

**MARION COUNTY COMMISSION
COUNTY COURT
DECEMBER 4, 2013**

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, November 20th, 2013. Present were Commissioner Tennant, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, November 20th, 2013, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on November 21st, 22nd, 25th, 26th, 27th, December 2nd and 3rd, 2013 were approved as submitted and signed.

*Pastor Elise Neal of the First Presbyterian Church led the Court with a prayer. Blair Montgomery 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, November 20th, 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 December 4, 2013
Nos. #2013-1489 through #2013-1507**

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President sign Nos. #2013-1489 through #2013-1507. Commissioner VanGilder seconded. President Elliott concurred.

*The Commission received an **Order of Probate of Wills from the County Clerk's Office for the month of October, 2013. Kris Cinalli stated that this Order is a list of Estates in which have been admitted to Probate in the County Clerk's Office, in vacation of the Commission, from October 1, 2013 through October 31, 2013 pursuant to West Virginia Code §41-5-10, as amended.***

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BEFORE THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

IN RE: CONFIRMATION OF PROBATE OF
WILLS, BY CLERK IN VACATION

ORDER CONFIRMING PROBATE OF WILLS

On this day came Janice Cosco, Clerk of the Commission, and presented a list of Estates in which wills have been admitted to Probate by her office, in vacation, from October 1, 2013, to October 31, 2013, pursuant to W. Va. Code 41-5-10, as amended.

The Commission, having received no objections to the actions of the Clerk, and perceiving no objections thereto, does ratify and confirm the probate of wills in all the Estates attached hereto. The list attached hereto is made a part of this Order by this expressed reference thereto, as if all such Estates are fully set forth herein.

Dated this 4th day of December, 2013.

Russell Elliott
Burling Rutledge
Ernest Van Breda

Janice Cosco by Thomas F. Antulov
JANICE COSCO, CLERK by Thomas F. Antulov, deputy

David A. Glance
DAVID A. GLANCE,
FIDUCIARY SUPERVISOR

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WILLS PROBATED FROM OCTOBER 1, 2013 TO OCTOBER 31, 2013

<u>Estate</u>	<u>Representative</u>
Blaker, Anna Belle	Patricia L. Kincaid, Executrix
Carr, Rose A.	James L. Carr, Executor
Cornell, Marion P.	Joseph Junior Bingamon, Executor
Cornell, Mary K.	Joseph Junior Bingamon, Executor
Cunningham, Orval P.	Heather Dawn Fitzwater, Executrix
Dick, Richard Dale	James R. Bailis, Executor
Feather, Charles F.	Cheryl A. Vitalie, Ancillary Executrix DBN
Golden, Harry T.	Jeffrey R. Golden, Executor
Grubb, Clarence R.	Clifford R. Grubb, Executor
Jefferson, Louis Thomas, Jr.	Malisa T. Shackelford, Executrix
Joy, Robert H. Sr.	Michael S. Joy, Executor
Kazoski, Pete Joseph	Earleen L. Kazoski, Executrix
Kuhn, Connie D.	Michael Joseph Kuhn, Executor
Leggett, William Randall	Elizabeth Ann Guido, Executrix
McCoy, Ann	Linda Brown and Betty J. Cunningham Co-Executrices
Murray, William Patrick, Jr.	William Patrick Murray, III, Executor
Piscitelli, Catherine M. AKA Kathereine M. Piscitelli	Ben J. Piscitelli, Executor
Shreves, John A., Sr.	Michael T. Shreves, Administrator CTA
Stark, John Paul	John Jason Stark, Executor
Tennant, Virginia B.	Paul I. Tennant, Executor
Wilt, Mary A.	Henry T. Wilt, Executor

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WILLS PROBATED FROM OCTOBER 1, 2013, TO OCTOBER 31, 2013 - Continued

<u>Estate</u>	<u>Representative</u>
Wright, Ruby M.	Rickey Allen Shockey, Executor
Wright, William W.	Rickey Allen Shockey, Executor

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Commissioner Tennant moved that the Commission sign the Order. Commissioner VanGilder seconded. President Elliott concurred.

