZENS REGISTERED TO SPEAK:**

**#104**

**DISCUSSION/ACTION**

**RE: CITY OF HUNTINGTON'S 1% OCCUPATION TAX**

Robert L. Bailey, Commissioner, stated he was very much against the proposed occupation tax and would like to file an injunction to stop the tax, if the tax was imposed on the employees.

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The following individuals appeared before the Commission to speak in opposition of the City of Huntington's Occupation Tax:

Sandra Bradley, Chesapeake, Ohio, stated she had to move out of Huntington because she could not afford to live in the city, but continues working to pay for her medication and if the occupation tax was imposed, she would not be able to purchase her medications.

Virgil Pyl, Barboursville, stated he was a business owner and it was very hard to start up a business in this area and he believed the occupation tax would really hurt his business, besides the fact he believed it to be unconstitutional. Mr. Bradley further stated he did not think the Mayor and several employees should have received raises.

Tom McCallister, Huntington, stated this was a special law, enacted by the Home Rule Committee, only for the City of Huntington. Mr. McCallister further stated that he believed the occupation tax was unconstitutional and it was inconsistent with State Law. Mr. McCallister urged the Commission to honor the Constitution of the State of West Virginia and fight the occupation tax.

Larry Gue, Cabell County resident, stated he was an employee of Steel of WV and he had spoken with other employees and no one approved of the occupation tax. Mr. Gue went on to say he believed this to be taxation without representation.

John O'Connor, Huntington, stated he worked for Steel of WV and he urged the Commission to file suit against the occupation tax because he believed it was unconstitutional and not legal.

Nancy Cartmill, President, stated that before the Commission would be able to make a decision, they would need more information on how to proceed on this matter.

John Cooney, Huntington, stated he had appeared before the Commission before regarding the use of County cars by the Sheriff Deputies on their second jobs. Mr. Cooney stated he was upset that the Commission had not done anything about this issue.

Nancy Cartmill, President, stated that the Commission could not tell the Sheriff how to run his office, as he was an elected official, and that Mr. Cooney should make an appointment with the Sheriff to discuss this matter.

**#089 RESOLUTION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF PLEDGING COLLATERAL  
BONDS BY CITY NATIONAL BANK**

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

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**#090 RESOLUTION, CABELL COUNTY COMMISSION**

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

Anne Yon, Commissioner, **moved to approve the public test of the early voting equipment to be used for the Gubernatorial Primary Election for Friday, April 22, 2011, at 10:00 a.m.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

**#091 RESOLUTION, CABELL COUNTY COMMISSION**

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

Anne Yon, Commissioner, **moved to approve the public test of the election tabulation equipment to be used for the Gubernatorial Primary Election for Monday, May 9, 2011, at 10:00 a.m.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.  
**Exhibit (C)**

**#092**

**APPEARING, JAMES G. GRALEY, ESQUIRE**

**RE: IN THE MATTER OF THE ESTATE OF JEAN B.  
THOMAS, PETITION FOR REMOVAL OF  
PERSONAL REPRESENTATIVE**

James Graley, Attorney representing Jan Williamson, appeared before the Commission requesting that Susan Johnson be removed as the personal representative of the Estate of Jean B. Thomas and that Jan Williamson be appointed.

Mr. Graley went on to say that Ms. Johnson had not filed an appraisal on the estate and he believed that Ms. Johnson was also committing waste with regard to the estate.

David Tyson, Attorney representing Susan Johnson, stated that Ms. Johnson could not file an appraisal in a timely fashion as financial records had been removed from the residence, however, an appraisal was filed March 22, 2011.



**#094**

**APPEARING, DENNIS BLOSS, AREA GENERAL MANAGER,  
FRONTIER COMMUNICATIONS**

**RE: FRONTIER COMMUNICATIONS UPDATE**

Chris Tatum, County Manager, informed the Commission that Mr. Bloss was unable to attend today's meeting.

**#095**

**PROCLAMATION, CABELL COUNTY COMMISSION**

**RE: IN THE MATTER OF DECLARING APRIL, 2011 AS**

**“FAIR HOUSING MONTH” IN CABELL COUNTY**

Robert L. Bailey, Commissioner, **moved to approve the Proclamation declaring April, 2011 as “Fair Housing Month in Cabell County.”** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

**#096**

**RESOLUTIONS, CABELL COUNTY COMMISSION**

**RE: EMPLOYMENT & PROMOTIONS**

Anne Yon, Commissioner, **moved to approve the promotions of Darrell Brent Williams as a Supervisor, effective April 3, 2011, with a rate of pay of \$13.5449 per hour, Derrick A. Ray as an Assistant Supervisor, effective April 3, 2011, with a rate of pay of \$12.0949 per hour; the employment of Jennifer Leigh McCormick as a per diem Paramedic, effective April 1, 2011, with a rate of pay of \$10.2049 and the reclassification of Wayne R. Handley as a**

**temporary full time EMT, effective April 1, 2011, with a rate of pay of \$12.4606.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

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**#097**

**LETTER, RESOLUTION AND AGREEMENT,**

**CABELL COUNTY COMMISSION**

**RE: 2011-2012 RECORDS MANAGEMENT GRANT**

**AGREEMENT - \$5,000.00**

Connie Gray, Administrator for Grants, Planning and Permits, stated the funds from this grant would be used to microfilm and digitize Deed Books beginning in 1944.

