The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, March 6th, 2013. Present were Commissioner and Tenant, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, March 6th, 2013, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on March 7th, 8th, 11th and 12th, 2013 were approved as submitted and signed.

Jake Brumage led the Court with a prayer. Chuck Shields 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, March 6th, 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 March 13, 2013
Nos. #2013-165 through #2013-189

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President to sign Nos. #2013-165 through #2013-189. Commissioner VanGilder seconded. President Elliott concurred.

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 County Clerk of the County Commission, pending confirmation. There being no further 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.

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 March 13, 2013.

This day came David A. Glance, Fiduciary Supervisor for Marion County, and presented to the County Commission the Waivers and Applications for Short Form Settlements, Proposed Settlements and Annual Settlement Reports filed by the personal representatives of the following estates, which he has reviewed and approved and which are the same estates which were advertised for proposed settlement in the March 4, 2013, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.
Estate of

POLINO, VICTOR CARMEN (ward)
INGRAM, JANET LOUISE (ward)
ASHER, ASHLEY V. (ward)
PALLOTTA, JOHN ROCKY (ward)
PALLOTTA, ROSS VINCENT (ward)
CORWIN, RONALD R.
MAYS, HELEN L.
GOODWIN, WILMA R.
HICKMAN, GLADYS LOU
LAYMAN, DORIS J.
WILSON, PEGGY KATHLEEN
PRIESTER, HARRY GENE
CLELLAND, HERBERT RAY, SR.
LOUGHERY, DAVID LEE
HEISKELL, EDGAR E.
HESTON, JOSEPH LEE
KENDALL, NELLIE VIRGINIA
GASKIN, DOLORES J.
GAINER, LILLIAN LOUISE
HECK, REBECCA JANE
LOPEZ, JOANNE
BOYCE, THELM A M.
KNOBEL, ROBERT
WOOD, REBECCA E.
SMEDLEY, ARLENE MAE
SANTEE, JOHN A.
AMBROSE, FREDERICK EDDY
CONNOR, PAUL M.
SHEVE, HERMAN A.
HANO, JOHN ANDREW

Representative

Kathleen Polino, Committee
Susanne V. Ingram, Committee
Tabatha V. Asher, Guardian
J. Christopher Pallotta and Mark D. Pallotta, Co-Guardians
J. Christopher Pallotta and Mark D. Pallotta, Co-Guardians
Ronald R. Corwin, Jr., Executor
Cindy Ann Underwood, Executrix
Ronald W. Goodwin, Executor
Cameron D. Hickman, Administrator
Brenda S. Blosser, Executrix
Donna Jo Eddy Garcia, Executrix
Patricia A. Priestor, Executrix
Shirley Ann Celligan, Executive
Pamela K. Loughery, Administrator
Mildred J. Heiskell, Executrix
Sherry Kay Heston, Executrix
Blaire Kendall, Administrator
Bruce Thomas Gaskin, Executor
Lillian E. Lawson, Administrator
James D. Heck, Administrator
Linda L. Gandy, Executrix
Marilyn K. Thompson, Executrix
Loraine O. Kloebel, Executrix
Ronald D. Wood, Executor
Kathy Ann Griffith, Executrix
Jolene D. Santee, Executrix
Balinda J. Ambrose, Administrator
Paul E. Conner and Ralph A. Conner, Co-Executors
Jenneth Leonard, Executrix
Anne Mercer Hando, Executrix
Commissioner Tennant moved that the commission sign the document. Commissioner VanGilder seconded. President Elliott concurred.

The Commission presented the Resolution to Apply for West Virginia Community Participation Program Funds, by the Bunner Ridge Community Association on behalf of the Marion County Commission in the amount of $10,000.00.
Commissioner Tennant moved that the Commission sign the Resolution and that the President sign the application. Commissioner VanGilder seconded. President Elliott concurred.