For the record, note the Commission received the Order Confirming and Ratifying Fiduciary Supervisor's Report of Claims and Settlement Reports; Order #344.

At a Regular Session of the County Commission of Marion County, West Virginia, continued and held for this County at their offices in the J. Harper Meredith Building on the 27th, day of November, 2013.

This day came David A. Glance, Fiduciary Supervisor for Marion County, West Virginia, and presented to the Commission his Report of Claims and First and Final Settlement Reports for the following estates which reports he has filed in the Office of the Clerk of the County Commission, pending confirmation. There being no objections received to these reports and no errors appearing, the Report of Claims and First and Final Settlement Reports are hereby ratified, confirmed and approved.

<u>Estate of</u>	<u>Representative</u>
CARPENTER, LENORA JANE (2 ND & Final) DBN	Donna Jo Bush, Administratrix CTA
DECKER, KAREN LOUISE	G. Allen Yates, Executor
PAGLIARO, FRANK J.	Frank J. Pagliaro, II, Executor
LUKAS, ANDREW FRANCIS	Timothy J. Manchin, Executor
AUDIA, ROSE	Frank Joseph Audia, Jr. and Joyce Renee Audia Wood, Co-Extrs.
WILSON, WANETTA	Judith Radcliff, Executrix
BUCKLEW, JEANNE STEMPLER	Judith Stuart, Executrix
EVANS, SARAH ANNETTA	J. Scott Tharp, Ancillary Administrator
GUMP, JESSE F.	Alice Marie Gump, Executrix
WALLACE, CHARLES W.	Sharon Huskin, Administratrix
FRETHEIM, DOROTHY L.	Robert J. Batiste and Doris Michelle Batiste, Co-Executors
BISSETT, LILLIAN G.	Chester, David Bissett, Executor
PETTIGREW, DOVIE H.	Robert M. Miller, Executor
PERKINS, PEARL DALE	Shirley Jean Perkins Knisely, Executrix
TUREK, LINA B.	Aimee D. Toothman, Executrix
NABORS, SAMMIE LEE	Alphonso Nabors, Jr., Administrator
WEIS, MARY LOIS	Nancy Ann Weis Dunn, Executrix
BELL, FREDERICK ERNEST, SR.	Frederick Ernest Bell, Jr., Executor
SHELL, VICTOR T.	Ethel G. Schell, Executrix
MICHAEL, EVA S.	Joseph F. Blake, Administrator CTA
SLAUGHTER, JOHN ALAN	Sharlene Slaughter, Administratrix
GLASSCOCK, MERLE DANIEL	Dorothy Glasscock, Administratrix
FLOYD, KATHY ELLEN	Michael L. Floyd, Executor
SULLIVAN, JOHNNIE L.	John L. Sullivan, Executor
SULLIVAN, JAMES PATRICK	John L. Sullivan, Administrator
DAVIS, CHARLES L.	Charles L. Davis, Jr., Executor
BELCASTRO, LOUIS J.	Ronald Belcastro, Administrator CTA
BELCASTRO, MARY E.	Ronald Belcastro, Administrator CTA

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Estate of

MARTIN, MARY
HAMILTON, MARY ELIZABETH

VAN PELT, DIANA J.
ROBINETTE, LINDA SUE
WILLIAMS, CHARLES LEE, SR.

Representative

Mary Frances Martin, Executrix
Debra Dawn Hardman Buffington,
Executrix
William E. Van Pelt, Executor
James Keith Robinette, Executor
William D. Williams, Executor


ENTER: NOVEMBER 25, 2013

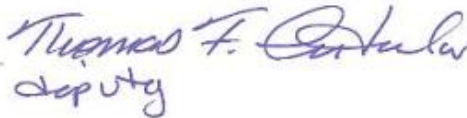

Randy Elliott, President


Burley "Butch" Tennant, Commissioner


Ernie VanGilder, Commissioner

ATTEST:


Janice Cosco, County Clerk


deputy


David A. Glance, Fiduciary Supervisor

The Commission received an internal budget revision request from Rhonda Starn, Circuit Clerk. County Administrator Kris Cinalli added that this internal budget revision is in the amount of \$10,000.00.00.

