

MARSHALL COUNTY COMMISSION
SEPTEMBER 20, 2011

The Commission convened this day pursuant to the following call: Jason E. Padlow, 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: Donald K. Mason, 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 20, 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 15TH day of September, 2011.

s/Jan Pest, County Clerk

COMMISSIONER COMMENTS:

COMMISSIONER SCHAMBACH spoke with Bill Woodburn concerning the roads he toured. They have contacted Klugs for paving and talked with Mr. McCune. Right of ways are needed for some of the work.

ACE Hardware has contacted Commissioner Schambach concerning money still owed by L&A Pipeline. Other companies have moved in to replace L&A, they have filed bankruptcy. Commissioner Schambach spoke with Caiman concerning the outstanding bills that were left by L&A.

Commissioner Schambach also stated Betsy Frohnafel, County Administrator, is getting information for review on the matter Sue Winland spoke of last week.

COMMISSIONER PADLOW spent most of last week in the hospital or at the doctor office, with all the sickness going around.

This is going to be a big football weekend with LSU playing WVU in Morgantown, and there are no tickets available anywhere.

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Commissioner Padlow has been contacted by several people concerning all the road work in the area, and encourages everyone to be patient. We are blessed to have the work in the County and the south narrows has been completed. The bridge is getting painted and the work in the north narrows is moving along, it seems ahead of schedule.

CORRESPONDENCE:

CHAMBER OF COMMERCE – Annual Dinner invitation for 9-29 @ 5:30PM at the Moundsville Center

WVACo – newsletter

THANK-YOU – Ethel Jo Nice family

TREE COMMITTEE – LIGHTED CHRISTMAS TREE REQUEST – The Commission discussed the request from Phil Remke, submitted last week, for help in purchasing 4000 lights for the 40' Christmas tree to be placed in the BB&T parking lot December 5, 2011. Mr. Remke stated the cost would be \$1,464.

Betsy Frohnafel, County Administrator, spoke with Al Hendershot, Moundsville City Manager, and stated the money could be paid to the City of Moundsville, which will act as a pass-through agency for the Activities Committee.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved a contribution to the City of Moundsville in the amount of \$1,464 for lights for the 40' Christmas tree. Motion carried.

POLLING PLACE – CHANGE ORDER – Commissioner Padlow read the proposed Precinct Change Order for Precinct 35; the Pleasant Valley School is not available, and the proposed change will be to the Limestone Community Center.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the polling place change and the Commission President was authorized to sign the proposed Order. Motion carried.

BENWOOD VFD – DIVE TEAM REQUEST – The Commission discussed the previously tabled request from the Benwood VFD for the Dive Rescue Team. Thomas Smith, Benwood VFD, stated the Dive Team is comprised of members of the Benwood VFD; City of Wheeling Fire Department; City of Wheeling PD; and the State Police.

They have been training on updated skills and maneuvers in anticipation of new all hazard rescue diving gear. Funds have been raised for new equipment; however, they are \$4,637.60 shy of their goal. Mr. Smith requested financial assistance from the Commission.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved a contribution to the Dive Rescue Team in the amount of \$4,637.60. Motion carried.

OMNIBUS ANIMAL CONTROL ORDINANCE – 3RD READING – The Commission proceeded to the third reading of the proposed Omnibus Animal Control Ordinance, after proper publication and notice of the public hearings. Those attending included: Susan Winland; Mike Baker; Craig White; Fred Brunner; J. W. Johnson; James E. Pettit; Jan Pest; Winnie Reilly; Betsy Frohnafel; Commissioners Padlow and Schambach.

With no one appearing to object, on motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the Omnibus Animal Control Ordinance. Motion carried.

2010 REAL ESTATE DELINQUENT TAX LIST – Sheriff John Gruzinskas and Chief Tax Deputy Amy Wojtowicz appeared before the Commission with the 2010 Real Estate Delinquent Tax List. Ms. Wojtowicz submitted a copy for the County Clerk and the County Commission.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission authorized the Tax Office to publish the Delinquent Tax List 3 times in October, as required. Motion carried.

