

**MARSHALL COUNTY COMMISSION
JULY 8, 2014**

NOTICE OF REGULAR SESSION

The Commission convened this day in Regular Session as the law directs. Notice of time and place of this Session was posted at the front door of the Courthouse on the 3rd day of July, 2014, in compliance with the West Virginia "Sunshine" law. Present: Donald K. Mason, President; Brian L. Schambach and Robert Miller, Jr., Commissioners; Jan Pest, County Clerk; Betsy Frohnapfel, County Administrator; and Jeanne Shook, Deputy Clerk.

The County Commission of Marshall County, West Virginia will meet in Regular Session at the Courthouse thereof, on Tuesday, July 8, 2014 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/Donald K. Mason, President

MINUTES – On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission approved the minutes of the Special Session June 24, 2014. Motion carried.

COMMISSIONER COMMENTS –

COMMISSIONER MILLER had a great time on the 4th of July with family and friends. He hopes everyone had a nice holiday.

COMMISSIONER MILLER made an announcement in the News Register that he does not favor the current PILOT program with Moundsville Power, LLC. COMMISSIONER

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MILLER stated he does favor the Plant as proposed originally as a private endeavor but not as County ownership.

COMMISSIONER SCHAMBACH was on vacation last week and got married one day! The weather was good except for Hurricane Arthur. Seriously, the wedding went very well.

COMMISSIONER SCHAMBACH stated as far as the PILOT program and Moundsville Power goes, it is ongoing and there is still a lot to review.

COMMISSIONER MASON would like to note the passing of Janice Hyre last week, a great teacher and wonderful grandma to Jan's kids. COMMISSIONER MASON stated Janice was a true lady of class.

COMMISSIONER MASON attended the Marshall County Chamber of Commerce Shrimp Boil, Saturday, June 28th.

COMMISSIONER MASON attended Grand Vue Park's Independence Day Ceremonies July 4th, where Miss West Virginia, Paige Madden sang our National Anthem. Paige also stayed and talked to some of the kids.

COMMISSIONER MASON stated his displeasure of the following Memorandum from the State Treasurer's Office, John D. Perdue.



JOHN D. PERDUE
State Treasurer

State of West Virginia
OFFICE OF THE STATE TREASURER
CHARLESTON, WV 25315
PHONE: 304-358-6000 FAX: 304-508-4297
1-800-422-7460
www.wvtreasurer.com

JCS1 STOWERS
Assistant State Treasurer

Memorandum

To: All Political Subdivisions
From: John D. Perdue
State Treasurer
Date: June 27, 2014
Subject: Distribution of Coal Severance Tax and Oil & Gas Tax

The coal severance tax distribution which normally is deposited into your bank accounts in late June, will not be distributed until July this year. The State Tax Division has not made the funds available for distribution.

Our State Government is in the process of converting to a new accounting system. This is causing a black-out period beginning July 1, 2014 through July 7, 2014. The new system will go live July 8, 2014.

The State Tax Division informed me today that they anticipate sending the money for coal severance after the new system goes live on July 8, 2014. Once the money has been received by the State Treasurer's Office, it will be processed and distributed as soon as possible.

As to the oil and gas distribution, the State Tax Division has filed an amended rule with the intention to move the oil and gas distribution beginning October 1, each year. It is not final, however the State Tax Division does intend to move this distribution to October 1, 2014.

I apologize for any inconvenience this has caused your office

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COMMISSIONER MASON stated the Coal Severance payment we receive quarterly in the amount of \$800,000 - \$900,000. The final payment is given in June. The Oil & Gas Severance we receive once a year in June. COMMISSIONER MASON can't see how we are in the middle of the Marcellus Shale Industry and haven't received any monies for the fiscal year.

AMERICAN LEGION – CAMERON – Bill Harris, Commander of the Cameron American Legion, appeared before the Commission. Mr. Harris thanked the Commission for a \$10,000 donation for work on the annex building in Cameron. Tentatively, October 30, 2014, will be a Grand Opening of the new annex building and everyone is invited to attend. Mr. Harris's 90th birthday is also on October 30. He looks forward to seeing everyone.

RED PARTNERSHIP – JOSH JEFFERSON - Josh Jefferson of RED Partnership, introduced Samantha Dodd who is working with the Regional Economic Development Partnership as an intern through the Community Foundation of the Upper Ohio Valley. Samantha graduated from Wheeling Park High School and will be attending the University of Virginia as a business major. Josh has been trying to give her some exposure to the economic development in Ohio, Marshall, and Wetzel Counties.

