

MARSHALL COUNTY COMMISSION  
APRIL 12, 2016

NOTICE OF REGULAR SESSION

The County Commission of Marshall County, West Virginia convened this day pursuant to the following call: Stanley C. Stewart, President; Robert A. Miller, Commissioner; Scott G. Varner, Commissioner; Jan Pest, County Clerk; Betsy Frohnapfel, County Administrator; and Melanie Madden, Chief Deputy Clerk.

The County Commission of Marshall County, West Virginia will meet in Regular Session at the Courthouse thereof, on Tuesday, April 12, 2016 at 9:00 AM for the following purposes, that is to say:

To Audit Claims

To Act upon Rebates

To consider any other matters which may properly come before the Commission

Called by the President of the Commission with the concurrence of the other two members.

S/Stanley C. Stewart, President

Posted at the front door of the Courthouse on the 7th day of April, 2016.

S/Jan Pest, County Clerk

**MINUTES** –

On motion of Commissioner Varner, seconded by Commissioner Stewart, the Commission approved the minutes of the Quarterly Special Session held April 5, 2016. Motion carried.

MARSHALL COUNTY COMMISSION  
APRIL 12, 2016

**COMMISSIONER COMMENTS** –

COMMISSIONER VARNER attended the Boys State Fundraiser at the American Legion, visited the Warren Distribution site in Glen Dale, and dealt with constituent concerns.

COMMISSIONER STEWART also visited the Warren Distribution site in Glen Dale, attended the Grand Vue Park Board meeting, took part in a conference call with Northern Panhandle Workforce Development Board, and dealt with constituent concerns.

**PUBLIC DEFENDER CORPORATION BOARD APPOINTMENT** – On motion of Commissioner Varner, seconded by Commissioner Stewart, the Commission appointed Mary Rose to the Board of Directors for the 2<sup>nd</sup> Judicial Circuit, Public Defender Corporation. Motion carried.

**EXONERATIONS** – On motion of Commissioner Varner, seconded by Commissioner Stewart, the Commission approved the following 9 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

Daniel Ray Gorby	\$ 52.42
Debra Ann Conley	52.42
Ronald Slack/Raymond Auten	549.64
Virgil Leroy Lilley Est.	3.74
Evelyn Jane White	261.78
Gerald H Neely Jr.	3.74
Amy Roupe	102.70
Kelby Antill	72.70
Rig Source, Inc.	711.02

**FIDUCIARY MATTERS** – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved and accepted all Fiduciary Settlements received by Jan Pest, County Clerk, for the month of March, 2016.

**E-911 ROAD NAMES** – Larry D. Newell, E-911 Director, submitted a request for three road names. Stonebridge Lane is in the Cameron Postal District, starts at Fish Creek Road and travels to a dead end. Hillberry Lane is in the Wheeling Postal District, starts at Viola Road and travels to a dead end. Coe Drive is in the Cameron Postal District, starts at Green Valley Road and travels to a dead end.

MARSHALL COUNTY COMMISSION  
APRIL 12, 2016

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission accepted and approved the road names of Stonebridge Lane, Hillberry Lane, and Coe Drive. Motion carried.

**MOZART VOLUNTEER FIRE DEPARTMENT** – Paul Kudlak, President, and Rick Fisher, Fire Chief, appeared before the Commission to discuss Mozart VFD's response in Marshall County. Mr. Kudlak stated the Fire Department was established in 1911. There are 384 residents in Marshall County and 162 residents in Ohio County. The majority of homes covered are in Marshall County. Mr. Kudlak is concerned about future funding due to Marshall County Firefighter Association releasing Mozart VFD from the organization. Commissioner Stewart stated continued funding by the County Commission will be supported based on the need, assuming conditions remain the same.

