

A public hearing was held on Friday, August 2, 1996, at 7:00 PM in the Courthouse in Marlinton.

PRESENT: Joel S. Callison, Commissioner
Mike Mynuk, Jr., Commissioner

Marlinton Town Council Members: Jim Kellison
Jean Hite
Sam Felton
Marvin "Butch" Perry

Members of the Public: Billy Gilmore, Derek Hannah, Debbie Kincaid, David Kincaid, Paul Sharp, Patricia McLaughlin, Nancy Gilmore, Pauline Poague, Lucille Kelley, Shirley Robertson, Robert Robertson, Reta Griffith, Ron Tibbs, and Lisa Sharp.

Commissioner Callison welcomed everyone and introduced town of Marlinton Attorney, Martin V. Saffer. Mr. Saffer informed those in attendance that this was a continuation of the April 19, 1996 public meeting concerning the Town of Marlinton's proposed annexation. Mr. Saffer stated that the Commission felt it would be beneficial to hold another hearing due to a lot of problems and misinformation at the last meetings.

Mr. Saffer stated that the Town of Marlinton has asked the County Commission to make a minor boundary adjustment which would include part of Rt. 219 north towards Campbelltown and south towards Buckeye, including the Hospital and its lots, the Marlinton Middle School, and the West Virginia State Police office.

Mr. Saffer went on to say that the only people or groups who have any legal standing to protest this annexation are the freeholders in the area to be annexed. These groups include the hospital, Board of Education, WV State Police, and the doctors or other organizations which buy lots from the hospital.

A group from Beard Heights attended this hearing. Mrs. Patricia McLaughlin was the first to speak. Mrs. McLaughlin stated that the paper gave all the roads and streets on Beard Heights as being annexed. She asked if the Town was annexing Beard Heights? Mr. Saffer stated that only the property in public use would be annexed and these included public roads, streets, and alleyways. Mrs. McLaughlin stated that the residents of Beard Heights opposed the annexation and asked why they were being annexed? Mr. Saffer responded that the flooding and economic devastation has made the Town look to the future to develop in years to come. Mrs. McLaughlin stated that most of the residents in Beard Heights are on a fixed income and they do not need the extra expense. Mr. Saffer

stated that with just the roads being annexed, the residents would not be required to hook on. In the event of full annexation, the residents would be allowed to vote on it. Mr. Saffer went on to say that the resident would have control of what happens in the future, but the Town was laying the framework. Mrs. McLaughlin asked if the roads were annexed, what is the town gaining? Mr. Saffer responded that this was the first step in a plan, the beginning step for the future plan for the Town of Marlinton. Mr. Saffer went on to say that the Town must be maintained, but this plan does not mean the residents of Beard Heights are locked in to it and the nothing would be done against anyone's will. Mrs. McLaughlin asked, "what if we don't want the roads annexed?" Mr. Saffer stated that the residents have no say over the roadways. Mr. Saffer stated that right now the issue is very small and only the landowners encompassed in the boundary will be affected. Mrs. McLaughlin stated that once annexed, there would be no due process. Mr. Saffer responded that there will be due process in future, but you must wait and see what the next step will be.

Mr. David Kincaid stated that Mr. Saffer kept talking about enclosed boundaries, and with the streets annexed, the boundaries of many property owners' were enclosed. Mr. Kincaid asked if the residents of Beard Heights would get the same benefits the town receives without charge? Mr. Sam Felton stated that snow removal would not change, the state would still continue to plow the streets. Ms. Jean Hite stated that the Town was merely getting the right of way along the roadsides. Mr. Saffer concurred and reminded those in attendance that the advertisement states rights of way and the only roads taken in are the access roads to the hospital and school. Ms. Hite went on to say that the Town must provide fire, police, and trash pick-up services to the hospital, school, and police.

Mr. Kincaid stated that the residents of Beard Heights know what happens when annexation occurs and they want no part of it. Mr. Saffer reminded Mr. Kincaid that at the present time, the residents had no say in the project and he believed they were anticipating the worst.

Ms. Lisa Sharp asked what the boundaries were and if a map was available? Mr. Saffer stated that a map was on file in the County Clerk's Office and the only amendment was Jericho Road would not be included in the new plan. Mr. Saffer went on to say that the Town abandoned this plan because of adverse feelings and they felt it was best to pursue what would succeed and benefit economically.

Ms. Sharp then asked, "exactly what are rights of way and should she look at the map?" Mr. Felton stated that a right of way is the width of what the state already considers its right of way. Mr. Billy Gilmore asked what does the Town stand to gain by taking the other side of the road? Mr. Saffer stated that they would gain the ability to look on a map and see areas which become part of the town.

Mr. Gilmore then asked what would happen to the watertank on the hill? Mr. Saffer stated that the Town would not annex the water and sewer systems of the hospital, they were merely annexing the land. Mr. Felton stated that the tank is part of the system and if the Town were to annex it there is land which would be annexed in order to incorporate it into town. Mr. Felton went on to say that the Town did not want to take on the bill if they annex the water system.

Mr. Kincaid stated that if the Town annexed the rights of way, it would take the pumphouse for the water system because it sits in the right of way. Ms. Hite responded

that the Hospital would maintain the water system. Mr. Kincaid asked, "if you annex, won't you own the water system?" Ms. Hite responded, "let me assure you we are not trying to put anything over or tick anyone, we are taking a first step in a long range plan."

Mr. Randy Sharp asked if this would not be better for a public service district to handle? Mr. Saffer stated that he could not speak on which one is the better option. Mr. Sharp then asked where the money would come from and how many people would hook on to the system? Mr. Felton responded, "right now, not many will hook-up." Mr. Felton went on to say that if the town tried to do this project all at once it would cost a lot, but it is cheaper to do it a little at a time.

Mr. Saffer stated that he wished he had all of the answers of where this would lead to, be he did not; however, he hoped the Town and County would thrive economically.

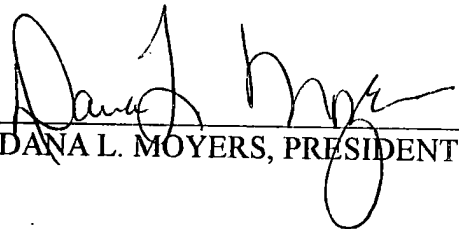
Another citizen asked at no time would Beard Heights be included without a vote? Mr. Saffer responded that was correct. Mr. Felton stated that in this system, the individual has the option of hooking on and becoming part of the town.

Ms. Sharp asked Mr. Saffer what constituted a substantial number of citizens when dealing with opposition to annexation? Mr. Saffer corrected Ms. Sharp by saying that the statute refers to freeholders and not merely citizens. Mr. Felton stated that he believed a substantial number constituted around 60% or 70%.

Mr. Saffer reminded the group that there are three ways to annex: election, minor boundary change, and petition. Mr. Felton referred to the Riverside annexation in which one person was asked to be left off of the proposal. Mr. Felton said this was an annexation by election.

Mr. Saffer concluded by saying that it is very hard to determine the scenarios to which this first step may lead.

ORDERED THIS MEETING BE ADJOURNED. SINE DIE.


DANA L. MOYERS, PRESIDENT