The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, December 17th, 2014. Present were Commissioner Elliott, Commissioner Garcia and Commissioner VanGilder via Go To Meeting.

The proceedings of Wednesday, December 17th, 2014, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on December 18th, 19th, 22nd, 23rd, 24th, 29th, 30th and January 2nd, 5th and 6th, 2014 were approved as submitted and signed.

The Commission presented the Nomination and Election of President and the President Pro Tempore of County Commission for Calendar Year 2015.

Commissioner VanGilder moved that Randy Elliott be elected President for the County Commission through December 31, 2015. Commissioner Garcia seconded. Commissioner Elliott concurred.

Commissioner Garcia moved that Ernie VanGilder be elected President Pro Tempore through December 31, 2015. Commissioner Elliott seconded. Commissioner VanGilder concurred.

President Elliott began his State of the County Address by stating that “he is honored and privileged to once again serve as President of the Marion County Commission. He thanked both Commissioners VanGilder and Garcia for their confidence in placing their trust in him as President. He continued “that the greatest thing we as a Commission can do for our County is to work together as a TEAM to accomplish our goals and solve the County’s problems. We are going to be a Commission that serve people of Marion County and work hard for business’s and economic development.” “I think you can gauge the success of a County by looking at their financial stability and how the County is ran. I can tell you from my years of experience that we are one of the most successful County’s in the State both financially and administratively. The primary role of the Commission is to be fiscally responsible to the citizens of Marion County in managing the budget and we intend to do just that.” President Elliott continued “through our team of Charlie Reese and Belinda Biafore, we will continue to be aggressive in seeking opportunities for economic development here in Marion County. On the table of economic opportunities in the tri-county area, Marion County is the centerpiece on that table.” He added that the “new State Building at the 400 Block of Adams Street will open this year providing hundreds of good jobs in downtown Fairmont; boosting and stimulating the economy in the Fairmont and Marion County.” We have the “former Fairmont General Hospital, now Marion Regional Medical Center to assure that we have an acute care and full service hospital here in Marion County.” He continued that “both of our industrial parks are full and we are looking for more property for future industrial development and expansion.” He followed up with “our High Tech Park is under constant construction and what a beautiful site to look from I-79and sees all of the progress that’s taking place on a daily basis.” President Elliott added that “development has started at the top of our beautiful downtown interstate connector. The County owns a good piece of property up there also, and Charlie and Belinda have begun to find a business to purchase and locate there.” He added “Fairmont State University and Pierpont Community College are both doing very well. We have supported both of them in the past and will continue to support them in the future. They are vital to our economy.” President Elliott followed up “that there are thousands of mining jobs and shell gas jobs in the north end of the County through Murray Energy’s two mines and the much
Oil and Gas Company’s located there. We will receive in excess of 2 million dollars in severances taxes from these companies in 2015.” He continued that “one of our greatest accomplishments has been the development of Palatine park. What a wonderful quality of life project. It has proven to be extremely popular and we will be working on Phase II real soon to see what more we can bring to our beautiful riverfront.” “We have provided our outside agencies requests with funding in record amounts with nearly half a million dollars going to United Way Agencies, Volunteer Fire Departments, local Municipalities and many, many more. We will continue to support these many important worthwhile agencies.” He added that “Marion County owes no monetary debt to anyone, and have expanded our facilities to provide more needed space for our elected officials while creating more jobs with benefits for Marion County citizens. We maintain a strong Financial Stabilization Fund, so we won’t have to curtail any County services in the event of an emergency.” He stated that “all Marion County citizens need to feel at home whenever they come to this Courthouse for services. We are here to serve the people, because as elected officials they have put their trust in us. The citizens are entitled to be served by us to the best of our abilities and with a positive attitude.” “I have said before that when you hold a position of authority you must have a vision for the future. This Commission does and I have just outlined to you some of our goals for the upcoming year.” In Closing President Elliott stated that “he would like to quote a past County Commission President of several years ago, Jess Borowski who was a friend and mentor of mine, who stated as his motto: “To plan for the future, we must start today.” “Well, we are going to start today because we have much to accomplish”. 

Charlie Reese presented his good news to the Commission its successes as well as his vision of the upcoming year.

