

MARSHALL COUNTY COMMISSION
MAY 6, 2014

NOTICE OF SPECIAL SESSION

The County Commission of Marshall County, West Virginia convened this day pursuant to the following call: Donald K. Mason, President; Brian L. Schambach, Commissioner; Bob Miller, Commissioner; Jan Pest, County Clerk; Betsy Frohnappel, 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, May 6, 2014 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 1st day of May, 2014

s/Jan Pest, County Clerk

MINUTES – Commissioner Mason noted an addition on page 321 Brian Helmick, Attorney for Spilman, Thomas, & Battle, representing Moundsville Power, LLC.

With the addition, on motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission approved the minutes of the Special Session held April 29, 2014.

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COMMISSIONER COMMENTS –

COMMISSIONER MILLER voted this morning and encouraged everyone to Early Vote or vote next Tuesday, Election Day. Voting is a great privilege in our country.

COMMISSIONER SCHAMBACH had a busy week. His son took him through McDonald's drive through twice and Wendy's drive through twice.

COMMISSIONER SCHAMBACH has a doctor appointment next week and hopes to be released for physical therapy on his shoulder and foot. COMMISSIONER SCHAMBACH is recovering and feeling better.

COMMISSIONER MASON stated Early Voting will continue through Saturday at 5:00 pm and the Primary Election is next Tuesday, May 13, 2014. Early voting hours are Monday – Thursday 8:30 am – 4:30 pm, Friday until 5:30 pm and Saturday 9:00 am – 5:00 pm.

COMMISSIONER MASON noted the passing of Larry Kalasky, a good friend and a good community leader. COMMISSIONER MASON offered his condolences to Janet and the family and stated he will be missed.

MOUNDVILLE POWER, LLC CONCERNS – Fred Brautigan appeared before the Commission with concerns regarding the proposal for Moundville Power, LLC. The Commission stated this is an opportunity to utilize gas in this area and offer some good paying jobs. The Commission has only agreed to the PILOT payments and lease payments. This project is in the early stages and there are environmental issues and liability issues. Commissioner Mason stated he would have to be very comfortable that there would be absolutely no risk or liability to the county or the tax payers before he would vote for anything.

WASHINGTON LANDS MOUNDVILLE POWER, LLC MEETING – Fred Brunner appeared before the Commission with information on a meeting he attended held in Washington Lands on the Moundville Power, LLC project. Andrew Dorn, Moundville Power, LLC, spoke to community members about their concerns. Mr. Brunner stated the meeting lasted about an hour and a half and was very informative.

GRAND VUE PARK – UPDATE – Commissioner Mason stated usually Craig White, General Manager, is here from Grand Vue Park but he is not here today. Commissioner Mason stated Grand Vue Park had a 40th Birthday Celebration, April 27,

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2014 from 1:00 pm – 5:00 pm. Gene Fish, an original Board Member, who is 92 years old attended. It was a great event.

JAN PEST, COUNTY CLERK – Jan Pest, County Clerk, submitted a budget information form to the Commission from the State Auditor’s Office for approval. The form is to determine if the county is financially capable of affording the pay raise for elected officials which was passed at the 2014 Legislative Session.

Once the form is completed, at any time, on motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission will approve and sign the form. Motion carried.

HOTEL/MOTEL TAX DISTRIBUTION POLICY – Betsy Frohnafel, County Administrator, submitted a Hotel/Motel Tax Distribution Policy for approval.

On motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission adopted the policy as follows:

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Marshall County Commission
Hotel/Motel Tax Distribution Policy

The Purpose

On July 30, 2013, in accordance with Article 18, Chapter 7 of the WV State Code, the Marshall County Commission voted to approve a Hotel/Motel Tax for the unincorporated areas of the County. The tax is 6% of the consideration paid for the occupancy of a hotel room. Such tax is paid to the county on a monthly basis, by the 15th of the month for the preceding month. The revenue from this tax will be received and distributed in accordance with Article 18, Chapter 7, Section 14 of the WV State Code.

