

MARSHALL COUNTY COMMISSION
MAY 24, 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 A. Miller, Commissioner; Scott G. Varner, Commissioner; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Jeanne Shook, Deputy Clerk.

The County Commission of Marshall County, West Virginia will meet in Regular Session at the Courthouse thereof, on Tuesday, May 24, 2016 at 9:00 AM 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 19th day of May, 2016.

S/Jan Pest, County Clerk

MINUTES –

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved the minutes of the Board of Canvassers held May 16, 2016, and the Regular Session held May 17, 2016. Motion carried.

COMMISSIONER COMMENTS –

COMMISSIONER VARNER attended the RED Board meeting and dealt with constituent concerns.

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COMMISSIONER MILLER attended the RED Audit Committee meeting and the RED Board meeting.

COMMISSIONER MILLER spoke to students at John Marshall High School's mock political convention, attended a Belomar meeting, and dealt with constituent concerns.

COMMISSIONER STEWART attended the Northern Panhandle Workforce Development Board, the John Marshall High School mock political convention, a Belomar meeting, and dealt with various constituent concerns.

CORRESPONDENCE –

West Virginia Supreme Court of Appeals – Status of the Worthless Check Fund and how these funds should be properly appropriated.

Northern Panhandle HOME Consortium – To remain as a participating jurisdiction within the Northern Panhandle HOME Consortium, no action is required.

MARSHALL COUNTY 8TH ANNUAL HANDS ON AG DAY – The Commission received a letter from David McCardle, Northern Panhandle Hands on AG Day Committee, requesting a donation for the 8th Annual Hands on AG Day Event. The agricultural event will be held at the Marshall County Fairgrounds September 15th & 16th. All 5th grade students in both public and private schools in Marshall County attend the two day event.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved a donation of \$3000 to the Northern Panhandle Hands on AG Day Committee. Motion carried.

CHAPLIN OAK VIEW TOWNHOUSES – The Commission received a letter from Stephen Fox, Development Coordinator, requesting a letter for “unqualified support without qualification or limitation” for the proposed Oak View Townhouses in Marshall County.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission rejected the request. Motion carried.

EXONERATIONS – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the following 13 erroneous assessments previously approved by the Prosecuting Attorney and Assessor:

Abel Lucey	\$ 411.52
Dorothy A Wood	113.72
Dorothy A Wood	115.48

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Dorothy A Wood	113.18
Brenda Coulter	357.98
Brenda Coulter	51.64
Brenda Coulter	345.98
Brenda Coulter	51.48
Brenda Coulter	56.70
Brenda Coulter	347.68
Poling's Pre-Owned Vehicles	131.34
Chet M Thomas	34.64
Coleman E Conrad	33.64

NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the following Notice of Apportionment of Jointly Owned Motor Vehicles: Megan R Barlow and David L Barlow. Motion carried.

IN-HOUSE BUDGET REVISION – On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved an in-house budget revision in the amount of \$10,000 for Department 402. Motion carried.

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

ASSESSOR'S OFFICE – RECAP SHEETS – Chris Kessler, Assessor, appeared before the Commission with the 2015 Recap Sheets for Personal and Real Property Tax books.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission accepted and approved the Recap Sheets from the Assessor for the tax year 2015, and the Commission and County Clerk signed the same. Motion carried.

COMMUNITY DEVELOPMENT FUND 2016 – Betsy Frohnafel, County Administrator, presented final recommendations for approval for the Community Development Fund.

On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission approved the recommendations for the year 2016 in the amount of \$50,000. Motion carried. The list is as follows:

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ORIGINAL COPY

★ COMMUNITY DEVELOPMENT FUND REQUEST 2016

Organization	Received Last Year	Requested this Year	Granted	Commission Approved
City of Benwood	\$4,000.00	\$6,000.00	\$3,000.00	
City of Cameron	0	\$2,000.00	\$3,000.00	
City of Glen Dale	\$4,000.00	\$3,000.00	\$3,000.00	
City of Moundville	\$4,000.00	Your Discretion	\$3,000.00	
Big Run Community Assoc.	\$3,000.00	\$3,000.00	\$2,500.00	
Bowman Ridge Community Center	0	Your Discretion	\$2,500.00	
Cameron Community Development Assoc.	\$3,000.00	\$5,000.00	\$2,500.00	
Dallas Community Assoc.	\$3,000.00	\$3,000.00	\$2,500.00	
Graysville Community Assoc.	0	Your Discretion	\$2,500.00	
Limestone Community Assoc.	\$3,000.00	Your Discretion	\$2,500.00	
Maxwell Community Assoc.	\$3,000.00	\$3,000.00	\$2,500.00	
Mount Olivet Community Park	\$3,000.00	\$4,000.00	\$2,500.00	
Roberts Ridge Community Bldg.	\$3,000.00	\$3,000.00	\$2,500.00	
Earl Francis American Legion #3	\$750.00	\$750.00	\$750.00	

