

MARSHALL COUNTY COMMISSION
JULY 19, 2011

The Commission convened this day pursuant to the following call: Jason E. Padlow, President; and Donald K. Mason, Commissioner; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Winnie Reilly, Deputy Clerk of the County Clerk's Office. Absent: Brian L. Schambach, Commissioner.

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, July 19, 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 14th day of July, 2011.

s/ Jan Pest, County Clerk

MINUTES – On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved the minutes of the Regular Session held July 5, 2011, as presented. Motion carried.

COMMISSIONER COMMENTS:

COMMISSIONER MASON stated the Commissioners have been attending lots of meetings on oil and gas. The Task Force met July 5 at Grand Vue Park to discuss drilling and traffic issues; and also watched a presentation on fracking.

Tuesday, July 12, the Commission met with five other Commissioners from the Northern Panhandle and passed a joint Resolution on the future of oil and gas. The Commission wants to stress to businesses, politicians and the public, that we are

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putting up with the business, but believe gas produced in the Northern Panhandle should stay in the Northern Panhandle.

COMMISSIONER PADLOW thanked the Northern Panhandle Commissioners for meeting. The meeting was organized by R.E.D. Partnership to draw the cracker plant to the Northern Panhandle. This will create jobs and we do not want to repeat history by losing jobs and revenue, as with coal.

The oil and gas business has created lots of wealth, and problems. The Commission will stay on top of the issues and work with everyone to show our belief that the cracker plant should be located in Marshall County. This facility will also create downstream jobs.

Commissioner Padlow commended the Mt. Olivet Lions Club for their interest in taking over the Mt. Olivet Park.

The Assessor's schedule for High Mileage Check Points is available if anyone needs one.

The Democrat Executive Committee Picnic will be held at St. Jude Park on August 7, at 1:00 PM.

Commissioner Padlow thanked the Moundsville, Washington Lands and New Martinsville VFD units, as well as the Wetzell County EMS, for their help in covering the Fish Creek area upon the closing of that VFD.

NATURAL GAS RESOLUTION – On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission adopted the following Resolution and made part of this permanent record:

**RESOLUTION TO SECURE THE MAXIMUM INVESTMENT
OF NATUTRAL GAS RESOURCES IN NORTHERN WEST VIRGINIA**

WHEREAS, the governing bodies of six counties situated in the Northern Panhandle of West Virginia, consisting of Hancock, Brooke, Ohio, Marshall, Wetzell and Tyler are interested in the economic well being of its citizenry and their community at large; and

WHEREAS, said governing bodies are fully prepared to support appropriate efforts within their region to capitalize on the natural gas resources located within their counties to promote economic development; and

WHEREAS, these governing bodies and those they dutifully represent are directly impacted by the unprecedented development of the unconventional natural gas discovery that is the Marcellus/Utica Shale; and

WHEREAS, this assembly fully realizes this discovery and resulting development is generational and exclusive and have agreed solitarily to pursue maximum investment for the northern region of West Virginia to the absolute best of their ability; and; and

WHEREAS, BE IT RESOLVED by the Commissions represented, that our communities and region intend to actively participate in attracting and securing any and all investment that utilizes the natural resource which

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are located within our region, by whatever means necessary and allowable by law; and

BE IT FURTHER RESOLVED, that by taking this stance, we as elected officials, pledge our honest effort to secure the maximum investment and employment potential offered by the natural gas industry and related industries for our constituents for the incalculable future;

GRAND VUE PARK – TOURISM COMMITTEE - UPDATES – Craig White, Manager of Grand Vue Park, appeared before the Commission with some updates at the Park. Mr. White thanked Sheriff Gruzinskas and Animal Control Officer Mike Baker for their help and assistance at the Park with vandalism and animals.

The three Deluxe Cabins and Golf Shop now have internet access and the rest of the Park will be completed today; Eric Wellman and Friends will be the concert on Thursday evening. Currently, there is a 30th year family reunion going on at the Park and this year 75 family members are attending.

Mr. White taped a segment for Channel 14 on the Courthouse lawn for the Tourism Committee, and every two weeks another segment will be taped at different locations throughout the County.