- We were formed two years ago and what we try to provide is leadership and job retention.
- He added that our vision is constantly changing due to events and opportunities that occur in the County.
- He continued that we must be open to changes and accept them and move forward as with coal to now oil and gas becoming more significant.
- He added that Belinda Biafore has been an asset to the County in obtaining over one million dollars in grant funds.
- Charlie added that we are working with the WV DOH to get Fairmont Avenue paved as well as other road projects.
- Charlie added that we started Mayors on the Move and this year hope to meet more on a regular basis.
- He added that there some jobs coming out at the new Industrial Park at the old drag strip. We are working well with the Marion Regional Development Corporation is this project; possible 300 jobs.
- He added that we purchased the Law Tower for our Day Report Program.
- He worked on the Palatine Park and we have just starch the surface on the Park; this year will be Phase 2015. He added that the Park should be used Countywide and for free.
- He are working with the WV DNR on the boat ramp and dock and parking lot at the Park area, with aa major BASS Tournament.
- Korean War Memorial Project will continue with the hope of celebrating Veterans Day at the Memorial Site in 2015.
Thomas F. Antulov led the Court with a prayer. Belinda Biafore led the Court with the Pledge of Allegiance. President Elliott called the meeting to order. Commissioner VanGilder moved to dispense with the reading of the minutes of Wednesday, December 17th, 2014 and accept them as presented. Commissioner Garcia seconded. President Elliott concurred.

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

Dated January 7, 2015
Nos. #2015-1 through #2015-44

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner VanGilder moved that the President sign Nos. #2015-1 through #2015-44. Commissioner Garcia seconded. President Elliott concurred.

The Commission received an Order Admitting Holographic Will to Probate in the Last Will and Testament of Samuel E. Holcomb.

IN THE COUNTY COMMISSION OF
MARION COUNTY, WEST VIRGINIA

In Re: The Last Will and Testament of Samuel E. Holcomb

ORDER ADMITTING HOLOGRAPHIC WILL TO PROBATE

On the 17th day of December, 2014 came the Petitioner, Joyce Moore, in person and by her attorney, Philip A. Prichard, and came also an heir of Samuel E. Holcomb, Nancy Hibbs, all pursuant to the verified Petition for Probate in Solemn Form, filed herein, and set down for a hearing this date, by a prior Order of this Commission

Whereupon, the Commission proceeded to hear the testimony of the witnesses offered by the parties, the arguments and representations of the attorney for the Petitioner, as well as the statements of the interested party in attendance at the hearing, and the recommendations of the Fiduciary Supervisor.

Upon mature consideration of all of which, the Commission makes the following findings of fact:

1. Samuel E. Holcomb died in West Virginia University Hospital, Morgantown, West Virginia, on June 11, 2014, a resident of Marion County, West Virginia.

2. As of the date of the hearing, no estate for Samuel E. Holcomb had been established in any county in West Virginia. All of the Heirs at Law of Samuel E. Holcomb were given Notice of this proceeding, and no objections were filed with the Fiduciary Supervisor or this Commission.

3. The Estate of Samuel E. Holcomb is possessed of certain real estate and personal assets which have not been administered since his death.

5. Upon the evidence presented, the document offered for probate, satisfies the factual requirements for a properly executed will, that is to say:
   
   A. That Samuel E. Holcomb was of legal age.
   
   B. That Samuel E. Holcomb demonstrated a testamentary intent and was of sound mind and disposing memory.
   
   C. That the Will was wholly in the handwriting of Samuel E. Holcomb, as Attested by two (2) Affidavits, properly executed before the Clerk of this Commission.

6. Upon the evidence presented, the document offered for probate was not revoked after its execution by Samuel E. Holcomb.

7. Upon the evidence presented, the original of the Last Will and Testament of Samuel E. Holcomb presented for probate by the Petitioner has been damaged, with the resulting loss of some words in the body of the Will.

8. Upon the evidence presented, damage of the original of the Last Will and Testament of Samuel E. Holcomb, presented for probate by the Petitioner, resulted from the acts of third parties, not the testator.

9. The intent and contents of the Last Will and Testament of Samuel E. Holcomb are plain from the body of the document, despite the damage, and such contents disclose a clear intent to devise all of his Estate to his sister, Joyce Moore.