The Commission presented the Resolution to Apply for West Virginia Community Participation Program Funds, by the Bunner Ridge Community Association on behalf of the Marion County Commission in the amount of $2,000.00. County Administrator Kris Cinalli stated that this application is for the restoration of their community building as well as kitchen equipment, electrical and plumbing work.
Commissioner Tennant moved that the Commission sign the Resolution and that the President signs the application. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received a request for advice and consent from Pat Wilson, Prosecuting Attorney, to change the status of Jessica Bennett from part time to full time Administrative Assistant, with benefits, to be effective March 25, 2013.
Commissioner Tennant moved that the Commission grant our advice and consent to Pat Wilson, Prosecuting Attorney, to change the status of Jessica Bennett from part time to full time Administrative Assistant, with benefits, to be effective March 25, 2013. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received a request for funds from Mike Rohaly for the Coal Mining Exhibit. County administrator Kris Cinalli stated Mr. Rohaly is requesting $2,000.00 at this time for the County Commission to front these funds at this time because he will be receiving a grant from the State Legislature which in the future will reimburse those funds later to the Commission.
Commissioner Tennant moved that the Commission grant the $2,000.00 at this time because the Delegates will reimburse the Commission later. Commissioner VanGilder seconded. President Elliott concurred.

For the record, note the Commission received the thirty day notice of proposed rate adjustment provided by Time Warner Cable for the Clarksburg system, scheduled for April 1, 2013, in accordance with the West Virginia Rule 150-2609.2.
February 28, 2013

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

Dear Mr. Tennant:

The Public Service Commission of West Virginia has acknowledged receipt of our proposed rate adjustment that we delivered in accordance with West Virginia Rule 150-2609.2. Time Warner Cable’s rate adjustment in the Clarksburg system is scheduled for April 1, 2013. Time providing this 30-day notice of the proposed rate adjustment, in accordance with our franchise agreement, states that we will advise you of our communications with the Public Service Commission of West Virginia.

We are in the process of providing the 30-day notice to customers (as required under section 9.1 of West Virginia Rule 150-2609.2) via a billing statement message:

Effective April 1, 2013, customers will begin to see a change in most of the levels of video service and resulting packages. However, you will notice from the attached schedule that some rates will not change. In the last several months we have added the FSC Sports Network SD & HD, TWC D庐ertv, NFL Network, NFL Red Zone and the PAC-12 Network. To reward our customers’ loyalty, we also increased speeds of our Standard Internet at no additional monthly cost.

Basic Service will change from $23.95 per month to $24.90; Standard Service will change from $35.04 to $35.49; and Classic Cable (which includes Basic and Standard) will change from $73.99 to $75.99. The Basic Digital Package will change from $82.99 to $84.99. The cost for the cable converter will change from $8.95 to $10.00.

We have prepared the enclosed table of rates, which represent the format required under the WV Rules, 150-2609.2.

Please contact me directly at (304) 386-5898 or our Director of Government Relations, Mike Gray at (312) 386-5759 if you have any questions.

Sincerely,

Pamela McDonald
Vice President of Government Relations
Time Warner Cable
President Elliott adjourned the regular County Commission to recess this meeting to then enter into within five minutes a Public Hearing on the matter of the Annexation by Minor Boundary Adjustment in the Town of White Hall, Point of View.
Public Hearing for Annexation by Minor Boundary Adjustment in the Town of White Hall, Point of View.

President Elliott called the Public Hearing to order. County Administrator Kris Cinalli stated for the record that the Commission has received that 2 phone messages and 11 emails were received from local resident that were in support of the annexation. These will be submitted as Exhibit #1. Kris Cinalli continued that the Commission did not receive any calls or emails against the annexation.

There were residents from the area who spoke in favor of the annexation were as follows: Linda Stanley and Keith Beckner, were present and spoke in favor of the annexation. Thomas Lake and Richard O’Connor were present and spoke against the annexation. Richard O’Connor presented 8 signed petitions against the annexation from the Point of View Addition. A short presentation occurred between the Commission and each individual who spoke against the annexation.

President Elliott stated for the record that Exhibit #2 will contain the eight (8) petitions against the annexation from the Point of View Addition presented to the Court by Richard O’Connor and the new map.

J. T. Hodges the Attorney for the Town of White Hall stated for the record that parcel 33.2 on the Assessor’s records indicates that the owner is Elizabeth Starcher. Mr. Lake answered that his daughter just purchased that property recently; her last name is Tucker.

President Elliott stated that the Commission will turn all the information and exhibits over to the Assistant Prosecuting Attorney Chuck Shields in order for him to review all of the information and then advise the Commission on what position the it should take prior to next Wednesday’s meeting. President Elliott stated that on Wednesday, March 20th, 2013 the Commission will render its decision as its last agenda item; the approval or denial of the annexation.