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INTERNAL BUDGET REVISION REQUEST
 Marion County Commission

Dept #
 Fund:

Fiscal Year: 2013-2014

I, Rhonda Starn, am requesting the following internal budget revision be made to the General Fund budget for the current fiscal year:

Acct Number	Description	\$Amount	
		Increase	Decrease
001-403-451-00	New Equipment	10,000	
001-403-350-00	Indexing		10,000

Reason for requested amendment: Windows XP not supported - Windows 7
and training equipment

11-8-13
 DATE OF REQUEST

Rhonda L Starn, Circuit Clerk
 SIGNATURE OF REQUESTING OFFICIAL/DEPT HEAD

Commissioner Tennant moved that the Commission sign the internal budget revision request from Rhonda Starn, Circuit Clerk. Commissioner VanGilder seconded. President Elliott concurred.

For the record, note the Commission received from the County Clerk the true account of all tax liens on real estate within the county returned delinquent for non-payment of taxes thereon for the Year 2012.

For the record, note the Commission received from Consolidation Coal Company, Permit #U-104-83, Incidental Boundary Revision #73 for public review in the County Clerk's Office.

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For the record, note the Commission received an Order for the Application for Closure and Vacation of the unused right of way adjacent to Katy Lane in the Westchester Addition, Fairmont District, Marion County, West Virginia. County administrator Kris Cinalli stated that at the last meeting the Commission made a motion to dismiss the Petition and Kris further added that this Order states that the Commission does not have any interest in the Right-of Way and that the adjacent owners along the entire Right-of-Way may reenter and take possession as they see fit.

Instrument Book Page
201300016128 1145 848

IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

IN RE: APPLICATION FOR CLOSURE AND
VACATION OF THE UNUSED RIGHT
OF WAY ADJACENT TO KATY LANE
IN THE WESTCHESTER ADDITION,
FAIRMONT DISTRICT, MARION COUNTY,
WEST VIRGINIA.

ORDER

Whereas, pursuant to the authority of West Virginia Code §7-1-3h the County Commission shall enter an order addressing closing and vacating roads, streets or travel ways upon proper petition; and

Whereas, application has been made to abandon any interest of Marion County in that certain right of way adjacent to Katy Lane in the Westchester Addition of Fairmont District, Marion County, as shown on the attached map or plat; and

Whereas, it appears from the land records of the County Clerk's Office that the original dedication, recorded in Deed Book No. 114, at page 442, dated April 28, 1902, a sixty (60) foot right of way was conveyed to the Fairmont and Clarksburg Electric Railroad Company and not to Marion County; and

Whereas, it appears from the aforesaid deed that in the event of abandonment of the lands for railroad purposes occurs then the successors of the grantors have the right of possession; and

Whereas, the Commission takes notice that the area in question is no longer used for railroad purposes, and that the said Railroad Company is now defunct; and

Whereas, the County has not sought to acquire an interest by either user or eminent domain;

Now therefore, it is found and ORDERED that the application for abandonment is moot, thus improvidently brought, and that Marion County has no interests in the said right of way as shown in the attached map or plat aforesaid; and that the adjacent owners, to include petitioner, along the entire right away may reenter and take possession as they see

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Instrument 201300016128 Book Page 1145 849

fit; further that a copy of this Order be certified for entry of record in the Office of the Clerk of this Commission in such books and land records as may be appropriate.

Entered this the 30th day of OCTOBER 2013.

Randall Elliott
Commissioner

Burley Burt Tennant
Commissioner

Ernest Van Gulder
Commissioner

Attest:

Janice Cosco by Thomas F. Antulov
Janice Cosco, County Clerk by Thomas F. Antulov, deputy

201300016128
Filed for Record in
MARION COUNTY, WV
JANICE COSCO, COUNTY CLERK
11-21-2013 At 03:31 pm.
ORD DEED NC .00
Book 1145 Page 848 - 849

For the record, note the Commission presented a Resolution and Order Authorizing the Conveyance of Certain Property in the (100) Hundred Block of the City of Fairmont, Marion County, West Virginia. County Administrator Kris Cinalli added that this Resolution is for the transfer of property on the 100 Block of Adams Street to the City of Fairmont for the property located at Palatine Park which the City of Fairmont owns that was transferred to the County. This Resolution assists in this transaction.

