

**MARION COUNTY COMMISSION
COUNTY COURT
NOVEMBER 6, 2013**

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, October 30th, 2013. Present were Commissioner Tennant, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, October 30th, 2013, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on October 31st, November 1st, 4th and 5th, 2013 were approved as submitted and signed.

*D. D. Meighen led the Court with a prayer. Belinda Biafore led the Court with the Pledge of Allegiance. **President Elliott called** the meeting to order. **Commissioner Tennant moved** to dispense with the reading of the minutes of Wednesday, October 30th, 2013 and accept them as presented. Commissioner VanGilder seconded. President Elliott concurred.*

***For the record, note** James Priester, Assessor presented to the County Commission the following Exonerations for approval.*

**Dated November 6, 2013
Nos. #2013-1395 through #2013-1417**

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President sign Nos. #2013-1395 through #2013-1417. Commissioner VanGilder seconded. President Elliott concurred.

*The Commission presented the **Resolution to Accept Conditions of the Contract for West Virginia Community Participation Program Funds to Authorize Signature on Behalf of the Marion County Health Department.** County administrator Kris Cinalli stated that this grant application is in the amount of \$50,000.00 for renovations to their office.*

MARION COUNTY COMMISSION
NOVEMBER 6, 2013
PAGE 2

Marion County Commission

RANDY J. ELLIOTT
President
BURLEY "BUTCH" TENNANT, JR.
Commissioner
ERNE J. VANGILDER
Commissioner



Address Correspondence to:
200 JACKSON STREET • ROOM 403
FAIRMONT, WEST VIRGINIA 26554
(304) 367-5400
FAX (304) 367-5431

RESOLUTION

TO ACCEPT CONDITIONS OF THE CONTRACT FOR WEST VIRGINIA
COMMUNITY PARTICIPATION PROGRAM FUNDS AND TO AUTHORIZER
SIGNATURE

WHEREAS, Fifty thousand dollars (\$50,000.00) in Community
Participation Program Funding was requested by the Marion County
Commission, on behalf of the Marion County Health Department,


WHEREAS, an application for these funds was received and
approved by the West Virginia Development Office; and,

WHEREAS, the Community Participation Program requires that a
local government unit sponsor said application.

NOW, THEREFORE, BE IT RESOLVED BY THE MARION COUNTY
COMMISSION OF WEST VIRGINIA that the Commission President be
authorized to accept fifty thousand dollars (\$50,000.00) in Community
Participation Program funds for the Marion County Commission on
behalf of Health Department and that he be empowered to sign the
contract necessary to obtain these funds.

DATE: November 6 ,2013


Randy J. Elliott, President


Burley "Butch" Tennant, Commissioner


Ernie VanGilder, Commissioner

ATTEST:


Janice Cosco, County Clerk

Commissioner Tennant moved that the Commission sign the Resolution and that the President sign the grant application. Commissioner VanGilder seconded. President Elliott concurred.

MARION COUNTY COMMISSION
NOVEMBER 6, 2013
PAGE 3

The Commission received a request for funding for Miners Swap Meet event to take place December 6, 2013, at the Knights of Columbus. Blair Montgomery and Mark Dorsey came before the Commission to present this request and answer any questions in regards to this Event. They both explained what would take place at this event. They are hoping to be a larger museum if they can find the means to do so.

First Annual
Coal Mining Appreciation Day
Swap Meet

Friday, December 6, 2013
National Miners' Day
Location: Knights of Columbus Hall
1529 Mary Lou Retton Drive
Fairmont, WV 26554
Exit 132 Off I-79

North Central West Virginia will be having its first Swap Meet where collectors of mining equipment and memorabilia can gather to trade, sell, or purchase items of interest. Collectors from around the country will be in attendance.

The doors to the meet will open at 10:00 a.m. and remain open until 9:00 p.m. There is no admission charge. Food will be available for sale and there will be a cash bar from 4:00 p.m. until closing.

