

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

**Please Print**

1.	Victoria Mahany
2.	Marcia Metz
3.	Sarah Roth
4.	MARCELLA Moore
5.	Richard Smith
6.	Debra Steed
7.	James J. Taylor
8.	
9.	
10.	
11.	
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17.	
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20.	



Wood County Commission  
Agenda

8/17/2017

1 Court Square, Suite 203  
Parkersburg, WV 26101

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	

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

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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

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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, improprieties 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

# ORDERS—Wood County Commission, West Virginia

73

Term,

Day

20

CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 15988-15

JULY TERM

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 Appraisal 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 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, BENEFICIARY 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.

If 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 appraisal 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

AUGUST 17, 2017

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

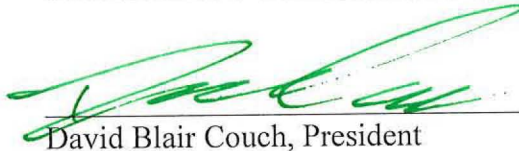
IN RE: THE COUNTY COMMISSION PLACED THE NAME OF DAVE  
HINES IN NOMINATION TO FILL A VACANCY ON THE WOOD  
COUNTY AIRPORT AUTHORITY.

**ORDER**

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:

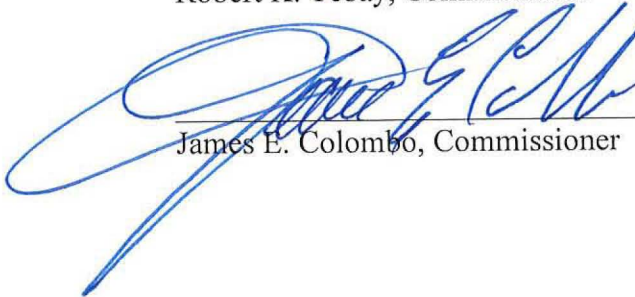
THE COUNTY COMMISSION OF WOOD COUNTY



David Blair Couch, President



Robert K. Tebay, Commissioner



James E. Colombo, Commissioner

A/1813

Mark Rhodes  
WOOD County 09:32:06 AM  
Instrument No 8762402  
Date Recorded 08/17/2017  
Document Type CDD  
Pages Recorded 1  
Book-Page 73-571



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.

**ORDER**

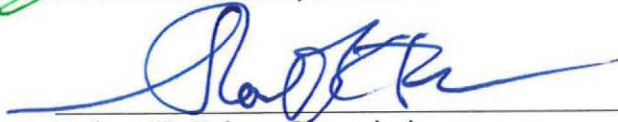
On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by James E. Colombo and made unanimous by Robert K. Tebay, announced that a vacancy exists on the Union Williams Public Service District Board. Said vacancy is pursuant to the resignation of Howard Seufer.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

APPROVED:

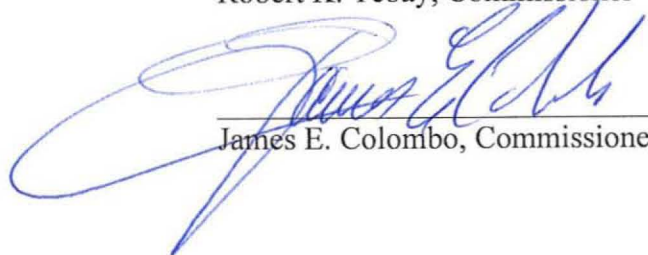
THE COUNTY COMMISSION OF WOOD COUNTY

A green ink signature of David Blair Couch, written in a cursive style, positioned above a horizontal line.

David Blair Couch, President

A blue ink signature of Robert K. Tebay, written in a cursive style, positioned above a horizontal line.

Robert K. Tebay, Commissioner

A blue ink signature of James E. Colombo, written in a cursive style, positioned above a horizontal line.

James E. Colombo, Commissioner

A/1815

Mark Rhodes  
WOOD County 09:35:25 AM  
Instrument No 8762406  
Date Recorded 08/17/2017  
Document Type CDD  
Pages Recorded 1  
Book-Page 73-572

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.

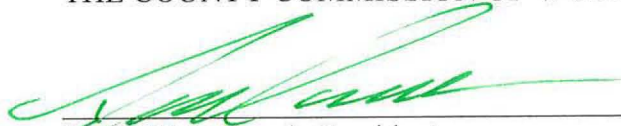
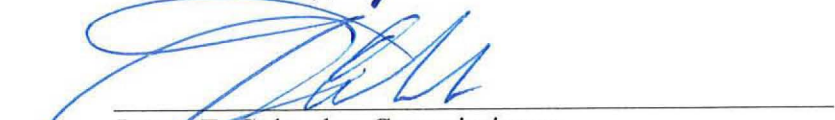
**ORDER**

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  
\_\_\_\_\_  
Robert K. Tebay, Commissioner  
\_\_\_\_\_  
James E. Colombo, Commissioner

A/1816

**REQUISITION FOR PAYMENT FROM**  
**PROJECT FUND**

**\$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.

3. The total amount requested to be disbursed pursuant to this Requisition is \$40,067.91. As set forth in **Schedule I** attached hereto, of the total amount of such disbursement:

- (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) \$40,067.91 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.]

