

**MARION COUNTY COMMISSION
COUNTY COURT
MARCH 5, 2014**

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, February 26th, 2014. Present were Commissioner Elliott and President Tennant. Commissioner VanGilder was out of town.

The proceedings of Wednesday, February 26th, 2014, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on February 27th, 28th and March 3rd and 4th, 2014 were approved as submitted and signed.

*Aslam Barkat of the Life United Methodist Church led the Court with a prayer. Belinda Biafore led the Court with the Pledge of Allegiance. **President Tennant called** the meeting to order. **Commissioner Elliott moved** to dispense with the reading of the minutes of Wednesday, February 26th, 2014 and accept them as presented. President Tennant seconded. Motion passed.*

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

**Dated March 5, 2014
Nos. #2014-155 through #2014-183**

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President sign Nos. #2014-155 through #2014-183. President Tennant seconded. Motion passed.

*The Commission received a **request for advice and consent from the Sheriff Joe Carpenter to hire Ryan Brent Heiskell as a Deputy Sheriff, effective Monday, March 3rd, 2014, full time with benefits with a starting salary of \$33,945.52.***

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OFFICE OF THE SHERIFF



State of West Virginia
SHERIFF OF MARION COUNTY
PO Box 1348
Fairmont, West Virginia 26555-1348
(304) 367-5300 Law Enforcement Division
(304) 367-5310 Tax Office
(304) 367-5307 Record Division

Joseph N. Carpenter
Sheriff

Ralph L. Wright
Chief Deputy

To: Marion County Commission
From: Sheriff Joseph N. Carpenter
Date: February 25, 2014
Ref: Hiring of Deputy Sheriff

Dear Honorable Commissioners:

I am respectfully requesting the advice and consent to hire Ryan Brent Heiskell as a Deputy Sheriff; Mr. Heiskell's employment will become effective starting Monday, March 03rd, 2014. His starting salary will be \$33,945.52; plus benefits.

Mr. Heiskell was one of the top candidates of the names that were submitted from the eligible list of the Marion County Deputies Civil Service test. He has successfully completed his physical agility test, background check, complete physical examinations and physiological evaluation.

Sincerely,

A handwritten signature in black ink, appearing to read "J. N. Carpenter", written over a horizontal line.

Sheriff Joseph N. Carpenter

Cc: File

Commissioner Elliott moved that the Commission grant its advice and consent to Sheriff Carpenter to hire Ryan Brent Heiskell as a Deputy Sheriff, effective Monday, March 3rd, 2014, full time with benefits with a starting salary of \$33,945.52. President Tennant seconded. Motion passed.

The Commission received a request from the Fire Association for the Air Replenishing System. County Administrator Kris Cinalli added that we are awaiting additional information from the Association.

Commissioner Elliott moved that the Commission table item #4 of today's agenda a request from the Fire Association for the Air Replenishing System until a later date. President Tennant seconded. Motion passed.

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The Commission received a request an application from the Town of Worthington for Permission to increase its Corporate Limits by Minor Boundary Adjustment and a document titles A Resolution and Order Proposing an Adjustment. Jarrod DeVault the Attorney for the Town of Worthington was present to address this for the Court. This will be presented as the First Reading of the Annexation. Mr. DeVault stated that the main reason for this Annexation is that the business owners would like to have police protection. Mr. DeVault stated that the best way to proceed in this annexation would be by West Virginia Code §8-6-5 which allows the County Commission to Order a Minor Boundary Adjustment to affect the annexation as requested and the Code sets forth an application process whereby the town had to file an application which contains certain information to present to the Commission. He continued that the West Virginia Code §8-6-5d it is the Commission job today to two things “determine whether the application meets the threshold requirements for consideration as a minor boundary adjustment including whether the annexation could be efficiently and cost effectively accomplished under section two or four of this article.” Jarrod DeVault continued that if the “application meets the threshold requirements, the county commission shall order publication of a notice of the proposed annexation to the corporate limits and of the date and time set by the commission for a hearing on the proposal. Publication shall be as in the case of an order calling for an election, as set forth in section two of this article. A like notice shall be prominently posted at not less than five public places within the area proposed to be annexed.” Mr. DeVault stated that the Hearing Fate will be set for Wednesday, April 2nd, 2014 at 10:30 a.m. in the Commission Chambers.