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In The County Commission of Marion County, West Virginia

**Resolution and Order Authorizing Conveyance of Certain Property in the
100 Hundred Block of the City of Fairmont, Marion County, West Virginia**

Whereas, The County Commission of Marion County, West Virginia, is a public corporation created and existing under the laws of the State of West Virginia; and

Whereas, The County Commission of Marion County, West Virginia has the implied authority to act in the interest of the prosperity and economic welfare of Marion County; and

Whereas, The County Commission of Marion County, West Virginia in cooperation and conjunction with the Marion County Development Authority, has plans to develop what is commonly referred to Palatine Park in the City of Fairmont, West Virginia; and

Whereas, it is the opinion of the Commissioners of Marion County that the development of Palatine Park will contribute to the prosperity and economic welfare of the citizens of Marion County; and

Whereas, a part of Palatine Park is currently owned by the City of Fairmont; and

Whereas, after due consultation and consideration, The County Commission of Marion County, West Virginia is of the opinion to and has determined that it is necessary to the completion of the aforementioned project to transfer certain property located in the 100 block of the city of Fairmont, Marion County, West Virginia to the City of Fairmont in exchange for the portion of Palatine Park owned by the City of Fairmont; and

Whereas, the property to be transferred is situate in the City of Fairmont, Fairmont District, Marion County, West Virginia, and is more specifically described as follows:

Part of Lot No. 29 and Lot No. 30 as shown on the plat of Middletown, upon which the department store building formerly occupied by J.M. Hartley and Son Company encroaches, beginning at a stake, the southern line of Meredith Street, corner to other property now or formerly owned by predecessors of Grantor, and running thence with said property line now or formerly owned by Grantor, S. 25 degrees 46' 30" E. 165 feet to a point in said property line, corner to the northern line of Adams Street and running N. 27 degrees

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5' 40" W. 165 feet to a stake on the southern line of Meredith Street; thence with the southern line of Meredith Street, S. 64 degrees 13' 30" E. 3.80 feet to the place of beginning.

Part of Lot No. 29 and Lot No. 30, as shown on said plat of Middletown beginning at a point in line of Adams Street, corner to property now or formerly owned by Fred C. Fleming, and about 82.5 feet distant from the northwest corner of Adams Street and Cleveland Avenue, at which point of beginning a brick building on the Fred C. Fleming property, now or formerly, adjoins the building hereinafter called the "Fleming Building" and running thence in an easterly direction with Adams Street 62.5 feet, more or less, to corner of property now or formerly owned by William Palmer Nuzum; thence with line of Nuzum and at right angles with Adams Street 45 feet, more or less; thence with another line of Nuzum and at right angles with the last mentioned line 20 feet, more or less; thence with line at right angles with last mentioned line 120 feet, more or less, to Meredith Street; thence in a westerly direction with line of Meredith Street 82.5 feet, more or less, to corner of Heffner property; and thence line at right angles to last mentioned line 165 feet, more or less, to the place of beginning, said boundaries meant and intended to include all the land on which was formerly located that certain business and office building now or formerly known as "Fleming Building" (now gone).

Part of Lot No. 23 and Lot No. 24, as shown on the plat of Middletown, beginning at a point on the northern line of Adams Street at the division line between Lot Nos. 23 and 30, being 165 feet westwardly from the western line of Monroe Street thence along the northern line of Adams Street thence along the northern line of Adams Street N. 64 degrees 13' 30" E. 36.83 feet to a point, corner to property formerly owned by Brownfield; thence with line of Brownfield, N. 25 degrees 46' 30" W. 82.5 feet to a point, corner to Brownfield and in line between Lots Nos. 23 and 24; thence with said line and with another line of the Brownfield property, N. 64 degrees 13' 30" E. 2.7 feet to a point in said line, corner to property of Hall heirs; thence with line of property of Hall heirs, N. 25 degrees 24' 40" W. 74 feet to a point in line of Meredith Street; thence with line of Meredith Street, S. 64 degrees 13' 30" W. 40 feet to a point in line of property of the Grantor in a former conveyance; thence with said line and with line of property of W. P. Nuzum, and along the division line between Lot Nos. 24 and 29 and Lots Nos. 23 and 30, S. 25 degrees 46' 30" E.

