The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, August 12th, 2015. Present were Commissioner Garcia, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, August 12th, 2015, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on August 13th, 14th, 17th and 18th, 2015 were approved as submitted and signed.

George Batten of the Union Mission led the Court with a prayer. Fairmont Senior High School Student Sarah Summers, who just registered to vote today, 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, August 12th, 2015 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 August 19th, 2015
Nos. #2015-792 through #2015-870

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner VanGilder moved that the President sign Nos. #2015-792 through #2015-870. Commissioner Garcia seconded. President Elliott concurred.

The Commission presented the Resolution for Request for Revision to Approved Budget of the Coal Severance Budget.
MARION COUNTY COMMISSION
AUGUST 19th, 2015

Resoluon

At a regular session of the Marion County Commission, held on the 19th day of August, 2015, the following order was made and entered:

Subject: The revision of the Coal Severance Budget for the County of Marion. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Marion County Commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 27 a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Ernie VanGilder, and duly seconded by Rick Garcia, the vote thereon was as follows:

- Randy J. Elliott: Yes
- Ernie VanGilder: Yes
- Rick Garcia: Yes

WHEREUPON, the Marion County Commission, declared said resolution duly adopted, and it is therefore ADJUDGED AND ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the President of the Marion County Commission is authorized to fix his signature on the attached “Request for Revision to Approved Budget” to be sent to the State Auditor for approval.

Randy J. Elliott, PRESIDENT
Ernie VanGilder, COMMISSIONER
Rick Garcia, COMMISSIONER
Commissioner VanGilder moved that the Commission sign the Resolution and the Commission President sign the Revision. Commissioner Garcia seconded. President Elliott concurred.

The Commission received a request for funds from America’s Best Communities.
Commissioner VanGilder moved that the Commission table the item until Wednesday, September 2, 2015. Commissioner Garcia seconded. President Elliott concurred.

For the Record, note the Commission received from the Harrison County Coal Company; Permit #U-104-83 and #U-1052-92; Permit Transfer (19A), for public review.

For the Record, note the Commission received from the Marion County Coal Company; Permit #U-0078-83 and #O-1044-91; Permit Transfer (19A), for public review.
Charlie Reese update on the Park is that Kittle Construction completed their portion of the project and is going to bid on Phase 2015. The bid opening date is September 1st. He added that the Korean War Memorial Project finances are in place and a contractor has picked up the plans to begin work on the memorial with Columbus Carpenter as the head of the group. Charlie added that he will be in Charleston on Thursday for the MAP 21 Meeting and will ask the status of some of our pending agreements. Charlie forwarded information on the dock site project with the WV DNR by stating that it is progressing, awaiting for the Army Corp of Engineers permit. The pre-bid conference will be in September and will be awarded in October with a completion date of May 16th, 2016.

Charlie Reese complimented Fairmont City Mayor Ron Straight for all of their work on the parking lot above Palatine Park. Mayor Straight added that they are putting together the storm drainage for the work runoff as well as working on the parking lot. He continued that they are considering steps from the lot to the Park and that there was back in the day a set of tunnel steps down to the Park in which they may reopen depending upon cost of rehabilitating those steps.

Commissioner VanGilder asked if the new docks had arrived. Charlie stated that they had but will not be installed until next spring.

President Elliott wanted to compliment Mayor Straight as well as the City of Fairmont for all they are doing in conjunction with Palatine Park. He added that it is wonderful the cooperation that exists.

Jeff Biafore stated that some commercials have used Palatine Park in their advertisements, being Fairmont Federal Credit Union and Anthony Chevrolet.

Chris McIntire updated the Commission on their Phase I upgrade of the communications system with 911. Commissioner Elliott wanted to commend everyone on the effort on the recovery of the drowned lady body that was located in the West Fork River. Chris added that all involved work very hard and diligently in that process. He continued that all of the community got involved and it made a great difference in the outcome of locating the body.

D. D. Meighen stated that Mary Jo Thomas nominated both the City of Fairmont and the Marion County Commission at the Marion County Chamber of Commerce for the work they have done for the City of Fairmont. He added that she said that great things can happen when we work together. D. D. also said that this week is the 200 year anniversary of the First Presbyterian in Fairmont. He continued that there will be a celebration this weekend.

Ted Offutt, Director of the Marion County Day Report Center informed that Commission that last weeks’ meeting with Senator Manchin was a great success and shows that we can achieve great things when we put our minds together and come up with alternative programs to assist our young who get themselves in trouble.
Nancy Bickerstaff and Jackie Fitch came before the Commission for Operation Image to present awards to the various businesses in Fairmont that has worked very successfully in order to make Fairmont make presentable. Nancy Bickerstaff stated that these businesses have done a fantastic job and she added with this much accomplished, we hope others will then follow suit so that Fairmont will once again be a desirable place to do and establish businesses. Those presented with awards are as follows: FEB, MVB, Floyd Real Estate, Puffer Belly's, Marion County Maintenance Department, City of Fairmont Workers, Adams Office Supply, City of Mannington, Thomas Fleming Manchin, Barrackville 4-H, Disability Action Center, Amber Cinalli in Rivesville, Manley Chapel Volunteers – Iris, Gwynn Tire, Craft Connection, Frank Sowers, Marion County Day Report, Fairmont City Council, Andrea King, Elk’s, Fairmont Kitchen, Marion County Museum, Food Lion, First Baptist Church, Hope Inc., Marion County Courthouse, Grace Lutheran, Frist Presbyterian Church, Dick Moore – Nationwide Insurance, Penny Pinchers, Country Corner, Fairmont State College now Fairmont State University, special thanks to South Ridge Church.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess for ten minutes in order to call into session the Public hearing.