This would be a great time for survivors of miners to bring artifacts to the meet where they can be identified and told the value of the item(s). There will be no pressure to sell the items.

For those interested, oral histories of miners will be taken in conjunction with the Folk Life Center at Fairmont State University.

If interested in being a vendor 6' tables will be available for \$25.00 each, but they must be reserved by November 27, 2013. Table space is limited. Reserve your table early. Contact Blair Montgomery at 304-366-4763, email address bm26554@gmail.com.

If you plan to stay over, discounted room reservations have been obtained at local hotels. If interested, please contact Blair Montgomery at bm26554@gmail.com



MARION COUNTY COMMISSION
NOVEMBER 6, 2013
PAGE 4

The Northern Appalachian Coal Mining and Heritage Association (NACMHA) was established in part to perpetuate the understanding of the cultural heritage of communities affected by the coal mining industry. At present we have a small museum displaying mining memorabilia. We are attempting to improve and expand our collection and to identify individuals who might be willing to share some of their materials in future exhibits. We also hope to connect with the Coal Heritage Trail that has been established in the southern part of the state.

NACMHA is planning its first annual Coal Mining Appreciation Day Swap Meet on December 6, 2013 which also happens to be National Miner's Day. Swap meets like this one are rare in the eastern United States, in fact this will be the third in the East. We have already received interest from collectors in Kentucky, Indiana, and Illinois who are planning on attending. We are planning for food, a cash bar, opportunities for miners to share their oral histories, and to sit and talk about their mining experiences with fellow miners, as well as an opportunity for folks to bring mining materials that can be explained and valued. The event will be held from 10:00 a.m. until 9:00 p.m. at the Knights of Columbus in Fairmont.

We are looking for support from businesses, industries, and organizations to make this event a first class meet reflective of the rich mining heritage in north central West Virginia. Partnerships/sponsorships are available and tax deductible at three levels; \$500 Platinum Level, \$250 Gold Level, and \$100 Silver Level. I hope you and your organization will consider becoming a partner/sponsor at one of the levels. Partner/sponsors will be recognized by signage at the event and in the printed brochure that will be distributed to all participants. We expect significant media coverage. Funds need to be received by November 20, 2013 to assure name inclusion in program materials. Checks may be made payable to NACMHA and sent to 3 Hollen Circle, Fairmont, WV 26554.



Commissioner Tennant moved that the Commission grant \$1,000.00 for this Event and that those funds be appropriated from the Coal Severance Fund. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received a request for advice and consent the from Marion County Department of Homeland Security and Emergency Management (911) to hire Michael Cuevas, Jaime Fulton, Tracy Robinson, and Matthew Talerico as full time dispatchers, starting salary of \$22,371.60 with benefits, starting date, November 18th, 2013.

MARION COUNTY COMMISSION
NOVEMBER 6, 2013
PAGE 5



Marion County Homeland Security &
Emergency Management
50 Centerview Drive
Fairmont, WV 26554

Chris McIntire Director

To: Marion County Commission

From: Chris McIntire, Director *CM*

Date: October 31, 2013

Reference: Request advice consent

Marion County Department of Homeland Security and Emergency Management (911) would ask for advice and consent to hire; Michael Cuevas, Jaime Fulton, Tracy Robinson, Matthew Talerico as 911 full time dispatchers, starting salary \$22,371.60 with full benefits. Starting date will be November 18th 2013.

Commissioner Tennant moved that the Commission grant its advice and consent for the new hires. Commissioner VanGilder seconded. President Elliott concurred.

For the record, note the Commission received the 2010 Supplemental Soil Sampling Remedial Action Plan and the Supplemental Soil Sampling Report and Evaluation for Phillips electronics North American Corporation, Terrace Site, Marion County, West Virginia; VRP #07857, for review in the County Clerk's Office.

For the record, note the Commission received the Paw Paw-Rt. 19, PSDs Independent Auditor's Report and Related Financial Statements for the Year Ended June 30, 2012.