   Upon such facts, the Commission makes the following conclusions of law:
1. To establish a lost or destroyed will, the proponent of the document must prove by clear and convincing evidence the will’s prior existence in legal form, its contents and its loss or destruction.

2. The presentation to the Commission of the damaged Holographic Will satisfies the legal requirements for the Petition for Probate in Solemn Form.

3. The verified Petition for Probate in Solemn Form filed herein by Joyce Moore, by and through her counsel, Philip A. Prichard, satisfies the legal requirements for Probate in Solemn Form as set forth in West Virginia Code 41-5-5, as amended.

It is therefore ORDERED:

1. The Holographic Last Will and Testament of Samuel E. Holcomb, dated September 23, 2013, and attached to this Order, is hereby established as the Last Will and Testament of Samuel E. Holcomb, deceased of this County.

2. The Clerk of the Marion County Commission shall admit the Last Will and Testament of Samuel E. Holcomb, dated September 23, 2013, to probate. A duly attested copy of this Order shall be filed by the Clerk with such Last Will and Testament, disclosing the Will, as follows: “I Samuel Holcomb, of sound mind am putting in writing that all of my property goes to my sister, Joyce Moore, and my house and fee to property next door go to her and everything in the house.” /s/ Samuel E. Holcomb.

3. The administration of the Estate of Samuel E. Holcomb shall proceed before the Commission upon the directions of the Last Will and Testament, by the Personal Representative, duly appointed by the Clerk of this Commission.

4. The heirs at law of Samuel E. Holcomb are reserved their objections and exceptions to the actions of the Commission, and are further advised that this is a Final
Commissioner VanGilder moved that the Commission sign the Order. Commissioner Garcia seconded. Commissioner Elliott concurred.

The Commission received an Order Removing Executor in the Estate of Maxine Plyman, Deceased.
IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF MAXINE PLYMAN, DECEASED

ORDER REMOVING EXECUTOR

On the 29th day of October, 2014, came the Petitioner, Michael A. Savonarolo, in person, and also came the Executor, Roger L. Plyman, all pursuant to the Petition for the Removal of Executor, previously filed herein by Order of this Commission.

Whereupon, all the interested parties in attendance were duly sworn and the Commission proceeded to hear the testimony of the parties and review the Exhibits offered by all parties.

Thereupon, the parties reached an Agreement on the issues raised by the Petition to Remove, which Agreement was accepted by the Commission by Order entered on November 12, 2014.

Based upon the prior Order, a purchaser will secure financing for the sale of the real estate of Maxine Plyman and a final closing on such real estate will be set by no later than December 15, 2014.

The Petitioner has notified the Fiduciary Supervisor that no such financing or closing was secured by December 15, 2014.

Based upon the foregoing Order of this Commission, it is hereby ORDERED:

1. That the appointment of Roger Lee Plyman, as Executor of the Estate of Maxine E. Plyman, is rescinded, cancelled and held for naught. Prior to the cancellation of the bond of Roger Lee Plyman, he shall be required to file an accounting of all receipts and disbursements he has made as Executor, within
thirty (30) days of this Order, and such settlement must be approved through
the Fiduciary Supervisor’s office.

2. Based upon all the evidence addressed at the prior Hearing, Michael A.
Savonarolo shall be appointed as the alternate Executor of the Last Will and
Testament of Maxine E. Plyman. Pursuant to such Last Will and Testament,
no bond or surety shall be required of such Alternate Executor.

3. The Clerk shall deliver a copy of the Commission’s Order to all parties which
have a current address in the Fiduciary Supervisor’s file and all parties are
notified of their right to appeal this Order to the Circuit Court of Marion
County, West Virginia, as allowed by law, under Chapter 58 of the West
Virginia Code, as amended

MARION COUNTY COMMISSION
ENTER: January 7, 2015

Pamela Elliott
Commissioner

Janice Cosco
Commissioner

Submitted by:

David A. Glance
Fiduciary Supervisor

ATTEST:

Janice Cosco, County Clerk
Commissioner VanGilder moved that the Commission sign the Order. Commissioner Garcia seconded. Commissioner Elliott concurred.

The Commission presented the Resolution to name the stretch of road leading into Nicholas Lou “Nick” Saban Jr.’s hometown after him.

