IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

#1 COURT SQUARE, SUITE 203 PARKERSBURG, WV 26101

IN RE: MINUTES OF MEETING HELD THURSDAY, AUGUST 17, 2017

PRESENT: DAVID BLAIR COUCH, PRESIDENT ROBERT K. TEBAY, COMMISSIONER JAMES COLOMBO, COMMISSIONER

At 9:30 A.M., the County Commission of Wood County met in regular session. They signed purchase orders, invoices and other correspondence.

The County Commission, upon a motion duly made, seconded and passed, approved an Erroneous Assessment Application in regard to personal property. A copy is attached to these minutes.

AGENDA AND DISCUSSION ITEMS

At 9:30 A.M., the County Commission delayed the Gregory A. Myers estate due to one of the attorneys participating in another hearing.

At 10:00 A.M., the County Commission held a hearing in regard to the Noel Mahaney estate. Due to lack of proper notice to the Administrator of the estate, the hearing was delayed until a future date. (Probate Order)

At 10:10 A.M., the County Commission held a hearing in regard to the Gregory A. Myer estate. Attorney Richard Smith and Attorney Debra Steed were present. The County Commission continued this hearing until petitions are filed by the Attorneys. (Probate Order)

At 10:32 o'clock A.M., the County Commission held a hearing in regard to the Ella A. Moore estate. Marcella Moore, beneficiary to the estate, is objecting to the Final Settlement. After testimony from Marcella Moore and Marcia Metz, Executrix, the County Commission that Ms. Moore and Ms. Metz are to come to a resolution within ten days. If the County Commission does not receive notification, the Final Settlement will be final. (Probate Order)

At 11:05 A.M., the County Commission approved a Drawdown on the Emerson Commons TIF Zone. (Order A/1816)

ORDERS APPROVED AND ATTACHED TO THESE MINUTES

A/1816, A/1815, A/1813

Having no further scheduled appointments or business to attend to, the County Commission adjourned at 11:17 A.M.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

David Blair Couch, President

Robert K. Tebay, Commissioner

James Colombo, Commissioner

To listen to this meeting, please refer to DVD labeled August 17, 2017.

Wood County Commission Meeting Held August 17, 2017

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Please Print

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| 4. MARCELLA MOORE |
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| | | | | | | |
| 9:30 A.M. | Gregory A. Myers estate – Consider request to remove Administratrix | Richard Smith, Attorney | | | | |
| 10:00 A.M. | Noel Mahaney estate – Consider objection to the estate filing | Victoria Mahaney, heir | | | | |
| 10:30 A.M. | Ella A. Moore estate – Consider objection to the final settlement | Marcella Moore, beneficiary | | | | |
| | Announce vacancy and consider putting | | | | | |
| | Chad Lancaster in nomination for the Union Williams Public Service District | | | | | |
| | Administrator's Report | Marty Seufer, County Administrator | | | | |
| | County Commission Reports | | | | | |
| | | | | | | |

Discussion, Review and Approval of expenditures and disbursements identified on Exhibit 1, hereto attached

Correspondence for this meeting will be available for public review during regular office hours in Room 205 of the Wood County Courthouse two (2) days prior to the meeting

Exhibit 1

Discussion, Review and Approval of the following items may be included during this meeting and are available for public inspection in the Office of the County Administrator two days prior to this meeting.

Budget revisions

Purchase orders and requisitions

Revisions, reimbursement requests, resolutions and correspondence for grants

Grant disbursements to other entities

Invoices for expenditures to be paid

Reimbursements for travel expenses

Bid specifications and procedures for bids previously authorized by the Commission

Monthly Hotel Occupancy Tax Collection disbursements

Disbursements for previously approved Innovative Programming Grants

Tax refunds, exonerations, impropers and consolidations

Probate items, including settlements, petitions and Fiduciary Commissioner reports

General Fund disbursements to entities

Funding requests from local organizations by written form

Payroll modification as submitted by elected officials

Day

THURSDAY, AUGUST 17, 2017 THIRTEENTH DAY

AUGUST 2017

At a Regular Session of the County Commission, continued and held for the County of Wood, at the Courthouse thereof, Thursday, August 17, 2017, Present, David Blair Couch, President of said Commission and Robert K. Tebay and James E. Colombo, Commissioners.