For the record, note the Commission received the Annual Subscribers Notice Form No. 5 pursuant to West Virginia Code 24D-1-18(a) from Time Warner Cable.

MARION COUNTY COMMISSION
NOVEMBER 6, 2013
PAGE 6



Pamela McDonald
Vice President
Government Relations

October 25, 2013

Via Certified Mail
Return Receipt Requested

Mr. Burley Tennant
President
Marion County Commission
200 Jackson Street, Room 403
Fairmont, WV 26554

Dear Mr. Tennant:

Enclosed you will find the Annual Subscriber Notice Form No.5 pursuant to West Virginia Code 24D-1-18(a). This form was mailed to all cable customers beginning October 19, 2013. The notification process will be completed November 18, 2013.

If you have any questions or require additional information, please feel free to contact me directly at (513) 386-5908 or via e-mail at pam.mcdonald@twcable.com.

Sincerely,

Pamela McDonald
Vice President of Government Relations
Time Warner Cable

Enclosure



NOTICE

As a subscriber of Time Warner Cable, you have several important rights. This notice describes how to resolve cable television problems, how to apply for credit and how to contact the Public Service Commission of West Virginia.

COMPLAINTS

If you have a cable television problem, contact our office by calling 800.677.9767. In every case, we will attempt to answer your question promptly or we will schedule a service call. If, however, we are unable to resolve your complaint to your satisfaction, you may contact the Public Service Commission at the following address, telephone number or web page.

Public Service Commission of West Virginia
PO Box 812
Charleston, WV 25323
Toll Free Telephone: 1800.344.5113
www.psc.state.wv.us

Please note, the Public Service Commission has jurisdiction to resolve complaints regarding the operation of a cable system.

Your written complaint to the Commission must include the name and address of the cable operator, a clear and concise statement of the facts involved and the remedy sought. The Commission has developed a Complaint Form for your use which will be provided upon request.

In the event the Commission cannot, informally, resolve your complaint to the satisfaction of all parties, you are entitled to file a request for a formal hearing before the Commission.

The Commission will act upon all unresolved cable television problems other than those dealing with programming and channel selection. The Commission will also consider rate level complaints when a rate increase case is being processed by the Commission.

The Federal Communications Commission (FCC) has limited jurisdiction over cable television programming. You may contact the FCC at the following address, telephone number or web page:

Federal Communications Commission
Cable Services Bureau
445 12th Street, S.W. Room 3-C 830
Washington, D.C. 20554
Phone: 202.418.7200
www.fcc.gov

CREDIT FOR SERVICE INTERRUPTIONS

You are entitled to a pro-rata credit if cable service is interrupted for more than twenty-four continuous hours. The credit will be calculated based upon the proportionate share of the service not received in the applicable billing period, provided the interruption is due to a failure of the facilities of the cable television operator. When service interruption in excess of 24 hours occurs, contact our office promptly with pertinent facts regarding the outage.

MARION COUNTY COMMISSION
NOVEMBER 6, 2013
PAGE 7

For the record, note the Commission received the notice from Time Warner Cable of agreements and services with programmers and broadcasters about to expire.



Patricia McDonald
Vice President
Government Relations

October 23, 2013

Via Certified Mail
Return Receipt Requested

Mr. Burley Tennant
President
Marion County Commission
200 Jackson Street, Room 403
Fairmont, WV 26554



Dear Mr. Tennant:

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services or stations in the near future.

CBS Sports Network, E! Entertainment, Flix East, Flix West, G4, IFC, KDKA, KDKA HD, Lifetime, LMN, Music Choice, NHL Center Ice, NHL, NHL HD, Showtime East, Showtime HD, Showtime Beyond East, Showtime Extreme East, Showtime Extreme HD, Showtime On Demand, Showtime Showcase East, Showtime Showcase HD, Showtime Too East, Showtime Too HD, Smithsonian HD, Style, TMC East, TMC HD, TMC Extra East, TMC On Demand, WF, WPSD, WPSD HD, You Too TV, Zap2it.