GRAND VUE PARK UPDATES – Craig White, General Manager of Grand Vue Park, appeared before the Commission. Craig stated the July 4th Celebration was great. Paige Madden, Miss West Virginia, sang the National Anthem. The Park had a flag scavenger hunt and the grand prize was a cabin weekend getaway. A portion of the proceeds were donated to the Wounded Warrior Fund, which amounted to \$500.00. Mason Dixon Barbeque was going strong and Zeke Blake played music at base camp. The pool filter pump went out on Friday morning but hopefully it will be up and running by Wednesday.

The Park is really beautiful, especially the flowers up by the banquet hall.

MARSHALL COUNTY TAX OFFICE - Amy Carmichael, Chief Tax Deputy, appeared before the Commission. Amy requested a \$9000 payment to Super Mail, for postage due for the 2014 Tax Statements Mailing which is scheduled for July 31, 2014.

On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission approved the previously budgeted request in the amount of \$9000. Motion carried.

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MARSHALL COUNTY TAX OFFICE – Amy Carmichael, Chief Tax Deputy, appeared before the Commission. Amy requested the replenishment of the return mail postage account at the Moundsville Post Office in the amount of \$300.

On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission approved the request in the amount of \$300. Motion carried.

COMMUNITY PARTICIPATION GRANT – Betsy Frohnapfel, County Administrator, submitted a letter to the Commission. Congratulations on Governor Tomblin’s Community Partnership Grant award in the amount of \$15,000 to the Marshall County Commission to assist the Benwood Mine Disaster Committee with the construction of a memorial.

On motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission authorized the President to sign the same. Motion carried.

COMMUNITY PARTICIPATION GRANT – Betsy Frohnapfel, County Administrator, submitted a letter to the Commission. Congratulations on Governor Tomblin’s Community Partnership Grant award in the amount of \$2000 to the Marshall County Commission to assist the Marshall County Historical Society with the stabilization, restoration, and preservation of artwork in the historic Cockayne Farm House and other improvements as funds permit.

On motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission authorized the President to sign the same. Motion carried.

ELECTION SYSTEMS & SOFTWARE POLL BOOK DEMONSTRATION – Jan Pest, County Clerk, appeared before the Commission. Jan stated representatives from ES&S will be here tomorrow at 1:30 pm for a demonstration of the new poll books. Jan is very interested in purchasing the new poll books. Commissioner Mason & Commissioner Schambach will attend.

QUARTERLY BUSINESS – FIDUCIARY MATTERS – On motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission approved and accepted all Fiduciary Matters received by the County Clerk for the previous quarter. Motion carried.

MARSHALL COUNTY TAX OFFICE – Amy Carmichael, Chief Tax Deputy, appeared before the Commission. Amy submitted the Xerox Copy Renewal Proposal from

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Hughes Xerographic. The service agreement includes all supplies, as well as parts, labor, service, travel, etc. in the monthly amount of \$79.

On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission approved the new lease agreement. Motion carried.

TAUYA STARKEY – MCGOVERN’S TAVERN COMPLAINT – Tauya Starkey and Mary Welton appeared before the Commission with complaints about McGovern’s Tavern in Mozart. Miss Starkey stated the residents can’t function or sleep because of the loud noise from the Tavern. Miss Starkey feels the Tavern interferes with activities of daily living. A petition was presented to the Commission with approximately 22 signatures of residents who believe the Tavern is a problem. Chief Deputy, Bill Helms appeared from the Marshall County Sheriff’s Department. Chief Helms stated the Sheriff’s Department has received complaints about the noise but there are no noise ordinances in the rural areas of the County. The Sheriff’s Department has made phone calls to the Tavern about the noise, as a courtesy, but legally are under no obligation to do so. Chief Helms suggested contacting the ABCC on this issue. The ABCC regulates the hours of operation for businesses and can enforce rules. Betsy Frohnafel, County Administrator stated she has spoken to the Prosecuting Attorney who is reviewing ordinances and nuisance laws in Marshall County. Betsy stated, by state code, a county wide comprehensive plan has to be done in order to change any ordinances. Commissioner Mason stated more police presence can be requested. Commissioner Mason agreed with Chief Helms about contacting the ABCC to file a complaint. Commissioner Schambach suggested calling Chief Helms directly with problems which was fine with Chief Helms. Betsy Frohnafel stated she would get a direct number for the ABCC and give to Miss Starkey in order to start the process. After she receives the ABCC review Betsy will contact Miss Starkey to be put on a future agenda.

RECESS – On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission took a short recess. Commission reconvened.

CLIENT DISCRIMINATION COMPLAINT POLICY & GRIEVANCE PROCEDURES
POLICY- STOP VIOLENCE AGAINST WOMEN PROGRAM – Betsy Frohnafel

presented a Grievance Procedure Policy and Client Complaint Policy for approval.

