

MARSHALL COUNTY COMMISSION  
JANUARY 5, 2016

NOTICE OF QUARTERLY SPECIAL SESSION

The County Commission of Marshall County, West Virginia convened this day pursuant to the following call: Robert A. Miller, President; Stanley C. Stewart, Commissioner; Scott G. Varner, Commissioner; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Jeanne Shook, Deputy Clerk. The County Commission of Marshall County, West Virginia will meet in Quarterly Special Session at the Courthouse thereof, on Tuesday, January 5, 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/Robert A. Miller, President

Posted at the front door of the Courthouse on the 30th day of December, 2015.

s/Jan Pest, County Clerk

**COMMISSION PRESIDENT APPOINTMENT** – On motion of Commissioner Miller, seconded by Commissioner Varner, Commissioner Stewart was elected President of this Commission. Motion carried.

**MINUTES** – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the minutes of the Regular Session held December 22, 2015. Motion carried.

**COMMISSIONER COMMENTS** –

COMMISSIONER VARNER, COMMISSIONER MILLER, and COMMISSIONER STEWART attended the Public Safety Building Ribbon Cutting Ceremony, December 22, 2015.

COMMISSIONER VARNER, COMMISSIONER MILLER and COMMISSIONER STEWART dealt with constituent concerns on various issues.

COMMISSIONER STEWART attended several holiday gatherings.

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**ANIMAL RESCUE LEAGUE** – Roberta Underdonk, concerned citizen, appeared before the Commission with concerns regarding the Animal Rescue League.

**GRAND VUE PARK UPDATES**- Craig White, General Manager of Grand Vue Park, appeared before the Commission with updates and upcoming events at Grand Vue Park. Craig stated construction is continuing and the concert series will begin in January, 2016. Craig thanked the Commission for past and continued support.

**2016 COMMISSION MEETING SCHEDULE AND RULES FOR CONDUCTING**

**PUBLIC MEETINGS** – On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved and adopted the 2016 Commission meeting schedule and rules of conducting public meetings. Motion carried. The meetings and rules are as follows:

**Marshall County Commission  
Meeting Schedule 2016**

The Marshall County Commission will meet on the following Tuesdays at 9:00AM in Regular Session in the County Commission Room in the Marshall County Courthouse for the calendar year 2016; unless otherwise posted.

Tuesday, January 5, 2016	Tuesday, June 7, 2016
Tuesday, January 12, 2016	Tuesday, June 14, 2016
Tuesday, January 19, 2016	Tuesday, April 26, 2016
Tuesday, February 2, 2016	Tuesday, May 3, 2016
Tuesday, February 23, 2016	Tuesday, May 10, 2016
Tuesday, March 1, 2016	Tuesday, June 21, 2016
Tuesday, March 8, 2016	Tuesday, July 12, 2016
Tuesday, March 22, 2016	Tuesday, July 19, 2016
Tuesday, March 29, 2016	Tuesday, July 26, 2016
Tuesday, April 5, 2016	Tuesday, August 2, 2016
Tuesday, April 12, 2016	Tuesday, August 9, 2016
Tuesday, April 19, 2016	Tuesday, August 16, 2016
Tuesday, April 26, 2016	Tuesday, August 23, 2016
Tuesday, May 3, 2016	Tuesday, August 30, 2016
Tuesday, May 10, 2016	Tuesday, September 13, 2016
Tuesday, May 17, 2016	Tuesday, September 20, 2016
Tuesday, May 24, 2016	Tuesday, September 27, 2016
Tuesday, June 7, 2016	Tuesday, October 4, 2016
Tuesday, June 14, 2016	Tuesday, October 18, 2016
Tuesday, June 21, 2016	Tuesday, October 25, 2016
Tuesday, June 28, 2016	Tuesday, November 1, 2016
Tuesday, April 12, 2016	Tuesday, November 15, 2016
Tuesday, April 19, 2016	Tuesday, November 22, 2016
Tuesday, April 26, 2016	Tuesday, November 29, 2016
Tuesday, May 3, 2016	Tuesday, December 6, 2016
Tuesday, May 10, 2016	Tuesday, December 20, 2016
Tuesday, May 17, 2016	
Tuesday, May 24, 2016	

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**MARSHALL COUNTY COMMISSION  
RULES FOR CONDUCTING PUBLIC MEETINGS**

SECTION 1: GENERAL

1.1 Scope

These rules governs the public meeting of the Marshall County Commission; and supersede and replace any rules formerly adopted.

