The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, May 8th, 2013. Present were Commissioner Tennant, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, May 8th, 2013, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on May 9th, 10th, 13th and 14th, 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, May 8th, 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 May 15, 2013
Nos. #2013-354 through #2013-406

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President sign Nos. #2013-354 through #2013-406. 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 May 15, 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 May 6, 2013, issue of the Fairmont Times West Virginian, all in accordance with West Virginia Code 44-3A-19.
Commissioner Tennant moved that the Commission sign the document. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received a Resolution to Accept Conditions of the Contract for West Virginia Community Participation Program Funds and to Authorize Signature on behalf of the Statewide 211 Program. County Administrator Kris Cinalli stated that this grant is in the amount of $100,000.00 that will provide information throughout the State of services that are provided for and where they are located.
Commissioner Tennant moved that the Commission sign the Resolution. Commissioner VanGilder seconded. President Elliott concurred.

The Commission presented the Proclamation for “Julia Augusta Robertson Pierpont Day”.
Commissioner Tennant moved that the Commission sign the Proclamation. Commissioner VanGilder seconded. President Elliott concurred.

The Commission presented the Intergovernmental Agreement between the County and Municipalities for Floodplain Management Assistance. County Administrator Kris Cinalli stated that the County will be providing this information to those Municipalities who request this information at no charge.
Kris Cinalli continued that Chuck Shields has reviewed the Agreement and had made some changes and he has approved the document.

INTERGOVERNMENTAL AGREEMENT

This AGREEMENT, made this 15th day of May, 2013, between the COUNTY of Marion, a political subdivision of the State of West Virginia and body politic, hereinafter called the COUNTY, and the MUNICIPALITY of , a municipal corporation located in said county and state, hereinafter called the MUNICIPALITY,

WITNESSETH

WHEREAS the COUNTY adopted a flood damage reduction ordinance to comply with National Flood Insurance Program eligibility requirements (Floodplain Ordinance) and in accordance with the provisions adopted by the State Legislature;

WHEREAS the COUNTY has adopted and enforces this Floodplain Ordinance, and the MUNICIPALITY has adopted such an ordinance but needs assistance with mapping and assessment thereof; and

WHEREAS the MUNICIPALITY has requested the COUNTY to extend its Floodplain Ordinance Management Program to include the MUNICIPALITY, and to assist with Floodplain Determinations within the MUNICIPALITY and the COUNTY has agreed to provide such services to the MUNICIPALITY, and within the MUNICIPALITY, and

WHEREAS the COUNTY and the MUNICIPALITY, in order to set out the provisions and conditions under which said services will be provided to the MUNICIPALITY by the COUNTY, have entered into an interlocal agreement as authorized by §7-1-3Q of the State Code of WV;

NOW THEREFORE, the COUNTY and MUNICIPALITY agree that:

1. Purpose. The purpose of this agreement is to set forth in writing the terms and conditions upon which the COUNTY will furnish to the MUNICIPALITY Floodplain Determinations within the MUNICIPALITY.

2. Term. This agreement shall cover the period of one year beginning with the date hereof, and it shall be automatically renewed from year to year unless one party shall give to the other written notice of its intention to terminate the agreement at the end of the then current term.

3. Services to be Provided. The COUNTY will provide Floodplain Determination services to the MUNICIPALITY in accordance with the applicable West Virginia laws and regulations. If a violation of a determination occurs, (or rebuilds incorrectly), it becomes the MUNICIPALITY'S responsibility to issue Stop Work Orders, revoke permits or seek an injunction or take other legal steps against the violator pursuant to 5-1-3kk of the WV State Code.
The MUNICIPALITY will assure that all development within their jurisdictional boundary displays a permit placard. The MUNICIPALITY will be responsible for all enforcement through the Court.

4. Compensation. The COUNTY will receive and retain as its compensation for the services provided the MUNICIPALITY under this agreement all fees provided by law for such services.