The orders and proceedings of the previous session of this Commission, held on Monday, August 14, 2017, were read before the County Commission, approved and ordered signed.

IN RE: ESTATE OF NOEL C MAHANEY, DECEASED (ORDER COUNTY COMMISSION HEARING CONTINUED) This day came VICTORIA C. S. MAHANEY, heir to the Estate of NOEL C MAHANEY, DECEASED. Before the County Commission, in a hearing objecting to the Appraisement and Inventory that was filed and recorded by NICHOLAS S. MOREY, III, ADMINISTRATOR of said ESTATE. Due to VICTORIA C.S. MAHANEY, not giving proper notification to NICHOLAS S. MOREY, III, ADMINISTRATOR of hearing, County Commission ruled that the County Clerk would notify the ADMINISTRATOR and the hearing is continued until August 28, 2017, 9:30 o'clock a.m.

IN RE: ESTATE OF GREGORY ALLEN MYERS, DECEASED (ORDER COUNTY COMMISSION-

HEARING CONTINUED)

This day came Attorney Richard Smith and Attorney Debra Steed in the matter of the Estate of GREGORY ALLEN MYERS, DECEASED, the County Commission made a Motion that the Hearing be continued until Petitions are filed by the Attorneys.

IN RE: ESTATE OF ESTATE OF ELLA A MOORE, DECEASED (ORDER COUNTY COMMISSION-AGREEMENT MUST BE MET WITHIN TEN DAYS

OR FINAL SETTLEMENT WILL BE FINAL)

This day came MARCELLA MOORE, BENEFICIRARY to the Estate of ELLA A MOORE, DECEASED, the County Commission in a hearing objecting the Final Settlement. The County Commission after hearing testimony from MARCELLA MOORE, BENEFICIARY and MARCIA METZ, EXECUTRIX, made the Motion that the BENEFICIARY AND EXECUTRIX are to meet and come to a resolution within ten days, if no notification to the County Commission the Final Settlement will be final.

IN RE: ESTATE OF NANCY RUTH FOGGIN, DECEASED. (DATE OF DEATH: 10/06/2015)

This day came TAMMALA KINNEY and moved her appointment and qualification as ADMINISTRATRIX of the Estate of NANCY RUTH FOGGIN, deceased.

It appearing to this Commission, proper so to do, the said TAMMALA KINNEY is hereby qualified as such ADMINISTRATRIX.

Whereupon the said NANCY RUTH FOGGIN, before the County Commission, made oath thereto, as such

ADMINISTRATRIX and by Order of County Commission and by Counsel, Robert Fluharty, bond was waived. Letters of administration are hereby granted the said TAMMALA KINNEY, upon the Estate of NANCY RUTH FOGGIN, deceased, in due form.

In accordance with Chapter 44, Article 1, Section 14 of the West Virginia Code, of 1931, as amended, effective July 9, 1993, the Personal Representative, after first being duly sworn, shall make a true and accurate appraisement of the Estate of NANCY RUTH FOGGIN, deceased, both real and personal, and will make their return thereof as required by law.

No reference is made to a Fiduciary Commissioner, for settlement, in this Estate.

There appearing no further business to claim the attention of this Commission, it is hereby ordered that this Commission, do now adjourn to meet in Regular Session, Monday, August 21, 2017, at 9:30 o'clock A. M.

President

Term

JULY TERM

AUGUST 17, 2017

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION PLACED THE NAME OF DAVE HINES IN NOMINATION TO FILL A VACANCY ON THE WOOD COUNTY AIRPORT AUTHORITY. $\underline{O \ R \ D \ E \ R}$

On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Robert K. Tebay and made unanimous by James E. Colombo, placed the name of Dave Hines, Republican, in nomination to fill a vacancy on the Wood County Airport Authority. Said vacancy is due to the fact that John Pfalzgraf passed away. The unexpired term will expire June 30, 2020.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

look-Page

David Blair Couch, President

Tebay, Commissioner Robert K.