1.2 Authority

West Virginia Code §6-9A et seq and §7-1-2

1.3 Effective Date: January 5, 2016.

SECTION 2: SESSIONS

2.1 The Marshall County Commission shall meet on the 1<sup>st</sup> Tuesday of January each year to set the date, time and place of its annual regularly scheduled meeting except when the 1<sup>st</sup> Tuesday is a holiday, then the meeting date of the 1<sup>st</sup> meeting in January shall be determined in the last meeting held in December. Said annual Schedule will be posted as soon as possible after adoption on the front door of the courthouse, in the Office of the Marshall County Clerk, and posted on the County web site <http://www.marshallcountyvva.org/commission.asp>

2.1a See attached meeting times and schedule

2.2 In the event that a special meeting is necessary, the public shall be notified at least 2 (two) days prior to any such meeting, and will be posted at the front door of the courthouse and on the County web site; excluding Saturday, Sunday and Legal Holidays; and such notice shall include the time, location and purpose of the meeting, and/or a meeting agenda.

2.3 In the event of an emergency that requires immediate official action the notice shall be posted at the front door of the courthouse and on the County web site as soon as practicable, setting forth the time, location, reason for, and purpose of, the emergency meeting.

2.4 The Marshall County Commission will meet in regular session as determined by 2.1 above, in the event a regularly scheduled meeting falls on a Holiday, or there is some other conflict, this regularly scheduled meeting date for the meeting shall be determined at a previous meeting and posting and notice of the same will be given as previously stated.

2.5 All regularly scheduled meetings; special meetings and emergency meeting shall be open to the public.

2.6 The Commission, upon the direction of its presiding officer, may remove any member of the public from the meeting who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised.

2.7 The attendance within the meeting room shall be limited by applicable rules and regulations of the Fire Marshall. The Commission, when practicable, may change the venue for a meeting in the event that the meeting room is not large enough to accommodate the number of people wishing to attend or speak at the meeting. The change in meeting location shall be posted as soon as practicable in the same location as the meeting notice and agenda, and shall also be posted on the meeting room door. The start of the meeting may be delayed up to 30 (thirty) minutes to accommodate the relocation effort. When it is not practicable to move the meeting, the attendance shall be permitted on a first come, first serve basis. If it is necessary to allow other persons in the room for purposes of hearing oral presentations or public comments, then the Commission shall ask for volunteers to leave the room. If there are no volunteers then the Presiding Officer may request that designated person leave the room so long as the Presiding Officer has a rational basis for this decision and states the basis on the record and directs that it be noted in the meeting minutes.

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2.8 Executive Session during a regular, special or emergency meeting shall be in compliance with WV State Code §6-9A-4.

SECTION 3: AGENDA

3.1 The Marshall County Commission shall make available to the public an agenda no less than 2 (two) days in advance of a regular scheduled meeting.

3.2 The 2 (two) day notice period is calculated by excluding the day of the meeting as well as any preceding day which falls on a Saturday, Sunday or legal holiday; for example: the meeting is on a Tuesday, the last day to be put on the agenda is noon on the preceding Thursday, provided there are no legal holidays between the same.

3.3 The agenda shall be made available to the public by having copies available in the Office of the County Clerk during normal business hours, posted on the front door of the Courthouse and posted on the County web site. The agenda will be available by close of business 2 (two) days before the meeting.

3.4 Issues which arise after the deadline for issuing an agenda has passed must be held over until the next meeting, unless an emergency arises which requires immediate official action by the County Commission.

3.5 Except for emergencies, the County Commission may not take official action on a matter which is not on the agenda. An issue raised in a public comment period which is not on the agenda, may be considered only to determine if it should be placed on the agenda of a subsequent meeting for official action.

3.6 Each agenda may contain a period for public comment. Anyone wishing to address the Commission should arrive before or at the time of the scheduled meeting.

3.7 Any person/group who wishes to discuss a specific issue with the County Commission must request to be put on the agenda in accordance with Section 3.2 above. The person/group on the agenda should arrive by the time the meeting begins.