Robert L. Bailey, Commissioner, **moved to approve the signing of an agreement between the Division of Culture and History and the Cabell County Commission regarding the records management grant, in the amount of \$5,000.00.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

**#098**

**LETTER, RESOLUTION AND GRANT CONTRACT,**

**CABELL COUNTY COMMISSION**

**RE: FY 2011 COMMUNITY PARTICIPATION GRANT**

**PROGRAM TRI-STATE LITERACY COUNCIL**

**PROJECT #11LEDA0019 - \$2,000.00**



Mrs. Gray informed the Commission the funds from this grant would be used to purchase educational materials and supplies.

Anne Yon, Commissioner, **moved to approve the grant contract for the Tri-State Literacy Council, in the amount of \$2,000.00.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

**#099**

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

**RE: FY 2011 COMMUNITY PARTICIPATION GRANT  
PROGRAM CABELL COUNTY FAIR BOARD/SPECIAL  
LAMB EXHIBIT PROJECT #11LEDA0015 - \$5,000.00**

Mrs. Gray stated the funds from this grant would be used for the construction of an exhibition building for exhibiting lambs and goats at the Cabell County Fair.

Robert L. Bailey, Commissioner, **moved to approve the grant contract for the Cabell County Fair Board/Special Lamb Exhibit Project, in the amount of \$5,000.00.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (G)**

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**#100 LETTER, RESOLUTION AND GRANT CONTRACT.  
CABELL COUNTY COMMISSION**

**RE: FY 20111 COMMUNITY PARTICIPATION GRANT  
PROGRAM CABELL COUNTY FAIR BOARD - SPECIAL  
LAMB PENS PROJECT #11LEDA00398 - \$1,000.00**

Mrs. Gray stated the funds from this grant would be used for the purchase of pens to house the lambs at the Cabell County Fair.

Anne Yon, Commissioner, **moved to approve the grant contract for the Cabell County Fair Board/Special Lamb Pen Project, in the amount of \$1,000.00.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (H)**

**#101 LETTER, RESOLUTION AND GRANT APPLICATION**

**RE: MULTI-JURISDICTIONAL DRUG TASK FORCE**

Mrs. Gray informed the Commission that the funds from this grant would continue to provide the salaries of two deputies and a prosecuting attorney for the Drug Task Force.

Robert L. Bailey, Commissioner, **moved to approve the grant application, in the amount of \$106,000.00, for the Multi-Jurisdictional Drug Task Force.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (I)**



**REVISION #12, FY 2010-2011**

Robert L. Bailey, Commissioner, **moved to approve General Fund County Budget Revision #12.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (J)**

**#106 RESOLUTION, GENERAL FUND, STATE BUDGET**

**REVISION #9, FY 2010-2011**

Anne Yon, Commissioner, **moved to approve General Fund State Budget Revision #9.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**Exhibit (K)**

**PLACE ON RECORD**

Robert L. Bailey, Commissioner, **moved to place on record the minutes from the Culloden Public Service District, Regular Meeting, January 19, 2011, Special Meeting, January 5, 2011, Special Meeting, February 3, 2011 Regular Meeting, February 16, 2011; Pea Ridge Public Service District, Regular Meeting, January 10, 2011; Regular Meeting, February 14, 2011; Salt Rock Sewer Public Service District, Meetings for October, 2010 through February 8, 2011 and Regional Plant Operating Committee through January, 2011; Salt Rock Water Public Service District, Regular Meeting, February 1, 2011 and OTHER DOCUMENTATION TO BE RECORDED The Bank Of New York, Mellon, Various Trust Accounts, February 28, 2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

**#107 EXECUTIVE SESSION REGARDING LITIGATION**

Robert L. Bailey, Commissioner, **moved to approve going into Executive to discussion pending litigation.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

The Commission went into Executive Session at 10:55 a.m.

The Commission came back into regular session at 11:20 a.m., with no action taken.

Nancy Cartmill, President, adjourned the regular meeting of the Cabell County Commission at 11:45 p.m., until the next scheduled meeting on Thursday, April 14, 2011, at 10:00 a.m.

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**PRESIDENT, COUNTY COMMISSION**

**KSC:ar**