The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, July 15th, 2015. Present were Commissioner Garcia, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, July 15th, 2015, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on July 16th, 17th, 20th, 21st, 22nd, 23rd, 24th, 27th, 28th, 29th, 30th, 31st and August 3rd and 4th, 2015 were approved as submitted and signed.

D. D. Meighen led the Court with a prayer. Robert Gribben 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, July 15th, 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 5, 2015
Nos. #2015-676 through #2015-791

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner VanGilder moved that the President sign Nos. #2015-676 through #2015-791. Commissioner Garcia seconded. President Elliott concurred.

For the record, note the Commission received the Order Confirming and Ratifying Fiduciary Supervisor’s Report of Claims and Settlement Report; Order #364.
Estate of

ELIZABETH MASON MEMORIAL PARK (Trust)
HUFFMAN, LONNIE LEE (2nd & Final)
CONRAD, THOMAS ROBERT (2nd & Final)
BERRY, LUCILLE (2nd & Final)
WELLS, HAROLD E. (2nd & Final)
KING, OMA P. (2nd & Final)
SINDELDECKER, ROSE
HADDIX, PAULINE M.
WELLS, JOHN WILLIAM
SAPP, MARY LOU

HAUGHT, MAE KATHLEEN
ANTHONY, GRETCHEN H.
HOOK, ROSE ANN RINALDO
CRISS, WILLIAM F.
BALL, WILLIAM THOMAS, JR.
HIBBS, LARRY RUDOLPH
GRIMM, BETTY LOUISE
O'CONNOR, DAVID K.
POLLACK, CHARLES PATRICK
GARCIA, AGNES A.
MOROEO, MARY A.
BOYERS, RUTHALEE
FLYNN, SYBIL ELIZABETH KATHRYN
KUBAS, JOHN A.
BOYCE, ALMA GAY
ASHCRAFT, THOMAS K.
GLASPELL, HUEY C.
HOHMANN, DONALD L.
BOSNICK, JAMES ANTHONYH, JR.
PHILLIPS, LISA LYNN
WILLS, GLORIA G.
DEGARMO, EVA M.
HARR, SUSAN LOUISE

Representative

Edward Fatty et al, Trustees
Diana Lea Shafer, Executrix
Norma Jean Moran, Admin. CTA DBN
Richard L. Gray, Administrator DBN
Phyllis Wells, Administrator CTA DBN
Judy Sanson, Executrix DBN
Debra Dicken-Hart, Executrix
John Michael Haddix, Executor
Phyllis Wells, Administratrix
Robert F. Sapp and Linda K. Toothman,
Co-Executors
Regina Sue White, Administratrix
Caitlin Goldberg, Executrix
Reyna VanGlider, Administratrix
WesBanco Bank, Inc., Administrator CTA
Sandy S. Ball, Administratrix
Charles R. Mays, Administrator
Richard Dale Grimm, Administrator
Loretta P. O'Connor, Administratrix
Teresa Pollack, Administratrix
Constance Cameo, Executrix
Cynthia Kay Wilson, Executrix
Jerry D. Boyers, Administrator
Franklin Carl Flynn, Jr., Executor
Joy Lou Kubas, Executrix
Steven W. Boyce, Executor
Benita Kay Jernigan, Executrix
Opal Pearl Glaspell, Executrix
Karen S. Rowan, Administratrix CTA
Vaunda Bosnicker, Administratrix
Robert E. Phillips, Jr., Administrator
Jack Charles Wills, Executor
Deborah D. Long, Ancillary Extrx DBN
Gary L. Harr, Administrator
Commissioner VanGilder moved that the Commission sign the Order; Order #364. Commissioner Garcia seconded. President Elliott concurred.

The Commission received an Order of Probate of Wills from the County Clerk’s Office for the month of June, 2015. Charlie Reese 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 June 1, 2015 through June 30, 2015 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 June 1,
2015 to June 30, 2015, 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 5th day of July, 2015.

