

MARSHALL COUNTY COMMISSION  
SEPTEMBER 13, 2011

The Commission convened this day pursuant to the following call: Donald K. Mason, Acting President; and Brian L. Schambach, Commissioner; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Winnie Reilly, Deputy Clerk of the County Clerk's Office. Absent: Jason E. Padlow, 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, September 13, 2011, at 9:30 A.M. for the following purposes, that is to say:

To Approve the Carryover Revisions  
And to approve the Employee Longevity Pay

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 8<sup>TH</sup> day of September, 2011.

s/Jan Pest, County Clerk

**ACTING PRESIDENT** – Due to the absence of Commissioner Padlow, on motion of Commissioner Schambach, seconded by Commissioner Mason, Commissioner Mason will serve as Acting President. Motion carried.

**MINUTES** – On motion of Commissioner Schambach, seconded by Commissioner Mason, the minutes of the Special Session held August 30, 2011 were approved. Motion carried.

**COMMISSIONER COMMENTS:**

COMMISSIONER SCHAMBACH stated Chesapeake representatives called to schedule a tour of roads they have been working on for this week.

Commissioner Schambach viewed roads last week with TransEnergy including Glen Easton, Bane Lane, and Adams Hill Road. They were repairing Glen Easton at

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the time of the tour, and it was not as bad as expected. Commissioner Schambach will check the situation again in 2-3 weeks.

Commissioner Schambach viewed the new sign at the John Marshall Football Field on Friday evening, to which the Commission made a contribution.

Commissioner Schambach attended the bi-monthly meeting of VFD Chiefs where a discussion was held concerning dual toning; triple toning and 911 call-out procedures.

COMMISSIONER MASON stated there was no meeting last week due to testing of election equipment, which was evident by the supplies around the Commission Room.

Commissioner Mason attended the monthly Task Force meeting last Tuesday where new emergency DEP regulations were discussed. He also attended the VFD meeting on Thursday evening.

This past Sunday was a beautiful sunny day, just as it was 10 years ago. We will never forget September 11, 2001. Watching news broadcasts ten years later takes everyone back to that fateful morning. Over 3,000 lost their lives, but over 20,000 escaped from the towers in New York City.

**JEFFERSON AVENUE BEAUTIFICATION COMMITTEE AND EVENTS UPDATE –**

Phil Remke stopped by to update the Commission on events on Jefferson Avenue. The sound system has been installed and will be available for use during all events, with broadcasting from the Strand. The Farmer's Market did very well this summer, but is now dying down.

September 24, a Scare Crow Lane event will be held at the Cockayne Residence in Glen Dale; the Zombie Walk will be held starting from the Moundsville Training Center; A Marshall county Fall Festival Thrills will be held on Jefferson Avenue with 70 tables of crafters in parking lots and along Jefferson; and a Food Court will be in the City Parking lot.

A Jamboree is being held weekly at the Strand Theatre, as well as the Experience on Sunday evenings.

**TREE COMMITTEE – LIGHTED CHRISTMAS TREE REQUEST –** Phil Remke,

Chairman of the Tree Committee, submitted a request for lights for the lighted Christmas tree to be placed in the BB&T parking lot December 5. Mr. Remke stated from 1994 to 1997 he had constructed a 12' lighted Christmas tree on the west side of 7<sup>th</sup> Street, in conjunction with the first lighted Christmas Parade.

This year, a 40' Christmas tree has been donated, and Mr. Remke obtained permission to place the tree in the BB&T parking lot on Jefferson Avenue. Several businesses have donated to cut, transport, erect, decorate, remove and clean up.

Mr. Remke requested a donation of \$1,500 from the Commission for lights for the tree.

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On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission tabled action on the request to allow time for review, until next week. Motion carried.

**ELECTION UPDATE** – County Clerk Jan Pest informed the Commission that all testing has been completed on election equipment. The first School of Instructions for poll officials will be tonight, and Early Voting begins Wednesday, September 21 and continues through Saturday October 1, including Saturday, September 24.

**CORRESPONDENCE:**

TR 2/I 68 AUTH – July 25, 2011 minutes

THANK-YOU – Iron Workers No. 549; Health Right

DEPT HOMELAND SECURITY & FEMA – review of PDC 10 completed; resolution may be needed

WV DEPT PUBLIC SAFETY – Public Service Recognition Week cookout 9/15/11  
11AM-3PM

CHAMBER OF COMMERCE – Annual Dinner Sept 29 at Moundsville Training Ctr

TELECOMMUNICATORS NOTICE – closing of Dry Ridge Road Sept 14-17

**WV AUDIOTR'S OFFICE – ENGAGEMENT LETTERS** – The Commission received a letter from Stuart Stickel, CPA, Deputy State Auditor stating engagement objectives for the Local Government Purchasing Card Program review of internal controls, at no cost to the Commission. Mr. Stickel requested the letter be returned with a signature approving the letter.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Acting President was authorized to sign the letter. Motion carried.