Colombo, Commissioner James E

A/1813

AUGUST 17, 2017

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION ANNOUNCED THAT A VACANCY EXISTS ON THE UNION WILLIAMS PUBLIC SERVICE DISTRICT BOARD.

\underline{ORDER}

On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by James E. Colombo and made unanimous by Robert K. Tebay, announced that a vacancy exists on the Union Williams Public Service District Board. Said vacancy is pursuant to the resignation of Howard Seufer. Mr. Seufer's unexpired term will expire November 1, 2018.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

00K-1-398

David Blair Couch, President

Robert K. Tebay, Commissioner

lames E. Colombo, Commissioner

A/1815

AUGUST 17, 2017

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION DID HEREBY AUTHORIZE A PAYMENT FOR EMERSON COMMONS TIF DISTRICT.

\underline{ORDER}

On this date, the County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by James E. Colombo and made unanimous by David Blair Couch, did hereby AUTHORIZE Requisition for Payment Number Two (2) for the Emerson Commons Tax Increment Financing (TIF) District. Said payment is in the amount of forty thousand sixty-seven dollars and ninety-one cents (\$40,067.91).

A copy of said Requisition for Payment is attached to this Order and should be made a part thereof.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

David Blair Couch, President

Febay, Con Robert K.

James E. Colombo, Commissioner

A/1816

REQUISITION FOR PAYMENT FROM PROJECT FUND

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\$4,700,000 The County Commission of Wood County Tax Increment Revenue Bonds (Emerson Commons Project No. 1) Series 2017 (TAXABLE)

REQUISITION FOR PAYMENT NO. 2

The County Commission of Wood County, a public corporation and governing body of Wood County, a political subdivision of the State of West Virginia (the "Issuer"), and Emerson Commons LLC, a West Virginia limited liability company (the "Developer") by their duly Authorized Officers, hereby certify, in connection with this Requisition for Payment from the Project Fund (the "Requisition") under an Trust Indenture for the above captioned Bonds (the "Bonds"), dated as of July 1, 2017 (the "Indenture") between the Issuer and WesBanco Bank, Inc., as trustee thereunder (the "Trustee") and a Development Agreement (the "Development Agreement), dated July 21, 2017, by and between the Issuer and the Developer, that:

1. Terms used herein and not otherwise defined herein shall have the meanings given such terms in the Indenture and in the Development Agreement.

2. The amount requested to be disbursed by this Requisition: (a) is a portion of the Costs of the Project authorized for funding under the Indenture and Development Agreement; (b) includes only payments for work, materials, equipment and other costs that constitute capital costs of the TIF Project which have been incurred and remain unpaid; and (c) is an authorized expenditure under the Project Plan for the Development District and the TIF Act.

- (a) \$______ is to be paid to the Developer as reimbursement to the Developer for one or more invoices or statements, each of which was previously paid by the Developer to an entity that is not affiliated with the Issuer or the Developer; and
- (b) <u>\$40,067.91</u> is to be paid to one or more third party payees, each of which are not affiliated with the Issuer or the Developer (including any mortgagee or trust deed beneficiary, contractor or supplier of materials), or to be paid on a joint basis to the Issuer or the Developer and such a third party payee with respect to an expense previously incurred but not yet paid.
- 4. The Trustee is directed to forward this Requisition to the Purchasers and, upon

receipt of requested funds from the Purchasers and the deposit of such funds by the Trustee into the Project Fund to thereafter disburse from the Project Fund to the parties and in the amounts indicated in this Requisition.