On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission adopted the following policies:

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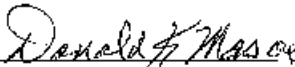
**Client Discrimination Complaint Policy
Marshall County STOP Violence Against Women Grant**

The Marshall County Commission/Marshall County STOP VAWA Program does not discriminate on the basis of race, color, religion, sex, national origin, disability, age or genetic information. The Marshall County Commission/Marshall County STOP VAWA Program does not retaliate against any individual for making a complaint regarding alleged discrimination. If an individual receiving services from this program has any questions about his/her rights or would like to file a complaint, Marshall County Commission/Marshall County STOP VAWA staff is to provide the following contact information:

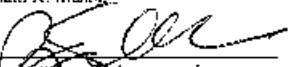
Address: Office for Civil Rights
Office of Justice Programs
US Department of Justice
510 7th Street, NW
Washington DC, 20531
Ph: 202-307-4043
Email: <http://www.ojp.usdoj.gov/about/occr/complaint.htm>

The Marshall County Commission/Marshall County STOP VAWA Program will ensure that any individual who wishes to obtain further information about his/her rights, or file a complaint is provided the above contact information in the appropriate manner.

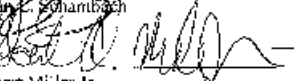
Adopted this 8th Day of July 2014.



Donald K. Masor



Brian J. Schambach



Robert Miller Jr.

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Grievance Proceedure Policy
Marshall County STOP Violence Against Women Grant

Any person employed by the Marshall County Commission/Marshall County STOP VAWA Program may file a complaint of discrimination.

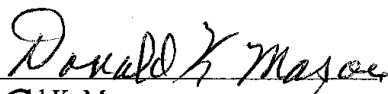
An employee who believes they have been discriminated against or harassed are encouraged to report the allegation to the project manager. The complaint will be investigated as promptly as possible. The allegations in the complaint and the identity of the persons involved shall remain confidential for the duration of the investigation.

The investigation will include, but not be limited to, discussion with both parties and witnesses; if needed a report will be forwarded to the elected official with whom the employee works for; the elected official will then determine corrective action if the situation permits.

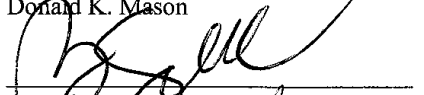
Any employee of the Marshall County Commission/Marshall County STOP VAWA Program may file a complaint with

Address: Office for Civil Rights
 Office of Justice Programs
 US Department of Justice
 810 7th Street, NW
 Washington DC, 20531
Ph: 202-307-0703
Email: <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>

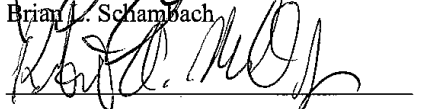
Adopted this 8th Day of July 2014.



Donald K. Mason



Brian L. Schambach



DEPOSITORY BONDS – The Commission received the following Depository Bonds:

Wesbanco Bank Inc.	\$ 30,000,000
Branch Banking & Trust Co.	\$ 250,000

On motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission accepted and approved the two Depository Bonds, and the Commission President was authorized to sign the same. Motion carried.

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FIDUCIARY MATTER – DISMISSAL OF PROOF OF CLAIM – The Commission received a letter from John K. Chase, IV, Fiduciary Commissioner, requesting the dismissal of proof of claim for the Estate of John F. Bonnette, Deceased. Mr. Chase is recommending the claim filed by Estate Recoveries, Inc. as Agent for Household Retail Services Inc. on January 14, 2000, in the amount of \$525.26 be dismissed.

On motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission accepted the recommendations of J.K. Chase IV, Fiduciary Commissioner, in the Estate of John F. Bonnette, deceased, and approved and signed the proposed Order. Motion carried.

E-911 DIRECTOR, LARRY NEWELL – Larry Newell, E-911 Director, appeared before the Commission. Mr. Newell requested permission to advertise and hire two new employees in the E-911 Center.

On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission approved the request. Motion carried.

PRE-BID MEETING – PUBLIC SAFETY BUILDING – Tom Potts and Sean Simmons with Silling & Associates appeared before the Commission. A pre-bid meeting was held with various contractors for renovations. The bids for the Public Safety Building will be opened at the Commission Meeting on July 29, 2014 at 10:00 am.

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

<u>GENERAL COUNTY FUND</u>	\$ 40,662.46
<u>COAL SEVERANCE FUND</u>	351,435.80
<u>HOME CONFINEMENT FUND</u>	531.10
<u>911 FUND</u>	9,949.28

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

PRESIDENT