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156.5 feet to the place of beginning, having erected thereon a three story and basement brick and steel mercantile building known and numbered as 117 Adams Street (now gone).

Being all the same lands conveyed to the Marion County Building Commission by deed of record in said Clerk's Office in Deed Book 863, page 911.

That certain parcel situate and located on the north side of Adams Street, designated as a fraction of Lot No. 23 on the plat of the Town of Fairmont, more particularly described as follows:

Beginning at a corner of a lot now or formerly owned by Sylvania W. Hall's heirs, in a northern line of said Adams Street and running thence with the line of said Hall property, in a northwesterly direction, eighty two and one half (82½) feet to another lot of said Hall heirs; thence with said Hall line, in a westerly or southwesterly direction forty six and one half (46½) feet, more or less to the lot now or formerly owned by Sam R. Nuzum; thence with said Nuzum's line, in a southeasterly direction eighty two and one half (82½) feet to the northerly line of said Adams Street, and thence with line of said Street, forty six and one half (46½) feet more or less to the place of beginning, containing 3,836 square feet, more or less.

The following described lot or parcel of real estate together with the improvements thereon and appurtenant thereunto belonging and being part of Lot No. 24 as laid out on the plat of the Town of Middletown (now the City of Fairmont) said lot or parcel of said real estate being more particularly bounded and described as follows:

Beginning at an iron pipe on the east side of Meredith Street, a corner to property sold by Mamie B. Hall and others to Sam R. Nuzum by deed bearing date the 2nd day of January, 1922, which said iron pipe is 40 feet distant measured along the line of said Meredith Street from the line of the property formerly known as the American Building Company property; and running with said Nuzum line, S. 27 degrees E. 74 feet, more or less, to a stake in line of other property owned by M.L. Hutchinson and J.M. Brownfield; thence with said line, N. 63 degrees E. 17 feet, more or less, to a stake in the line of property formerly owned by Mamie B. Hall and others upon which was formerly erected a three-story building formerly known as the Hall Garage; and thence with the line of said brick building, N. 27 degrees W. 74 feet, more or less, to a stake in the east line of said Meredith Street; and thence with the line of said Meredith Street, S. 63 degrees W. 17 feet, more or less, to the place of beginning.

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Being all the same lands conveyed to the Marion County Building Commission by deed of record in said Clerk's Office in Deed Book 863, page 916.

Beginning on the Northerly side of Adams Street, at a corner of Hartley-Rownd Building Company, being distant 145 feet Easterly from the Easterly line of Cleveland Avenue, thence along said side of Adams Street N. 63 degrees E. 20 feet to a corner of said Hartley-Rownd Building Company; thence by land of said Company, three lines, N. 27 degrees W. 45 feet, S. 63 degrees W. 20 feet, and S. 27 degrees E. 45 feet to Adams Street, the place of beginning, being a part of Lot No. 30 as laid down on the plat of Town of Middletown, Virginia (now Fairmont, West Virginia), of record in said Clerk's Office in Deed Book 11, page 313, and in said Clerk's Office in Deed Book 297, page 555.

Being all the same lands conveyed to the Marion County Building Commission by deed of record in said Clerk's Office in Deed Book 863, page 919.

That certain lot or parcel of real estate situate on Meredith Alley, and having the approximate dimensions of fronting on Meredith Alley 57 feet and extending back therefrom with uniform width, a distance of 8.5 feet, more or less.

Being all the same lands conveyed to the Marion County Building Commission by deed of record in the said Clerk's Office in Deed Book 870, pages 508, 514, 520, 525, 531, 537, and 541.