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THARP, LIOTTA & YOKUM, LLP

ATTORNEYS AT LAW
WEBBANCO BANK BUILDING
FAIRMONT, WEST VIRGINIA 26555-1509
P. O. BOX 1509

J. SCOTT THARP
KAREN M. YOKUM
JARROD G. DEVAULT
JAMES A. LIOTTA (1946-2003)

TELEPHONE (304) 363-1123
FAX NO. (304) 366-1386
E-MAIL ADDRESS:
TLJY@access.mountain.net

February 25, 2014

Kris Cinalli
Marion County Commission
200 Jackson Street, Room 403
Fairmont, WV 26554

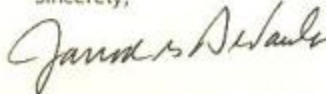
RE: Annexion by Town of Worthington

Dear Kris:

Pursuant to our recent telephone conversation, enclosed herewith please find the Application of the Town of Worthington for Permission to Increase Its Corporate Limits by Minor Boundary Adjustment, and a document titled A Resolution and Order Proposing An Annexion to the Corporate Limits of the Town of Worthington by Minor Boundary Adjustment, both of which I have prepared in anticipation of the meeting of the County Commission of March 5, 2014, at which time the application will be presented and the Commission will enter the resolution and order directing publication and posting of a notice of public hearing.

Please see that the Town of Worthington is placed on the Commission's agenda for the March 5th meeting, and notify me if you need additional information prior thereto. Your assistance is greatly appreciated.

Sincerely,



Jarrod G. DeVault

JGD:lek
Enclosures: 2
cc: Town of Worthington
File

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IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

A RESOLUTION AND ORDER PROPOSING AN ANNEXATION TO THE CORPORATE LIMITS
OF THE TOWN OF WORTHINGTON BY MINOR BOUNDARY ADJUSTMENT

WHEREAS, West Virginia Code §8-6-5 provides that a municipality which desires to increase its corporate limits by making a minor boundary adjustment may apply to the County Commission of the county wherein the municipality or the major portion of the territory thereof, including the territory to be annexed, is located for permission to effect annexation by minor boundary adjustment; and

WHEREAS, the Town of Worthington, a municipality located in Marion County, West Virginia, has applied to this Commission for permission to annex by minor boundary adjustment that certain territory consisting of 43.28 acres, described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, it is now deemed desirous by said County Commission to adopt a resolution and order providing for publication and posting of a notice of the proposed annexation and setting forth the date and time set by the Commission for a hearing on the proposal.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDERED by the County Commission of Marion County, West Virginia, as follows:

1. That the County Commission of Marion County, West Virginia, shall hold a hearing on the application of the Town of Worthington for annexation by minor boundary adjustment on the 2nd day of APRIL, 2014, in the Marion County Commission Chambers, J. Harper Meredith Annex to the Marion County Courthouse, Fairmont, West Virginia, at 10:30 a.m.
2. That the Town of Worthington shall cause this notice to be published as a Class II-0 Legal Advertisement in the area wherein the municipality and the additional territory is located, which first publication must be at least fourteen (14) days prior to the date of hearing set forth herein.
3. That the Town of Worthington shall cause this notice to be posted in at least five (5) public places within the area proposed to be annexed at least fourteen (14) days prior to the hearing set forth herein.

ENTERED into the permanent record of Marion County, West Virginia, this 2nd day of APRIL, 2014.



President



Commissioner

Commissioner

ATTEST:


