

**REGULAR SESSION
JULY 26, 2016**

NOTICE OF REGULAR SESSION

The County Commission of Marshall County, West Virginia convened this day pursuant to the following call: Stanley C. Stewart, President; Robert Miller and Scott Varner, Commissioners; Jan Pest, County Clerk; Rhonda Wade, Prosecuting Attorney; Betsy Frohnapfel, County Administrator; and Melanie Madden, Chief Deputy Clerk.

The County Commission of Marshall County, West Virginia will meet in Regular Session at the Courthouse thereof, on Tuesday, July 26, 2016 at 9:00 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/ Stanley C. Stewart, President

Posted at the front door of the Courthouse on the 21st day of July, 2016.

s/ Jan Pest, County Clerk

MINUTES – Upon motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved the minutes of the Regular Session held July 12, 2016.
Motion carried.

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COMMISSIONER COMMENTS - **COMMISSIONER VARNER** was out of town last week and upon his return handled constituent calls and attended community events.

COMMISSIONER MILLER attended several committee meetings and community events throughout the week.

COMMISSIONER STEWART attended several board meetings and community events, dealt with constituent concerns and stated all three Commissioners had the pleasure of cutting the ribbon for the opening of the Marshall County Fair on Monday evening.

CORRESPONDENCE –

Antique Power Association – Contract with Marshall County Fair expired and not renewed; thanked Commission for past support.

Mucheck Family – Thank you from the Robert L. Mucheck Family.

Reminder from State Auditor – Letter reminding elected officials leaving at end of year that according to WV Code Section 7-7-7a no more than 50% of funds allocated to said office shall be expended, without approval of County Commission, before end of calendar year.

Coal Reallocation Severance Tax – Letter from State Treasurer regarding distribution of Coal County Reallocation Severance Tax.

PSD#4 WATERLINE BREAK – Mr. James Thomas, PSD#4 Board member, appeared before the Commission to commend Tom Hart, OEM Director, and his team for the assistance rendered during the PSD#4 waterline break. Some residents in the area were without water for 4 days. Mr. Thomas informed Mr. Hart of the situation and Mr. Hart immediately met Mr. Thomas and purchased drinking water for the residents. The Commission commended Mr. Hart and his team for its quick response to the problem.

AIR EVAC LIFETEAM – Mr. Russ Hadorn, Mr. Michael Connors and Mr. Anthony McDaniel, from the Air Evac Lifeteam, appeared before the Commission to inform the Commission of its ability to accept requests to make appearances, with the Air Evac helicopter, at events throughout its region which includes Marshall County. The team would also like to meet with the Commission to discuss lifetime memberships for County residents with the group.

FOSTORIA GLASS MOULDS – The Commission is in receipt of a request, from the Fostoria Glass Society of America, Inc., requesting financial assistance to purchase original Fostoria Glass moulds in order to keep other glass companies from attempting to imitate Fostoria Glass. Upon motion of Commissioner Miller, seconded by Commissioner Varner, due to the historical value of the moulds, the Commission

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approved \$10,000.00 to be taken from the Hotel/Motel Tax to assist with the purchase of the moulds. Motion carried.

REQUEST FUNDING FOR PAINTING – The Commission is in receipt of a request, from the Marshall County Convention and Business Bureau, for funding in the amount of \$8,000 to help with the cost of painting the building. Upon motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved funding, in the amount of \$2,000.00, to assist with the cost of painting the building. This is to be taken from the Hotel/Motel Tax. Motion carried.

TRANSFER MADE TO GVP – Upon motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved transfer of funds to Grand Vue Park, in the amount of \$6,203.10, as reimbursement for health insurance. Motion carried.

TRANSFER TO SEWERAGE DISTRICT – Upon motion of Commissioner Miller, seconded by Commissioner Varner, the Commission authorized the transfer of previously approved funds, in the amount of \$10,199.33, to the Marshall County Sewerage District. Motion carried.

PETITION FOR REMOVAL OF EXECUTRIX – This day came Lorraine L. Clark, who filed a motion asking for removal of Personal Representative regarding the estate of Nellie Jean Midcap, deceased. After hearing testimony from the Petitioner, Lorraine L. Clark, and the Executrix, Betty J. McCurdy, who was represented by counsel, Thomas E. White, upon motion of Commissioner Varner, seconded by Commissioner Miller the Commission agreed to delay action until a recommendation is received by Rhonda Wade, Prosecuting Attorney. Motion carried.