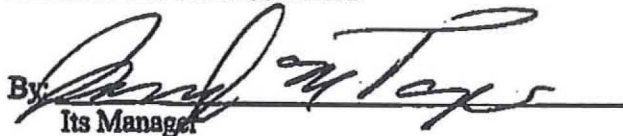


IN WITNESS WHEREOF, this Requisition has been duly executed by the Issuer and by the Developer by their duly Authorized Officers this August 21, 2017.

THE COUNTY COMMISSION OF  
WOOD COUNTY

By:   
Its President

EMERSON COMMONS LLC

By:   
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)

### REIMBURSEMENT AND THIRD PARTY PAYMENTS

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

(2) Reimbursement to the Developer:

	<u>Vendor</u>	<u>Description of Expense</u>	<u>Date of Payment</u>	<u>Amount</u>
1.				
2.				
3.				
	TOTAL			\$ _____

(3) Payment to third party payees:

	<u>Vendor</u>	<u>Description of Expense</u>	<u>Amount</u>	<u>Payee Name(s)/ Address(es)</u>
1.	Boyd Real Estate Resources, LLC	Professional Fees	\$10,000	Boyd Real Estate Resources, LLC 120 McGovran Road Charleston, WV 25314
2.	Civil and Environmental Consultants, Inc.			CEC, Inc. PO Box 644246 Pittsburgh, PA 15264-4246
3.				
	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.**

**Schedule I**  
to Requisition  
(continued)

(Attached)      Copies of Invoices or Statements



[illegible]

**Invoice**

**Invoice Date:** August 1, 2017  
**Invoice Number:** 006

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

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

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**Description of Services**

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

<b>Sub Total</b>	<b>\$10,000</b>
<b>Tax</b>	<b>0</b>
<b>Total</b>	<b>\$10,000</b>

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**Invoice**

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

Joseph Pope  
 Emerson Commons, LLC  
 101 Wyndham Knob  
 Parkersburg, WV 26104

June 29, 2017  
 Project No: 164-625  
 Invoice No: 172830

Project 164-625 Emerson Commons TIF Project 1  
Professional Services through June 17, 2017

Task 0001 Site Development  
 Professional Fees

	Hours	Rate	Amount	
Burns, Raymond	7.50	88.30	662.25	
Damich, Drew	9.50	39.29	373.28	
DeMarco, Zachary	16.50	104.15	1,718.48	
Diaz, Joshua	4.00	159.82	639.28	
Gardner, Lucas	31.25	70.49	2,202.81	
	68.75		5,596.08	5,596.08

**Unit Billing**

CADD	31.25 Units @ 10.00	312.50	
	1.0 times	312.50	312.50
<b>Total Units</b>			
	<b>Total this Task</b>		<b>\$5,908.58</b>

Task 0005 Utility Design  
 Professional Fees

	Hours	Rate	Amount	
Burns, Raymond	42.00	88.30	3,708.60	
Burns, Raymond	1.00	88.30	88.30	
	43.00		3,796.90	3,796.90

**Unit Billing**

CADD	33.5 Units @ 10.00	335.00	
	1.0 times	335.00	335.00
<b>Total Units</b>			
	<b>Total this Task</b>		<b>\$4,131.90</b>

Task 0006 Storm Water Design  
 Professional Fees

	Hours	Rate	Amount	
Burns, Raymond	35.50	88.30	3,134.65	
	35.50		3,134.65	3,134.65

Project	164-625	Emerson Commons TIF Project 1	Invoice	172830
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#### Unit Billing

CADD		15.0 Units @ 10.00	150.00	
	Total Units	1.0 times	150.00	150.00
		Total this Task		\$3,284.65

#### Task 0007 Project Meetings

##### Professional Fees

		Hours	Rate	Amount	
Cain, Steven		12.00	192.68	2,312.16	
		12.00		2,312.16	
					2,312.16

##### Reimbursable Expenses

Field supplies/misc.					
8/8/2017	DeMarco, Zachary	Conference Room Rental	107.00		
	Total Reimbursables	1.12 times	107.00		119.84

#### Unit Billing

Field Vehicle (Daily)		2.0 Units @ 85.00	170.00	
	Total Units	1.0 times	170.00	170.00
		Total this Task		\$2,602.00

#### Task 0008 Project Management

##### Professional Fees

		Hours	Rate	Amount	
Cain, Steven		34.00	192.68	6,551.12	
Damich, Drew		2.00	39.29	78.58	
DeMarco, Zachary		15.00	104.15	1,562.25	
Pauley, Jason		12.00	97.36	1,168.32	
		63.00		9,360.27	
					9,360.27

##### Reimbursable Expenses

Meals					
8/8/2017	Cain, Steven	Lunch	35.65		
	Total Reimbursables	1.12 times	35.65		39.93

#### Unit Billing

CADD		2.0 Units @ 10.00	20.00	
	Total Units	1.0 times	20.00	20.00
		Total this Task		\$9,420.20

#### Task AW00 All Work

##### Professional Fees

		Hours	Rate	Amount	
Miller, Dennis		13.00	248.39	3,229.07	
		13.00		3,229.07	
					3,229.07

##### Reimbursable Expenses

Project production & printing					
5/25/2017	Citizens Bank	newspaper legal ad	292.06		
	Total Reimbursables	1.12 times	292.06		327.11





## Erroneous Assessment Application

Tax Year: **2017**