In addition, from time to time we make certain changes in the services that we offer. On October 10th, Univision Deportes was added on Ch. 230 to the Digital Red and Viva Espanol tiers. Univision Telenovelas was added on Ch. 231 to the Viva Espanol tier. On October 21st, Revolt was added on Ch. 188 to the Digital Red Tier.

The following changes are planned; on or after December 10th, Music Choice channels will be rearranged and four new Music Choice channels will be available: Teen MC, Pop Rhythmic, Pop Country and Y2K. On or after December 23rd, Smithsonian will be added to Digital Red on channel 145. In addition, Smithsonian HD will become available on Digital Red, in addition to HD Pack tier. On or after December 23rd, Soapnet will no longer be available. Destination America and Investigation Discovery may be repositioned to Standard Cable. The channel will continue to be available in digital format only.

The new services listed below will require two-way capable digital cable ready equipment, such as a Time Warner Cable-provided set-top box or a CableCARD-equipped Unidirectional Digital Cable Product (UDCP) used in conjunction with a Tuning Adapter. Other UDCPs may not be able to access these services without additional equipment, such as a set-top box: Univision Telenovelas, Revolt, Smithsonian, Destination America, and Investigation Discovery.

Programming is subject to change. Not all services available in all areas. Restrictions may apply. For up-to-date listings of our packages and channels, visit our website at www.timewarnercable.com.

If you have any questions or concerns, please do not hesitate to call me directly at (513) 386-5908.

Sincerely,

Patricia McDonald
Vice President of Government Relations
Time Warner Cable

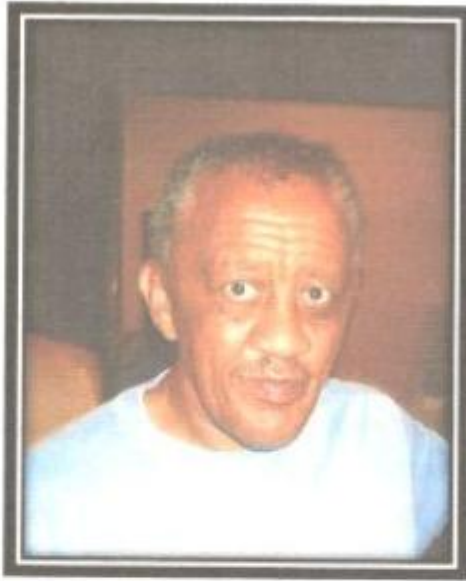
Charlie Reese stated that there would be an announcement in the Al Babcock Conference Room at 11:00 a.m. about the Palatine Park Project. Charlie presented the Mayor of Mannington James Taylor who came in for the announcement. Charlie added that all of the Mayors of the County were invited.

President Elliott introduced to those in attendance Rhonda Starn who was appointed in August to fill the vacant Marion County Circuit Clerk position, when Barbara Core retired. Rhonda Starn thanked President Elliott for the introduction and stated that she was very pleased with how well things were proceeding with her transition into her new position.

MARION COUNTY COMMISSION
NOVEMBER 6, 2013
PAGE 8

County Administrator Kris Cinalli added for the record that a Courthouse icon Eugene Tartt passed away sometime Monday morning in his apartment. Kris added that Eugene was a Courthouse regular and will be greatly missed.

Homegoing Celebration For



Eugene Burl Tartt

SUNRISE – NOVEMBER 26, 1942

SUNSET – NOVEMBER 4, 2013

SERVICES:

Friday, November 8, 2013 at 1:00 pm
Morning Star Baptist Church
100 McKinney Street
Fairmont, WV



Pastor Wesley Q. Dobbs – Officiating
Pastor Joseph Palmer - Eulogist

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, November 13th, 2013 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randy Elliott, President