Clerk

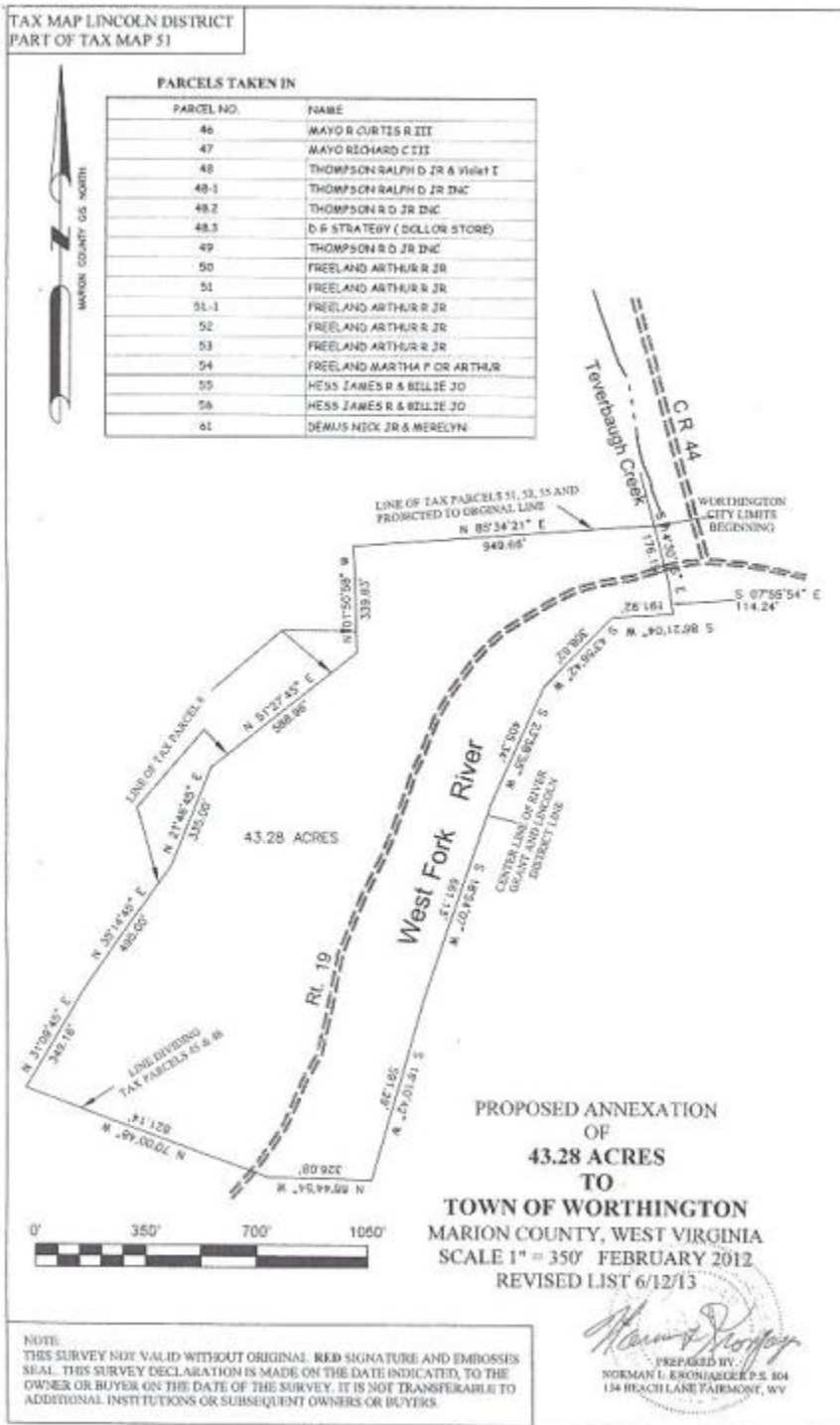
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EXHIBIT A

That certain parcel of real estate situate in Lincoln District, Marion County, West Virginia, described as follows:

Beginning at a point in the western line of Worthington described in change of corporation limits as recorded in the Clerk of the Circuit Court's Office in Law Orders of Circuit Court, Book No. 15, pages 42-43 entered the 8th day of July, 1893, and witnessed by James C. Morgan, Clerk, March 5, 1970, and running with the western line, with the following calls corrected to the Marion County GIS Mapping, S. 14° 30' 15" E. 176.15 feet to the West Fork River; thence S. 7° 55' 54" E. 114.24 feet to the center line of the West Fork River and the Grant and Lincoln District line, thence upstream with the West Fork River with five lines, S. 86° 21' 04" W. 191.92 feet; thence S. 43° 56' 42" W. 308.62 feet; thence S. 23° 58' 55" E. 405.24 feet; thence S. 18° 54' 07" W. 661.13 feet; thence S. 16° 10' 42" W. 591.29 feet; thence leaving the centerline of the river, N. 88° 44' 54" W. 326.08 feet to a point in the line dividing Tax Parcels 45 and 46; thence with the line dividing Tax Parcels 45 and 46, N. 70° 00' 48" W. 821.14 feet to line dividing Tax Parcel 8 from the properties to the east; thence with the line dividing Tax Parcel 8 from the properties to the east for five lines, N. 31° 9' 45" E. E. 349.16 feet; thence N. 35° 14' 45" E. 495.00 feet; thence N. 21° 46' 45" E. 335.00 feet; thence N. 51° 27' 45" E. 588.96 feet; thence N. 01° 50' 58" E. 339.83 feet to the line of Tax Parcels 51, 53, 55 and projected N. 85° 34' 21" E. 949.66 feet to the beginning, containing 43.28 acres as shown on a plat prepared by Norman L. Kronjaeger, PS 804, dated February, 2012, a copy of which is attached hereto and made a part hereof.

