

**MARION COUNTY COMMISSION
COUNTY COURT
FEBRUARY 20, 2013**

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, February 13th, 2013. Present were Commissioner and Tennant and President Elliott.

The proceedings of Wednesday, February 13th, 2013, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on February 14th, 15th and 19th, 2013 were approved as submitted and signed.

*D. D. Meighen led the Court with a prayer. Thomas F. Antulov, deputy county clerk 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, February 13th, 2013 and accept them as presented. President Elliott seconded. Motion passed.*

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

***Dated February 20, 2013
Nos. #2013-110 through #2013-120***

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President to sign Nos. #2013-110 through #2013-120. President Elliott seconded. Motion passed.

*The Commission received an **Order of Probate of Wills** from the County Clerk's Office for the month of January 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 January 1, 2013 through January 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 January 1, 2013, to January 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 20th day of February, 2013.


JANICE COSCO, CLERK


DAVID A. GLANCE,
FIDUCIARY SUPERVISOR




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

<u>Estate</u>	<u>Representative</u>
Arthur, Evelyn S.	Lewis G. Arthur, Executor
Beckman, Paul E., Sr.	Pearl L. Beckman, Executrix
Beveridge, John Alan	Janet Sue Beveridge, Executrix
Davis, Gary C.	Sonja A. Davis, Executrix
DeFelippo, Sylvia M.	Vernon O. Hayes, Jr., Administrator CTA
Dean, Robert E.	Linda L. Dean, Executrix
Evans, Sarah Annetta	J. Scott Tharp, Ancillary Admr CTA DBN
Findley, Joann L.	J. Scott Tharp, Executor
Frisenda, Thelma Jean	Diana Lynn Drake, Executrix
Glover, George K., Jr.	Donald E. Glover, Executor
Goodwin, Rosa Lee	Terry Lee Pratt, Executrix
Greathouse, Norval	Rodney Greathouse, Executor
Harki, Dorothy Emma	David Andrew Harki, Executor
Kendzior, Walter Gene	Sheila M. Kendzior, Executrix
Lindsay, Jane C.	John D. Lindsay, Jr., Executor
Linn, George Benjamin	Jenny Snyder, Administratrix CTA
Marra, Sammy	Jeffrey Lynn Marra, Administrator CTA
Martin, Evelyn S.	William V. Martin, Executor
Moore, Nina L.	Rebecca Anne Mattingly and Mary Ann Moore, Co-Executrices
Moran, Jesse Daniel	Dorothia Helen Clelland, Executrix
Oliveto, James Nicola	Ellen Jean Andre Oliveto, Executrix
Orr, Waitman D.	Mary Ann Orr, Executrix

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Confirmation of Wills Probated in January, 2013

<u>Estate of</u>	<u>Representative</u>
Orsini, Alice Josephine	Joni A. Opyoke, Executrix
Parker, Avis B.	Larry C. Parker, Executor
Phillips, Carol Leona	James Elwood Phillips, Executor
Poe, Ned F.	Judith L. Poe, Executrix
Raspa, Ralph F.	Ralph M. Raspa, Executor
Shaffer, Owen D.	Dennis Lee Shaffer and Douglas Lee Shaffer, Co-Executors
Shatzer, Betty J.	Candace Chidester Turner, Executrix
Shuman, Ramona J. May	William H. Shuman, Executor
Simpson, Donald M.	Debra G. Moffa, Executrix
Slamen, Kathryn	Deborah Sheraff Rowh, Executrix
Sloan, Denzil H.	Denzil W. Sloan, Executor
Sloan, Dorothea J.	Denzil W. Sloan, Executor
Smith, Karl Arnett	Patrick K. Roche, Administrator CTA
Thorne, Clara M.	Thomas L. Cook, Executor
Wilson, Norma J.	Carol J. Wilson, Executrix

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Commissioner Tennant moved that the Commission sign the Order. President Elliott seconded. Motion passed.

The Commission received an internal budget revision request from Pat Wilson, Prosecuting Attorney. Kris Cinalli stated that this revision is in the amount of \$500.00 from their Forfeiture Fund.

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INTERNAL BUDGET REVISION REQUEST
 Marion County Commission

Dept # 405
 Fund: 074

Fiscal Year: 2012-2013

I, Patrick N. Wilson, am requesting the following budget revision be made to the General Fund budget for the current fiscal year:

Acct Number	Description	\$Amount	
		Increase	Decrease
074-405-567-00	Expenditures – Forfeiture	\$500.00	
074-101-000	Tax Office – Pros Atty Forfeiture Fund		\$500.00
		\$500.00	\$500.00

Reason for requested amendment:
 Transfer monies to cover the cost of transactions in felony drug case prosecution.

2-12-13
 DATE OF REQUEST


 SIGNATURE OF REQUESTING OFFICIAL/DEPT HEAD

Commissioner Tennant moved that the Commission sign the internal budget revision from Pat Wilson the Prosecuting Attorney. President Elliott seconded. Motion passed.

The Commission received the budget revision request from Tina A. Cowger, WVU Extension Agent. Kris Cinalli stated that this revision is in the amount of \$953.00 and it is an internal budget revision.

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February 11, 2013

Marion County Commission
200 Jackson Street
City/County Complex
Fairmont, WV 26554

Dear Commissioners:

Please consider the following revisions for the 2012-2013 Agriculture Office Budget.

