

**MARSHALL COUNTY COMMISSION  
FEBRUARY 15, 2011**

The Commission convened this day pursuant to the following call: Jason E. Padlow, President; Donald K. Mason and Brian L. Schambach, Commissioners; Jan Pest, County Clerk; and Betsy Frohnapfel, County Administrator.

At a Special Session of the Commission of Marshall County, West Virginia, held at 9:30 A.M., the Notice of the time and purpose of this Special Session had been posted at the front door of the courthouse for more than two days before the commencement of the Special Session, it is ordered that said Notice together with the certification of the Clerk of the time when it was posted, be entered of record, which is done accordingly in words and figures as follows:

**NOTICE OF SPECIAL SESSION**

The County Commission of Marshall County, West Virginia will meet in Special Session at the Courthouse thereof, on Tuesday, February 15, 2011, at 9:30 A.M. 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/Jason E. Padlow, President

Posted at the front door of the Courthouse on the 10<sup>th</sup> day of February, 2011.

s/Jan Pest, County Clerk

**MINUTES** – On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved the minutes of the Special Session held December 28, 2010. Motion carried.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the minutes of the January 25, 2011 Special Session were approved with a correction to page 216, under Grants, it is the STOP Violence Against Women Grant Application. Motion carried. Commissioner Mason abstained from voting due to his absence.

**COMMISSIONER COMMENTS:**

COMMISSIONER SCHAMBACH attended the CCAWV Legislative meeting and had the opportunity to meet with our Legislators concerning the oil and gas drilling. Commissioner Schambach researched the Barnett Shale located in Texas, which used

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the same process, and reviewed the regulations covering that operation. Two committees have been formed in the Legislature to develop regulations.

The Commission was invited to a tour of a Chesapeake drilling rig with Amy Dobkin, and an interesting PowerPoint presentation of the process.

Commissioner Schambach will attend a Library meeting on Friday.

COMMISSIONER MASON enjoyed his trip to Florida in January, and thanked Commissioners Padlow and Schambach for covering during his absence.

Commissioner Mason attended two sessions in Charleston: the CCAWV Legislative meeting, and enjoyed seeing Senator Kessler open the Senate session while there. The WVACO session was the following week where discussions were held concerning the Marcellus shale and the upcoming elections.

The Commission has been meeting since February 1, every Tuesday and Friday, for Board of Equalization and Review. It has been very quiet this year, and if nothing comes up the Board will finish this Friday.

Today starts budget hearings, which starts a busy time for February and March. The budget is due in the Auditor's Office by March 28. This process gives the Commission the opportunity to meet with Elected Officials and Agency representatives for an update on things going on in the County from a financial stand point.

Commissioner Mason attended the R.E.D. Partnership meeting on Friday, where work is continuing on a 3-county 5-year action plan; and chaired the Health Board meeting and discussed that budget.

Commissioner Mason also enjoyed the Chesapeake presentation and tour.

COMMISSIONER PADLOW is also looking forward to budget hearings with the different agencies for updates; and requested contacting some that usually mail in requests to schedule a meeting in order for Commissioner Schambach to meet with everyone and hear their presentations.

The Board of Equalization and Review has been very quiet and Commissioner Padlow thanked Assessor Chris Kessler and his staff for their great work.

Acting Senate President Jeff Kessler announced Saturday that he will be running for Governor this year. It was an interesting day and Commissioner Padlow wished Senator good luck.

Commissioner Padlow enjoyed the appreciation dinner for Friends of Grand Vue Park and credited Manager Craig White and staff for a job well done. The Community is getting involved and helping with activities at the Park.

Commissioner Padlow extended our thoughts and prayers to the Oakland family on their loss in the tragic accident on Route 2.

Commissioner Padlow attended the County Fire meeting held last Thursday, where a discussion was held concerning the WV Fire Marshall's order to close the Big Wheeling Creek VFD. A plan is now in place to cover that area during the closure.

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**MOUNDSVILLE/MARSHALL COUNTY ECONOMIC DEVELOPMENT – UPDATE –**

Councilman Phil Remke appeared before the Commission with updates on the Historical Central District in Moundsville. Mr. Remke requested to be informed of disaster plans concerning oil and gas drilling and requested Animal Control attend his next meeting.

**GRAND VUE PARK – UPDATE** – Craig White, Manager of Grand Vue Park, appeared before the Commission with updates from the Park. The Valentine Party was a success with great weather this year; Eagle renovations should be completed by the end of the month; 67 new beds have been installed in the different cabins; 3 employees attended a park Maintenance Management School held at Oglebay; and the summer schedule is well under way with Thursday being Grand Vue Park Day, which will consist of a movie or concert. The Ice Bowl was another great success this year too.

Mr. White also informed the Commission that the Strand ceiling project will start in the next couple of weeks and information for I470 signage for the Park, WVP and Marx Toy has been turned in.

**RECESS** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission recessed to conduct the Board of Equalization and Review meeting. Motion carried. Commission reconvened.

**OEM – FLOOD MITIGATION BUY-OUT PROGRAM** – Tom Hart, OEM Director, and Mike Muccheck, Deputy Director, appeared before the Commission with information on the Flood Mitigation Buyout Program and a list of eligible properties. Residents can submit applications for the program if they are continually flooded. Once a Federally declared disaster occurs, funds are set aside for this Program.