Second Reading and Public Hearing on Ordinance No. 2015-01 (Commercial Dog Breeding)

President Elliott called the Public Hearing to order. He added that this is an Ordinance to regulate commercial dog breeding in Marion County and this is the second reading and possible approval of the Ordinance.

County Administrator Kris Cinalli stated that the Commission has received no call, emails or letter in either support or against the passage of this Ordinance 2015-01. He continued that Class I license will be at $250.00 for 11 to 30 dogs in county and Class II license will be at $500.00 for dogs over 30 in county. Mr. Cinalli presented to the Clerk’s Office Exhibit I the Notice of Publication of this Hearing for the record.

President Elliott asked if anyone present has any objections to the passage of this Ordinance. No one spoke in the negative. President Elliott asked County Attorney Chuck Shields if all procedures were met for compliance for the approval of this Ordinance. Chuck Shields replied in the affirmative.
The County Commission of Marion County, West Virginia
Ordinance No. 2015-01

AN ORDINANCE OF THE MARION COUNTY COMMISSION REGULATING COMMERCIAL DOG BREEDING OPERATIONS THROUGH THE ISSUANCE OF ANNUAL PERMITS, COLLECTION OF FEES, AND BIANNUAL INSPECTIONS OF ALL COMMERCIAL DOG BREEDING OPERATIONS WITHIN MARION COUNTY

WHEREAS, West Virginia Code §19-20-26 (b) provides in pertinent part that no commercial dog breeder may breed dogs without a business license and a valid license issued by the locality in which the dog breeding operation is located, if the locality so requires; and

WHEREAS, West Virginia Code §19-20-26 (c) further provides that county commissions are authorized to issue an annual permit for which a fee may be charged to commercial dog breeders within the county and that all commercial dog breeders within the county shall obtain a permit annually to operate, as required by the county commission of the county in which the commercial dog breeding operation is located; and

WHEREAS, the legislature has further provided in West Virginia Code §19-20-26 that fees collected by the county commission from commercial dog breeders shall be deposited into a specially designated account to be used for animal shelters, animal rescue and spay neuter programs administered by county animal shelters or other humane organizations;

NOW THEREFORE, the County Commission of Marion County does hereby ORDER:

(a) All commercial dog breeders within Marion County shall obtain a permit annually to operate within Marion County. All such permits shall be issued and all fees required herein shall be collected by the Marion County Commission office personnel.

(b) The fee for a Class I commercial dog breeding permit shall be two hundred fifty dollars ($250.00) per year.

(c) The fee for a Class II commercial dog breeding permit shall be five hundred ($500) per year.

(d) No commercial dog breeder shall operate and no permit to operate as a commercial dog breeder shall be issued to any person or entity that has been convicted of animal cruelty in any local, state or federal jurisdiction.

(e) All fees collected pursuant to the provisions of this ordinance shall be deposited in a specially designated account to be used for animal shelters, animal rescue and spay neuter
programs administered by county animal shelters or other humane organizations in Marion County.

(f) All commercial dog breeders in Marion County shall, in addition to the permit required herein, have a business registration certificate in accordance with section three [§ 11-12-3], article twelve, chapter eleven of the West Virginia code and any other business license or registration certificate as required by any municipality in which the commercial breeding operation may be located. No permit shall be issued to any commercial dog breeder without all other required licenses.

(g) All Class I and Class II commercial dog breeders shall be subject to biannual inspections under such terms and conditions as required by the legislature of the State of West Virginia as set forth in West Virginia Code § 19-20-26, as amended.

For purposes of this Ordinance the following terms shall have the following meaning when used herein:

(a) “Commercial dog breeder” means any person who:

• (A) Maintains eleven or more unsterilized dogs over the age of one year for the exclusive purpose of actively breeding;

• (B) Is engaged in the business of breeding dogs as household pets for direct or indirect sale or for exchange in return for consideration; and

• (C) “Commercial dog breeder” shall not include:
  
  o (i) Any person who keeps or breeds dogs exclusively for the purpose of herding or guarding livestock or farm animals, hunting, tracking or exhibiting in dog shows, performance events or field and obedience trials; and
  
  o (ii) With respect to greyhound dogs only, any person who holds an occupational permit from, and has registered a greyhound kennel name with, the West Virginia Racing Commission.

(b) “Class I Commercial Dog Breeder” means a commercial dog breeder that possesses eleven to thirty unsterilized dogs over the age of one year at any one time for the exclusive purpose of actively breeding.

(c) “Class II Commercial Dog Breeder” means a commercial dog breeder that possesses more than thirty unsterilized dogs over the age of one year at any time.

The effective date of this ordinance shall be upon its passage.

Date: August 19, 2015
Commissioner VanGilder moved that the Commission sign the Ordinance; Ordinance No.2015-01. Commissioner Garcia seconded. President Elliott concurred.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, September 2nd, 2015 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randy Elliott, President