1. Decrease line item 002-412-221-00 by \$203.00 and increase line item 002-412-223-00 by \$203.00.
2. Decrease line item 002-412-221-00 by \$750.00 and increase line item 002-412-214-00 \$750.00.

Sincerely,

A handwritten signature in cursive script that reads 'Tina A. Cowger'.

Tina A. Cowger
WVU Extension Agent
4-H / Youth Development

Cooperative
Extension Service
The West Virginia
University Cooperative
Extension Service,
U.S. Department
of Agriculture,
West Virginia County
Boards of Education and
County Commissions
Cooperating

Marion County Extension Office

Phone: 304 367-2772
Fax: 304 367-2774
www.wvu.edu/~exten/

314 Monroe Street
2nd Floor Jacobs Building
Fairmont, WV 26554

Equal Opportunity/Affirmative Action Institution

Commissioner Tennant moved that the Commission sign the internal budget revision from Tina A. Cowger the WVU Extension Agent. President Elliott seconded. Motion passed.

The Commission received the application from Town of White Hall for Annexation by Minor Boundary Adjustment. County Administrator Kris Cinalli stated the Resolution from the Town of White Hall for the record.

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A RESOLUTION AUTHORIZING AN APPLICATION TO THE COUNTY COMMISSION FOR THE COUNTY OF MARION, STATE OF WEST VIRGINIA, REQUESTING AN EXTENSION AND INCREASE OF THE CORPORATE LIMITS OF THE TOWN OF WHITE HALL BY MINOR BOUNDARY ADJUSTMENTS PURSUANT TO WEST VIRGINIA CODE §§-6-5.

WHEREAS, Chapter 8, Article 6, Section 5 of the West Virginia Code, provides for the increase and extension of the corporate limits of a municipality via annexation by minor boundary adjustments; and

WHEREAS, It is necessary and appropriate for the Town of White Hall to make application to the Honorable County Commission for the County of Marion, State of West Virginia, for annexation by minor boundary adjustments.

NOW, THEREFORE, THE TOWN OF WHITE HALL HEREBY RESOLVES THAT:

AUTHORIZATION: The mayor of the Town of White Hall, Jesse Corley, is hereby authorized to make application to the County Commission of Marion County, West Virginia, for the annexation by minor boundary adjustments to extend and increase the corporate limits of the Town of White Hall to include certain tracts and parcels of lands and roadways described as follows:

US Rt. 250 from the Town of White Hall to and including the Point of View Addition, and consisting of 19.44 acres, as shown on a plat prepared by George E. Pigott and Associates, Inc., White Hall, WV titled "TOWN OF WHITE HALL POINT OF VIEW ANNEXATION" dated January 9, 2013 and attached hereto.

These tracts of land adjoin and are contiguous to the Town of White Hall. The Mayor is hereby authorized and requested to prepare the required documents necessary to begin the process of annexation by minor boundary adjustments of the aforementioned tracts of land.

Passed this 28th day of January, 2013.


MAYOR

ATTEST:


RECORDER

County Administrator Kris Cinalli stated that this will represent the First Reading of the Proposed Annexation by Minor Boundary Adjustment of the town of White Hall. Kris continued that this does contain a map of the affected area. Kris added that the Commission set a Public Hearing date of Wednesday, March 13th, 2013 at 10:00 and that will be published in the times West Virginian and allow the fifteen (15) public comment period.

President Elliott asked County Attorney Chuck Shields to explain how the process works on an Annexation Hearing. Chuck Shields began by stating that this is the first step in the process of the Town of White Hall submitting their application to the Commission of annexation, because that is what the statute requires. He continued that at this time all the Commission has to do is to determine if the Town has met the threshold requirements for annexation and those have been set out in a form that a previous Commission had established which was completed and submitted.

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Chuck continued that they have complied with the form then the Commission set the matter up for a public hearing. Chuck then added that that is the time when and if a person has any objections or anything of that nature can come forth at the public hearing to object and provide those reasons that they object to the annexation.

*President Elliott asked County Commission Attorney Chuck Shields if the Town of White Hall had met those criteria. **Chuck Shields replied** in the affirmative.*

*President Elliott asked those in attendances how many were against the annexation and one (1) person raised their hand. **President Elliott then asked** how many in attendance were in favor of the proposed annexation and eleven (11) raised their hands.*

***Commissioner Tennant moved** that the Commission accept the Hearing Date of Wednesday, March 13, 2013 at 10:00 a.m. President Elliott seconded. Motion passed.*

*The Commission presented the **appointment of the Mannington Representative to the board of the Marion County Development Authority; that person being Mark Morris to a full three year term.***

***Commissioner Tennant moved** that the Commission appoint Mark Morris to the Marion County Development Authority. President Elliott seconded. Motion passed.*

***For the record, note** the Commission received from Consolidation Coal Company for Renewal Permit #U-0104-83, sequence #4 for Marion, Harrison and Wetzel Counties.*

***For the record, note** the Commission received from the West Virginia Department of Transportation a Notice of an Opportunity for a Public Meeting on the Proposed Abandonment of .52 miles of County Route 15/6 and Partial Abandonment of .37 miles of County Route 15/7.*

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, February 27th, 2013 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randy Elliott, President