The Commission also received a letter from Stuart Stickel, CPA, Deputy State Auditor, confirming services for the Audit from June 30, 2008 through June 30, 2010. The fee for the services will be \$84,420. Mr. Stickel requested a signature approving the letter.

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

**MARSHALL COUNTY MEDICAL EXAMINERS – TRAINING** – The Commission received a letter from Carol Robinson and Carla McBee concerning annual training and recertification of the County Medical Examiners. The training will be held at Flatwoods with the cost for the course at \$100 per person; and accommodations \$72 per person per night. The total cost would be \$776.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the expenditure for Medical Examiners training. Motion carried.

**RHONDA SIBURT ESTATE – PETITION FOR REMOVAL** – Fred Elwood Horner filed a Petition for the removal of Pamela A. Long-Secret, Administratrix in the estate of

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Rhonda Siburt, deceased. Mr. Horner appeared with counsel, Frederick E. Gardner. Also appearing were Pamela A. Long-Secret, Administratrix; Roger Long, surety; and Jeff Cramer, Prosecuting Attorney.

Mr. Gardner stated Mr. Horner desires to have the current Administratrix removed because she refuses to follow a holographic will. Mrs. Long-Secret stated she was appointed prior to the filing of the will, and the heirs just want their mother's personal belongings.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission took a short recess for legal advice from counsel. Commission reconvened.

Commissioner Mason stated the Commission at this time the Commission Orders Pamela A. Long-Secret to appear in the County Clerk's Office and qualify as Executrix under the will of Rhonda Siburt, deceased, within one week; the time expiring at close of business Monday, September 25, 2011; if no qualification, then Mrs. Long-Secret should file against the will; or someone else will be appointed.

**OMNIBUS ANIMAL CONTROL ORDINANCE – 2<sup>ND</sup> READING** – The Commission proceeded to the second reading of the proposed Omnibus Animal Control Ordinance, after proper publication and notice of the public hearings. Those attending included: Susan Winland; Fred Brunner; Michael A. Dunn; Sam Yoho; J. W. Johnson; James E. Pettit; Jan Pest; Winnie Reilly; Betsy Frohnapfel; Commissioners Mason and Schambach.

Mr. Dunn of Webster District questioned how the Ordinance would relate to hunting issues. Betsy Frohnapfel, County Administrator, stated the Ordinance does not change hunting laws or regulations.

Sam Yoho of the Fish Creek area stated a published copy of the Ordinance would have answered a lot of questions prior to this public hearing. Mr. Yoho's concerns were of dogs running loose and owners being fined and asked why the Commission was trying to make money.

Mr. Yoho further requested the Commission zone the County and re-write this Ordinance.

Susan Winland of Fork Ridge read a letter she previously sent Mrs. Frohnapfel concerning her two dogs, which were put down by authority of Animal Control Officer Noice prior to the ten day waiting period. Mrs. Winland also requested evening public hearings to allow people to attend that work during the day. The Commission stated they will continue their investigation into her situation and contact her with any results.

Commissioner Mason read a letter from Jack and Wilda Mason concerning a dog bite which required 17 stitches, received by Jack Mason on August 20, 2011. Mr. and Mrs. Mason were walking along Lindsey Lane when Mr. Mason was attacked by a bloodhound. Commissioner Mason stated the letter will be made part of the record of this public hearing.

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The public hearing concluded at 10:53 AM; and the third reading is scheduled for Tuesday, September 20, 2011, at 10:00 AM.

**SHERIFF'S DEPARTMENT – CRUISER BIDS** – After proper publication, the Commission received the following seven envelopes for the police package vehicles as specified in the advertisement:

Bob Robinson Chevrolet Buick: 2011 Chevy Tahoe PPV 2WD Police Package SUV	28,244 ea.
2012 Chevy Caprice Police Patrol sedan	26,926 ea.
2011 Ford Crown Victoria Police Interceptor sedan	26,874 ea.
2012 Chevy Tahoe PPV Police 2WD Utility vehicle	27,130 ea.
2012 Chevy Tahoe SSV Police 4WD Utility vehicle	30,838 ea.
Ohio Valley Ford-Mercury 2013 Sedan Police Interceptor all-wheel drive	24,581 ea.
2013 Utility Police Interceptor front wheel drive	25,475 ea.
2013 Utility Police Interceptor all-wheel drive	26,485 ea.
2013 Sedan Police Interceptor front wheel drive	23,581 ea.
Whiteside 2012 Chevrolet RWD PPV Caprice sedan	26,390 ea.
2012 Chevrolet Tahoe 4WD SSV	30,140 ea.
2012 Chevrolet Tahoe 2WD PPV	26,500 ea.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission tabled action on the bids to allow time for review. Motion carried.

