

**MARSHALL COUNTY COMMISSION**  
**JANUARY 29, 2013**

The Commission convened this day pursuant to the following call: Donald K. Mason, President; and Robert Miller, Jr., Commissioner; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator. Winnie Turner, Chief Deputy 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, January 29, 2013, 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

Posted at the front door of the Courthouse on the 24<sup>th</sup> day of January, 2013.

s/Jan Pest, County Clerk

**COMMISSIONER COMMENTS:**

COMMISSIONER MILLER stated he lost his father on January 15 and thanked everyone for their support.

Commissioner Miller extended our best wishes to Commissioner Schambach for his eye surgery today.

Commissioner Miller also stated the West Virginia State Museum will commemorate the State's 150<sup>th</sup> birthday with a special exhibit that opens Thursday, Jan 31, 2013, at the Culture Center in Charleston.

COMMISSIONER MASON has been gone while spending 3 weeks in Florida. This is a busy time for the Commission, starting today with the Board of Review and Equalization today at 10:00 A.M. and continuing every three days until we are finished.

**MARSHALL COUNTY COMMISSION  
JANUARY 29, 2013**

Budget hearings will also start this month with Elected Officials and outside Agencies, ending with sending the budget to Charleston at the end of March.

Commissioner Mason extended our thoughts and prayers to Commissioner Schambach on his surgery today. Commissioner Mason's granddaughter is also having surgery today in Washington, PA; and he will be leaving immediately after the meeting.

**WILLIAMSBURG FARMS – 911 ADDRESSING ISSUES** – Ron Morris and Bill Games of Williamsburg Farms appeared before the Commission concerning the 911 addressing. Mr. Games is President of the Williamsburg Farms Association. Several residents also appeared, including: Sally Lepp; Constance Morris; Connie Schmidt; Christine Fecat; Cindy Foster; and Kerry Foster.

Mr. Games stated the residents are not opposed to 911 addressing in the County. However, Williamsburg Farms was developed as a sub-division with covenants that prohibits building additional homes. The Association is independent, paying for their own paving. Changing addresses in the sub-division would also entail costs for a legal name change of the Association.

There is only once entrance to Williamsburg Farms and none of the streets connect with streets outside the sub-division. Mr. Games, and the Williamsburg Farm Association, requested the Commission leave the addresses as they have been for over 30 years.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission tabled action on the request until February 12 at 11:00 A.M. Motion carried.

**E-911 ADDRESSING – COMPLAINT** – John Toth of the Sand Hill area also appeared before the Commission stating his complaints that the 911 addressing is not complete.

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

**FIDUCIARY MATTER – ESTATE OF JANE ISABEL GRAY MORRIS RICHMOND – PETITION FOR REMOVAL** – The Commission received a Petition to be Removed as Fiduciary in the estate of Jane Isabel Gray Morris Richmond. Jan Pest, County Clerk, explained the Sheriff was appointed as Administrator of the estate when no heirs or beneficiaries were known. Since that time, a family member has come forward and agreed to handle the matter.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission approved the request to remove the Sheriff as Administrator of the Estate of Jane Isabel Gray Morris Richmond. Motion carried.

**MARSHALL COUNTY COMMISSION  
JANUARY 29, 2013**

**WATER REQUEST – VIOLA AND BIG WHEELING CREEK AREA – CONTRACT** –

Betsy Frohnapfel, County Administrator, submitted a contract for Commission approval concerning the request for water in the Viola and Big Wheeling Creek areas of Marshall County. Cerrone Associates provided a proposal to conduct a preliminary study that will result in recommendations how to best provide public water service to those areas. The cost of the Contract is \$5,000.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission approved the Contract and the Commission President was authorized to sign the same. Motion carried.

**VFD ASSISTED VEHICLE FUND – REQUEST** – Betsy Frohnapfel, County

Administrator, submitted a request for the VFD assisted vehicle fund from Limestone Community Volunteer Fire Department. Mrs. Frohnapfel stated the fund was created to assist a VFD in paying for a vehicle. The requests were to be submitted to County Fire for review. County Fire would then make a recommendation to the Commission. Limestone VFD was the only department to request the funds.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission granted the request of Limestone Community VFD and authorized payment of \$25,000 from the VFD assisted vehicle fund. Motion carried.

**GRANTS - STOP VIOLENCE AGAINST WOMEN GRANT APPLICATION** – Betsy

Frohnapfel, County Administrator, submitted the 2012 STOP Violence Against Women Grant Application for Commission approval. Mrs. Frohnapfel stated this is the 15<sup>th</sup> year for the award, which is used to support an Assistant Prosecuting Attorney employed for domestic violence cases only, and a Deputy Sheriff dedicated to domestic violence cases. The Grant award is in the amount of \$36,400.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission President was authorized to sign the STOP VAWA Grant Application, and all necessary documents for the grant award in the amount of \$36,400. Motion carried.

**EMERGENCY MANAGEMENT PERFORMANCE GRANT** – Betsy Frohnapfel, County Administrator submitted the FY 2012 Emergency Management Performance Grant Application for Commission approval. Mrs. Frohnapfel stated the Grant is a Homeland Security supplemental award in the amount of \$56,215. This Grant reimburses the County half the salaries and material and supplies for OEM.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission President was authorized to sign the sub-grant award in the amount of \$56,215 for the FY 2012 EMPG award. Motion carried.

**COCKAYNE FARMHOUSE – DRAWDOWN REQUEST** – Betsy Frohnapfel, County Administrator, submitted a drawdown request in the amount of \$1,000 for the Cockayne Farmhouse Grant No. 12-899. The Grant is for the Cockayne Farmhouse curriculum project.