**WEST VIRGINIA CONSERVATION AGENCY** – Dave McCardle, Supervisor, Northern Panhandle Conservation District, appeared before the Commission. Mr. McCardle gave an update on the Middle Grave Creek Watershed Project. The WV Conservation Agency is responsible for inspections, operation, maintenance and repair of 170 flood control structures and 22 channels throughout the state of West Virginia. The first rehabilitation will be out Wolf Run #25 and rehabilitation on Wheeling Creek will be very expensive.

**RETIRED & SENIOR VOLUNTEER PROGRAM** – Pauline Boring, Assistant Director, Senior Volunteer Program, and Mickey Massey, Marshall County volunteer, appeared before the Commission with a National Service Recognition Day Proclamation.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission adopted the Proclamation as follows, read by Commissioner Stewart:

MARSHALL COUNTY COMMISSION  
APRIL 12, 2016

**Mayor and County Recognition Day for National Service  
MARSHALL COUNTY, WV**

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's [counties/cities] are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with county officials and mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 5, 2016.

THEREFORE, BE IT RESOLVED that we, **Stanley C. Stewart, Robert A. Miller and Scott G. Varner, County Commissioners of Marshall County, WV** do hereby proclaim April 5, 2016, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our county; to thank those who serve; and to find ways to give back to their communities.

Stanley C. Stewart *Stanley C. Stewart* Date  
Robert A. Miller *Robert A. Miller* 4-12-2016 Date  
Scott G. Varner *Scott G. Varner* 4-12-16 Date



**NORTHERN PANHANDLE HOME CONSORTIUM RESOLUTION** – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the Northern Panhandle HOME Consortium Resolution. Motion carried. The Resolution is as follows:

MARSHALL COUNTY COMMISSION  
APRIL 12, 2016

**MARSHALL COUNTY COMMISSION**

STANLEY C. STEWART, PRESIDENT  
SCOTT G. VARNER  
ROBERT A. MILLER

BETSY WILSON FROHNAPFEL, ADMINISTRATOR  
JAN PEST, COUNTY CLERK

A RESOLUTION OF THE MARSHALL COUNTY COMMISSION AUTHORIZING PARTICIPATION IN THE NORTHERN PANHANDLE HOME CONSORTIUM FOR THE PERIOD OF JULY 1, 2016 TO JUNE 30, 2017.

WHEREAS, Title II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as "HOME"); and

WHEREAS, the HOME regulations promulgated by the US Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

WHEREAS, there is a need throughout the West Virginia Northern Panhandle to provide affordable housing for the low and moderate income residents; and

WHEREAS; the City of Wheeling, the City of Weirton, County of Brooke, County of Hancock, County of Ohio and County of Marshall, West Virginia, have formed a consortium, which has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to annual funding; and

WHEREAS, the Marshall County Commission has entered into a three (3) year Cooperation Agreement with an annual renewal clause for participation in the Northern Panhandle HOME Consortium; and

WHEREAS, the US Department of Housing and Urban Development has awarded the Northern Panhandle HOME Consortium a HOME grant in the amount of \$240,377.00 for Fiscal Year 2016; and

WHEREAS, the Marshall County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

NOW, THEREFORE BE IT RESOLVD by the Marshall County Commission that:

- The County of Marshall will continue to cooperate with the Cities of Wheeling and Weirton and the Counties of Hancock, Brooke, and Ohio and support its continuance of the West Virginia HOME Consortium in the HOME Program.
- The County of Marshall is hereby authorized to enter into a one-year renewal of the cooperation agreement for the period of July 1, 2016 to June 30, 2017 with the other participating members, which form the Northern Panhandle HOME Consortium.

