

**MARSHALL COUNTY COMMISSION**  
**AUGUST 27, 2013**

NOTICE OF SPECIAL SESSION

The Commission convened this day pursuant to the following call: Donald K. Mason, President; Brian L. Schambach and Robert Miller, Jr., Commissioners; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Jeanne Shook, Deputy Clerk.

The County Commission of Marshall County, West Virginia will meet in Special Session at the Courthouse thereof, on Tuesday, September 10, 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 5<sup>th</sup>, day of September, 2013.

s/Jan Pest, County Clerk

MINUTES -.

On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission approved the minutes of the Special Session held August 20, 2013.  
Motion carried.

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**COMMISSIONER COMMENTS -**

COMMISSIONER MILLER, COMMISSIONER SCHAMBACH, and COMMISSIONER MASON toured the MarkWest Facility in Majorville WV last Tuesday. It is an impressive place.

COMMISSIONER MILLER thanked Missy Tschappat, Administrative Assistant, for all her hard work with the Business After Hours picnic at Grand Vue Park Thursday evening.

COMMISSIONER SCHAMBACH attended the annual fundraiser Sunday, at Belmont Hills for The LeeAnn Foundation, which raised about \$8000.00. There were approximately 160 people in attendance. It was a very nice event.

COMMISSIONER SCHAMBACH noted the Bishop / Cameron Commissioner's Cup Football Game is Thursday at Wheeling Island Stadium beginning at 5:00pm.

COMMISSIONER MASON stated he enjoyed the tour of the MarkWest Facility. COMMISSIONER MASON asked about the construction workers at MarkWest and was told of the 300 construction workers just about all of them are from local trades.

COMMISSIONER MASON, Tom Hart, OEM Director, and Josh Jefferson, Project Coordinator for Marshall/Wetzel Counties, stopped on the way back from MarkWest at the Dunkard Fort Dam and Wolf Run Dam. The Dunkard Fort Dam had been cleaned up and debris was piled up to be removed or burned.

COMMISSIONER MASON also attended the Business After Hours at Grand Vue Park which the Commission co sponsored with Peggy's Posies. Thank you Missy Tschappat for your hard work.

COMMISSIONER MASON went to Bishop Donahue this morning and picked up the Commissioner's Cup Trophy to be presented Thursday at the Bishop / Cameron game on Wheeling Island. This will be the kickoff to the football season.

**CORRESPONDENCE -**

Cameron Post # 18 - Post Commander, Bill Harris - Thank you for reconsideration of funding Veterans' grave flags

Marshall County Sewerage District - Board meeting highlights for month of 8/2013

Wesbanco - Annual accounting for McCreary Cemetery Preservation Foundation

**COMCAST FRANCHISE AGREEMENT** - Mark J. Depretis, Comcast Director,

Government and Regulatory Affairs, submitted a proposed Cable System Franchise Agreement for review and approval. The current cable franchise agreement expires September 22, 2013.

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On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission approved the Comcast Franchise Agreement and the President was authorized to sign the same. Motion carried.

**MARSHALL COUNTY PSD #4** - Jim Thomas, PSD #4 Board Member appeared before the Commission. The Commission previously appointed Ron Moore to fill the unexpired term on the PSD #4 Water Board, but due to health reasons Ron could not accept the appointment. Jim is requesting a new appointment be made to the PSD #4 Water Board. The Commission will review the three letters that were submitted previously for the position and appoint a new board member in a timely manner.

**MARSHALL COUNTY SHERIFF'S OFFICE** – Kevin Cecil, Marshall County Sheriff, submitted a request to transfer funds from account number 700-233, Investigation Expenses, to the Marshall County Drug Task Force Operating Account. The amount requested is \$7,500.

On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission approved the transfer in the amount of \$7,500. Motion carried.

**REMOVAL OF MARSHALL COUNTY CIVIL SERVICE BOARD MEMBER** – The Commission sent a letter to Mr. Bruce Mosa on August 8, 2013 outlining the Advisory Opinion it received from the West Virginia Ethics Commission. As of today, August 27, 2013, no answer was received. It is with much regret that as of today, Tuesday, August 27, 2013, The Commission voted unanimously to remove Mr. Mosa from his appointment as the Marshall County Commission's representative to the Marshall County Civil service Board for the following reason:

On August 5, 2013 we received an answer to our question from the WV Ethics Commission. In part, the opinion read, "...the Commission determined that for purposes of this voting limitation, employment by a public agency constitute a personal financial interest which prohibits a public employee from voting on matters which affect his or her public employer. It is clear in this case, the member who is employed by the Sheriff has a personal financial interest in all of these statutory duties. Therefore, the Civil Service Board member may not sit on the Civil Service Board while she/he is employed by the Sheriff." In order to be compliant with Code Section 7-14-3, the Commission has asked the Prosecuting Attorney, Jeff Cramer, to file a petition on their behalf, with the Marshall County Circuit Clerk that states the reason for his removal and asks for the Court's approval of this action.

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

Maxine Sedosky Wayson	\$209.68
Norma Jean Bradford	164.12
Aric Robbins	274.67
Michael Yates	399.28
Courtney C Allen	336.40
Rachel Lemley	32.22
Van L Aston	33.30
Keith Ferrell	56.98
Norma Jean Luff	92.22
Charles R Richmond	752.08
Alta Gray Est (Gene Gray)	28.10
Alta Gray Est (Gene Gray)	22.84
Stanley Kubancik	505.50
Daniel P Kolas	228.04
Patricia Sue McAlister	2.64
Michelle McDonald	3.84
Bert W Richmond	18.88
Bert W Richmond	19.68
Christina Thorne	2.64
Opal Greathouse	2.64
Karen Phipps	109.28
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William B Allen	34.26

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

<u>GENERAL COUNTY FUND</u>	\$ 16,612.36
<u>E-911 FUND</u>	810.32
<u>HOME CONFINEMENT FUND</u>	59.96

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

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PRESIDENT