

COMMISSION MEETING

THURSDAY, MARCH 1, 2012

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

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

APPROVE:

Chris Tatum, County Manager, informed the Commission that item #45 needed to be removed from the agenda at the request of the parties involved. Mr. Tatum stated that item #50 needed to be removed as well, to allow time for the Commission to discuss it further.

Anne Yon, Commissioner, **moved to approve the amendments to the agenda.** Robert L. Bailey, 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 #12-40058-59 and 12-40062 through #12-40321 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 regular Commission meeting of February 2, 2012, 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, 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 TO SPEAK

Debbie and Devon, from Green Acres Regional Center, appeared before the Commission to request the Commission consider assisting with the replacement of a new roof on one of the facilities' buildings.

COMMISSION MEETING

THURSDAY, MARCH 1, 2012

PAGE TWO

#44

APPEARING, CASEY W. BAKER

RE: ESTATE OF PHYLLIS C. HESSON

RESPONSE TO PETITION TO REMOVE JEANETTA RAY AS

ADMINISTRATRIX- CTA AND APPOINT JULEAH DOTSON AS

ADMINISTRATRIX OF THE ESTATE

Ryan Turner, attorney for Juleah Dotson, informed to the Commission that when Charles Hesson prepared his will he left everything he had to his wife Phyllis Hesson. Mr. Turner stated that Mrs. Hesson also left everything she had to Charles Hesson, however, Mr. Hesson passed away in 2001 and Phyllis never made another will to appoint a different beneficiary before her death in 2011. Mr. Turner stated that due to an anti-lapse statute, if the person you leave your estate to passes away before you, unless specifically stated, the estate then passes on to that person's heirs.

Casey Baker, Attorney for Jeanetta Ray, stated that Mr. and Mrs. Hesson's wills were prepared on the same day, by the same attorney, with identical language, making these wills both joint and mutual. Mr. Baker said that this case was identical to the 1935 Starbuck case, in which two identical wills existed, both parties passed, and both wills were deemed to be void.

William Watson, County Attorney, said that this case had a very interesting set of circumstances. Mr. Watson stated that since both wills were identical in language, he questioned the applicability of the anti-lapse statute. Mr. Watson further stated that he thought that by reason of them being joint wills, and both parties being deceased, the heirs of Phyllis Hesson would be in favor.

William Watson, County Attorney, stated that it would be in the best interest of the Commission to appoint the Sheriff as curator, to make sure that all assets were protected. Mr. Watson also recommended that the Commission deny the Petition to remove Jeanetta Ray as Administratrix.

Nancy Cartmill, President, **moved to deny the petition to remove Jeanetta Ray as Administratrix.** Anne Yon, Commissioner, seconded the vote.

The vote was as follows: NC AYE

RLB NAY

AY AYE

#46 LETTER, RESOLUTION, CABELL COUNTY COMMISSION

RE: BOARD OF EQUALIZATION AND REVIEW

APPROVAL OF PROPERTY VALUES AND MINUTES

Robert L. Bailey, Commissioner, **moved to approve the minutes from the Board of Equalization and Review meetings.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (A)**

COMMISSION MEETING

THURSDAY, MARCH 1, 2012

PAGE THREE

#47 RESOLUTIONS, CABELL COUNTY COMMISSION

RE: EMPLOYMENT

JONATHON MCCOY- TEMPORARY FULL-TIME EMT

WILLIAM HELD- TEMPORARY FULL- TIME PARAMEDIC

RECLASSIFICATIONS

**STEVE OBERMEYER- FROM TEMPORARY FULL- TIME
PARAMEDIC TO PER DIEM**

**JOSHUA BLEVINS- FROM FULL-TIME PARAMEDIC TO PER
DIEM**

BRETT SPITLER- FROM FULL-TIME EMT TO PER DIEM

Anne Yon, Commissioner, moved to approve the employments of Jonathon McCoy as a full-time EMT effective March 2, 2012, with a rate of pay of \$8.1997; William Held as a temporary full-time paramedic, effective March 2, 2012, with a rate of pay of \$10.8098 per hour; the reclassification of Steve Obermeyer as a per diem paramedic effective March 2, 2012, with a rate of pay of \$10.98 per hour; reclassification of Joshua Blevins as a per diem paramedic, effective February 29, 2012, with a rate of pay of \$11.1598 per hour; reclassification of Brett Spitler as a per diem EMT, effective February 13, 2012, with a rate of pay of \$8.1997. Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#48 LETTER, RESOLUTION, GRANT CONTRACT- CABELL COUNTY

COMMISSION

RE: FY 2012 COMMUNITY PARTICIPATION GRANT PROGRAM

AMERICAN RED CROSS

PROJECT NUMBER: 12LEDA0019- \$1,000.00

Robert L. Bailey, Commissioner, moved to approve the grant contract in the amount of \$1,000.00 for supplies and materials for the American Red Cross. Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

#49

RESOLUTION, CABELL COUNTY COMMISSION

RE: AMENDING THE MEETING SCHEDULE BEGINNING

APRIL 1, 2012, TO THE SECOND AND FOURTH THURSDAYS

OF THE MONTH FOR COUNTY COMMISSION MEETINGS

Robert L. Bailey, Commissioner, **moved to approve amending the meeting schedule to the second and fourth Thursday of each month.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (C)**

COMMISSION MEETING

THURSDAY, MARCH 1, 2012

PAGE FOUR

#51

RESOLUTION, GENERAL FUND, COUNTY BUDGET REVISION

#10, FY 2011-2012

Anne Yon, Commissioner, **moved to approve County Budget Revision #10, FY 2011-2012.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

**#52 RESOLUTION, GENERAL FUND, STATE BUDGET REVISION #8,
FY 2011-2012**

Robert L. Bailey, Commissioner, **moved to approve State Budget Revision #8, FY 2011-2012.**
Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Exhibit (E)

GOOD AND WELFARE

Robert L. Bailey, Commissioner, stated that he would like to congratulate Commissioner Cartmill and the late Dr. Mildred Mitchell Bateman, for the honor to be bestowed upon them by the West Virginia Women's Commission on March 27, 2012. Commissioner Cartmill thanked Commissioner Bailey and stated that she was truly grateful for the recognition she had received.

Nancy Cartmill, President, adjourned the Cabell County Commission meeting at 10:52 a.m., until the next scheduled meeting on Thursday, March 15, 2012.

PRESIDENT, COUNTY COMMISSION

KSC:kss