P.O. DRAWER B - MOUNDSVILLE, WV 26041

REGULAR SESSIONS FIRST TUESDAY - JANUARY-APRIL-JULY-OCTOBER TELEPHONE - 845-0482 FAX 843-1074

MARSHALL COUNTY COMMISSION  
APRIL 12, 2016

MARSHALL COUNTY COMMISSION

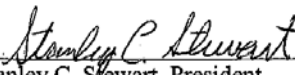
STANLEY C. STEWART, PRESIDENT  
SCOTT G. VARNER  
ROBERT A. MILLER

BETSY WILSON FROHNAPFEL, ADMINISTRATOR  
JAN PEST, COUNTY CLERK

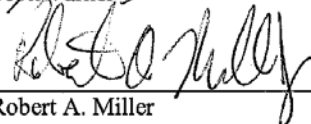
- A copy of this Resolution is to be submitted in the request to HUD to approve funding of the Northern Panhandle HOME Consortium for the above Fiscal Year 2016 HOME Investment Partnership Program.

Signed this 29<sup>th</sup> Day of March 2016.

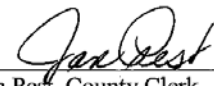
Marshall County Commission by:

  
Stanley C. Stewart, President

  
Scott Varner

  
Robert A. Miller

Attest:

  
Jan Pest, County Clerk

P.O. DRAWER B - MOUNDSVILLE, WV 26041

REGULAR SESSIONS FIRST TUESDAY - JANUARY-APRIL-JULY-OCTOBER TELEPHONE - 845-0482 FAX 843-1074

**MARSHALL COUNTY HEALTH DEPARTMENT BOARD APPOINTMENT-** Ronda Francis, Marshall County Health Department Administrator, submitted a request recommending the appointment of James Stultz to serve on the Marshall County Health Department Board of Directors. This is a five year term which would be effective from June 1, 2016 through May 31, 2021.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved the appointment of James Stultz, to serve on the Marshall County Health Department Board of Directors. Motion carried.

MARSHALL COUNTY COMMISSION  
APRIL 12, 2016

**NATIONAL CRIME VICTIMS AWARENESS WEEK RESOLUTION** – Tiffany Giovengo, Prosecutor's Office Victim Advocate, and Ashley Taylor, YWCA Advocate, appeared before the Commission with a Resolution proclaiming the week of April 10-16, 2016, as National Crime Victims' Rights week.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved and adopted the Resolution. Motion carried. The Resolution is as follows:

Resolution

Proclaiming the week of April 10–16, 2016 as National Crimes Victims' Rights Week in Marshall County.

**WHEREAS**, the county of Marshall, West Virginia has resolved over a period of decades to stand strong against criminal conduct, the Marshall County Commission has also partnered with many organizations who serve the needs of people who have been victimized by crime.

**WHEREAS**, The Marshall County Commission has long supported those agencies and organizations who support and care for victims of crime.

**WHEREAS**, crime victims have the right to receive advocacy, support, assistance and help with physical, emotional and financial impact of crime.

**WHEREAS**, the County of Marshall acknowledges the pain and suffering and the courage of crimes victims and witnesses as they begin their path to healing.

**THEREFORE, LET IT BE RESOLVED** that the Marshall County Commission, in recognition of National Crimes Victims' Week across the United States, stands with the organizations who serve the needs of victims in our county. The Commission recognizes the works and goals of the Family Violence Prevention Program, the Court Appointed Special Advocates (CASA), The Child Protective Service works of Human Services, The Sexual Assault Help Center, the Harmony House forensic facility, The Sheriff's Department STOP Team collaboration with the YWCA, and the Family Resource Network.

**BE IT FURTHER RESOLVED**, in addition to these exceptional organizations we want to recognize Mrs. Andrea Poling, the Special Prosecutor for Crimes against Women and Children & Mrs. Tiffany Giovengo, the Victims Services Coordinator both of whom are Marshall County employees.