[Signatures]

JANICE COSCO, CLERK by Thomas F. Antulov, deputy

DAVID A. GLANCE, FIDUCIARY SUPERVISOR
Commissioner VanGilder moved that the Commission sign the Order Confirming the Probate of Wills. Commissioner Garcia seconded. President Elliott concurred.
The Commission received the Resolution of the Insert LFA Approving the Change of Control of the Cable Television Franchise (SuddenLink). County administrator Kris Cinalli stated that he and Chuck Shields reviewed the Resolution and it is in good order. It will only take effect if the sell is concluded; if not the Resolution is null and void.

Marion County Commission

RESOLUTION OF THE MARION COUNTY COMMISSION
APPROVING THE CHANGE OF CONTROL OF THE CABLE TELEVISION FRANCHISE

WHEREAS, Cequel III Communications II, LLC d/b/a Suddenlink Communications ("Franchisee" or "Suddenlink") owns, operates, and maintains a cable television system serving Marion County pursuant to a franchise agreement or similar authorization (the "Franchise") issued by the Marion County Commission (the "Franchise Authority"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Cequel Corporation ("Cequel"), the parent of the Franchisee, has entered into a Purchase and Sale Agreement (the "Agreement") with Altice S.A. ("Altice") and the other parties thereto, pursuant to which certain wholly-owned subsidiaries of Altice will acquire 70% of the issued and outstanding equity interests of Cequel (the "Transaction"); and

WHEREAS, Franchisee has requested the consent of the Franchise Authority for the change of control of the Franchise in connection with the Transaction in accordance with the requirements of the Franchise and applicable law and has filed with the Franchise Authority an application on FCC Form 394 that includes relevant information concerning the Transaction and Altice (collectively, the "Application"); and

WHEREAS, the Franchise Authority has reviewed the Application, examined the legal, financial and technical qualifications of the relevant parties, followed all required procedures to consider and act upon the Application, and considered the comments of all interested parties; and

WHEREAS, the Franchise Authority believes it is in the interest of the community to approve the Application and the change of control of the Franchise in connection with the Transaction, as described in the Application.

NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby approves the Application and consents to the change of control of the Franchise in connection with the Transaction, all in accordance with the terms of the Franchise and applicable law.
Commissioner VanGilder moved that the Commission sign the Resolution. Commissioner Garcia seconded. President Elliott concurred.

The Commission presented the Resolution for the Revision of the Levy Estimate (Budget) of the General County Fund for the County of Marion.
RESOLUTION

At a regular session of the Marion County Commission, held on the 30th day of JULY, 2015, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) Of the General County Fund 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 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 1, a copy of which is entered as part of this record.

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

Randy Elliott  Yes or No
Ernie VanGilder  Yes or No
Rick Garcia  Yes or No

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.

Marion County Commission

Randy Elliott, Commissioner
Ernie Van Gilder, Commissioner
Rick Garcia, Commissioner
## REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-206)

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED</th>
<th>(INCREASE)</th>
<th>(DECREASE)</th>
<th>REVISED AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>299</td>
<td>Unassigned Fund Balance</td>
<td>700,000</td>
<td>791,840</td>
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<td>1,491,840</td>
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### NET INCREASE/(DECREASE) Revenues (ALL PAGES)