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Commissioner Elliott moved that the Commission set a Hearing Date Wednesday, April 2nd, 2014 at 10:30 a.m. in the Commission Chambers and that the Commission sign the Resolution and Order contingent upon the review and approval of the County Attorney Chuck Shields. President Tennant seconded. Motion passed.

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President Tennant added for the record that on Thursday, March 6, 2014 at 2:00 p.m. in the Commission Chambers, Thrasher Engineering will be opening the bids to determine the contractor for the Palatine Park Project. President Tennant also added that the Commission will be bringing in the Marion County State Wrestling Champion to honor them for their accomplishments at our Wednesday, March 19th, 2014.

President Tennant asked for a motion to cancel next week's meeting due to a scheduling conflict. Commissioner Elliott moved that Wednesday, March 19th, 2014 meeting be cancelled and that the Commission hold their next meeting on Wednesday, March 26th, 2014. President Tennant seconded. Motion passed.

Charlie Reese stated for the record that our grant application of \$150,000.00 for the Industrial Park Access Road Fund has been approved by the Development Office and has been moved to the Department of Highways.

President Tennant then asked for a motion to adjourn from our regular meeting and enter into a Public Hearing for the Fiscal Year 2014 Small Cities Block Grant Application. Commissioner Elliott moved that we adjourn today's and enter into a Public Hearing for the Fiscal Year 2014 Small Cities Block Grant Application. President Tennant seconded. Motion passed.

The Commission presented the Notice of the First Public Hearing for FY 2014 Small Cities Block Grant Application. Lea Wolfe from Region VI Planning and Development Council was present to make the application available to the Commission as a pass through agent and take recommendations for a project to present to the State of West Virginia's Small Cities Block Grant Fund. She began by stating that this will be the First Reading of the Public Hearing. She also added that there is \$7,926,722.00 available out of the \$13,429,722.00 received by the State of West Virginia. She added that these funds are usually for water/sewer projects. She also added that things are getting much more technical. She numerated various points of how the procedures are to be followed in order to obtain this type of grant funding. She added that there is another grant called the IJDC for additional funding and between them make the ultimate decision of funding. She added that the EDC is another possible source for funds. Dan Ferrell of Thrasher Engineering stated that the application has to be in by March the 10th, 2014 to the IJDC to be able to apply for funding. Lea Wolfe stated that the Small Cities Block Grant is funded through HUD.

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MARION COUNTY COMMISSION
NOTICE OF FIRST PUBLIC HEARING

The Marion County Commission will hold a public hearing on Wednesday, March 5, 2014 at 10:30 A.M. at the County Courthouse located at 200 Jackson Street, Room 403, Fairmont, WV 26554.

The Marion County Commission intends to submit an application for Small Cities Block Grant funds to the West Virginia Development Office.

The purpose of this public hearing is to solicit views and proposals from citizens with regard to community development and housing needs and to:

- *Solicit views and proposals from citizens with regard to community development and housing needs;
- *Discuss the Citizens Participation process;
- *Describe the Housing and Community Development Act of 1987
- *Describe the state-administered program;
- *Discuss the possible amount of funding for which the Town may apply;
- *Discuss the eligible activities and national objectives;
- *Discuss other program requirements;
- *Discuss the Infrastructure & Jobs Development Act & funding procedures.

