The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, November 6th, 2019. Present were Commissioner VanGilder, President Pro Tempore Garcia and Commission Elliott was excused.

Rev. Donald “DD” Meighen led the Court with a prayer. Jesse Corley led the Court with the Pledge of Allegiance.

President Elliott called the meeting to order.

The proceedings of Wednesday, November 6th, 2019 together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission November 7th, 8th, 12th, 13th, 14th, 15th, 18th, and 19th were approved as submitted and signed.

Commissioner Garcia moved to dispense with the reading of the minutes of Wednesday, November 6th, 2019 and accept them as presented. Commissioner VanGilder seconded; President Elliott concurred.

For the record, notes Mark Trach, Assessor, presented to the County Commission the following Exonerations for approval.

Dated November 14th, 2019
Nos. #2019-623 through #2019-656

Pursuant to the recommendation of Mark Trach, Assessor and approval of Jeffery Freeman, Prosecuting Attorney; Commissioner Garcia moved that the President sign Nos. #2019-623 through #2019-656. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received an Order of Probate of Wills from the County Clerk’s Office for the month of October, 2019. County Administrator 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 October 1st, 2019 through October 31st, 2019 pursuant to West Virginia Code §41-5-10, as amended.
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 October 1, 2019, to October 31, 2019, 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 November, 2019.

[Signature]

Janice E. Glance, Deputy

DAVID A. GLANCE, FIDUCIARY SUPERVISOR
Commissioner Garcia stated that hearing no objection, moved that the Commission sign the Order of Probate of Wills from the County Clerk’s Office for the month of October, 2019. Commissioner VanGilder seconded. President Elliott concurred.
The Commission received the Order Confirming and Ratifying Fiduciary Supervisor’s Report of Claims and Settlement Report; Order #416.

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 the 13th day of November, 2019.

This day came David A. Glance, Fiduciary Supervisor for Marion County, West Virginia, and presented to the 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 November 4, 2019, issue of the Fairmont Times West Virginian, all in accordance with West Virginia code 44-3A-19.

Thereupon, the County Commission proceeded to hear any objections or exceptions to these proposed settlement reports, as required by law, and hearing none, does hereby approve the proposed settlement reports as submitted and further directs the Fiduciary Supervisor to instruct the personal representatives to conclude the affairs of the estate.
Estate of

DRUMMOND, RICHARD L. (2nd & Final)
HESS, BILLY JACKSON (2nd & Final)
FAST, JOHN S. (2nd & Final)
STAHL, VIOLET G.
SUPLITA, VIOLET NAOMI
SUPLITA, MICHAEL
SLATE, MARY TERESA
DEANE, CHRISTOPHER S. E.
RIBEL, LOUIS ANTHONY
POLIS, ANTOINETTE DONA
JOHNSON, BRUCE DUANE
SELLERS, ESTHER E.
McLAUGHLIN, EVELYN
FOLEY, HATTIE VIRGINIA
PETTIGREW, MARK T.
PYLEGGI, CLORINDA V.
PRITCHARD, LLOYD ROBERT
HADDIX, DOROTHY LUCILLE
KOCAN, DOROTHY L.
MAYS, CHARLES WILLIAM
ARNETT, JOSEPHINE FRANCES