Being all the same lands conveyed to the State of West Virginia, by and through the Department of Administration by deed of record in the said Clerk's Office in Deed Book 1094, at pages 422, 423, 424 and 425.

Being a part of the same real estate conveyed unto The County Commission of Marion County, West Virginia by the State of West Virginia, acting by and through the West Virginia Department of Administration, Real Estate Division, dated the 4th day of June, 2013 and of record in the Office of the Clerk of the County Commission of Marion County, West Virginia in Deed Book No. 1134 at page 509.

There is excepted from this conveyance that certain 247.52 Square Feet designated as Parcel B on that certain plat prepared by Norman L. Kronjaeger, dated September 2013 and designated as Proposed Subdivision of Marion County Commission Property 100 Block City of Fairmont Marion County, West Virginia as attached hereto and made a part hereof by reference. The property intended to be conveyed by this instrument has recently been

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surveyed by Norman L. Kronjaeger, PS 804, and designated as Parcel "A" on the attached plat and described in said survey as:

BEGINNING AT A NAIL SET IN A RAIL ROAD TIE, SOUTH WESTERN CORNER OF HALLWOOD LLC IN NORTH SIDE OF ADAMS STREET AND CORNER REFERRED TO AS J N BROWNFIELD IN FIRST PARCEL AS RECORDED IN THE CLERK OF THE MARION COUNTY COMMISSION OFFICE IN DEED BOOK 929 AT PAGE 817 AND RUNNING WITH THE NORTH LINE OF ADAMS STREET S63° 00' 00" W 164.33 FEET PK NAIL SET IN THE EDGED OF SIDEWALK SET IN THE LINE DIVIDING PARCELS A AND B, THENCE WITH THE LINE DIVIDING PARCEL A AND B N 27° 44' 10" W 165.01 FEET TO A PK NAIL SET IN THE SOUTHERN LINE OF MEREDITH ALLEY; THENCE WITH THE LINE OF THE SOUTH SIDE OF MEREDITH ALLEY N 62° 59' 51" E 139.65 FEET TO A TRACK SPIKE SET, THE NORTHWEST CORNER OF HALLWOOD LLC; THENCE WITH THREE LINES OF HALLWOOD LLC S 27° 00' 00" E 82.50 FEET TO AN IRON PIN SET, N 63° 00' 00" E 26.80 FEET TO AN IRON PIN SET, AND S 27° 00' 00" W 82.50 FEET THE BEGINNING, CONTAINING 25078.2 SQUARE FEET OR 0.58 ACRES, AS SHOWN ON A PLAT PREPARED BY NORMAN L. KRONJAEGER PS 804 DATED SEPTEMBER 2013 AND ATTACHED HERETO AND MADE PART OF THIS DESCRIPTION.

Whereas, The County Commission of Marion County, West Virginia sat in regular session on the 2nd day of October, 2013 with a quorum present; and

Whereas, an item of business on the agenda for the regularly scheduled meeting held on the 2nd day of October, 2013 was the transfer of property in the 100 hundred block of Adams Street in the City of Fairmont, Marion County, West Virginia to the City of Fairmont in exchange for the portion of Palatine Park owned by the City of Fairmont; and

Whereas, upon motion duly made, seconded and carried, it was **RESOLVED** and **ORDERED** that The County Commission of Marion County, West Virginia proceed to transfer the above described property to the City of Fairmont at a time expedient to the exchange of said property for the part of Palatine Park owned by the City of Fairmont, and further authorizing the presiding officer of the County Commission of Marion

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County, West Virginia to execute any and all documents reasonably necessary to accomplish said transfer.

THE COUNTY COMMISSION OF MARION COUNTY COMMISSION, WEST VIRGINIA



Randy J. Elliott, President



Burley "Butch" Tennant, Commissioner



Ernie J. VanGilder, Commissioner

ATTEST:



Janice Cosco, County Clerk
by


Thomas F. Costello, deputy

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For the record, note the Commission received the notice from Suddenlink of channel changes, to be effective as of December 17, 2013.