5. Amendments. Any amendment to the agreement shall be in writing and executed by the COUNTY and the MUNICIPALITY.

6. Indemnification. Municipality agrees to indemnify and hold harmless the County, its officers, agents, employees or representatives, from any liability, loss or damage of any kind or any nature, it may suffer as a result of claims, demands, costs or judgments against it arising out of the use of or reliance upon any information of any nature whatsoever or any flood plain determinations made and provided by the County to Municipality pursuant to County’s obligations under this Agreement, including, but not limited to, the use by municipality of the results obtained from the activities performed by the County under this Agreement, provided, however, that any such liability, loss or damage resulting from the following Subsections “a” or “b” is excluded from this Agreement to indemnify and hold harmless:

a. the negligent failure of County to substantially comply with an applicable FGA or other governmental requirements, or
b. the negligence or willful maltreatment of any, officer, agent or employee of the County.

IN TESTIMONY WHEREOF, the parties hereto have caused this agreement to be executed, and their corporate seals to be affixed by their duly authorized corporate officers, in duplicate originals, one of which is retained by each party, the day and year first above written:

(SEAL) County of ______________________

By ______________________
Clerk to the Board

By ______________________
President, County Commission

(SEAL) Municipality of ______________________

By ______________________
Town Clerk

By ______________________
Mayor/Manager

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

The Commission presented the Appointment of Robert B. Leezer to the Board of the Monumental PSD. County Administrator Kris Cinalli stated that Mr. Leezer will complete the term of Ned Poe and then be re-appointed to a full three year term for that position.

Commissioner Tennant moved that the Commission appoint B. Leezer to the Board of the Monumental PSD to replace Ned Poe through September 30th, 2013 and then be re-appointed to a full term. Commissioner VanGilder seconded. President Elliott concurred.
The Commission received a request for funds from East Dale Elementary and Pleasant Valley Elementary for the Destination Imagination competition. Diane Watson and Stephanie Konya presented the request to the Commission. They had a budget $8,000.00 and they have raised $6,000.00 in two and one half weeks. They are requesting whatever amount of funds the Commission can contribute to this function.

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Travis Ray Oates  
Principal  
Barnes Learning Center

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Randy Elliott

I was just following up from an email that I sent you on Monday. I was asking for support for the Pleasant Valley Destination Imagination Team. We are making a trip to the global competition in Knoxville in 2 1/2 weeks and we are trying to raise about $8000. We were only given a 3 week time frame to fund raise since we never dreamed as a first year team we would win a bid to the global competition.

Is it possible for the Marion County Commission to support us in the once of a lifetime trip for some of our team members? Our kids have been working very hard on fundraising, but with our small window it is going to be next to impossible for us to do it alone. Any financial help would be greatly appreciated.

If you need to contact me or wish for me to come in and talk to you, I can be reached at 304-617-2910. Thank you for your time and consideration.

Sincerely,

Diane Morris-Watson, DI Team Coach
Commissioner Tennant moved that the Commission give each team $500.00 per team for a total of $1,500.00 and that those funds be appropriated from the Lottery Fund. Commissioner VanGilder seconded. President Elliott concurred.

The Commission presented the Approval of the Fiscal Year 2013 Land Books.

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

For the record, note the Commission received the Audit Report of the Marion County Board of Health for the fiscal year ended June 30, 2011. Lloyd White reported that there were no findings.
County Administrator Kris Cinalli stated that the Glen Satterfield was present at today’s meeting and that we should present him the Proclamation declaring May 1, 2013 in honor of Glen Satterfield, which he read to the court. The Commission presented the Proclamation to Glen Satterfield.

Lloyd White stated that there will be a Marion County Rescue Squad open house on Saturday, May 18th, 2013.
The Assessor Jim Priester presented to the Commission a proposal from Global Science Technologies on their software system that would work in the both the Assessor’s and Tax Office. He added that the Chief Tax Deputy from the Tax Office does not want to change systems. Jim further added for the record and presented the bills which Software Systems of Morgantown charges for phone calls where we contact them to assist us with their system.

Ted Offutt Director of the Day Report Center spoke about recognizing National Law Enforcement Memorial Day. He also mentioned Derek Hotsinpiller a graduate of Fairmont State University who was killed in Elkins. Ted also added that if any non-profit is seeking help from his Day Report community service workers, they need to get in contact quickly because their schedule is filling up fast. He continued that he will be presenting their grant application at the end of May in which Marion County will be requesting over $300,000.00 mainly because every county shall have drug court. Marion and Putnam Counties will be the next to be licensed and this is tied into the Day Report Program and this will require us to obtain additional space. President Elliott stated that they are looking into this matter and will come up with a solution to assist them in this matter.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, May 22nd, 2013 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randy Elliott, President