Mr. Hart explained once the process is completed, the property becomes a green space owned by the municipality in which it is located. Mr. Muccheck submitted a Letter of Credit Payment Request for Commission approval, in the amount of \$5,500, for surveying services. Also submitted for approval to proceed with the project was a list of six structures, one in Benwood and five in Moundsville, that have met all the criteria for the State program. If all currently approved structures follow through with their request to be purchased all six structures will be accepted. But, because this program is based on specific State criteria, each project is numerically weighted. The County project as a whole must be above a 1.0. If one of the higher ranked projects drops out, it is possible that one of the structures that falls below the 1.0 rank will have to be taken off the list also. The next step will involve appraisals, completed by the State.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President was authorized to sign the Payment Request Form in the

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amount of \$5,500 for the Hazard Mitigation Grant Program and to submit all six structures to the State for the next phase of the program. Motion carried.

**EXONERATIONS** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved the following 11 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

Goodrich, Ronnie E.	\$ 59.62
Goodrich, Ronnie E.	56.94
Dove, William E & Irene M	2.88
Harler, Robert M & Mary Jo	493.26
Stanley, David C & Tammy J	43.72
Stanley, David C & Tammy J	53.06
Stanley, David C & Tammy J	54.26
Yoho, Edward L	30.60
Vanscyoc, Donna M	31.90
Morris, Brandon L	141.90
Novel, James E	39.44

**COUNTY IDENTIFICATION CARDS** – Betsy Frohnapfel, County Administrator, submitted information on an opportunity for County identification cards to the Commission. The West Virginia Association of Counties and the Department of Motor Vehicles have created a program for County Officials to provide identification cards to employees.

The card would list the name, department, County address and County ID number only. The cost of the card would be \$5.00 each. The first step is to supply a list of employees, along with the payment.

Commissioner Padlow questioned equipment used in the Sheriff's Office for various identification cards, if it could be used for this purpose.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission authorized participation of County ID Cards and made it a requirement that all employees have in their possession, easily seen, and the Commission will pay the necessary costs. Motion carried.

**GRANTS – EMERGENCY RESPONSE ENTITIES – SPECIAL PROJECTS FUNDS** –

Betsy Frohnapfel, County Administrator, submitted to Grant Agreements from the Emergency Response Entities – Special Projects Funds, for the Marshall County Fire Fighters Association, in the amounts of \$5,000 and \$7,000. Mrs. Frohnapfel explained the Grants are for equipment and supplies, and both Agreements need the Commission President's signature.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President was authorized to sign the Grant Agreements. Motion carried.

**E-911 – ROAD NAMES** – Betsy Frohnapfel, County Administrator, informed the Commission that the Dallas zip code area will begin using new road names and

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addresses March 1. Mrs. Frohnafel also submitted 8 road names for Commission approval.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the following road names: Animal Shelter Drive; Dan Dee Lane; Hog House Road; Landen Lane; Northern Regional Correctional Drive; Nicks Drive; Southern Tower Drive; and Spoon Lane. Motion carried.

**EXECUTIVE SESSION** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission went into executive session on a legal matter. Motion carried.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission went back into regular session. Motion carried.

**SPECIAL COMMISSION MEETING** – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission will schedule a special session on Friday, February 18, 2011, at 11:00 o'clock A.M. to discuss and act upon the Resolution and Agreement Pertaining to International Society for Krishna Consciousness – New Mathura, Vrindaban, NRS, Inc. bankruptcy. Motion carried.

**MARSHALL COUNTY SEWERAGE DISTRICT – REQUEST FOR BUDGETED**

**FUNDS** – The Commission received a letter from John L. Blair, Jr., Chairman, Marshall County Sewerage District, requesting budgeted funds. Mr. Blair explained a flow meter is needed for the Washington Lands Plant; and a requirement of the WVDEP is that sludge be removed from the plants on a routine basis creating the need for a sludge pump for Pin Oaks. Mr. Blair requested approximately \$7,600 for the purchases.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission granted the request. Motion carried.

**NORTHERN PANHANDLE HOME CONSORTIUM – RELEASE** – The Commission received a letter from Vickey Battista, HOME Program Administrator, stating Rebecca R. Lund has fulfilled her obligation for the First Time Homebuyer Program. Mrs. Battista enclosed a Release of Deed of Trust for Commission approval.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission President was authorized to sign the Release of Deed of Trust for Rebecca R. Lund. Motion carried.

**MARSHALL COUNTY HEALTH DEPARTMENT** – The Commission received a letter from Ronda Francis, Administrator, Marshall County Health Department, stating Nancy Warmuth resigned from the Board of Health effective immediately. Mrs. Francis requested the Commission appoint a new member.

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On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission will send a letter to Mrs. Warmuth thanking her for her years of service. Motion carried.

**CITY OF MOUNDSVILLE – FOSTORIA PROJECT** – The Commission received a letter from Al Hendershot, City Manager for Moundsville, thanking the Commission for their continued support on the Fostoria Demolition Project. Mr. Hendershot also requested financial assistance for the demolition of the remaining smoke stacks.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved a contribution to the City of Moundsville in the amount of \$20,000 for the Fostoria Project. Motion carried.

**CORRESPONDENCE:**

SPECIAL OLYMPICS – thank you

NACO – Cuts to CDBG

NISOURCE GAS TRANSMISSION & STORAGE – contribution to food bank

STATE FIRE MARSHALL – Cease and Desist Order for Big Wheeling Creek VFD

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

<u>GENERAL COUNTY FUND</u>	\$126,135.93
<u>COAL SEVERANCE FUND</u>	145,974.96
<u>E-911 FUND</u>	5,527.62
<u>HOME CONFINEMENT FUND</u>	1,491.45
<u>DOG FUND</u>	85.90

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

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PRESIDENT