November 15, 2013

Butch Tennant, Commission President
County of Marion
200 Jackson St, Rm 403
Fairmont WV, 26554



Dear Commission President:

I was informed yesterday that channel changes will be occurring to the Suddenlink channel lineup effective December 17, 2013. The changes are as follows:

- Esquire Network High Definition (HD) will be added channel 421 (HD Expanded);
- FXX will be moving from channel 507 (Digital Sports and Information Tier) to channel 329 (Digital Family Tier) as it is no longer a sports or information network;
- FXX HD will be moving from channel 557 (HD Sports and Information Tier) to channel 429 (HD Family Tier);
- SoapNet will no longer be available on the Digital Family Tier as the network is ceasing operations; and
- G4 and G4 HD will be discontinued because it largely features low-rated repeats and there are no plans announced for new programming.

Suddenlink is also in the final stages of implementing additional channel changes in January, including new high definition channels. I will update you further when these changes have been finalized. Should you have any questions, please contact me at 304-760-2071.

Respectfully,


Michael Kelemen
Director of Government Relations

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



November 20, 2013



Pamela McDonald
Vice President
Government Relations

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.

Azteca America, Azteca America HD, MLB Extra Innings, NHL Network, NHL Network HD, NHL Center Ice, Once Mexico, HRTV, HRTV HD, You Too TV, You Too TV HD, Zap2It, Howard Stern On Demand, Animal Planet, Animal Planet HD, BET, BET HD, BET Jazz, Centric, Centric HD, CMT Pure Country, CMT Pure Country HD, Common Sense Media, Comedy Central, Comedy Central HD, Destination America, Destination America HD, Discovery Channel, Discovery Channel HD, Discovery en Espanol, Discovery en Espanol HD, Discovery Familia, Discovery Familia HD, Discovery Fit and Health, Discovery Fit & Health HD, Investigation Discovery, Investigation Discovery HD, Logo, Logo HD, Military Channel, Military Channel HD, MTV, MTV HD, MTV Hits, MTV Hits HD, MTV Jams, MTV Jams HD, MTV2, MTV2 HD, MTV-Tr3s, MTV Tr3s HD, MTVU, MTVU HD, Nickelodeon, Nickelodeon HD, Nick Jr., Nick Jr. HD, Nick Toons, Nick Toons HD, OWN, OWN HD, Palladia HD, SOAPnet, SOAPnet HD, Science, Science HD, Spike, Spike HD, The Hub, The Hub HD, Teen Nick, Teen Nick HD, MLB Network, MLB Network HD, TLC, TLC HD, TVE Internacional, TVE Internacional HD, Utilisima, Utilisima HD, TV Land, TV Land HD, Velocity, Velocity HD, VH1, VH1 HD, VH1 Classic, VH1 Soul, YES Network, YES Network HD, China Entertainment Television, WPSD-DT2 Antenna TV, WTVQ, WTVQ HD.

On or after December 9th, Smithsonian HD will become available on Digital Choice Red, in addition to HD Pack. On or after December 10, Music Choice channels will be rearranged and four new Music Choice channels will be available: Teen MC, Pop Rhythmic, Pop Country and Y2K. In addition, the following changes will be made to the Music Choice channels; MC:70's will move from channel 923 to channel 929, MC:80's will move from channel 922 to channel 928, MC:90's will move from channel 921 to channel 927, MC:Adult Alternative will move from channel 918 to channel 916, MC:Alternative will move from channel 916 to channel 915, MC:Blues will move from channel 937 to channel 946, MC:Classic Country will move from channel 931 to channel 934, MC:Classic Rock will move from channel 912 to channel 918, MC:Classical Masterpieces will move from channel 940 to channel 948, MC:Contemporary Christian will move from channel 932 to channel 935, MC:Dance/Electonica will move from channel 904 to channel 903, MC:Easy Listening will move from channel 939 to channel 949, MC:Gospel will move from channel 910 to channel 911, MC:Hip-Hop and R&B will move from channel 902 to channel 905, MC:Hip-Hop Classics will move from channel 906 to channel 907, MC:Hit List will move from channel 901 to channel 901, MC:Jazz will move from channel 936 to channel 945, MC:Kidz Only! will move from channel 927 to channel 924, MC:Light Classical will move from channel 941 to channel 950, MC:MCU will move from channel 903 to channel 904, MC:Metal will move from channel 915 to channel 914, MC:Mexicana will move from channel 945 to channel 938, MC:Musica Urbana will move from channel 942 to channel 937, MC:Party Favorites will move from channel 925 to channel 922, MC:Pop Hits will move from channel 920 to channel 921, MC:Pop Latino will move from channel 943 to channel 936, MC:R&B Classics will move from channel 908 to channel 909, MC:R&B Soul will move from channel 909 to channel 910, MC:Rap will move from channel 905 to channel 906, MC:Reggae will move from channel 911 to channel 912, MC:Retro Rock will move from channel