791,840

## EXPENDITURES: (net each account category)

### COUNTY/TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED</th>
<th>(INCREASE)</th>
<th>(DECREASE)</th>
<th>REVISED AMOUNT</th>
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</thead>
<tbody>
<tr>
<td>042</td>
<td>County Clerk</td>
<td>709,058</td>
<td>58,855</td>
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<td>767,913</td>
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<td>043</td>
<td>Circuit Clerk</td>
<td>692,234</td>
<td>22,902</td>
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<td>685,126</td>
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<td>639,521</td>
<td>26,978</td>
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<td>045</td>
<td>Prosecuting Attorney</td>
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<td>1,099,932</td>
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<td>006</td>
<td>Assessor</td>
<td>700,204</td>
<td>207</td>
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<td>418</td>
<td>Purchasing Department</td>
<td>474,951</td>
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<td>420</td>
<td>Controller</td>
<td>201,386</td>
<td>94</td>
<td></td>
<td>201,480</td>
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<tr>
<td>425</td>
<td>Other Buildings</td>
<td>65,000</td>
<td>5,000</td>
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<td>70,000</td>
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<td>428</td>
<td>Data Processing</td>
<td>199,881</td>
<td>1,314</td>
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<td>201,195</td>
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<tr>
<td>698</td>
<td>Transfers/Reim. (Audit Findings)</td>
<td>211,306</td>
<td>250,000</td>
<td>461,306</td>
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<tr>
<td>699</td>
<td>Contingencies</td>
<td>121,500</td>
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<td>700</td>
<td>Sheriff/Law Enforcement</td>
<td>3,007,670</td>
<td>1,629</td>
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<td>3,009,296</td>
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### NET INCREASE/(DECREASE) Expenditures

791,840

**APPROVED BY THE STATE AUDITOR**

**Kendall & Ellis, 7-30-15**

**AUTHORIZED SIGNATURE OF ENTITY**

**APPROVAL DATE**

**Director, Local Government Services Division**

**Date**
For the record, note the Commission presented the Resolution for the revision of the Levy Estimate (Budget) of the Coal Severance Fund for the County of Marion.
RESOLUTION

At a regular session of the Marion County Commission, held on the 15th day of July, 2015, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) of the Coal Severance Fund 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 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 1, a copy of which is entered as part of this record.

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

Randy Elliott
Ernie VanGilder
Rick Garcia

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.

Marion County Commission

Randy Elliott, Commissioner
President

Ernie VanGilder, Commissioner

Rick Garcia, Commissioner
The Commission received a request for advice and consent from Patrick Wilson, Prosecuting Attorney, to accept the resignation of Rutheanna Mills as an Administrative Assistant, to be effective August 7, 2015.
Commissioner VanGilder moved that the Commission accept the resignation of Rutheanna Mills as an Administrative Assistant, to be effective August 7, 2015. Commissioner Garcia seconded. President Elliott concurred.

The Commission received a request for advice and consent of the Commission from Patrick Wilson, Prosecuting Attorney, to hire Janie Simpson as a full time Administrative Assistant, with benefits, to be effective July 27, 2015.
Commissioner VanGilder moved that the Commission grant its advice and consent to hire Janie Simpson as a full time Administrative Assistant, with benefits, to be effective July 27, 2015. Commissioner Garcia seconded. President Elliott concurred.

The Commission received a budget revision request from Ted Offutt, Day Report Director. County Administrator Kris Cinalli stated that this revision is needed because the Day Report Center is no longer able to cover these expenses through their budget due to a change in their guidelines from the State of West Virginia.
Commissioner VanGilder moved that the Commission sign the revision. Commissioner Garcia seconded. President Elliott concurred.

The Commission received a request for funds from Bass Nation of West Virginia. County Administrator Kris Cinalli stated that this event will take place on September and they are requesting $4,000.00.

Commissioner VanGilder moved that the Commission allocate $4,000.00 for the event and that those funds be appropriated from the Coal Severance Fund. Commissioner Garcia seconded. President Elliott concurred.

The Commission received a request for funds from WV Extension for “Bright Futures for Marion County Students.” Lauren Prinzo thanked the Commission for their support last year and added that they are projecting approximately 500 students for his year’s event and these funds will be providing lunch from Fairmont State University for the students in attendance.
Commissioner VanGilder moved that the Commission allocate up to $2,625.00 for lunches for their students and that those funds be appropriated from the Coal Severance Fund. Commissioner Garcia seconded. President Elliott concurred.

For the record, note the Commission received from American Bituminous Power Partners, LP; Permit #O-1003-99, Renewal #3, for public review.

