The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, July 17th, 2019. Present were Commissioner Elliott and Commissioner VanGilder, with Commissioner Garcia joining by teleconferencing.

Cathy Reed led the Court with a prayer. County Administrator, Kris Cinalli led the Court with the Pledge of Allegiance.

President Elliott called the meeting to order.

The proceedings of Wednesday, July 17th, 2019 together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission July 18th, 19th, 22nd, 23rd, 24th, 25th, 26th, 29th, and 30th 2019 were approved as submitted and signed.

Commissioner VanGilder moved to dispense with the reading of the minutes of Wednesday, July 17th, 2019 and accept them as presented. Commissioner Garcia seconded. President Elliott concurred.

For the record, notes Mark Trach, Assessor presented to the County Commission the following Exonerations for approval.

Dated July 31st, 2019
Nos. #2019-344 through #2019-396

Pursuant to the recommendation of Mark Trach, Assessor and approval of Jeffery Freeman, Prosecuting Attorney; Commissioner VanGilder moved that the President sign Nos. #2019-344 through #2019-396. Commissioner Garcia seconded. President Elliott concurred.

The Commission received the Order Confirming and Ratifying Fiduciary Supervisor’s Report of Claims and Settlement Report; Order #412.

At a Regular Session of the County Commission of Marion County, West Virginia, continued and held for this County at their offices in the J. Harper Meredith Building on the 31st, day of July, 2019.

This day came David A. Glance, Fiduciary Supervisor for Marion County, West Virginia, and presented to the Commission his Report of Claims and First and Final Settlement Reports for the following estates which reports he has filed in the Office of the Clerk of the County Commission, pending confirmation. There being no objections received to these reports and no errors appearing, the Report of Claims and First and Final Settlement Reports are hereby ratified, confirmed and approved.
Commissioner VanGilder stated that hearing no objection, moved that the Commission sign the Order. Commissioner Garcia seconded. President Elliott concurred.

The Commission presented a Resolution Regarding Public Hearing on the White Hall TIF application. Jay Rogers of Omni Associates stated that the City of Fairmont had already approved this same resolution.
WHEREAS, the County Commission of Marion County (the “County Commission”) is authorized by the West Virginia Tax Increment Financing Act, Chapter 7, Article 11B of the Code of West Virginia 1931, as amended (the “Act”), to create development and redevelopment districts, approve project plans, issue tax increment financing obligations and take such other actions necessary or desirable to facilitate the orderly development and economic stability of Marion County, all as more fully set forth in the Act;

WHEREAS, General Acquisitions, LLC (the “Developer”) has requested that the County Commission consider the creation and establishment of a development district to be known and designated as “The County Commission of Marion County Development District No. 2” (the “TIF District”), and approval of a development project plan for TIF District designated as “Middletown Commons Redevelopment Project No. 1” (the “Project Plan”), specifically the development of certain public infrastructure improvements within or contiguous with the TIF District, including, without limitation, water lines, sanitary sewer lines, gas lines, stormwater drainage, wetlands mitigation, new road construction and road improvements, including, without limitation, intersection improvements, curbing, traffic control and lighting, and other related infrastructure and utilities improvements, all within or contiguous with the proposed TIF District (the “TIF Project”), all in order to facilitate the issuance of tax increment financing obligations or the utilization of tax increment revenues to finance the costs of planning, acquiring, constructing and equipping the TIF Projects, being necessary public infrastructure improvements within or benefiting the TIF District;

WHEREAS, to finance the costs of the contemplated TIF Project, the County proposes to issue tax increment revenue bonds or other obligations (the “TIF Obligations”) in an amount not to exceed $25,000,000, with maturities not to exceed 30 years from the date of the creation of the TIF District;

WHEREAS, the Developer has provided certain information regarding the proposed TIF District, including the proposed boundaries, and the proposed Project Plan to the County Commission for its review and consideration; and
WHEREAS, the Developer has requested that the County Commission, under and pursuant to the Act, hold a public hearing at which interested parties be afforded a reasonable opportunity to express their views on the proposed creation of the TIF District, its proposed boundaries and the proposed Project Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. It is hereby found and determined, subject to a public hearing and other required actions, that the County Commission will consider for approval the Tax Increment Financing Application for the creation of the TIF District and the approval of the Project Plan (the “Application”) and, if approved, submit the Application to the West Virginia Development Office for consideration and obtain all other necessary approvals.