POLICY:

The Marshall County Commission will distribute the revenue received from the Hotel/Motel Tax on a biannual basis in the months of April and October. Requests for these funds must be received by the last day of March and September, respectively, in order to be considered for the next month's disbursement.

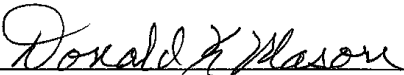
The County Commission reserves the right to hold any and all requests for funding throughout the year which fall into the "permissible expenditure" category.

The Hotel/Motel Tax Funds will be distributed during the last meeting of the month in August and October.

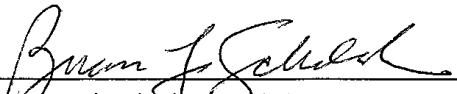
The Commission reserves the right to amend or alter the terms of this policy.

Passed and approved this 6th day of May, 2014.

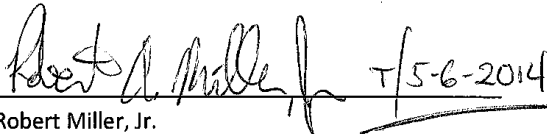
By:



Donald K. Mason, President



Brian L. Schambach, Commissioner



Robert Miller, Jr.

MARSHALL COUNTY TOURISM COMMITTEE – Betsy Frohn Apfel, County

Administrator, submitted a previous request for continued support and investment into the efforts of the Marshall County Tourism Committee with the commitment of 100% of the hotel occupancy tax received to date, until a designation of Convention and Visitors Bureau is achieved. The Tourism Committee has projected an annual budget for the development process and ongoing operation of a Convention and Visitors Bureau, at the Commission's request.

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On motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission approved 75% of the tax be designated to the MCTC, in the amount of \$12,111.75. Motion carried.

HAYS LANDSCAPE ARCHITECTURE STUDIO, LTD. – Betsy Frohnapfel, County Administrator, submitted a proposal for Phase II of the Courthouse Grounds, from William Gabriel Hays, ASLA Principal. The first option is an hourly fee and the second option is a fixed fee. The Commission selected a fixed fee option of \$25,000 and \$500 each for additional meetings if needed.

On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission approved the fixed fee option and the President was authorized to sign the same. Motion carried.

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

2013 DELINQUENT TAX LIST – Amy Carmichael, Chief Tax Deputy Clerk, submitted the 2013 Delinquent Tax List to the Commission for publication approval.

On motion of Commissioner Schambach, seconded by Commissioner Miller, the Commission approved the 2013 Delinquent Tax List for publication. Motion carried.

CORRESPONDENCE –

Office of the State Treasurer - Distribution of Coal County Reallocation Severance Tax in the amount of \$254,377.08

Cameron WV Pool 75th Anniversary - Invitation – Sunday, May 25, 2014 @ 1:00 pm

SOLID WASTE MANAGEMENT BOARD – REAPPOINTMENT – The Commission received a letter from the WV Solid Waste Management Board stating the term of Roger Frame will expire on June 30, 2014. The Commission has the option to reappoint Mr. Frame or appoint someone new for the full, four-year term ending June 30, 2018.

On motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission re-appointed Roger Frame to the Solid Waste Management Board for the

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four-year term beginning July 1, 2014. Motion carried. The Commission also authorized a letter to Mr. Frame thanking him for his service; and a letter to the Board of the appointment.

MARSHALL COUNTY HEALTH DEPARTMENT CONTRACT – The Commission received the Annual Contract and Agreement with the Marshall County Health Department.

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

EXONERATIONS – On motion of Commissioner Miller, seconded by Commissioner Schambach, the Commission approved the following 9 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

Howard Stamp	\$ 41.74
Mitch Corley	127.94
Winona Johnson	46.46
Richard Blake Jr.	79.84
Rodger Gamble	83.06
Economy Auto Parts	214.12
Vicki's Crystal Classics	144.30
Vicki's Crystal Classics	141.60
Susie Hinerman	88.16

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

<u>GENERAL COUNTY FUND</u>	\$ 20,122.99
<u>HOME CONFINEMENT</u>	673.75
<u>COALSEVERANCE FUND</u>	7500.00
<u>MAGISTRATE COURT FUND</u>	93.33

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

PRESIDENT