David Glance stated a point of clarification: “the statute talks about opposition to and from the annexation /petition; how are we going to determine or gage what the opposition either for or against was.” Is it the four people that spoke or are we taking the exhibits and are you admitting those and under those circumstances you would have those calls and emails as well as the petitions Mr. O’Connor submitted. Mr. Glance asked if those are going to be counted as for and against. President Elliott answered in the affirmative.

President Elliott added Exhibit #3: those who spoke at the Public Hearing today.

Commissioner VanGilder asked if the services are going to be provided by the Town of White Hall will be implemented quickly or receive part of the service now and overtime receive the other services. J.T. Hodges answered that they would fall into line with everybody else in the community.
Commissioner VanGilder asked what services the individuals who aren't in the annexed area would not receive. J.T. Hodges answered that if they are not in the annexed area; they would be on the outskirt area of the police protection; however there is an existing Mutual Aid Agreement by and between the Marion County Sheriff’s Department and the White Hall Police Department. Commissioner VanGilder asked what on the 911 situation. J.T. Hodges answered that we would notify them of the changes and those folks would be notifying the White Hall Police of those calls.

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 §8-4-5.

WHEREAS, Chapter 1, Article 6, Section 5 of the West Virginia Code, provides for the annexation and expansion 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, Jessa Courcy, 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 parts of lands and properly described as follows:

US 11, 260 from the Town of White Hall to and including the Point of View Addition, and consisting of 19.94 acres, as shown on a plat prepared by George E. Peet and Associates, Inc., White Hall, WV, atfoot
* "TOWN OF WHITE HALL POINT OF VIEW ANNEXATION" dated January 8, 2013 and attached hereto.

These tracts of land attach 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

RECORDERS
CERTIFICATION

STATE OF WEST VIRGINIA,
COUNTY OF MARION,
TOWN OF WHITE HALL, TO WIT:

I, Charles Minor, Recorder for the Town of White Hall, West Virginia, do hereby certify that the attached is a true copy of a Resolution, being 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 §5-6-6.

The Resolution was passed and adopted by the Town Council of the Town of White Hall, West Virginia, at its regular meeting held January 28, 2013.

Given under my hand and seal this the ___, day of January, 2013.

RECORDERS
IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

IN RE: APPLICATION OF THE TOWN OF WHITE HALL FOR THE ANNEXATION BY MINOR BOUNDARY ADJUSTMENT OF CERTAIN REAL ESTATE SITUATE IN GRANT DISTRICT, MARION COUNTY, WEST VIRGINIA

APPLICATION FOR ANNEXATION BY MINOR BOUNDARY ADJUSTMENT

TO THE HONORABLE COMMISSIONERS OF SAID COUNTY:

WHEREAS, the Town of White Hall, a municipal corporation, is desirous of annexing those tracts or parcels of real property situated, lying and being outside its existing corporate limits and located in Grant District, Marion County, West Virginia and Union District, Marion County, West Virginia, and consisting of the following areas:

US 30, 255 from the Town of White Hall to and including the Point of View Addition, and consisting of 19.44 acres, as shown on a plot prepared by George E. Piggot and Associates, Inc., White Hall, WV titled "TOWN OF WHITE HALL POINT OF VIEW ANNEXATION" dated January 9, 2003 and attached hereto.

WHEREAS, no objection to said annexation is known to exist, and

WHEREAS, the Council for the Town of White Hall has adopted a resolution authorizing application for annexation of said tracts or parcels by minor boundary adjustment;

NOW, THEREFORE, THIS APPLICATION FOR MINOR BOUNDARY ADJUSTMENT PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE 44-6-5 IS HEREBY GRANTED.

In support of said application, it is respectfully submitted as follows:

1. The territory sought to be annexed by minor boundary adjustment is that certain territory situated in Grant District, Marion County, West Virginia and consisting of a total of 19.44 acres, which tracts or parcels of real estate are more particularly bounded and described by metes and bounds in the attached Boundary Description dated January 9, 2003, a copy of which is attached hereto and made a part hereof as if fully set forth;

   a. A map or plat of the territory sought to be annexed is attached hereto and made a part hereof.
3. The territory sought to be annexed consist of one inhabited area known as the Point of View Addition; the territory area is uninhabited and no business are located within said territory.