5. In connection with the foregoing request and authorization, the undersigned authorized representative of the Issuer does hereby certify to the Trustee that:

(a) the obligations in the stated amounts have been incurred by the Issuer and are presently due and payable and each item hereof is a proper charge against the Project Fund and has not been previously paid from the Project Fund;

(b) such costs are valid "costs" of a "project" under the Act and no part thereof was included in any other requests previously filed with the Bond Trustee;

(c) there has not been filed with or served upon the Issuer any notice of claim of lien, right to a lien or attachment upon, or claims affecting the right of any person, firm or corporation named above, to receive payment of any of the amounts payable to any of the persons named above, that has not been released or will not be released simultaneously with the payment of such obligation; and

(d) this statement and all exhibits hereto shall be conclusive evidence of the facts and statements set forth herein.

In either event, the amounts set forth herein and in Schedule I attached hereto are supported by the attached copies of invoices or statements.

[Signature page follows this page.]

IN WITNESS WHEREOF, this Requisition has been duly executed by the Issuer and by the Developer by their duly Authorized Officers this $A_{M_{gust}} \ge 20 \frac{17}{21}$.

THE COUNTY COMMISSION OF WOOD COUNTY en By: Its President

EMERSON COMMONS LLC

B Its Manager

RESIDENT PROJECT REPRESENTATIVE'S CERTIFICATE

, as Resident Project Representative for the TIF Project, hereby certifies that the portion of the TIF Project for which payment is requested hereby has been constructed in accordance with the plans and specifications therefore, that payment is now due and owing for such costs, and that such costs have not been the subject of a previous requisition by the Issuer and the Developer.

RESIDENT PROJECT REPRESENTATIVE

| By: | |
|--------|--|
| Name: | |
| Title: | |

;

(Not applicable – Professional / Engineering Fees Only)

Schedule I to Requisition

REIMBURSEMENT AND THIRD PARTY PAYMENTS

(1) Total Amount of disbursement pursuant to this Requisition: \$_____

(2) Reimbursement to the Developer:

| Vendor | Description of Expense | Date of <u>Payment</u> | Amount |
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| TOTAL | | \$ | 2 5 |

(3) Payment to third party payees:

| Vendor | Description | n of Expense | Amount | Payee Name(s)/ <u>Address(es)</u> |
|-----------------------------|------------------|-------------------|----------|------------------------------------------------------------------------------|
| 1.Boyd Real Estate Resource | s, LLC | Professional Fees | \$10,000 | Boyd Real Estate Resources, LLC 120 McGovran Road Charleston, WV 25314 |
| 2.Civil and Environmental C | onsultants, Inc. | | | CEC, Inc. PO Box 644246 Pittsburgh, PA 15264-4246 |
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TOTAL '

\$ 40,067.91

The items listed for reimbursement to the Developer or the Issuer or payment to third party payees are supported by attached copies of invoices or statements.

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Schedule I to Requisition (continued)

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Copies of Invoices or Statements

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(Attached)

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Invoice

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Invoice Date:August 1, 2017Invoice Number:006

From: Boyd Real Estate, Resources, LLC 120 McGovran Road Charleston, WV 25314

To: Emerson Commons, LLC 101 Wyndham Knob Parkersburg, WV 26104

Description of Services

Professional Services, Emerson Commons, Menards, TIF From 7/15/17 to 8/15/17

| | Sub Total | \$10,000 | |
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| | Тах | 0 | |
| | Total | \$10,000 | |
| 8 | | Mark III | |

Invoice

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Civil & Environmental Consultants, Inc. Phone: 412-429-2324 | Fax: 412-429-2114 www.cecinc.com