Representative

Patricia I. Drummond, Executrix DBN
Lana Jo Hess, Executrix DBN
Jamie L. Fast, Executor DBN
Richard A. Stahl, Executor
Carolyn J. Gearde, Administratrix CTA
Carolyn J. Gearde, Administratrix CTA
John Franklin Slate, Executor
Mary K. Dean, Administratrix
Barbara Ann Ribel, Administratrix
Mary Lois Piscitelli, Administratrix
Connie L. Johnson, Administratrix
Jacqueline K. DeMas, Executrix
Alton F. McCaughlin, Executor
Evelyn Jane Kelly, Executrix
Linda Lea Pettigrew, Administratrix
Mary Rose Mustachio, Executrix
Hazel M. Pritchard, Administratrix
Charlotte Christine Williams, Executrix
Stephen Michael Kocan, Anc. Extr DBN
Karen E. Mays, Executrix
William Larry Arnett and Gary Wayne
Arnett, Co-Executors
Stephen James Kovach, III, Executor
Todd Nickolich, Executor
Mark D. Stiles, Administrator
Carl F. VanGilder, Jr., Executor
Eleanor Jane Morgan, Executrix DBN
Christopher L. Droppelman, Executor
Darral Bennett, Jr., Administrator
Amber N. Brannan, Executrix
Ruthann L. Thorne, Administratrix CTA
Charlene Buchanan, Administratrix
Janet Elaine Cunningham and Alan
Sturm Cunningham, Co-Executors
Kenneth M. Hart and William Mark
Hart, Co-Executors
Scott A. Bates, Administrator
Charles Richard Smith, Administrator CTA
Nicholas M. Fonte, Executor
Howard Allen Farcin, Executor
Lisa F. Secure, Executrix
Barbara Lee Shiple-Jones, Executrix
Kathy S. Snider, Administratrix
Carla J. Campbell, Executrix
Phillip Thomas Hall, Administrator
Tracy A. Riffle, Executrix
Freda Kelley, Executrix
John L. Gump and Kevin L. Gump,
Co-Executors
Commissioner Garcia stated that hearing no objection, moved that the Commission sign the Order Confirming and Ratifying the Fiduciary Supervisor’s Report of Claims and Settlement Report; Order #416. Commissioner VanGilder seconded; President Elliott concurred.
The Commission presented a Resolution in Support of Preserving the Pensions and Healthcare for UMWA plan beneficiaries.

WHEREAS, the bankruptcy of Murray Energy Coal Company coupled with the bankruptcy of most other smaller coal companies will place the UMWA pension fund in jeopardy of becoming insolvent in 2020, which in turn could result in 87,000 coal miners and surviving spouses losing their hard-earned pensions as well as healthcare benefits; and

WHEREAS, the UMWA pension plan dates to a 1946 sacred promise made to miners and their spouses by President Harry Truman and the UMWA; and

WHEREAS, any loss or reduction of benefits would cause irreparable harm to the beneficiaries and deal a devastating blow to the economy of the state of West Virginia; and

WHEREAS, the United States Congress should pass the bipartisan legislation being introduced by Senators Joe Manchin and Shelley Capito which would address and solve the critical issues that confront pension and healthcare funds by fulfilling the 1946 promise to miners and their families; and

WHEREAS, coal miners deserve to have their pensions protected as coal has served as the backbone of the United States energy supply for 200 years, which has allowed the United States economy to flourish with low-cost energy for industry, business and citizens alike; and

WHEREAS, coal miners work in one of the most dangerous environments in industry, and their bravery and sacrifice should not be discounted by those who choose to ignore this pension crisis; and

WHEREAS, the Marion County Commission calls upon every elected official in West Virginia to take a public stance in support of preserving the UMWA pension fund; and

THEREFORE, BE IT RESOLVED THAT, the Marion County Commission hereby decrees that the County Commission supports legislation that would preserve and protect the benefits of retired miners, and the Commission hereby urges other local governments and West Virginia Legislature to adopt a resolution the support of the same, and be it further resolved that this Commission praises West Virginia’s Congressional delegation for its undying effort to work to
Commissioner Garcia moved that the President sign the resolution. Commissioner VanGilder seconded; President Elliott concurred.
The Commission presented a Resolution Designating 911 Public Safety Telecommunications as First Responders.