For the record, note the Commission received the notification from Atlantic Broadband of increase in costs for the Sports Programming Surcharge; by $2.30/month.
MARION COUNTY COMMISSION
AUGUST 5th, 2015

The Commission presented the First Reading of an Ordinance Regulating Puppy Mills in Marion County. County Administrator Kris Cinalli stated for the record that this Ordinance establishes regulations and permitting for those who want to breed dogs; there will have two Classes: Class I: owner who has 11 to 30 unsterilized dog for breeding; the fee will be $250.00 and Class II: over 30 unsterilized dog for breeding; the fee will be at $500.00. He continued that the reasoning for this is due to legislation that was passed this year in Charleston trying to regulate over population of dogs in the State. Kris added that the Second Reading and Public Hearing will be on August 19th, 2015 at 10:30 a.m. in the Commission Chambers

Commissioner VanGilder moved that the Commission set the Second Reading and Public Hearing for Wednesday, August 19th, 2015 at 10:30 a.m. in the Commission Chambers. Commissioner Garcia seconded. President Elliott concurred.
The Commission received the Vital Services Sustainability Task Force to address. Gino Guerrieri made the presentation behalf of the Task Force.
White Hall Police Chief Geno Guerrieri, who serves as the vice president on the task force, said members from across Marion County’s emergency services agencies have put together a plan in support of putting a public safety levy on the next primary election’s ballot. Guerrieri told commissioners the levy would provide funding to public safety agencies in order for them to update equipment and improve capabilities. He continued that the funding would allow agencies to do everything from training to purchasing upgraded equipment. These agencies include allocating the levy funding to all 13 volunteer fire departments in the county and the Fairmont City Fire Department, Grant Town EMS and all municipal police departments, including the Fairmont City Police Department and the Marion County Sheriff’s Department.

Chris McIntire, the director of the Marion County Department of Homeland Security and Emergency Services and Chief of the Worthington Volunteer Fire Department told commissioners that in some cases there are departments in Marion County that have trouble getting funding and could be shut down within the next couple years if the overall finances of these departments don’t change. He added that the cost of equipment and vehicle costs are the driving force for this proposed levy to be added to the ballot. He is hoping that if the levy passes department in future may not have to close.

Other members of the Task Force spoke in support of and cooperation of all members of the various agencies that have been involved with this proposed levy. Chief Guerrieri added that the task Force would be asking formally for the levy to be placed on the 2016 Primary Election Ballot sometime in September.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess for 10 minutes when we will reconvene for our Public Hearing on the Abandonment of a right-of-way.
Public Hearing to request to abandon a right-of-way described as Taft Alley and setting of Public Hearing date for August 5, 2015, at 10:30 am.

President Elliott called the Public Hearing to order.

County Administrator Kris Cinalli presented the petition to the Commission which was the abandonment of Taft Alley located in Rachel, Lincoln District.

For the record, note Kris Cinalli started and presented Exhibit 1 notice of publication in the Times West Virginian the notice of Public Hearing. Kris Cinalli added that the Commission has received no calls, emails or letters objecting to the abandonment taking place.

For the record, note Mr. Mike Efaw, the petitioner representing Angela Maset was also present and stated the posted the notice in the Post Office and General Store in Rachel. 

President Elliott stated for the record that no one was present to at today’s hearing to object as well.

County Attorney Chuck Shields stated that he had reviewed this petition and stated that they have met all of the requirements necessary for abandonment.
President Elliott recommended approval of the Commission for the abandonment.

Commissioner VanGilder moved that the Commission approve the abandonment of Taft Alley located in Rachel, Lincoln District. Commissioner Garcia seconded. President Elliott concurred.
For the record, note the Mr. Efaw will need to have an Order prepared for recording to be recorded in the County Clerk’s Office of this abandonment. Mr. Efaw stated that he would have the Order prepared.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, August 12th, 2015 at 10:00 a.m. for the next scheduled County Commission Meeting.

______________________________
Randy Elliott, President