4. The territory sought to be annexed lies exclusively within an unincorporated area of Marion County, West Virginia. No other municipality will be impacted by the proposed annexation and no other municipality has sought to annex said territory.

5. The territory sought to be annexed is contiguous to the present corporate limits of the Town of White Hall;

6. The Town of White Hall presently consists of just over 1 square mile or 640 acres. The territory sought to be annexed consists 19.46 acres. The territory sought to be annexed represents approximately 2.9% of the existing area of the Town of White Hall;

7. The Town of White Hall currently maintains a part-time maintenance supervisor and part-time employees who are responsible for road maintenance, snow removal, and street cleaning. The area sought to be annexed which require these services comprise a small percentage of the Town's road system;

8. The Town of White Hall provides financial support for the Valley Volunteer Fire Department and the Beechville Volunteer Fire Department, which already respond to emergencies in the area sought to be annexed and no major impact is expected regarding the provision of fire and emergency services;

9. The Town of White Hall maintains a professional police department which would respond to emergencies in the area sought to be annexed and no major impact is expected regarding the provision of police services;

10. The proposed annexation will more fully delineate the boundaries of the Town of White Hall, and no negative impact on the Town of White Hall’s finances is known to be created by the proposed annexation; and

11. The proposed annexation will lessen the County Government's obligation to supply the territory sought to be annexed with services and the proposed annexation is good for the County as a whole.
WHEREFORE, the Town of White Hall prays that this Honorable Commission
find that the application meets the threshold requirements for consideration as a minor
boundary adjustment, that the petition be filed, that a public hearing upon the proposed
amendment be set, and other notice is duly given pursuant to West Virginia Code that an
Order granting said amendment be caused.

The Town of White Hall
a Municipal Corporation,
by Counsel.

[Signature]

Walter T. Wooden, III
Vogl, Rice, PLLC
Attorneys at Law
231 Washington Street
Fairmont, WV 26554
1500 222-4414
State Bar ID #33556

STATE OF WEST VIRGINIA
COUNTY OF MARION, TO WIT:

Jesse Corley, Mayor of the Town of White Hall, a Municipal Corporation,
Applicant, being duly sworn, says that he has read the foregoing Application, and that he
knows the contents thereof; that the facts and allegations therein contained are true,
except as are therein stated upon information and belief, and that as to such allegations he
believes them to be true.

[Signature]

Jesse Corley, Mayor

Taken, subscribed and sworn to before me this 14th day of January, 2013,

[Signature]

NOTARY PUBLIC

My Commission Expires: August 4, 2019
BOUNDARY DESCRIPTION
TOWN OF WHITE HALL - ANNEXATION OF U.S. ROUTE 250 & POINT OF VIEW ADDITION

Beginning at a Point in the Town of White Hall corporate boundary between Corner 81 and Corner 82, said Point being North 68°49'43" East 20.68 feet from the centerline of U.S. Route 250 situated in Green District, Marion County, West Virginia Thence:

South 17°36'58" East 174.48 feet to a Point,
South 20°25'10" East 162.00 feet to a Point,
South 20°56'40" East 556.86 feet to a Point,
North 39°16'41" West 108.52 feet to a Point,
South 45°53'29" East 104.65 feet to a Point and
South 39°22'48" East 397.28 feet,

Following the line east forty feet to the northeast from the centerline of U.S. Route 250 to a Point. Thence:

South 20°06'36" West,

moving U.S. Route 250 at 40.30 feet to the northeastern most corner of Parcel 31 of Tax Map 02-268 and then following the boundary of said Parcel 31 for 147.37 feet, a total distance of 187.97 feet to a Point. Thence:

South 09°14'00" West 103.02 feet to a Point and
South 45°36'32" West 96.31 feet,

following two boundary lines for said Parcel 31 to a Point. Thence:

South 59°32'21" West 277.65 feet,

moving through Parcel 31, to a Point, said Point being a common corner to Parcel 31 and Parcel 36 of Tax Map 02-268. Thence:

South 87°10'11" West 243.50 feet,

moving through Parcel 36 and 29 of Tax Map 02-268, to a Point, said Point being a common corner to Parcel 29 and Parcel 37 of Tax Map 02-268. Thence:

North 39°16'38" West 166.78 feet,

moving through Parcel 37 and 26 of Tax Map 02-268, to a Point in the common line between said Parcel 36 and the northern Right-of-Way for Nichols Drive. Thence:

South 13°55'58" West 200.22 feet,

moving Nichols Drive and following the eastern boundary for Parcel 33.3 of Tax Map 02-268, to a Point in the southern boundary of Parcel 3 of View Addition. Thence:

North 56°45'57" West 531.73 feet,

moving through Parcel 31.2, 21 and 23 of Tax Map 02-268, to a Point, said Point being the southeastermost corner of Parcel 3 of View Addition. Thence:

North 27°22'00" East 880.54 feet to a Point and
North 78°23'00" East 512.82 feet,

Following two boundaries of Point of View Addition to a Point in the southermmost Right-of-Way for U.S. Route 250. Thence:

North 30°16'11" West 165.81 feet to a Point,
North 30°16'19" West 580.55 feet to a Point,

North 20°26'15" West 166.13 feet to a Point and
North 17°36'34" West 171.06 feet,

following four lines east forty feet to the southwest from the centerline of U.S. Route 250, to a Point in the Town of White Hall corporate boundary between Corner 81 and Corner 82. Thence:

North 68°49'43" West 40.17 feet,

following the Town of White Hall corporate boundary across U.S. Route 250 to the place of beginning.

The above described area contains 19.44 acres and is as shown on a plat prepared by George E. Piggott and Associates, Inc., White Hall, WV titled "TOWN OF WHITE HALL POINT OF VIEW ANNEXATION" dated January 9, 2013 attached hereto and made part of this description.

[Signature]
President Elliott stated that this Public Hearing is recessed and we will go back into regular session to hear the Outside Agency’s requests.
President Elliott called the Meeting back into order.

The Commission received for consideration submitted Outside Allocations requests.
<table>
<thead>
<tr>
<th>Organization</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Greater Fairmont Council of Churches</td>
<td>$7,500.00</td>
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<tr>
<td>Habitat for Humanity</td>
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<tr>
<td>HOP, Inc.</td>
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<td>Marway Black Diamond Football</td>
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<td>Marway Improvement Association</td>
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<td>Lingom Improvement Association</td>
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<tr>
<td>Lower West Park Watershed</td>
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<tr>
<td>Main Street Fairmont (4th of July)</td>
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</tr>
<tr>
<td>Main Street Fairmont (Ornament)</td>
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<td>Main Street Fairmont</td>
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<td>Mannington Community, Inc.</td>
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<tr>
<td>Mannington District Fair</td>
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<tr>
<td>Mannington Fire Dept.</td>
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<tr>
<td>Mannington Food Pantry</td>
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<td>Mannington Memorial Day Parade</td>
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<td>Mannington Mobile Wall Project</td>
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<tr>
<td>Mannington Power Board</td>
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<tr>
<td>Mannington Planning Commission</td>
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<tr>
<td>Mannington Police Dept.</td>
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<td>Mannington VA Day Committee</td>
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<td>Mannington VFW, Chapter 3995</td>
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<tr>
<td>Marvin, Deb, (Miss WV)</td>
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<td>Marion Co. Advocacy Center</td>
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<td>MC Animal Rescue League</td>
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<td>MC Breast Cancer Coalition (TSC)</td>
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<td>MC Convention and Visitors Bureau</td>
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<td>MC DVAR, Advisory Committee</td>
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<td>MC Family Resource Network</td>
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<tr>
<td>MC Fire Association</td>
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<td>MC Girl Scout Leaders Association</td>
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<tr>
<td>MC Humane Society &amp; Rescue</td>
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<tr>
<td>MC Master Gardeners</td>
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<tr>
<td>MC Police Reserve</td>
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<tr>
<td>MC Police Reserve (Liability insurance)</td>
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<tr>
<td>MC Police Reserve (4th annual summer concert)</td>
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<tr>
<td>MC Senior Citizens, Inc.</td>
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<td>MC Special Olympics</td>
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<td>MC Substance Abuse Prevention</td>
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<tr>
<td>MC Youth Travel Baseball</td>
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</table>
Commissioner Tennant moved that the Commission take these request under advisement for consideration of funds. Commissioner VanGilder seconded. President Elliott concurred.

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

Randy Elliott, President