MARSHALL COUNTY SEWERAGE DISTRICT – REQUEST – the Commission received a letter from John Blair, Board Chairman of the Sewerage District, requesting financial assistance from the Commission. Mr. Blair stated operating and repair costs to treatment plants and inflow/infiltration problems leading to frequent blockages have contributed to a maintenance invoice backlog of \$35,000. Mr. Blair requested help from the Commission.

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved a contribution to the Marshall County Sewerage District in the amount of \$35,000 for the improvements and repairs. Motion carried.

EXONERATIONS – On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved the following 7 erroneous assessments submitted by the Assessor:

Dahahey, Shawn T & Kelly	32.34
Saffol, Doris L	16.12
Pettit, Christopher	55.56
Quinn, Suzanne et al	182.76
Nice, Earnest R & Nancy S	51.96
Mueller, William E	48.02
Salsbury, Elmer E	348.86

OMNIBUS ANIMAL CONTROL ORDINANCE – PUBLIC HEARING – FIRST

READING – The Commission held a public hearing on the proposed Marshall County, WV, Animal Control Ordinance. Those in attendance included: Chief Dave Robinson, McMechen PD; Capt. Dave McLaughlin, Benwood PD; Craig White; Sheriff John

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Gruzinkas; Mike Baker, Animal Control; J. W. Johnson; Fred Brunner; Jim Thomas; James E. Pettit; Jan Pest; Winnie Reilly; and Betsy Frohnapfel.

Commissioner Mason read the following from the proposed Ordinance:

The Marshall County Commission hereby finds it necessary and beneficial to the citizens of Marshall County to enact an Omnibus Animal Control Ordinance, incorporating all prior Ordinances as well as applicable West Virginia State statues such that said Ordinances and Statutes do not conflict and are enforced equally throughout Marshall County.

Accordingly, the County Commission of Marshall County, West Virginia, hereby orders:

The Commission of Marshall County, West Virginia, hereby adopts all regulations and provisions of West Virginia Code Chapter 19, Article 20 * 20A, except as otherwise specifically amended, modified or increased herein these County Ordinances, to-wit:

CONTROL OF DANGEROUS OR VICIOUS ANIMALS

The members of the Marshall County Commission hereby find that vicious dogs are a public nuisance and, as such, they are under the jurisdiction of this body. Accordingly, the County Commission of Marshall County, West Virginia, pursuant to the provisions of §7-1-3kk, Code of West Virginia, 1931, as amended.

AN ORDINANCE OF THE COUNTY COMMISSION OF MARSHALL COUNTY, WEST VIRGINIA, RESTRICTING DOGS FROM RUNNING AT LARGE; ENFORCEMENT; PENALTIES FOR VIOLATIONS; ALL UNDER THE AUTHORITY OF WEST VIRGINIA CODE CHAPTER 19, ARTICLE 20A, SECTION 8, AS AMENDED AND REENACTED

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission, on the first reading, adopted the proposed Ordinance. Motion carried. The second reading of the proposed Ordinance is scheduled for Tuesday, July 26, 2011, at 10:00 o'clock A.M.

E-911 – ROAD NAMES – Larry Newell, E-911 Director, submitted two road names for Commission approval.

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission accepted the recommendations of Mr. Newell and approved the following two road names: Bungard Drive and Bunson Lane. Motion carried.

BIG BROTHERS BIG SISTERS – REQUEST – The Commission received a request from Shannan Kemp, MSW, Executive Director of Big Brothers Big Sisters, for the previously approved annual contribution for the program.

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved the request and thanked the organization for their continued work with local children.

CORRESPONDENCE:

WV DEV OFFICE – ARC application denial (Mozart Project)

BRICKSTREET – Annual meeting July 25

STATE AUDITOR – County Commission training August 8-9

CCAWV - newsletter

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MILEAGE RATE – The Commission received information from the IRS that they approved the mileage reimbursement rate of 55.5 cents per mile.