| Professional Services through June 17. 2017 Task 0001 Site Development Professional Feas Hours Rate Amount Burns, Raymond 7.50 88.30 662.25 Damich, Drew 9.50 39.29 373.26 DeMarco, Zachnay 16.50 104.15 1.718.48 Diaz, Joshua 4.00 159.82 639.28 Gardner, Lucas 31.25 70.49 2,202.81 Gardner, Lucas 31.25 70.49 2,202.81 Gardner, Lucas 31.25 1.0 times 312.50 Total Units 31.25 Units @ 10.00 312.50 312.50 Total Units 31.25 Units @ 10.00 312.50 312.50 Fask 0005 Utility Design Yofeessional Fees \$5,998.08 Burns, Raymond Ovt 1.00 88.30 3,796.60 Burns, Raymond Ovt 1.00 88.30 3,796.90 Unit Billing 33.5 Units @ 10.00 335.00 3,796.90 CADD Tot | | Joseph Pope Emerson Commons, I 101 Wyndham Knob Parkersburg, WV 281 | | | June 29, 20 Project No: Invoice No: | 164-625 | |
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Civil Engineering | Environmental Engineering & Sciences | Ecological Sciences | Waste Management | Water Resources

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| Field supplie | | | | | | | |
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| Project | 164-6 | 25 | Emerson Commons TIF | Project 1 | | | Involce | 172830 |
|---------------------|-----------|-----------------------------|-------------------------|---------------|----------------|--------------------|-------------|--------|
| | | | | | Total th | is Task | \$3,556.18 | 3 |
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| Diaz, Jo | | | | Hours 7.00 | Rate 159.82 | Amount 1,118.74 | | |
| Robinso | on, Josep | n | | .25 7.25 | 142.33 | 35.58 1,154.32 | | |
| | | | | | | | 1,154.32 | 2 |
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| Remit to: | | | | | | | ×. | |
| PO Box 64 | 4246 | tal Consultant | s, Inc. | | | | | |
| Pittsburgh, | PA 152 | 54-4246 | | | | | ÷ | |

Payment Terms: Net 30 Days, 1.5% Interest Per Month on Past Due Balances

Date Recorded 08/17/2017 Document Type CCD Pages Recorded 12 0 Book-Page 73-1728

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Wood County Commission

Erroneous Assessment Application

Tax Type: Personal Property

Tax Ticket: 745720

Tax Year: 2017

Upon the application of SHOOP CHRIS whose address is 455 W WILDWOOD DR PARKERSBURG, WV 26101- aggrieved by an erroneous assessment in LUBECK District (03), in the County of Wood, for the 2017 tax year.

The County Commission therefore, orders that the said applicant be and hereby exonerated from the said erroneous assessment and from the payment of the taxes so assessed in and for the **2017** tax year.

If the taxes have been paid the Sheriff shall refund the same to them; or if more than a year from the time the property books were delivered to the Sheriff for the the affected tax year, the Sheriff shall allow a credit on future taxes payable.

Due to error taxpayer Chris Shoop didn't remove 2008 Mazda from 2017 tax ticket 745720. The 2008 Mazda was titled in California 10/16/2015.Please exon on tax ticket 745720 value 2,100. Thank You

All of which is ordered to be certified to the Auditor of the State of West virginia and the Sheriff of WOOD County

| Date Transaction Type | Class A | mount | Tax Rate | Tax Class | Net Value |
|--------------------------------------------------------------------------------|----------------|-----------|------------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| 07/01/2017 BILLING | 3 | 599.96 | 2.378800 | 3 | 25,221 |
| 07/21/2017 PENDING EXONERATION | 3 | -49.96 | 2.378800 | 3 | -2,100 |
| Adjusted | Net Taxes | 550.00 | Adjust | ed Net Value | 23,121 |
| Chube Shoop Taxpayer SUMPRENE - 364 - 488 - 91 | 28 | Prosecut | or | Jave J Assess Role | John Sty |
| Commissioner At a regular session of the Con County, The County Commissi | anty Commissio | | unty, West Virginia, l | | |
| AUG O | 1 2017 | RI CO | 2 2017 | I AUG | → WDD County (Pate Recorded Date Recorded Document No Pates Bellette Pates Bellette Book-Page |
| County A | dministration | County Ac | <i>C</i> | AUG 1 0 20 Found County Administrator | 30:34 AM 762400 76570 |
| By: Don Grimm | | | 2 | pplication Printe | a on |

Friday, July 21, 2017 11:39 am