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913 to channel 917, MC:Rock will move from channel 914 to channel 913, MC:Romances will move from channel 946 to channel 940, MC:Singers & Swing will move from channel 938 to channel 947, MC:Smooth Jazz will move from channel 935 to channel 944, MC:Soft Rock will move from channel 919 to channel 919, MC:Solid Gold Oldies will move from channel 924 to channel 930, MC:Sounds of the Season will move from channel 933 to channel 941, MC:Soundscapes will move from channel 934 to channel 943, MC:Stage & Screen will move from channel 926 to channel 942, MC:Throwback Jamz will move from channel 907 to channel 908, MC:Today's Country will move from channel 929 to channel 932, MC:Toddler Tunes will move from channel 928 to channel 925, MC:Tropicales will move from channel 944 to channel 939, MC:True Country will move from channel 930 to channel 933

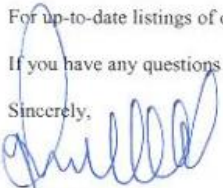
On or after December 31st, SOAPnet will no longer be available. Destination America and Investigation Discovery may be repositioned to Standard Cable. The channel will continue to be available in digital format only. Time Warner Cable may cease carriage of WGN America on or after January 1, 2014. Investigation Discovery may be repositioned to Expanded Cable. The channel will continue to be available in digital format only. Digital Cable ready equipment, such as a digital set-top box or CableCARD equipped Unidirectional Digital Cable Product, will be required to view 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,


Pamela McDonald
Vice President of Government Relations
Time Warner Cable

Charlie Reese presented his update on the Palatine Park Project in that both homes on New Street have been demolished and Thrasher Engineering is locating the utilities at the entire site. He added that the Mayors on the Move Meeting went very well with the 3 County Delegates in attendance working to assist the Mayors with some of their concerns at the next Legislative Session in February, 2014. He added that the Mayors will try to attend one day in Charleston to bring attention to dilapidated buildings. Charlie also added that he was at a breakfast meeting with the largest re-cycling plant or facility in the world located in Fairmont called Resolute. Charlie continued that they have 130 employees and are stable company owned by a Canadian Company. Charlie is hoping that they are going to become a larger part of the local community by assisting in some endeavors. Charlie hopes that they will expand into tissue plant; which produces toilet paper and tissues.

Belinda Biafore added that the County has been awarded \$100,000.00 grant from the Courthouse Facilities to do work on our skylights and roof in the Courthouse.

Blair Montgomery came before the Commission to state that the Miners Swap Meet will take place this Friday, December 6, 2013 from 10:00 a.m. to 9:00 p.m. at the Knights of Columbus Hall in Fairmont. He added that they directors from Kentucky and Pennsylvania Miner Swap meets will be in attendance. Mr. Montgomery is hoping that this event will become a regular one for our community.

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Ted Offutt the Director of the Day Report Program of Marion County stated for the record that January is the target date for Marion County Drug Court. He added that they are working on the second floor getting it ready for their usage. Ted visualizes that they will need three floors of the old Law Tower.

Chris McIntire the 911 Director added that they began in December an open door policy at their facility. They are inviting a volunteer fire department to their facility each month so that they can see the facility and talk to some of those dispatchers to try to make it easier to communicate with each other and what each one needs in order to better serve the community.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, December 11th, 2013 at 7:00 p.m. for the next scheduled County Commission Meeting.

Randy Elliott, President