Resolution

WHEREAS, because 911 Public Safety Telecommunicators serve 24 hours a day, seven days a week, just the same as firefighters, law enforcement officers, and emergency medical service workers; and

WHEREAS, 911 Public Safety Telecommunicators make the same sacrifices in their personal lives as firefighters, law enforcement officers, and emergency medical service workers by leaving their families, friends, and the safety of their surroundings to handle the emergency 911 calls that save the lives, protect the property, and ensure the safety of our community during weather, chemical, and other emergency events; and

WHEREAS, 911 Public Safety Telecommunicators heroically answer 911 emergency calls around-the-clock whereby they give medical guidance, instruct callers on staying safe in difficult situations, and help callers to safety during disasters, all while promptly dispatching field first responders to said emergency situations for the callers; and

WHEREAS, 911 Public Safety Telecommunicators must handle the stress of answering over three hundred thousand each year – one call after another, daily – often being the voice on the other end of the call as citizens experience the worst day of their lives. They hear the cries of devastation, listen to the screams for help, and are the support as citizens cope with the loss of a loved one. Public Safety Telecommunicators handle all of this at the very same time that they keep their fellow emergency responders in the field safe; and

WHEREAS, to honor the men and women who serve in this crucial position, we recognize these individuals throughout Marion County by proclaiming to consider them true "First Responders."

NOW, THEREFORE, BE IT RESOLVED THAT the Marion County Commission hereby proclaims that this Resolution goes into effect immediately upon adoption.

Commissioner Garcia moved that the President sign the resolution. Commissioner VanGilder seconded; President Elliott concurred.
The Commission presented the **Consideration and First Reading of an Order of the County Commission of Marion County Approving and Creating a New Tax Increment Financing District in Marion County, West Virginia to be Known as “The County Commission of Marion County Development District No. 2”; Approving the Middletown Commons Redevelopment Project No. 1; Establishing a Tax Increment Financing Fund; and Providing for Other Matters in Connection Therewith.**

Commissioner Garcia moved that the Commission grant permission for Consideration and First Reading of an Order of the County Commission of Marion County Approving and Creating a New Tax Increment Financing District in Marion County, West Virginia to be Known as “The County Commission of Marion County Development District No. 2”; Approving the Middletown Commons Redevelopment Project No. 1; Establishing a Tax Increment Financing Fund; and Providing for Other Matters in Connection Therewith. President Elliott seconded and announced that a Public Hearing on the proposed TIF District will be held on Wednesday, December 4th, beginning at approximately 10:30 a.m. in the Commission Chambers. Commissioner VanGilder recused himself from the vote, as he is a property-owner within the proposed TIF District. The motion passed.
The Commission presented the Proclamation for “End Epilepsy Day”.

END EPILEPSY® Day Proclamation

WHEREAS END EPILEPSY® Day is a nationwide effort of the Epilepsy Foundation to raise awareness about, and change the conversation around, epilepsy and seizures, to engage everyone in the fight to END EPILEPSY®, as well as to improve and save lives through care, advocacy, research and new therapies, and education; and

WHEREAS epilepsy is a brain disorder characterized by recurrent and unprovoked seizures that can affect anyone, at any age, any time; and

WHEREAS approximately 3.4 million people in the U.S. including 21,500 in WV live with epilepsy and seizures; and

WHEREAS many treatments are approved to treat seizures, 30 – 40% of people with epilepsy still live with uncontrolled seizures and the epilepsy-related medical costs associated with uncontrolled epilepsy are 2 to 10 times higher than those of controlled epilepsy; and

WHEREAS annual epilepsy-specific healthcare costs can be up to $19,749 per person and 21% of people with epilepsy have reported not being able to afford their prescription medication(s) in the last year; and

WHEREAS 470,000 children live with epilepsy in the U.S. and students with epilepsy aged 6 – 17 years old have missed 11 or more days of school the past year on average, greater education and improved access to care is needed in schools which can be accomplished by passing Seizure Safe Schools legislation nationwide; and

WHEREAS protections exist in the Americans with Disabilities Act and related civil rights laws, people with epilepsy still encounter discrimination in areas including employment, education and housing; and

WHEREAS epilepsy can affect anyone with a brain, and anyone with a brain can affect epilepsy; and

WHEREAS through action together on END EPILEPSY® Day and during other awareness initiatives, including International Epilepsy Day, National Epilepsy Awareness Month, and Brain Awareness Week – and any day of the year – we must increase public knowledge about epilepsy and seizure first aid and change the way people think about epilepsy and seizures.