RESOLUTION

Whereas, Nicholas Lou “Nick” Saban, Jr. was born October 31, 1951 in Idamay, Marion County, West Virginia.

Whereas, he is the current coach of the University of Alabama, a position he has held since the 2007 season,

Whereas, he has previously served as head coach of the NFL’s Miami Dolphins as well Louisiana State University, Michigan State University and the University of Toledo,

Whereas, he led the LSU Tigers to the BCS National Championship in 2003 and the Alabama Crimson Tide to BCS and AP national championships in the 2009, 2011 and 2012 seasons, making him the first coach in college football history to win a national championship with two different football Subdivision schools.

Whereas, Saban and Bear Bryant are the only coaches to win an SEC championship at two different schools,

Whereas, he was inducted into the Alabama Sports Hall of Fame in May 2013,

Whereas, he was named AP National Coach of the Year in 2003 and 2008,

Whereas, he has 4 National Championships, 8 SEC Western Division Championships, 5 SEC Championships and 1 MAC Championship,

Whereas, he was named “The Most Powerful Coach in Sports” by Forbes magazine in September 2008,

Whereas, Nick Saban, one of the most successful coaches in football history hails from Marion County, West Virginia we resolve to name the stretch of road leading into his hometown after Nicholas Lou “Nick” Saban Jr.

Entered: 1-7-14

Randy J. Elliott, President

Ernie VanGilder, Commissioner

Rick Garcia, Commissioner
Commissioner VanGilder moved that the Commission sign the Resolution and forward it to the State of West Virginia for consideration. Commissioner Garcia seconded. Commissioner Elliott concurred.

The Commission presented the request for an external budget revision in the Sheriff’s Law Enforcement salary line for promotions.

<table>
<thead>
<tr>
<th>Commissioners</th>
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<tbody>
<tr>
<td>The following budget revision is necessary in the Sheriff’s Law Enforcement Salary line for promotions:</td>
</tr>
<tr>
<td>001-700-103-00 Increase $9,000.00</td>
</tr>
<tr>
<td>Sheriff’s Law Enforcement Salary</td>
</tr>
<tr>
<td>001-698-566-00 Decrease $9,000.00</td>
</tr>
<tr>
<td>Transf/Reimburse</td>
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Entered: 1-7-15

Commissioner VanGilder moved that the Commission sign the budget revision for the Sheriff. Commissioner Garcia seconded. Commissioner Elliott concurred.

The Commission presented the appointments to the North Central West Virginia Regional Airport Authority. County Administrator Kris Cinalli stated that one position open is former Commissioner Tennant’s position and the position of Oce Smith, who is deceased.

Commissioner Garcia moved to appoint Ernie VanGilder to fill the Commission’s seat and Butch Tennant to fill the unexpired term of Oce Smith. President Elliott seconded. Commissioner VanGilder concurred.

The Commission presented the approval of the use of county voting machines for the Morgantown Municipal Election. County Clerk Janice Cosco added for the record that she was called by Richard Lockhart of Casto & Harris to see if we would lend our iVotronic Voting machines to the City of Morgantown’s upcoming Municipal Election. Mr. Lockhart informed Janice that he would be responsible for the machines, approximately 20 of them. He also added that he would train them on their usage. Janice informed the Commission that she then called the Ethic Commission to ask if they had any concerns, which they did not.
Commissioner VanGilder moved that the Commission grant its approval of the use of the County voting machines for the Morgantown Municipal Election. Commissioner Garcia seconded. President Elliott concurred.

Mr. Bud Sapp wanted to thank the Commission for all that they do for the County.

Doctor Bud Sapp from Fairmont State University along with the Leadership Marion group were in attendance at today’s meeting; each present introduced themselves and Mr. Sapp stated that if the Commission is in need for people for committees please remember these individuals who are wanting to serve and make this community a better place. Mr. Sapp stated that this organization is 33 years old and is assisting local residents to become better citizens. He added that all of the funds raised by Leadership Marion are donated back to non-profits.

Mr. Sapp also wanted to thank the Commission on behalf of the Salvation Army Board as a board member for the use of the Election Center for their Toy Drive.

Jeff Biafore wanted to add that it was a good project to be involved with and they did an excellent job and well organized.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, January 14th, 2015 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randy Elliott, President