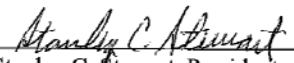
3.8 Each person/group on the agenda to address a specific issue with the County Commission may receive 15 minutes. The County Commission reserves the right to limit any person/group to a lesser amount of time.

SECTION 4: MINUTES

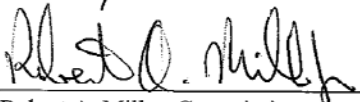
4.1 The County Commission shall provide for the preparation of written minutes of all meetings. Such meetings may be recorded or written notes taken by the County Clerk or their designee. Official minutes shall be available to the public after the adoption of the draft minutes by the County Commission at its next scheduled meeting. Said minutes shall contain the following:

- a. date, time and place of meeting;
- b. name of each member of the governing body who is present and absent;
- c. all motions, proposals, resolutions, orders, ordinances and proposed measures; the name of person making motion and of the person seconding; and a record of the vote of each member by name.

Adopted the 5<sup>th</sup> Day of January 2016.

  
Stanley C. Stewart, President

  
Scott G. Varner, Commissioner

  
Robert A. Miller, Commissioner

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**CORRESPONDENCE** –

Sheriff Kevin Cecil – HIDTA Reimbursement of overtime for Drug Task Force.

Water Board, PSD #3 – Resignation of Justin G. Klamut effective immediately.

Marshall County Caring Tree – Thank you from Kathy Shreve.

WV DOT, Division of Highways – 2016-2021 STIP available for public comment.

**ACCOUNTS PAYABLE** – On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved payments of accounts payable as presented by Jan Pest, County Clerk. Motion carried.

**WORKFORCE DEVELOPMENT BOARD UPDATE** – Christine Smith, Workforce Development Board Member, presented the Rapid Response Report for the period of July 1, 2015 – October 31, 2015, the Youth Program Report for July 1, 2015- October 31, 2015, the Individual Training Account (ITA) Program Activity for July 1, 2015 – October 31, 2015, and the “Bridging the Gap” Program Activity Report for October 1, 2014 – October 31, 2015.

**JOHN YANEN – ANIMAL RESCUE LEAGUE** – John Yanen, concerned citizen, appeared before the Commission with questions and concerns regarding the Animal Rescue League.

**MARSHALL COUNTY ANIMAL RESCUE LEAGUE** – Commission President, Stanley Stewart, read a statement to the public regarding the Marshall County Animal Rescue League. The statement is as follows:

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As we do with all concerned citizens who come before us, we have considered your comments and concerns regarding the MCARL. We have been advised by Costanzo and Associates the monies that we provide to the shelter are both appropriately used and accounted for. We respect the opinion of this reputable CPA firm. By law, the Commission cannot proceed further, as the MCARL is a separate entity. If you have concerns involving financial mismanagement by the organization, these concerns should be presented to law enforcement, as they are the proper entity to investigate such issues. If you have concerns about the policies and procedures of the MCARL, you should present them to the Board of that organization.

We will continue to operate under the current contract with the League until it expires on July 1, 2016. At such time we will review the contract, discuss any amendments which either party feels necessary, and proceed accordingly.

The Commission has done all that it can legally do to address the concerns you have continued to present over the last several months. We can no longer utilize commission time to address the same issues. We thank you for your time.

Note: A copy of the statement was given to Mr. John Yanen.

**MARSHALL COUNTY ANIMAL RESCUE LEAGUE BOARD PRESENTATION** – Rich Morehead, Animal Rescue League President, and Barb Scanlon, Board Member, appeared before the Commission. Ms. Scanlon spoke briefly about the accomplishments and great strides the Animal Rescue League has made over the years. A short video presentation of the shelter was shown. Mr. Morehead and Ms. Scanlon thanked the Commission for past and continued support.

**SHERIFF KEVIN CECIL – HIRE 3 COURT SECURITY OFFICERS** – Sheriff Kevin Cecil requested approval from the Commission to employ Brad Hudson, Douglas Gunzenhauser, and Brandi Wood as part time Court Security Officers.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission authorized Sheriff Cecil to hire Brad Hudson, Douglas Gunzenhauser, and Brandi Wood as part time Court Security Officers. Motion carried.