Now, therefore, I do hereby proclaim [DATE] “END EPILEPSY® Day,” to encourage [STATE] residents to take action together and use our brains to END EPILEPSY® and the challenges of epilepsy.

Commissioner Garcia moved that the Commission approve and present the Proclamation for “End Epilepsy Day”. Commissioner VanGilder seconded. President Elliott concurred.

The Commission presented the Order of Intent to Consolidate Precinct 96 and 104 Marion County Police Reserves Building and Precinct 113-F, Sallyfield Estates into Precinct 96 at Marion County Reserves Building.

Julie Kincaid, Deputy Clerk for the Marion County Clerk’s Office, explained that a portion of Precinct 113 had been divided out to create Precinct 113-F because this portion of the precinct (Sallyfield Estates) was within the Fairmont City limits and therefore, voters within this portion of the precinct were entitled to vote in elections involving the City of Fairmont. In an effort to make the election process more cost effective, as well as simplifying the ballot process, it is the intent to consolidate Precincts 104 and 113-F into Precinct 96. This would mean that all voters within Precinct 96 would be City of Fairmont residents and eligible to vote on City of Fairmont ballots; in addition, voters in Precinct 113 would not receive City of Fairmont ballots, as all voters in this precinct would not reside within the Fairmont City limits.
If the Order is approved, notice will be given to the affected voters by mail and newspaper publication; some thought is being given to hand-delivering notices to those voters in Sallyfield Estates (current Precinct 113-F), as they would be the ones affected by a change in voting location from the Marion County Convention and Visitors Center to the Marion County Police Reserve Building; those voters in the current Precinct 104 were already voting at the Marion County Reserve Building.
BEGINNING AT THE CENTER LINE INTERSECTION OF MORGANTOWN AVENUE AND ELKINS STREET AND RUNNING SOUTHEASTERLY WITH THE CENTER LINE OF MORGANTOWN AVENUE TO THE CENTER LINE OF EAST GRAFTON ROAD PROJECTED; THENCE, WITH THE CENTER LINE OF EAST GRAFTON ROAD SOUTHERLY TO THE CITY OF FAIRMONT CORPORATION LINE; THENCE, COUNTER CLOCKWISE WITH THE CITY OF FAIRMONT CORPORATION LINE TO THE EASTERN LINE OF THE GATEWAY HIGHWAY; THENCE, SOUTHERLY WITH THE EASTERN LINE OF THE GATEWAY ROAD AND STONEY HOLLOW ROAD TO THE INTERSECTION OF STONEY HOLLOW ROAD AND PINCH GUT HOLLOW ROAD; THENCE, DOWN THE EASTERN SIDE OF PINCH GUT HOLLOW ROAD TO THE SOUTHERN LINE OF SALLYFIELD ESTATES PROJECTED; THENCE, CROSSING PINCH GUT HOLLOW ROAD TO THE FAIRMONT CORPORATION LINE; THENCE, FOLLOWING THE CITY OF FAIRMONT CORPORATION LINE CLOCKWISE AROUND SALLYFIELD ESTATES BACK TO THE WESTERN SIDE OF PINCH GUT HOLLOW ROAD; THENCE, NORTHERLY ON THE WESTERN SIDE OF PINCH GUT HOLLOW ROAD TO THE INTERSECTION OF PINCH GUT HOLLOW ROAD AND STONEY HOLLOW ROAD; THENCE, NORTHERLY WITH THE WESTERN SIDE OF STONEY HOLLOW ROAD AND GATEWAY ROAD TO THE FAIRMONT CORPORATION LINE; THENCE, CLOCKWISE WITH THE FAIRMONT CORPORATION LINE TO THE CENTER LINE OF COLUMBIA STREET PROJECTED; THENCE, WITH THE CENTER LINE OF COLUMBIA STREET EASTERLY WITH THE CENTER LINE INTERSECTION OF MARKET STREET; THENCE, SOUTHERLY WITH THE CENTER LINE OF MARKET STREET TO THE CENTER LINE INTERSECTION OF ELKINS STREET; THENCE, EASTERLY WITH THE CENTER LINE OF ELKINS STREET TO THE INTERSECTION OF THE CENTER LINE OF MORGANTOWN AVENUE, THE PLACE OF BEGINNING;

TO BE KNOWN AS PRECINCT NO. 96.