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved effective July 1 – December 31, 2011, the reimbursement rate for employees and staff in the amount of 55.5 cents per mile, in accordance with IRS. Motion carried.

FIDUCIARY MATTER – LEO E. CONNER ESTATE – RESIGNATION OF

EXECUTRIX – Jay Stoneking, counsel for Brent Conner, appeared before the Commission to speak to the Petition for Resignation of Personal Representative in the Leo E. Conner Estate. Mr. Stoneking stated his client and Brenda Louise Conner, nka Baucom, were the only heirs in the Estate; and that disagreements led to the delayed opening of the Estate.

Ms. Baucom was appointed as Executrix, and lives in Missouri. Ms. Baucom and Mr. Conner worked out an agreement, that she will resign as Executrix and he will follow the proper procedures in the County Clerk's Office to be appointed to handle the Estate. A proposed Order was submitted for Commission approval.

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved and signed the proposed Order. Motion carried.

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

YOUTH SERVICES SYSTEM – REQUEST – Ted Steevick of Youth Services System appeared before the Commission requesting financial assistance with the fourth Youth Festival. The event will be August 4, 2011, and held at Wheeling Park. The day-long event is free and Mr. Steevick stated they are expecting 3,000 participants this year.

With information obtained at the Festival last year, Mr. Steevick estimated 700 participated from Marshall County.

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved a contribution in the amount of \$500 to Youth Services System for the Youth Festival to be held August 4, 2011. Motion carried.

NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES – On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved the Notice of Apportionment of Jointly Owned Motor Vehicles submitted by the Assessor for Brian and Amy Peck. Motion carried.

BENWOOD VFD – DIVE TEAM – The Commission received a request from Safety Officer George Kolas of the Benwood Fire Department, Mr. Kolas explained the Fire

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Department wishes to purchase equipment through the West Virginia State surplus program for the purchase of dive recovery bags in the amount of \$1,600.

Mr. Kolas stated 11 people have completed dive training and will be certified by fall of this year. Since the Benwood Fire Department does not have account with the State surplus program, Mr. Kolas requested the Commission purchase the dive recovery bags, to be reimbursed by the Fire Department.

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved the request to purchase the equipment, with the understanding this will be treated like a pass through grant with reimbursement. Motion carried.

FIRST TIME HOMEBUYERS PROGRAM – RELEASE – The Commission received a letter from Vickey Battista, HOME Program Administrator, stating Nancy J. Goodnight fulfilled her obligation for the First Time Homebuyers Program. Mrs. Battista submitted a Release of Deed of Trust for Commission approval.

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission President was authorized to sign the Release of Deed of Trust for Nancy J. Goodnight. Motion carried.

NORTHERN PANHANDLE WORKFORCE INVESTMENT BOARD – UPDATE –

Christine Smith from the Northern Panhandle Workforce Investment programs appeared before the Commission with updates. Mrs. Smith stated the 2011 Summer Youth Work Experience Program will finish soon, but had a great response.

A new training program is in the planning stages, which will cover an 11-week period, with youth building a laptop, and end up keeping the finished product.

The Commission thanked Mrs. Smith for the updates and her continued work with our youth and the various programs handled through the agency.

BAND BLAST – REQUEST – The Commission discussed a previously tabled request from Lorraine McCardle, Miracle League of the Ohio Valley, for financial assistance for the fund raiser, Rip Rock Fest 2011, to be held at Grand Vue Park. The event will be held August 20, 2011 and will last all day. Funds will benefit the special needs baseball field at the JB Chambers Memorial Ball Complex at I-470.

On motion of Commissioner Mason, seconded by Commissioner Padlow, the Commission approved a contribution in the amount of \$1,500 to the Miracle Valley League of the Ohio Valley for the Rip Rock Fest 2011. Motion carried.

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

<u>GENERAL COUNTY FUND</u>	299,504.32
<u>COAL SEVERANCE FUND</u>	74,402.94
<u>E-911 FUND</u>	2,102.81

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<u>DOG FUND</u>	204.00
<u>HOME CONFINEMENT FUND</u>	1,243.15

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

PRESIDENT