

MARSHALL COUNTY COMMISSION
JULY 10, 2012

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 5TH day of July, 2012, in compliance with the West Virginia "Sunshine" Law. PRESENT: Jason Padlow, President; and Brian L. Schambach, Commissioner; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Winnie Reilly, Chief Deputy of the County Clerk's Office. Absent: Donald K. Mason.

MINUTES – On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the minutes of the Special Session held June 19, 2012. Motion carried.

COMMISSIONER COMMENTS:

COMMISSIONER SCHAMBACH commended Betsy Frohnafel, County Administrator; Mike Muccheck, OEM Deputy Director; Larry Newell, E-911 Director; and John Berry, on their responding to the storm and subsequent power outages in the County. Also, our VFDs went above and beyond in helping to clear roads. The St. Joseph Settlement area is still without power, they are with Mon Power.

There were 7 distribution sites for water, and 3-4 cooling sites in the County. OEM will be able to collect expenses incurred from the storm and will remit that information later today.

The Commissioners attended the soft opening for the Zip Line at Grand Vue Park on Saturday. Commissioner Padlow was the first to try it.

COMMISSIONER PADLOW stated the Commission did not meet for two weeks, and a lot happened in that time. Commissioner Padlow spoke at the Lions Club meeting and thanked Gene Saunders and Fred Brunner for the invitation. The Club is a good community organization.

Once again, Commissioner Padlow thanked Marshall County volunteers; they are always there when needed. The VFDs helped clear roadways for AEP workers and other responders.

Commissioner Padlow thanked Betsy Frohnafel for the interview on the Mozart sewage project yesterday. We have been working on this project for several years, and the estimated cost is up to \$8 million.

Commissioner Mason is recovering very well from his knee replacement surgery. He is on his feet and still going to therapy. Everyone wished him well on his continued recovery.

Commissioner Padlow thanked Craig White, General Manager at Grand Vue Park, for a great time on Saturday's soft opening of the Zip Line. The ATV Trail is on today's agenda, Rocky Guzek will be here to discuss the possibilities. Changes in health insurance for County employees will be explained in a letter, coming out next week with paychecks.

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The Commission also thanked the local news for getting information out during the storm; and new opportunities at Grand Vue Park.

PPG – LETTER OF SUPPORT – Betsy Frohnapfel, County Administrator, submitted a proposed letter of support for PPG on a variance application. Mrs. Frohnapfel explained PPG is requesting a variance on the manner in which mercury is discharged, not for mercury discharge amounts. Therefore, the variance would not have a negative impact on environmental quality.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the letter of support to be sent to Jason Heath, Manager, Ohio River Valley Water Sanitation Commission. Motion carried.

INDUSTRIAL ACCESS ROAD FUND – APPLICATION – Betsy Frohnapfel, County Administrator, submitted a Resolution of Application for Commission approval. Mrs. Frohnapfel explained the Application is for \$400,000 from the Industrial Access Road Fund to widen 7th Street in Glen Dale for traffic traveling to Warren Distribution.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved and adopted the following:

RESOLUTION OF APPLICATION

WHEREAS, The Marshall County Commission in association with the City of Glen Dale and the Regional Economic development Partnership is attempting to gain greater access to an industrial development serving as an operating location to several industrial businesses and located adjacent to Baltimore Street in the City of Glen Dale, West Virginia, as an industrial park site; and

WHEREAS, BE IT RESOLVED by the Marshall County Commission, that Marshall County is hereby requesting \$400,000 from the Industrial Access Road Fund for the purpose of continuing and updated an access road from West Virginia Route 2 to said site.

This resolution is in full effect upon its adoption this 10th day of July, 2012.

GRAND VUE PARK – UPDATES – Craig White, General Manager of Grand Vue Park, appeared before the Commission with updates from the Park. The Zip Line has been very busy since the soft opening on Saturday. Saturday, 33 people enjoyed the Zip Line; with 57 on Sunday and 56 yesterday. Noble Energy is now sponsoring the movie/summer concert events; and CONSOL has scheduled the team building course for some of their employees.

RT 2/I 68 AUTHORITY – Fred Brunner informed the Commission that the next meeting of the Rt 2/I 68 Authority will be held next week in New Martinsville.

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

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On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved Luke Lane, formerly Hazlett Hill Lane; and Primrose Lane, formerly Magnolia Drive. Motion carried.

E-911 – ADDITIONAL SCOPE OF WORK TO AGREEMENT – Larry Newell, E-911 Director, submitted Exhibit C, Additional Scope of Work to Agreement between Marshall County, WV and Michael Baker Jr., Inc., for approval. Mr. Newell explained the Additional Scope of Work will include software necessary to submit information to the State; and payment will be hourly, to be performed at the request of Mr. Newell.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission accepted the recommendation of Mr. Newell, and the Commission President was authorized to sign the Additional Scope of Work to Agreement between Marshall County, WV and Michael Baker Jr., Inc. Motion carried.