SHERIFF'S DEPARTMENT – CRUISER BIDS – Sheriff John Gruzinskas and Chief Deputy Kevin Cecil appeared before the Commission with bids received and opened last week for three new cruisers. Sheriff Gruzinskas stated the Chevy Caprice bids did not meet specifications.

The three recommended vehicles from Bob Robinson Chevrolet Buick were: 2011 Ford Crown Victoria Police Interceptor sedan for \$26,874; the 2012 Chevy Tahoe PPV Police 2WD Utility vehicle for \$27,130; and the 2012 Chevy Tahoe SSV Police 4WD Utility vehicle for \$30,838.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the recommendations and Sheriff Gruzinskas was authorized to order the same. Motion carried.

SHERIFF'S DEPARTMENT – CRUISER SPECS – On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission authorized the Sheriff's Department to develop specifications and advertise for three budgeted vehicles for the upcoming year. Motion carried.

NORTHERN PANHANDLE HOME CONSORTIUM – RELEASE – The Commission received a letter from Vickey Battista, HOME Program Administrator, stated Jennifer Kelley has fulfilled her obligations for the First Time Homebuyer Program. Mrs. Battista submitted a Release of Deed of Trust for Commission approval.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission President was authorized to sign the Release of Deed of Trust for

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Jennifer Kelley, to be forwarded to the County Clerk's Office for recording. Motion carried.

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

MCELROY COAL COMPANY – PROPERTY LEASE – Josh Jefferson, R.E.D.

Partnership, appeared before the Commission with a proposed Ground Lease for the radio tower site on Cameron Ridge. Mr. Jefferson informed the Commission the Lease has been reviewed by the Prosecuting Attorney, and requested approval of the 50-year lease.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the 50-year Ground Lease with McElroy Coal Company, and the Commission President and County Clerk were authorized to sign the same. Motion carried.

OEM – HAZARDS MITIGATION PLAN – Tom Hart, OEM Director, informed the Commission that the previously approved Hazards Mitigation Plan needed to be revised. The revised Plan includes Region 10 PDC. Mr. Hart requested approval of the revised Plan and signatures on the same.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the revised Resolution for Marshall County Multi-Jurisdictional All-Hazards Mitigation Plan and Marshall-Ohio-Wetzel Counties Multi-Jurisdictional All-Hazards Mitigation Plan; and the Commission President and County Clerk were authorized to sign the same. Motion carried.

R.E.D. PARTNERSHIP – LEASE AGREEMENT – Josh Jefferson, R.E.D. Partnership, appeared before the Commission concerning Commission property located on 12th Street in Moundsville. Mr. Jefferson stated a proposed Lease Agreement has been reviewed and revised by the Prosecuting Attorney, and is now being reviewed by legal counsel for Price Gregory International.

Price Gregory International is interested in a short-term lease for the 2 acre 'flat' parcel located on Commission property on 12th Street in Moundsville. Mr. Jefferson requested approval to have the Lease Agreement signed after legal review.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission President was authorized to sign the Lease Agreement with Price Gregory International upon approval of the Prosecuting Attorney. Motion carried.

EXONERATIONS – On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the following 23 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

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Gellner, Gregory A & Cathy	481.30
Yoho, Edward R Jr & Rebecca L	35.84
McCombs, David M & Jennifer	67.74
Watson, James L & Carol	209.28
Yoho, Michele B	27.60
Honda Lease Trust	162.34
Suhodolski, Samuel J & Heather	74.18
Yager, Charles E & Nancy	3.66
Vandyne Enterprises	480.48
Stephens, James J & Alice	153.76
St Josephs Catholic Church	2.88
Persinger, Barbara C	2.88
Parrish, Teri Lee	2.88
Ruckman Family Irrevocable TR	2.88
Yeater, Vereda	2.88
Yeater, Vereda	2.88
Yeater, Vereda	2.88
Yeater, Vereda	3.36
Swierkos, George W etux	121.24
Swierkos, George W etux	22.22
Hinerman, Robert J	248.00
Hinerman, Robert J	25.32
Hinerman, Robert J	717.60

The Commission received a letter from Assessor Chris Kessler stating a gas well owned by Chesapeake, with over 80 royalty interests, located in Meade District, suffered an explosion and fire that shut down production for several months in 2010. Numerous persons having a royalty interest contacted the State Tax Department in late 2010 regarding the assessed value of their interest.