**MARSHALL COUNTY COMMISSION  
JANUARY 29, 2013**

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission approved the request and the Commission President was authorized to sign the drawdown request in the amount of \$1,000 for the Governor's Community Participation Grant Program for the Cockayne Farmhouse curriculum project. Motion carried.

**MAXWELL ACRES WATERSHED PROJECT – DRAWDOWN REQUEST-**

Betsy Frohnapfel, County Administrator, submitted the first and only drawdown request in the amount of \$20,000 for the Maxwell Acres Watershed Project Grant No. 10-1173.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission approved the request and the Commission President was authorized to sign the drawdown request in the amount of \$20,000 for the Maxwell Acres Watershed Project. Motion carried.

**COMMUNITY PARTICIPATION GRANTS** – Betsy Frohnapfel, County Administrator, submitted five Resolutions for Commission approval to attach to Community Participation Grant Applications. The five grants are: two for the Marshall County Airport Authority; PSD#1; Cockayne Farmstead; and Appalachian Outreach.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission President was authorized to sign the five Resolutions, and Grant Applications, for the Community Participation Grants. Motion carried.

**NEW SHERIFF – PUBLIC OFFICIAL BOND** – Betsy Frohnapfel, County Administrator, submitted a Bond from the Westfield Insurance Company, in the amount of \$100,000, for newly elected Sheriff Kevin Cecil. The Bond is a requirement under the West Virginia Code.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission approved the Bond, and the Commission President was authorized to sign the same. Motion carried.

**E-911 – ROAD NAME** – Larry Newell, E-911 Director, submitted the name of Gouldsberry Lane for a road in the Cameron Postal District. The road starts at Middle Grave Creek Road and travels to a dead end.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission accepted the recommendation of Mr. Newell and approved the name of Gouldsberry Lane for a road in the Cameron Postal District. Motion carried.

**CORRESPONDENCE:**

**COSTANZO & ASSOC** – Sewerage District audit for 2011 & 2012

**MDSV VFD** – ltr re: dispatch response for motor vehicle accidents

**WV CULTURE & HISTORY** – Spencer Cemetery, Cameron, on National Register of Historic Places

**JUDGE HUMMEL** – results of Community Service at Grand Vue Park

**STATE TAX DEPT** – Declaration of Need for Assessor's PVC Fund

**TR 2/I 68 AUTH** – minutes of Oct 2012 meeting

**WVACo** – Regional Jail Authority to hire 100 officers to reduce over-time costs

**MARSHALL COUNTY COMMISSION**  
**JANUARY 29, 2013**

GRAND VUE PARK BD – interest to serve on Board, Wood Yoder

**SHERIFF'S DEPARTMENT – RESIGNATION/COMPENSATION** – The Commission received a letter from Minnie LeMasters, Records Clerk in the Sheriff's Department, stating Corporal Chad Young resigned effective January 24, 2013. Mrs. LeMasters submitted documentation for compensation owed Corp. Young for vacation/days worked in the amount of \$2,780.40 for Commission approval.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission accepted the resignation of Corporal Chad Young and approved payment of time owed in the amount of \$2,780.40. Motion carried.

**SPECIAL OLYMPICS – REQUEST** – The Commission received a letter from Lynn Allen, Director for the Marshall County Special Olympics, thanking the Commission for past support. Mrs. Allen also requested a donation of \$1,500 to maintain existing programs.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission approved a contribution to the Marshall County Special Olympics in the amount of \$1,500. Motion carried.

**HOME CONSORTIUM – FIRST TIME HOMEBUYERS PROGRAM – RELEASES** –

The Commission received a letter from Vickey Battista, Marshall County HOME Coordinator, stating Rick and Carla Pavlik have fulfilled their obligation for the First Time Homebuyer Program. Mrs. Battista submitted a Release of Deed of Trust for Commission approval.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission President was authorized to sign the Release of Deed of Trust for Rick and Carla Pavlik. Motion carried.

Mrs. Battista also submitted a Release of Deed of Trust for Rhonda S. Kisner, she also fulfilled her obligation for the First Time Homebuyer Program.

On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission President was authorized to sign the Release of Deed of Trust for Ms. Kisner. Motion carried.

**MARSHALL CO. TRAVEL BASEBALL ASSOCIATION – REQUEST** – The

Commission received a letter from Sonja Cunningham, Treasurer for the Marshall County Travel Baseball Association, requesting financial assistance for the 2013 baseball season. The team is compiled of 16 kids from Marshall County competing in the Cal Ripkin Tournament in South Carolina, and several local tournaments in the Ohio Valley.

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

**MARSHALL COUNTY COMMISSION**  
**JANUARY 29, 2013**

**EXONERATIONS** – On motion of Commissioner Miller, seconded by Commissioner Mason, the Commission approved the following 8 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

May Gas Inc	22.22
May Gas Inc	37.54
Mangino, Anthony & Susan K	31.22
Roupe, Millie F	106.14
Miller, John W & Mary Alice	36.04
Mangino, Anthony & Susan K	25.76
May Gas Inc	15.06
Tucker, Kenneth D & Sharon-Keyser	143.34

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

<u>GENERAL COUNTY FUND</u>	38,277.58
<u>COAL SEVERANCE FUND</u>	149,915.66
<u>E-911 FUND</u>	5,979.57
<u>MAGISTRATE COURT FUND</u>	144.06
<u>DOG FUND</u>	1,054.64
<u>AIRPORT AUTHORITY</u>	26,998.29

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

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PRESIDENT