APPROVED

MAY 24 2016 *[Signature]*

BY COUNTY COMMISSION
MARSHALL COUNTY, WV

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Earl Francis American Legion #3	0	Your Discretion	0	
Sons of the American Legion	\$750.00	\$750.00	\$500.00	
American Legion Post Five	\$750.00	\$750.00	\$750.00	
American Legion Post 18	\$750.00	Your Discretion	\$750.00	
Moundsville Veterans Honor Guard	\$2,500.00	Your Discretion	\$2,500.00	
Benwood Baseball /Softball	\$1,300.00	Your Discretion	\$1,300.00	
Glen Dale Baseball & Softball	0	\$3,000.00	\$1,300.00	
McMechen Baseball	\$1,300.00	Your Discretion	\$1,300.00	
Moundville Baseball	\$2,050.00	Your Discretion	\$2,000.00	
Moundsville Legion Baseball	\$2,000.00	\$2,000.00	\$2,000.00	
Back Pack Ministry	0	\$2,500.00	0	
Feeding Body & Soul Community Kitchen	\$500.00	Your Discretion	\$500.00	
Elizabethtown Festival	0	Your Discretion	0	
Marshall County Day Care	0	\$1,000.00	0	
Marshall County Flag Football	0	\$1,500.00	\$500.00	
Troop 10 McMechen	0	Your Discretion	0	
McCreary Cemetery	0	\$1,500.00	\$500.00	

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Friends of Moundsville Parks & Recreation	0	\$2,500.00	0	
National Wild Turkey Federation	\$1,000.00	\$1,700.00	\$500.00	
Valley Music Association	\$500.00	\$2,070.00	\$350.00	
Youth Services System, Inc.	0	\$7,400.00	0	

COURTHOUSE EXTERIOR RENOVATIONS – CHANGE ORDER #3 – Betsy

Frohn Apfel, County Administrator, submitted an AIA Document G701 Change Order #3. This Change Order is for items related to electrical demolition and items related to masonry restoration. The Contract sum will be increased by this Change Order in the amount of \$20,137.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission approved Change Order #3, in the amount of \$20,137, and the President was authorized to sign the same. Motion carried.

HEALTH PLAN AGENT OF RECORD – On motion of Commissioner Varner, seconded by Commissioner Miller, the Commission authorized Jan Pest, County Clerk, to send a letter to the Health Plan designating Brenda Thomas as our Agent of Record. Motion carried.

EXONERATION HEARING – STATOIL USA ONSHORE PROPERTIES, INC. -

Present for this hearing were Assessor Chris Kessler, Terry McDiffitt and Kathy Stalnaker from the Assessor’s Office, Prosecuting Attorney Rhonda Wade, Attorney Craig Griffith, Counsel for Statoil, Kiran Rizvi of Statoil, Jan Mudrinich, Esq., WV State Tax Department Assistant Director, and Cindy Hoover, WV State Tax & Revenue Manager. Also present was a court reporter.

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Assessor Kessler stated Craig Griffith, Esq., has filed an Application for Relief from Erroneous Assessment for Statoil USA Onshore Properties, Inc.

Craig Griffith, Esq., counsel on behalf of Statoil presented eight exhibits to be entered into record, regarding 2015 assessments for Statoil, a Tax Statement Summary from K.E. Andrews & Company, Statoil Tax Tickets for Marshall County, and a spreadsheet that demonstrates the amount, he believes, of overpayment.

Jan Mudrinich, Esq., WV State Tax Department Assistant Director, stated the issue here today is whether there was a clerical error which can be exonerated or a mistake due to negligence, which cannot be exonerated. Mr. Mudrinich believes there was negligence, on the part of Statoil, and therefore, cannot be exonerated.

Kiran Rizvi testified on behalf of Statoil, stating the wrong revenue was turned in for 2015 tax tickets. Statoil pulled estimated revenue data instead of actual revenue data which resulted with an excess of 8.7 Million dollars. Ms. Rizvi believes a clerical error occurred. Ms. Rizvi also answered several questions asked by Jan Mudrinich.

Cindy Hoover, WV State Tax & Revenue Manager, testified on behalf of the State. Mrs. Hoover stated she processed the returns from K.E. Andrews & Company, Ad Valorem Tax Service for Statoil, based on information from Chesapeake and Statoil. Mrs. Hoover stated forty four notices of tentative appraisals were sent to Statoil USA Onshore Properties, twenty five were entered into record. Mrs. Hoover stated after the increase notices are sent, her office deals with an enormous amount of phone calls disputing this information or wanting clarification. The Marshall County Assessor's office staff is very knowledgeable and also deals with many phone calls after the increase notices are sent. These individuals are given the opportunity to go before the Board of Equalization & Review.

On motion of Commissioner Miller, seconded by Commissioner Varner, the Commission tabled any action until the next Commission meeting, to be held June 7, 2016. Motion carried.

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

<u>COAL SEVERANCE FUND</u>	\$ 18,327.35
<u>GENERAL COUNTY FUND</u>	77,468.37
<u>E-911 EMERGENCY COMMISSION</u>	109.36

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

PRESIDENT