The State Tax Department took the matter under review, but did not notify the Assessor's Office or royalty interests of a change in value until after the Board of Review adjourned sine die in February, 2011.

Assessor Kessler submitted 76 erroneous assessments, approved by the Prosecuting Attorney, for Commission approval. On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the following:

Hafer, Jane E	359.94
Duso, Carrie E	28.72
Jones, Donna J	30.62
Kittle, Marjorie Jean	69.28
Mason, Derek M	28.78
Mason, Erica M	39.82
Dobbs, Vicki Jo	.72
Hammers, Jack R	72.28
Hammers, Paul F	72.28
Pyles, Doris E	96.10
McDowell, Ray L & Donna R	96.10
McDowell, Walter	96.10
Giarretta, Barbara Robinson	17.08
Robinson, Thomas S	17.08
Robinson, Gary	17.08
Robinson, Susan	17.08
Whipkey, Twila Ora	144.48
Staughn, Arlene	20.18
Nice, Ethel J	20.18

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Allen, William R	20.18
Howe, Ilene	20.18
Cumpston, James William	30.50
Cumpston, Jeffrey L	30.50
Cumpston, John David	30.50
Cumpston, Keith Dwaine	30.50
Plants, Carolie M	11.58
Kestner, Clarice A	11.58
Coffield, William E	11.58
Coffield, Howard W	11.58
Coffield, Allen B	11.58
Coffield, Barbara K	11.58
McDowell, Richard W	32.02
McDowell, Dennis M	32.02
Szafran, Charlotte S	32.02
Snyder, Harry B	13.86
Snyder, Donald B	13.86
Snyder, David L	13.86
Hess, Karen Sue	13.86
Allen, Janet Kay	13.86
Murphy, Waneta Elaine	8.72
Holmes, Florence Lucille	8.72
Eckleberry, Nelda L Prescott	8.72
Fogle, Betty Lou Allen	8.72
Ford, Sherry Ellen	8.72
Byard, Nila	8.72
Byard, Marvin B	8.72
Allen, William B	8.72
Allen, Donald Lee	8.72
Shook, Kenneth Glenn	17.32
Shook, Ronald	17.32
Stenbeck, Geraldine R	17.32
West, Rexine	17.32
Sobutka, Elisa	106.68
Robinson, Dorothy	106.68
Sullivan, Rebecca	106.68
Bonnette, William & Linda	106.68
McMillan, Mary	91.86
Yoho, Betty	91.86
Wassum, Dorothy Logsdon	91.86
Barnhart, T Kenneth	15.34
Brown, Connie Lou	71.12
Burge, O. E.	216.70
Fox, Debra Jo Robinson	71.12
Hall, Debbie L McDowell	30.62
Parry, Aaron & Jana	60.80
Mason, Lindsay A	28.78
Mason, Toni Jo	32.38
Mazeroski, Edward	2.88
McDowell, Randy L	15.34
Mickey, Karen Ann	60.98
Robinson, Donald Lee	102.42
Robinson, Helen M	86.72
Robinson, Steven Leslie	71.12
Scherrick, Edna R	18.32
Varlas, Nancy	23.06
Allen, Lewis B	23.06

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

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<u>GENERAL COUNTY FUND</u>	68,729.52
<u>COAL SEVERANCE FUND</u>	1.88
<u>E-911 FUND</u>	2,525.66
<u>AIRPORT AUTHORITY</u>	1,411.83
<u>MAGISTRATE COURT FUND</u>	108.45

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

PRESIDENT