ATV TRAIL – AD HOC COMMITTEE – Rocky Guzek and Bruce Whipkey appeared before the Commission concerning the proposed ATV Trail in Marshall County. Mr. Guzek stated he previously talked with a ConSol representative, they own property in the Cameron area, and they were interested in participating in the discussion. Mr. Guzek also stated they are part of the Hatfield-McCoy Trail in southern West Virginia.

Mr. Guzek will submit names to Betsy Frohnapfel, County Administrator; and the Commission will submit names of people showing an interest in the proposed trail. Commissioner Padlow suggested local law enforcement, and possibly a Deputy Sheriff, to serve on the Ad Hoc Committee. The Committee will meet next Tuesday, July 17, 2012, at 2:30 P.M. in the Commission Room.

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

PPG – PETITION TO ABANDON UNMARKED STREETS – KENT ADDITION – The Commission continued the Public Hearing, from June 19, 2012, on the Petition of PPG to Abandon Unmarked Streets, Kent Addition. Mike Kelly, Council for PPG Industries, appeared, as well as Scott Pleskonko, Acting Engineer for PPG Industries, Inc., and David Fitch, Managing Engineer for Dominion. Four main questions were raised by area residents at the June 19, 2012, Public Hearing, which were addressed by Mr. Fitch.

Dominion plans to build a rail spur parallel to the existing CSX Railroad; the elevation will largely be the same, with small shifts, 1-2 feet; there is a required Prevention Plan in place concerning the watershed, which was approved by the WV DEP; and the gas line will be within the current plant boundaries.

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After hearing further discussion, and questions by residents attending the Public Hearing, the Commission scheduled a decision for July 17, 2012, at 10:30 A.M. Commissioners Padlow and Schambach will tour the facility before that time.

PSD#1 – REQUEST – Doug Schafer, General Manager of Public Service District #1, appeared before the Commission with a request for emergency funds. Mr. Schafer stated over the last several years, PSD#1 has experienced unprecedented problems, such as water breaks that would not surface. PSD#1 reserve account and inventory of spare parts is depleted.

Mr. Schafer requested a Grant from the Commission in the amount of \$20,000 to draw from; and \$5,000 for general operating funds.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved a Grant in the amount of \$20,000 for PSD#1. Motion carried.

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

CORRESPONDENCE:

YMCA BOARD OF DIRECTORS – Light of the Valley award luncheon Aug 15 @ noon, White Palace, Wheeling Park

THANK-YOU – American Legion, Dept of WV Boys State

WVACo – conflict of interest questionnaire

WV STATE AUDITOR – Suggestions for Improving Purchasing Card Operations

RT 2/I 68 AUTH – minutes from May 21, 2012

MARSHALL COUNTY SOLID WASTE AUTHORITY – BOARD APPOINTMENT – The Commission received a letter from Robert Kleinedler, Chairman of the Marshall County Solid Waste Authority, requesting the appointment of Charles W. Dobbs to the SWA Board. Mr. Dobbs has been serving as a Board Member as the Soil District appointee. The District has decided to have one of their Board Members, David McCardle, serve on the SWA Board.

Mr. Kleinedler informed the Commission that Mr. Dobbs has been an asset to the Board, and has only missed two meetings in his six years as a Board Member.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission approved the request and appointed Charles W. Dobbs to the Marshall County Solid Waste Authority; and further approved a letter of thanks to Mr. Dobbs for his service, and a letter to the SWA informing them of the appointment. Motion carried.

CAMERON TOWER - AGREEMENT – Betsy Frohnapfel, County Administrator, submitted an Option and Structure Lease Agreement for Commission approval. The Agreement is between the County Commission and AT&T. The Agreement has been

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reviewed by Jeff Cramer, Prosecuting Attorney; Tom Hart, OEM Director; Staley Communications; and Mrs. Frohnappel.

On motion of Commissioner Schambach, seconded by Commissioner Padlow, the Commission President was authorized to sign the Agreement, as well as two witnesses and a notary public. Motion carried.

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

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| <u>GENERAL COUNTY FUND</u> | 33,481.56 |
| <u>COAL SEVERANCE FUND</u> | 62,500.00 |
| <u>E-911 FUND</u> | 943.90 |
| <u>HOME CONFINEMENT FUND</u> | 898.70 |
| <u>DOG FUND</u> | 985.11 |

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

PRESIDENT