The designated place of voting for Precinct 96 shall be the Marion County Police Reserves Building.

It is further Ordered that unless substantial and reasonable objection be made to the said changes, on or before the 8th day of January, 2020, at which time the Commission will sit at 10:00 a.m. at the J. Harper Meredith Building, on the 4th floor in the Commission Chambers, Room 403, in Fairmont, Marion County, West Virginia to hear any and all such objections, the Commission will enter the required order making the said changes.

And it is further ordered that this said order and notice of the said changes be published and posted as required by law.

All of which is done pursuant to the provisions of Chapter 3, Article 1, Section 7, of the Code of West Virginia as amended.

Date Entered: November 20, 2019

Randal J. Elliott, President

Ernest VanGilder, Commissioner

Rick Garcia, Commissioner

Attest:

Janice Cosco, County Clerk
By Julie Kincaid, Deputy Clerk

Class II Legal Advertisement
Chapter 59-3-2, WV Code
Commissioner Garcia moved that the Commission sign the order. Commissioner VanGilder seconded. President Elliott concurred.
The Commission presented a Letter Certifying that Mark Trach, Assessor, has substantially complied with the “assessor’s additional duties” as delineated in West Virginia Code 7-7-6a.

Commissioner Garcia moved that Assessor Mark Trach be given additional compensation meeting the compliance. Commissioner VanGilder seconded. President Elliott concurred.
For the Record, the Law Enforcement Radios bids were awarded to Bear Communications at $2630.00 per radio.

For the Record, Michael A. Parlett was re-appointed to the board of the Colfax PSD.

Public Comment:

Paulette Trimble addressed the Commission to commend the Marion County 911 Telecommunications Office and the Marion County Sheriff’s Department for their prompt response and follow-up to a recent health scare that she experienced. She wished to convey her appreciation for their joint effort and make it publicly known that Marion County is fortunate to have such a competent and caring group of emergency responders.

David Cassell requested an expansion of Ordinance 2010, addressing the issue of tractor trailers using their jake brakes in residential areas. He explained that this is a disturbance, particularly at night, along Route 73 coming into Meadowdale from Goshen Road. County Attorney, Chuck Shields, commented that the Commission only has the authority to create ordinances involving a nuisance; this issue may qualify as a noise ordinance. Sheriff Riffle commented that the difficulty with enforcing this type of issue is determining which Court has the authority to hear the case and to penalize for the offense. President Elliott asked for some time for the Commission to discuss the matter and determine if they can offer any assistance or suggestions and get back in contact with Mr. Cassell.

Rev. D. D. Meighen expressed thanks to the Marion County Commission for their ongoing support of the Toy Shop, this being the 11th year. He commented that both the Marion County School system and the Times West Virginian have been very supportive as well, especially in the purchase of over 2000 books to be given out at the Toy Shop. In addition, he commended Marion County resident, Janet Chittum for her abundant generosity through the purchase of toys.

Ms. Chittum also addressed the Commission with thanks for the use of the Election Center for the Toy Shop each year and wished to also thank Jeff Biafore and the maintenance department for coming to her house to load and deliver 2 truckloads of toys to the Election Center.

Jeff Biafore wished to recognize Butch Tennant for his support and recognition of the Toy Shop each year.

President Elliott wished to recognize the Fairmont Senior High School Golf team, coached by Luke Corley, for winning the State Championship. He went on to also recognize the Fairmont Senior High School Soccer and Volleyball teams for their State Championships as well. He offered well wishes for the FSHS Football team in their endeavor to bring home a State Championship again this year.
There being no further business to come before the County Commission, it is ordered that this Commission do now recess until Wednesday, December 4, 2019 at 10:00 a.m. for the next scheduled County Commission Meeting.

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Randall J. Elliott, President