**TOM POTTS, SILLING ASSOCIATES – 179D FEDERAL ENERGY TAX CREDITS** – Tom Potts of Silling Associates appeared before the Commission. Mr. Potts stated the Internal Revenue Service and Department of Energy allow entities to take credits for energy efficient lighting and HVAC used in construction. Typically the credits are used by private developers and corporations. Public entities are exempt. Project architect may use the credit at the permission of the public entity and Mr. Potts is asking for that permission.

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On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved the application for Silling to use the 179D Federal Energy Tax deduction. Motion carried.

**EXONERATIONS** – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the following 5 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

Kevin Wood	\$ 171.12
Wayne Hardy	182.22
John R Mueller	275.08
Terence W Kohler	255.14
Terence W Kohler	291.56

**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 December, 2015. Motion carried.

**PREVIOUSLY TABLED ISSUES** – Betsy Frohnafel, County Administrator, submitted files which were previously tabled.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission voted to reject and remove a request from Joe Parriott to place a historical portrait of John Parriott in the Marshall County Courthouse. Motion carried.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission voted to delay action on a request from Glen Dale Volunteer Fire Department to help purchase a new fire truck. Motion carried.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission voted to delay action on a request from Mt. Olivet Community VFD to help purchase a new brush truck. Motion carried.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission voted to reject and remove a request from Joe Parriott for a Memorial to Marshall County military. Motion carried.

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On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission voted to reject and remove a request from Blue & Gold Christian Center to help purchase a new roof. Motion carried.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission voted to delay action on a request to establish a Heavy Duty Wrecker Policy. Motion carried.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission voted to reject and remove a request from Greater Moundsville Convention & Visitors Bureau for a donation to host a Governor's Conference event. Motion carried.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission voted to reject and remove a request from the Salvation Army for a grant with a 4-1 match. Motion carried.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission voted to reject and remove a request from Phil Remke for a portable ice skating rink for Christmas on the Avenue. Motion carried.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission voted to approve the EMS Authority Review Committee and members. The following is a list of EMS Authority Committee members:

Norm Pastorius, Glen Dale VFD/EMS

Ron Walker, President, Marshall County Firefighters Association

Harry Galloway, Limestone EMS

JJ Murrin, Dallas VFD/EMS

John Eckleberry, McMechen VFD/EMS

Betsy Frohnappel, County Administrator

Tom Hart, OEM Director

Larry Newell, E-911 Director

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission voted to approve the \$1600 registration fee for the Ohio Valley Soap Box Derby. Motion carried.



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On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission voted to delay action on a request from Marshall County Day Care & Training Center to keep the center in operation. Motion carried.

**STATE TAX DEPARTMENT LETTER** – Jan Pest, County Clerk, submitted a notice for approval, to be sent to the State Tax Department, stating when the Marshall County Assessor will close the books and the last date for any changes.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved the notice to be sent to the State Tax Department and the President was authorized to sign the same. Motion carried.

**LARRY NEWELL E-911 NEW EMPLOYEE** – Larry Newell, E-911 Director, requested approval from the Commission to employ Steven Bailey in the Marshall County E-911 Center for the position of Marshall County Communications E-911 Telecommunicator. Mr. Bailey will begin after a two week pending notice to his current employer.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission authorized Larry Newell to employ Steven Bailey as an E-911 Telecommunicator, to begin after a two week pending notice to his employer.

**EXECUTIVE SESSION – LARRY NEWELL, PERSONNEL MATTER** – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission went into an executive session on a personnel matter. Commission reconvened.

**LARRY NEWELL - E-911 PROMOTIONS** – Larry Newell, E-911 Director, appeared before the Commission. Mr. Newell is requesting the Commission approve the promotion of Carol A. Robinson, Midnight Supervisor, to the position of E-911 Assistant Director, and Joyce Wilson, Telecommunicator, midnight shift, to the position of E-911 Supervisor, midnight shift. Both positions will begin January 15, 2016.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the promotions of Carol A. Robinson and Joyce Wilson, to begin January 15, 2016. Motion carried.

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

<u>GENERAL COUNTY FUND</u>	\$ 27,602.55
<u>COAL SEVERANCE FUND</u>	25,024.19
<u>E-911 EMERGENCY COMMISSION</u>	8,434.75
<u>MAGISTRATE COURT FUND</u>	199.48

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

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PRESIDENT