Pertinent program information is available for public inspection, and copying, upon request to the Marion County Commission.

The State of West Virginia's FY 2014 SCBG allocation has not been announced. The Marion County Commission is eligible to apply for up to \$1,500,000 in Small Cities Block Grant Funds.

Written views and comments will be received until 4:00 P.M. on Tuesday, March 4, 2014 and should be addressed to the Marion County Commission at the above mentioned address.

The Marion County Commission encourages all citizens to attend or provide written comments, especially citizens who are elderly, low-income, handicapped or minorities and who live in low-moderate income neighborhoods or live in areas of slums or blight. Any non-English speaking or handicapped persons wishing to attend should contact the Marion County Commission at (304) 367-5400 so that proper accommodations can be made.

The Marion County Commission did not participate in any comments on behalf of obtaining grant funding. Lea Wolfe stated that the first public hearing is to present the process and notify the community that there are funds available for a project and then the second public hearing is to present the application for signature. Commissioner Elliott asked if anyone present had any comments in regards to this grant application. Charlie Reese stated that Colfax PSD is in need of some funding. Chuck Sayre from the Colfax PSD was present to make a proposal that the Colfax PSD could apply for those funds for their sewage plant. He made a detailed report to the Commission to run a line into Kingmill PSD line which flows into the City of Fairmont Plant to treat their sewage. He then asked Kylea Demarco of Thrasher Engineering to fill in the blanks and answer questions in regards to this proposal.

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She added that there was a study done on both the financial aspect as well as the engineering aspect of doing this project. She added that the best way to accomplish this project is to run a line from the Colfax PSD into the Kingmill PSD line along with a pump station to the City of Fairmont treatment plant, see below for further details.

THRASHER

MEMO

TO: MARION COUNTY COMMISSION
FROM: THRASHER GROUP – COLFAX PSD ENGINEER
SUBJECT: COLFAX PUBLIC SERVICE DISTRICT SANITARY SEWER PROJECT 101-020-1213
DATE: MARCH 5, 2014
CC: CHARLES SAYRE, COLFAX PSD
LEA WOLFE, REGION VI

Proposed Water Line Rehabilitation Project:

• Total Construction Cost:	\$1,511,650
• Contingency:	\$ 151,165
• <u>Project Costs:</u>	<u>\$ 478,685</u>
• TOTAL PROJECT COST:	\$2,141,500

Proposed Project Funding:

• Small Cities Block Grant:	\$1,500,000
• WVDEP Debt Forgiveness Loan	\$ 641,500

Colfax PSD is seeking the approval of the Marion County Commission to advertise for public hearings as requirement for the Small Cities Block Grant Submission.

Colfax PSD will maintain the operation and maintenance of its collection system and pump stations, but will transmit sewage to the Kingmill Valley PSD Airport Pump Station for transmission the City of Fairmont 9 MGD Wastewater Treatment Plant for treatment.

Project Design Summary:

- Replacement of Approximately 2,500 LF of Existing Sewer Lines
- Replacement of Failing Manholes and other necessary appurtenances
- Upgrades to Existing Pump Station #1
- Demolish of the Existing Colfax PSD WWTP
- Installation of Pump Station and Force Main for the Connection to the Kingmill Valley PSD collection system.
- Installation of Retaining Wall and other Site Modifications at Existing Plant Site

The WVJDC must review all projects that propose a Small Cities Block Grant, prior to the SCBG application being submitted in May 2014.

Project Costs Include:

- Engineering (Thrasher)
- Administration (Region VI)
- Legal (Stephoe & Johnson)
- Bond Counsel (Stephoe & Johnson)
- Accounting (Bennett & Dobbins, PLLC)

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President Tennant moved to adjourn the Public Hearing and enter back into regular session. Commissioner Elliott seconded. Motion passed.

Commissioner Elliott moved that the County Commission come back into regular session. President Tennant seconded. Motion passed.

Lea Wolfe added for the record that the Colfax PSD does qualify for this grant. She added that we are ready to submit to the IJDC.

Commissioner Elliott moved that in support of the project the Commission sign the application. President Tennant seconded. Motion passed.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, March 19th, 2014 at 10:00 a.m. for the next scheduled County Commission Meeting.

Burley "Butch" Tennant, President