**FISH CREEK VOLUNTEER FIRE DEPARTMENT – ASSET TRANSFER**

**AGREEMENT** – Betsy Frohnafel, County Administrator, submitted an Agreement between the County Commission and Fish Creek Volunteer Fire Department for approval. The Fish Creek VFD desires to turn over all assets to the Commission for disposal as permitted by law.

The Agreement also stated there are no outstanding liens, encumbrances or debts to be paid from the assets.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved acceptance of the property and the Acting President was authorized to sign the Agreement. Motion carried.

**R.E.D. PARTNERSHIP – NATRIUM TIF PROJECT** – Josh Jefferson, R.E.D.

Partnership, appeared before the Commission for approval for the first step in

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establishing a TIF District in Franklin District, the Natrium area. Mr. Jefferson explained the first step would be to pass a Resolution setting the matter for public hearing.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission adopted the Resolution setting the proposed TIF project for public hearing on Tuesday, September 27, 2011, at 10:00 AM; and the Acting President was authorized to sign the same. Motion carried.

**MARSHALL COUNTY PLANNING COMMISSION – APPOINTMENT** – The

Commission received a letter from John Hart, Chairman of the Marshall County Planning Commission, stating the name of Linda Artimez was submitted and unanimously approved as a member for a 3-year term. Mr. Hart requested Commission approval of the appointment and stated Mrs. Artimez has agreed to serve.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission tabled action on the matter to allow time for review. Motion carried.

**MARSHALL COUNTY SEWERAGE DISTRICT – MOZART SEWER PROJECT** – The

Commission received a letter from John Blair, Jr., Board Chairman for the Marshall County Sewerage District, stated the EPA grant of \$800,000 was approved. The request for \$1.5million through ARC was denied, but the Sewerage District was strongly considered for the grant and will reapply.

Mr. Blair also stated they have submitted a grant request to the WV DJC for \$1.5 million; however, a decision will not be made until October or November of 2011. In the meantime, right of ways and easements need to be acquired and Rule 42 preparation needs to be started.

Mr. Blair requested a grant of \$25,000 to start work on the Mozart sewer project.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission authorized releasing \$25,000 for the Marshall County Sewerage District Mozart sewer project. Motion carried.

**UNION HIGH SCHOOL MUSEUM - REQUEST** – The Commission received a letter

from Bill Gallagher, Chairman of the Alumni Committee for Union High School concerning a museum at the McMechen-Benwood Library. Mr. Gallagher requested a donation from the Commission to cover supplies for the process of collecting photos, uniforms, and other memorabilia from the School.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission tabled any action on the request to allow time for review. Motion carried.

**E-911 – ROAD NAME** – Betsy Frohnapfel, County Administrator, submitted a letter from Larry Newell, E0911 Director, recommending a road name in the Cameron Postal District.

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On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission accepted the recommendation of Mr. Newell, and approved the road name of Sivert Lane. Motion carried.

**EXONERATIONS** – On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved the following 30 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

Vest, William J Trust	2.88
Baker, Thomas C	7.66
Vest, William J	2.88
Fletcher, Mark W etux	89.60
Fletcher, Mark W etux	422.16
Masters, Jason Lee	234.04
Burkett, Dave & Betty	531.32
Toler, Margaret – Life	78.00
Shepherd, Rebecca J Hrs	2.88
Sedosky, Dorothy	2.88
Hall, William P	2.88
Hall, William P	2.88
Yeater, Margaret Est	2.88
Yeater, Margaret Est	2.88
Vest, Thelma	2.88
Baker, Nancy J	31.54
Gorby, John R & Lois L	2.86
Leonard, Sharon K	46.38
Vavrock, Bernard M & Theresa	54.20
Evans, Karen S	21.14
Rupp, Jack W & Donna L	2.88
Hall, William	2.88
Courtwright, William G & Jean D	340.46
Koski, Paul V & Elise J	31.54
Goddard, Theresa M	51.62
Goddard, Theresa M	47.32
Beck, Jeffrey L & Linda J	17.92
Minor, Scott F & Kristine	81.84
Mull, James & Sally	114.40
Heedy, Bill J	42.90

**2011 GENERAL ELECTION – PUBLIC TEST** – The Commission, along with Ballot Commissioner Cathy Jefferson and Winnie Hinerman, and James Pettit, were present for the public test of the iVotronics and tabulating equipment to be used for the General Election to be held October 4, 2011.

After proving the results of the voted test deck for Precinct 24, the PEB results were merged with a test deck voted on the Early Voting equipment, which were uploaded to the flash card. Final results proved the PEB totals and flash card totals merged successfully.

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

GENERAL COUNTY FUND

57, 8347.21

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<u>COAL SEVERANCE FUND</u>	79,140.24
<u>E-911 FUND</u>	358.20
<u>AIRPORT AUTHORITY</u>	41.07
<u>HOME CONFINEMENT FUND</u>	655.00
<u>MAGISTRATE COURT FUND</u>	88.38

**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