911 COMPLAINT – Mr. John Toth, a resident of Toth Drive, Sandhill area, appeared before the Commission to voice a citizen complaint regarding communication issues with the 911 department. After a phone line was cut in his area by a neighbor, he called 911 and was upset with the response from 911 communicator. He was also upset that GPS coordinates are not available to delivery services. Mr. Larry Newell, Director of the 911 Center, informed the Commission that all dispatchers are trained with addresses and names of roads. The GPS Clearing House is responsible for GPS addresses nationwide, not the 911 Center. The Commission acknowledged Mr. Toth's complaint.

YOUTH SERVICES SYSTEM, INC. – Mr. Marc Abraham, Youth Services System Board member, appeared before the Commission, to request its continued support for Celebrate Youth to be held on August 4, 2016. Upon motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved funding, in the amount of \$2,000.00, for the event. Motion carried.

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EXECUTIVE SESSION – Upon motion of Commissioner Miller, seconded by Commissioner Varner, the Commission entered into Executive Session with Sheriff Cecil regarding a personnel matter. Motion carried. Upon motion of Commissioner Miller, seconded by Commissioner Varner, the Commission reconvened into Regular Session. Motion carried.

EMPLOYMENT MATTERS – Upon motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved the employment of a deputy sheriff to fill the vacancy of a deputy that is on active duty in the military. This position is not a new position and will only become a full time position upon a deputy sheriff's retirement. Starting salary is \$35,000.00 Included in the motion, is the employment of Mr. Tom Sorge as Administrative Assistant with the starting salary of \$25,000.00. Mr. Sorge requires no insurance benefits with the position. This position will become full time upon the retirement of someone within the Sheriff's Department. Motion carried.

EXONERATIONS – Upon motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the following 12 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

Mountaineer Enterprises LLC	\$264.00
Mountaineer Enterprises LLC	\$270.60
Mountaineer Enterprises LLC	\$ 4.78
Mountaineer Enterprises LLC	\$ 4.52
Mountaineer Enterprises LLC	\$ 4.78
Vickie K. McClintock	\$268.06
Travis Emch & Nicole	\$535.58
Mountaineer Enterprises LLC	\$315.04
Misty Dolin	\$ 6.16
Lawrence E. Yoho & Doris E.	\$ 91.12
Bero, Wayne R. & Linda	\$184.62
Yost, Patsy	\$ 14.84

DEMOLITION OF STACK – Tom Hart, Director of OEM, appeared before the Commission to update it on the date for demolition of the stack at the Burger Plant. The demolition is scheduled for Friday, July 29, 2016 at approximately 8:30 a.m.

FIDUCIARY MATTERS – Upon motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved and accepted all Fiduciary Settlements received by Jan Pest, County Clerk, for the month of June, 2016.

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E-911 ROAD NAME – Larry D. Newell, E-911 Director, submitted a request for a road name. The road is in the Proctor Postal District. Racer Drive begins at Burch Ridge Road and travels to a dead end. Upon motion of Commissioner Varner, seconded by Commissioner Miller, the Commission accepted and approved the road name of Racer Drive. Motion carried.

SHERIFF SETTLEMENT – Upon motion of Commissioner Miller, seconded by Commissioner Varner, the Commission accepted the FY 2016 Sheriff's Settlement. Motion carried.

COAL REALLOCATION – Jan Pest, County Clerk, informed the Commission the distribution of Coal County Reallocation Severance Tax is as follows for Marshall County:

75% - \$798,758.35

25% - \$ 10,488.32

This money should be deposited on or before July 21, 2016.

MURRAY ENERGY HEARING – The Commission set the date of August 16, 2016 at 10:00 a.m. for the Murray Energy hearing.

EXTRA EFFORT – Larry Newell, 911 Director, informed the Commission of Michael Mueck, Asst. Director, OEM, extra efforts to assist the residents of Pappys Lane when they were without phone service. Mr. Mueck contacted Frontier Communications and then went to the residents on the lane to inform each of the impending work to be done on the phone line.

CANNED FOOD CONTEST – Howard Coffield, Building & Maintenance Supervisor, and Betsy Frohnafel, County Administrator, informed the Commission of the winners of the canned food donation contest. The County Clerk's Office and the Assessor's Office tied with the amount of donations, therefore each will be treated to lunch by the Commission. The two offices donated 90% of the canned goods collected by County offices. The Commission commended the two offices for their efforts.

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

PRESIDENT