2. The County Commission hereby sets a public hearing regarding the Application for August, 14, 2019 at 10:30 a.m., prevailing time, in the County Commission chambers on the 4th floor of the J. Harper Meredith Building, 200 Jackson Street Fairmont, West Virginia 26554; provided, that the County Commission may consider and possibly take action on a Submission Resolution, to submit the Application to the West Virginia Development Office for consideration and obtain all other necessary approvals, following the conclusion of the public hearing.

3. The County Commission hereby approves for publication, under and in accordance with the applicable provision of the Act that certain Notice of Public Hearing, substantially in the form attached hereto as Exhibit A and incorporated herein by reference.

4. If the TIF Project is approved, the County Commission reasonably expects that the County Commission and/or the Developer will be reimbursed from the proceeds of the Obligations for certain capital expenditures made not more than sixty (60) days prior to the date of this declaration of official intent, and after date of such adoption, but prior to the issuance of the Obligations, in connection with the TIF Project, all such capital expenditures to be undertaken or incurred prior to the execution and delivery of the Obligations, which are reasonably expected to be executed and delivered within eighteen (18) months from the later of (i) the expenditure for payment of said cost, or (ii) the placing of the TIF Project in service, but in no event shall the reimbursement allocation be made more than 3 years after the original expenditure is paid unless permitted by Section 1.150-2 of the Treasury Regulations promulgated under the Internal Revenue Code of 1986, as amended (the “Code”). This is intended to constitute a “declaration of official intent” pursuant to Section 1.150-2 of the Treasury Regulations promulgated under the Code. The County Commission and/or the Developer, as applicable, shall provide written evidence of all reimbursement allocations within the time provided in Section 1.150-2 of the Treasury Resolutions, which written evidence may be satisfied by one or more requisitions submitted in connection with the subject financing.

5. This Resolution is effective immediately upon adoption.

[Signature page follows this page.]

Adopted this 31st day of July, 2019.

THE COUNTY COMMISSION OF MARION COUNTY

By:

Name: [Signature]

Title: [Title]
CERTIFICATION

The undersigned, being the duly qualified, elected and acting Clerk of the County Commission of Marion County, West Virginia (the "County Commission"), does hereby certify that the foregoing Resolution was duly adopted by the County Commission at its regular meeting duly held, pursuant to proper notice thereof, on July 31st, 2019, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this 31st day of July, 2019.

By: [Signature]
County Clerk

Exhibit A

NOTICE OF PUBLIC HEARING

TO BE PUBLISHED IN TIMES WEST VIRGINIAN
ONCE A WEEK FOR TWO SUCCESSIVE WEEKS
PRIOR TO SUCH PUBLIC HEARING

TIF APPLICATION REGARDING THE CREATION OF THE
COUNTY COMMISSION OF MARION COUNTY DEVELOPMENT DISTRICT NO. 2
AND
APPROVAL OF A PROJECT PLAN FOR
MIDDLETOWN COMMONS REDEVELOPMENT PROJECT NO. 1
AND
ISSUANCE OF TAX INCREMENT FINANCING OBLIGATIONS