Date: 4-12-16

  
Commission President

MARSHALL COUNTY COMMISSION  
APRIL 12, 2016

**NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK** – Larry D. Newell, E-911 Director, appeared before the Commission with a Proclamation for National Public Safety Telecommunications Week. On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission accepted and signed the Proclamation. Motion carried. The Proclamation is as follows:

**MARSHALL COUNTY COMMISSION**

STANLEY C. STEWART, PRESIDENT  
SCOTT G. VARNER  
ROBERT A. MILLER

BETSY WILSON FROHNAPFEL, ADMINISTRATOR  
JAN PEST, COUNTY CLERK

**PROCLAMATION**

**NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK**

**APRIL 10 – 16, 2016**

Whereas emergencies can occur at any time that requires Police, Fire, Emergency Medical Services; and

Whereas, when an emergency occurs, the prompt response of Police Officers, Fire Fighters, EMTs, and Paramedics is critical to the protection of life and preservation of property; and

Whereas the safety of our Police Officers, Fire Fighters, EMTs and Paramedics is dependent upon the quality and accuracy of information obtained from citizens who telephone the Marshall County Communications 911 Center; and

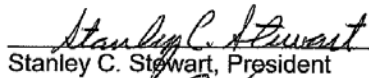
Whereas, Public Safety Telecommunicators are the first and most critical contacts our citizens have with emergency services; and

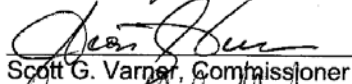
Whereas, Public Safety Telecommunicators are the single vital link for our Police Officers, Fire Fighters, EMTs, Paramedics by monitoring their activities by radio, providing them information and ensuring their safety; and

Whereas, each Telecommunicator has exhibited compassion, understanding, and professionalism during the performance of their jobs in the past year,

Therefore, Be It Resolved that the Marshall County Commission declares the week of April 10 – 16, 2016 to be National Public Safety Telecommunications Week in Marshall County, West Virginia, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

Signed this 12<sup>th</sup> Day of April, 2016

  
Stanley C. Stewart, President

  
Scott G. Varner, Commissioner

  
Robert A. Miller, Commissioner

P.O. DRAWER B - MOUNDSVILLE, WV 26041

REGULAR SESSIONS FIRST TUESDAY - JANUARY-APRIL-JULY-OCTOBER TELEPHONE - 845-0482 FAX 843-1074



MARSHALL COUNTY COMMISSION  
APRIL 12, 2016

**7<sup>TH</sup> ANNUAL WOMEN IN AGRICULTURE** - Rebecca Reilly and Marcia Norman appeared before the Commission representing the Farm Service Agency. Ms. Reilly stated they provide a day long educational program for ladies in agriculture. The date is May 17, 2016, 8:30 am – 3:30 pm, at the Moundsville Center. Ms. Reilly is seeking a donation to help with funding. Due to the fact this item was not on the Agenda, the Commission cannot act on this request, but will review and address this at a future date.

**COURTHOUSE EXTERIOR RENOVATIONS - CHANGE ORDER #2** – Betsy Frohnapfel, County Administrator, submitted an AIA Document G701 Change Order #2. This Change Order is for removal of additional hazardous waste materials. The Contract sum will be increased by this Change Order, in the amount of \$2,500.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved Change Order #2, in the amount of \$2,500, and the President was authorized to sign the same. Motion carried.

**CHICKEN COMPLAINT** - Mr. & Mrs. Bartolovich from Schuberts Lane appeared before the Commission with a complaint regarding neighbors with chickens which she feels are a health problem. Mrs. Bartolovich stated she filed a complaint with the Marshall County Health Department. Betsy Frohnapfel, County Administrator, stated we have no ordinances concerning this issue and suggested Mr. & Mrs. Bartolovich attend a Health Department Board meeting. The Commission has no legal recourse at this time.

**CLAIMS AUDITED** – The Commission, this day, approved the following claims

<u>GENERAL COUNTY FUND</u>	\$ 15,055.01
<u>COAL SEVERANCE FUND</u>	70,974.57
<u>EMERGENCY E-911</u>	35,233.05
<u>HOME CONFINEMENT</u>	409.90
<u>MAGISTRATE COURT FUND</u>	50.55

**ADJOURNMENT** – There being no further business to come before the Commission, on motion of Commissioner Miller, seconded by Commissioner Varner, the meeting was adjourned.

---

PRESIDENT