The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, April 16th, 2014. Present were Commissioner Elliott, Commissioner VanGilder and President Tennant.

The proceedings of Wednesday, April 16th, 2014, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on April 17th, 18th, 21st and 22nd, 2014 were approved as submitted and signed.

Pastor Jim Zinn of the Walnut Grove United Methodist Church led the Court with a prayer. Charlie Reese 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, April 16th, 2014 and accept them as presented. Commissioner VanGilder seconded. President Tennant concurred.

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

Dated April 23, 2014
Nos. #2014-330 through #2014-339

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Elliott moved that the President sign Nos. #2014-330 through #2014-339. Commissioner VanGilder seconded. President Tennant concurred.

The Commission presented the Proclamation for Community Education Outreach Service Month.
Commissioner Elliott moved that the Commission sign the Proclamation for Community Education Outreach Service Month. Commissioner VanGilder seconded. President Tennant concurred.

The Commission received a request for advice and consent from Janice Cosco, County Clerk, to hire Crystal Redmond to replace Joseph Colasessano, retiring, as full time employee with benefits.

Commissioner Elliott moved that the Commission grant its advice and consent to hire Crystal Redmond to replace Joseph Colasessano. Commissioner VanGilder seconded. President Tennant concurred.

The Commission received a request for funding from The Pace Project, Inc.
MARION COUNTY COMMISSION
APRIL 23, 2014

Commissioner Elliott moved that the Commission allocate $1,000.00 to the PACE Project and that those funds be appropriated from the Coal Severance Fund. Commissioner VanGilder seconded. President Tennant concurred.

For the record, note the Commission received from the West Virginia Department of Environmental Protection the status report of the region mining permit: Marion County had American Bituminous Power Partners, Permit #S-2009-04; amended application approved.

Charlie Reese presented his Palatine Park update by stating that the bathrooms will be arriving on Thursday and that there will be a meeting on May 1st with Thrasher Engineering on status of project and that the sod has been ordered.

D. D. Meighen reiterated that Saturday, April 26th, 2014 at the Fairmont Knights of Columbus Hall there will be a Fairmont General Hospital Appreciation Day from 10:00 a.m. until 12:30 p.m.

President Tennant adjourned the meeting and stated that the Commission will come back into session for a public hearing 10:30 a.m.

Public Hearing on Worthington Annexation Application by Minor Boundary Adjustment.

President Tennant called the Public Hearing to order. The Town of Worthington’s Attorney Jarrod DeVault was present and began stating for the record all of the material he presented to the County Administrator Kris Cinalli as Exhibits that are necessary for the town to comply with West Virginia State Code.

Jarrod DeVault the attorney for the Town of Worthington presented his exhibits to the Commission in order that the Town has met with all of the legal requirements of West Virginia Code 8-6-5 which allows a Municipality to annex an area by Minor Boundary Adjustment. The exhibits presented were the notice of publication, public notice by posting and a Resolution by the Town Council in support of the annexation. He continued that there are 11 freeholders located in the affected area, which are 43.28 acres; three business and 8 individuals. Jarrod DeVault stated that there will be no loss of any services or adverse effect on the Town. He added at this time the Town has no intention to impose any new tax, any B & O Tax or any sort of taxes on the residents or businesses in the proposed annexed area. Jarrod DeVault stated with that being said he stated that this information presented today meets the threshold requirements set forth in the statute. Mr. DeVault presented a discussion on the objections via emails to the County. He added that the Mayor had spoken to the owners of the businesses on the tax issue and that these objections should be resolved at this time. Mr. DeVault stated that neither of the objections submitted by the owners of those businesses is present here today. County Administrator Kris Cinalli stated that he sent notices out to the business that had email the County their objections to remind them of today’s public hearing. The only one to acknowledge was Jacob Thompson, who resent his original email and added that they are still feel the same way and wanted this added to the proceedings today. A short discussion occurred over the objections submitted by the two businesses between the Commissioners and the Town’s Attorney Jarrod DeVault.
Commissioner Elliott hoped that there would be no opposition to this annexation. He asked County Attorney Chuck Shields if he had reviewed this request. He replied in the affirmative and stated that he did not know about the new email from the Thompson’s; however, added that the annexation does not need to be a unanimous support from the West Virginia Code’s point. Both Commissioners VanGilder and Elliott wanted additional time in order to make a decision and Chuck Shields was asked for an opinion. Mr. Shields replied that you can take more time before making a decision; you can take this under advisement; however, Mr. Shields was not sure in giving the freeholders more opportunity to respond is appropriate. He added that it has been published twice and posted at least the required amount of time if not more time.

Commissioner Elliott moved that the Commission delay the vote on the annexation to the corporate limits of the Town of Worthington until next Wednesday April 30th, 2014 regular meeting. Commissioner VanGilder seconded. President Tennant concurred.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, April 30th, 2014 at 10:00 a.m. for the next scheduled County Commission Meeting.

Burley “Butch” Tennant, President