A public hearing will be held at a regular meeting of the County Commission of Marion (the "County Commission"), on August, 14, 2019 at 10:30 a.m., prevailing time, in the County Commission chambers on the 4th floor of the J. Harper Meredith Building, 200 Jackson Street Fairmont, West Virginia 26554, and at such hearing any person interested may appear and present comments, protests, suggestions and otherwise express their views respecting an application regarding the creation of a development district to be designated as "The County Commission of Marion County Development District No. 2" (the "TIF District") in Marion County, West Virginia, and the financing of certain projects described in a Project Plan for the TIF District to be designated as "Middletown Commons Redevelopment Project No. 1" (the "Project Plan"). All comments, protests, suggestions and views shall be heard at such public hearing, and the County Commission shall thereafter take such actions as it shall deem proper in the premises regarding the approval, pursuant to Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the "Act"), respecting the application regarding the creation of the TIF District and the approval of the Project Plan. The County Commission may consider and possibly take action on a Submission Resolution, to submit the TIF Application to the West Virginia Development Office for consideration and obtain all other necessary approvals, following the conclusion of the public hearing. The following is a brief summary of such matters:

Creation of TIF District

The proposed TIF District includes approximately 1,909 mostly undeveloped acres in Marion County, West Virginia, surrounding the I-79 Technology Park, the Hoglick Industrial Park and the Marion/Harrison County Line, as more particularly set forth on the map attached hereto as Schedule 1, including the specifically delineated TIF District boundary. Included in this acreage is 187 acres that was the site of the former Middletown Mall and surrounding undeveloped property.
Approval of Project Plan

General Acquisitions, LLC (the “Developer”) proposes the development of certain public infrastructure improvements within or contiguous with the TIF District, including, without limitation, water lines, sanitary sewer lines, gas lines, stormwater drainage, wetlands mitigation, new road construction and road improvements, including, without limitation, intersection improvements, curbing, traffic control and lighting, and other related infrastructure and utilities improvements, all within or contiguous with the proposed TIF District, all within or benefiting the proposed TIF District (the “TIF Project”).

Tax Increment Financing Obligations

To finance the costs of the TIF Project, the County Commission proposes to issue tax increment revenue bonds or other obligations (the “TIF Obligations”) in an amount not to exceed $25,000,000; with maturities not to exceed 30 years from the date of the creation of the TIF District. The TIF Obligations may be issued from time to time in one or more series. Proceeds of the TIF Obligations are generally planned and expected to be used to (i) finance the costs of the TIF Project, including architectural, engineering, legal and other professional fees and expenses; (ii) fund any reserves that may be necessary for the TIF Obligations; (iii) fund capitalized interest, if any, on the TIF Obligations; and (iv) pay costs of issuance and other related fees and expenses, including preparation and approval of the TIF District. A portion of the TIF Project may also be paid on a pay-as-you-go basis directly from tax increment revenues deposited in the tax increment financing fund for the TIF District (the “TIF Fund”).

Further information regarding the proposed TIF District, the Project Plan, the TIF Project and the TIF Obligations are on file and available for inspection at the office of the County Clerk during regular business hours, located at the Marion County Courthouse, 219 Adams Street, Fairmont, West Virginia 26554.

Dated: July 31st, 2019,

By: __________________________

County Clerk
Commissioner VanGilder recused himself, as he is a property owner in the White Hall District.

Commissioner Garcia moved that the Commission approve the resolution, and set hearing date at the next Commission meeting on August 14th at 10:30 a.m. President Elliott seconded and the motion passed.
The Commission received a request for an external budget revision in the Sheriff's Law Enforcement Line.

Commissioner VanGilder moved that the Commission accept the revision. Commissioner Garcia seconded. President Elliott concurred.

The Commission received a request for advice and consent from the County Clerk to hire Lynette Shahan to replace Cecilia Donato, full time with benefits, to be effective August 1, 2019.

Commissioner VanGilder moved that the Commission grant its advice and consent to the County Clerk to hire Lynette Shahan to replace Cecilia Donato, full time with benefits, to be effective August 1, 2019. Commissioner Garcia seconded. President Elliott concurred.
The Commission received a request for a proposal seeking to hire a qualified Real Estate Appraiser or Appraisal Firm to aid in marketing and selling property owned, but not needed, by the county. Applications for this project are due to the Commission office by Tuesday, August 13th.

For publication Friday, August 2nd and Saturday, August 3rd.

The County Commission of Marion County, West Virginia is seeking sealed proposals to hire a qualified real estate appraiser or appraisal firm who is willing and able to provide appraisal services to the Commission for several parcels of real estate located in Marion County, West Virginia. This is a single vendor contract, and the contract will be for a period of six months with the possibility of an extension for an additional six months, or at the end of the six-month period the Commission may, in its discretion, terminate the agreement. Bid specifications are available at the Marion County Commission office: 200 Jackson Street, Room 403, Fairmont, WV 26554 M-F 8:30AM – 4PM or via e-mail by contacting: bcinalil@marioncountywv.com. Bids will be due on Tuesday, August 13th by 4PM and opened on Wednesday, September 14th at 10AM.

Request for Proposals
The County Commission of Marion County, West Virginia

The County Commission of Marion County, West Virginia is seeking to hire a qualified real estate appraiser or appraisal firm to provide appraisal services to the Commission for several parcels of real estate located in Marion County, West Virginia. This is a single vendor contract, and the contract will be for a period of six months with the possibility of an extension for an additional six months, or at the end of the six-month period the Commission may, in its discretion, terminate the agreement.

Goals
It is the goal of this solicitation is to identify for purposes of potential contract negotiations and contract agreement a real estate appraiser or appraisal firm to provide real estate appraisals of certain parcels of real estate to the Marion County Commission to facilitate the determination of value for the purposes of sale.

Overview
Appraise certain properties as directed by the Marion County Commission and prepare appraisal reports in accordance with the Uniform Standards of Professional Appraisal Practice.

The contractor will work closely with County Commission, its attorney and its administrator. The chosen appraiser or firm will directly report to the County Administrator and all work must be completed to the satisfaction and specifications of the County Administrator.

The contract will begin and end on dates as determined by negotiation of the parties, but it is anticipated that the chosen firm will begin work in the late summer or early fall of 2019 and complete the project within ninety days of the start date.

Responders are encouraged to propose additional tasks or activities if they will substantially improve the results of the project. These items should be separated from the required items on the cost proposal.

This request for proposal does not obligate the Commission to award a contract or complete the project, and the Commission reserves the right to cancel the solicitation if it is in its best interest.
Proposal Content

Individual appraisers are awarded contracts under their company name. Each appraiser wishing to be considered must submit individual information to be considered.

The following will be considered minimum contents of the proposal:

1. Technical Proposal
   a. Company identifiers:
      i. Full company, or individual, name and address, phone and fax numbers, and e-mail address (if available).
      ii. Name of the Contractors Authorized Representative and appraisers authorized to work under the proposed contract.
      iii. Federal Employer ID number.

   b. Resume for each appraiser:
      i. Work History: Summarize the last five years of each appraiser's work experience, highlighting work completed for governmental entities, if any.
      ii. Training: The proposed appraiser's training resume

   c. Proof of licensure for each appraiser. The appraiser must be certified by the State of West Virginia and in good standing. Each appraiser must provide proof of current licensure.

   a. Specialized Training: Any certifications in specialized areas such as Appraisal Review, Conservation Easements, Timber Valuation, Mineral Valuation, should be provided.

   b. Proof of Insurance:
      i. Workers’ Compensation Insurance (if employees or exemption statement)
      ii. Commercial General Liability Insurance
      iii. Commercial Automobile Liability Insurance

2. Cost Proposal/Detail:
   a. Provide hourly rate for appraisal services for recreational type lands
   b. Provide hourly rate for appraisal services for agricultural type lands
   c. Provide hourly rate for appraisal services for conservation easement type lands
   d. Provide hourly rate for appraisal services for timber and mineral appraisals
Commissioner VanGilder moved that the Commission accept this proposal. Commissioner Garcia seconded. President Elliott concurred.

For the record, note the Commission received from Marion County Coal Company, submitted Permit #U-0078-83, MR-4PR-IBR/Permit Revision significant #94, for public review.

Administrator, Kris Cinalli reported that the hearing for the Estate of Maxine Cikovich and Milan Cikovich, Sr. was cancelled and will be rescheduled at a later date.
Roger Shumate appeared before the Commission to request assistance in getting roads repaired in the Town of Worthington. Mr. Shumate was informed that the Commission does not have jurisdiction to address repairs to roads or riverbanks in municipalities and advised to seek the advisement of an attorney if he had concerns regarding the use or misuse of state awarded grant money for the Town of Worthington.

Tom Mainella spoke in reference to a hospitality suite being created for the indigent in the Law Tower in close proximity to the Courthouse. His concern is that this facility may be duplicating other agencies within the community. With this proposed facility being in such close proximity to the Courthouse, he fears that it will create even more loitering and trash from those coming and going and basically, further enable the indigent to continue with their current lifestyles.

Pastor D. D. Meighen responded to Mr. Mainella’s concerns stating that this facility is being modeled after the Mylan Puskar Health Right in Morgantown and will be staffed and supervised at all times. Clients taking advantage will be responsible to maintain their own place at the center and those who do not follow what is expected of them will not be permitted to participate. Pastor Meighen reported that more funding will be needed to make this a reality and is not unaware that there will be concerns that will need to be addressed as things get up and running. He commended Jeff Biafore and staff for the work that has been done to make the building handicapped accessible and up to code. Pastor Meighen also reported that he has compiled a pamphlet outlining the social service agencies available in our area and asked the Fairmont liaison for Health Right to address the Commission as well.

Rochelle Satterfield, Fairmont liaison for the Mylan Puskar Health Right, gave an overview of the goal for the Fairmont center. She emphasized that Fairmont, despite having other agencies available, has a need for the services that the Health Right can offer. She reported that this facility would be a safe and non-judgmental drop-in center that would address people’s daily needs, bring value to each life and most importantly, provide hope. This facility would not be solely for the homeless, but also for those who need a boost to get back on the road to self-sufficiency.

Butch Tennant spoke regarding the success of Palatine Park and introduced a neighbor, Joel Dugan, new to Fairmont, who has a vision for Palatine Park that he wished to propose to the Commission. Mr. Dugan, Associate Professor of Art at Fairmont State University, presented a proposal of a wall mural to be created at Palatine Park featuring various figures in the history of Marion County. He would like to use this project to allow his art students from the university to create this mural over a 4 to 6 week period next Spring and early Summer and have it ready to showcase by July 4th, 2020. He would oversee the work and feels that it can be a win-win situation for the county as well as the students. Mr. Dugan did ask the Commission to consider his proposal and requests that if approved, the county provide the wall clean-off and priming of the wall prior to the work starting, with an approximate cost of $10,000.
Mr. Dugan also addressed the possibility of graffiti once the mural is completed and encouraged the use of a graffiti-resistant sealer, which should give the mural a 15 to 20 year lifespan before a touch-up would be necessary. He feels strongly that having a mural of this size would enhance the beauty of and interest in the park. The Commissioners were openly receptive to the project. Cathy Reed suggested taking comments and suggestions from the public at some of the scheduled events at the park.

Commissioner VanGilder made some remarks regarding the Commission’s recent monetary gift to the Fairmont State Pierpont College Aviation Program for the purchase of a simulator. He gave high praise to Dr. Mirta Martin, President of Fairmont State University and also Randy Farley, Marion County Superintendent of Schools for their efforts in linking the Marion County high schools with the Pierpont Aviation program, thus allowing students who may be interested in pursuing a career in Aviation the opportunity to experience some of the facets of the career.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, August 14th, 2019 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randall J. Elliott, President