

**MARSHALL COUNTY COMMISSION
MARCH 29, 2011**

The Commission convened this day pursuant to the following call: Jason E. Padlow, President; Donald K. Mason and Brian L. Schambach, Commissioners; Jan Pest, County Clerk; Betsy Frohnafel, County Administrator; and Winnie Reilly, Deputy Clerk of the County Clerk's Office.

At a Special Session of the Commission of Marshall County, West Virginia, held at 9:30 A.M., the Notice of the time and purpose of this Special Session had been posted at the front door of the courthouse for more than two days before the commencement of the Special Session, it is ordered that said Notice together with the certification of the Clerk of the time when it was posted, be entered of record, which is done accordingly in words and figures as follows:

NOTICE OF SPECIAL SESSION

The County Commission of Marshall County, West Virginia will meet in Special Session at the Courthouse thereof, on Tuesday, March 29, 2011, at 9:30 A.M. for the following purposes, that is to say:

To Audit Claims
To Act upon Rebates
To consider any other matters
Which may properly come before
The Commission.

Called by the President of the Commission with the Concurrence of the other two members.

s/Jason E. Padlow, President

Posted at the front door of the Courthouse on the 24th day of March, 2011.

s/Jan Pest, County Clerk

MINUTES – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved the minutes of the Special Session held March 15, 2011, as presented. Motion carried.

COMMISSIONER COMMENTS:

COMMISSIONER SCHAMBACH stated the Commission is finished with the budget and it was approved at a Special Session Friday morning. The County is very fiscally sound, and Commissioner Schambach thanked everyone for their help during the process.

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Commissioner Schambach spoke with John McCune, WV DOH, and they will try to setup a meeting to locate the bus routes that are most affected by the extra truck traffic.

COMMISSIONER MASON noted the passing of Judge Jack Madden, a great influence on the County. Judge Madden and his wife, Donna Ann, were a great asset to the County.

The Commission met last Tuesday with officials from the School Board, Tom Woods and Wayne Simms; and Beth Bertram, Transportation; and some trucking firms. The meeting was scheduled to discuss road issues; however, not all companies attended. The Commission and School Board will continue working on the problems.

Two budget workshops were held last week, which gave County Clerk Jan Pest time to fine tune the budget that was approved last Friday. Commissioner Mason feels the budget serves the needs of Elected Officials and outside Agencies that add to the quality of life in Marshall County.

Commissioner Mason enjoyed a great weekend with his entire family home.

COMMISSIONER PADLOW thanked County Clerk Jan Pest, County Administrator Betsy Frohnapfel, Winnie Reilly and Daunetta Fromhart, County Clerk's Office, in making the budget process easier.

Marshall County is now a Class I County and is continuing to grow. Only approximately \$52,000 was received in Oil & Gas Severance funds last year; most people are under the impression the County is receiving much more from the oil and gas companies.

Commissioner Padlow extended our thoughts and prayers to the family of Judge Jack Madden.

PINE KNOLL ACRES - DILAPIDATED HOUSES – Bo Bo Collins, Pine Knoll Acres, appeared before the Commission concerning dilapidated houses in the Pine Knoll Acres area. Mr. Collins stated he has lost his patience in the delayed process of condemning the properties.

Betsy Frohnapfel, County Administrator, explained the Prosecuting Attorney is in the process of completing the necessary paperwork and waiting to hear back from FEMA. The papers should be recorded this week. Property owners then have 30-60 days to respond. Mrs. Frohnapfel will call Mr. Collins when the papers are filed.

GRAND VUE PARK – UPDATE – Craig White, Manager of Grand Vue Park, appeared before the Commission with Park updates, as well as information from the Tourism Committee. The Tourism Committee will combine funds for advertising, instead of individual ads.

The Park is planning a West Virginia Day celebration for June 18; concierge services for the Beast of the East Tournament the end of June-early July; the Halloween Event; and virtual tours filmed by the John Marshall Media Class.

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E-911 MAPPING/ADDRESSING – COMPLAINT – John Toth appeared before the Commission for an update and expected completion date on the E-911 Address project. Bruce Whipkey, Cameron area, also appeared stating the delays are dangerous to the community. Mr. Toth and Mr. Whipkey met with the State Road on these matters as well.

The Commission informed the gentlemen that Larry Newell, E-911 Director, and Scott Treaster, Baker & Associates, are scheduled for an update today on the project. Mr. Toth and Mr. Whipkey were invited to stay for the presentation, however, Mr. Treaster and Mr. Newell would not be taking questions at this time.

TIF DISTRICT - MARSHALL COUNTY DEVELOPMENT PROJECT DISTRICT NO 1 – FINAL APPROVAL – Josh Jefferson, R.E.D. Partnership, appeared before the Commission for final approval of the Marshall County Development Project District No. 1. The property is located in the Benwood/McMechen TIF District, and after proper publication, Mr. Jefferson approval of the Final Resolution.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President and County Clerk were authorized to sign the following, read by Commissioner Mason:

FINAL APPROVING RESOLUTION

WHEREAS, the County Commission of Marshall County (the “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 “TIF Act”) to create and establish development and/or redevelopment tax increment financing districts, cause tax increment financing TIF Projects to be prepared, issue tax increment financing obligations and take such other actions to facilitate the development and/or redevelopment of county, all as more fully set forth in the TIF Act;

WHEREAS, the Commission has created and established a tax increment financing development district known and designated as “Marshall County Development Project District No. 1” (the “TIF District”), by Order enacted on December 30, 2003;

WHEREAS, the Regional Economic Development Partnership (“RED”) requested approval of a TIF project plan, specifically being, but not limited to, the acquisition, construction and equipping of public roads, water lines and sanitary sewer lines, electric and natural gas and all necessary appurtenances thereto, engineering, site acquisition and analysis, remediation, site preparation, cut and fill, site infrastructure, site amenities, and necessary improvements to the existing public infrastructure to be known and designated as “The Marshall County Industrial Park Project No. 1” (the “TIF Project”), as more fully set forth in the TIF Project Application attached hereto and incorporated herein as Exhibit A (the “TIF Project Application”). The TIF Project will be fully funded and/or reimbursed by revenues in the TIF account as they are collected which will allow improvements to be phased in, until the TIF District has sufficient increment to sell bonds, to make the site competitive with nearby sites in other states, being necessary public infrastructure improvements within the TIF District;

WHEREAS, the Commission did, on December 2, 2010, at 10:00 a.m., following proper notice thereof in accordance with the TIF Act, hold a public hearing with respect to the TIF Project Application wherein interested parties were

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afforded an opportunity to express their views on the proposed TIF Project and the TIF Project Application;

WHEREAS, pursuant to that certain resolution adopted by the Commission at the regular meeting duly held on December 2, 2010, the Commission submitted the TIF Project Application to the Executive Director of the West Virginia Development Office (the "WVDO") for review and approval, all in accordance with the applicable provisions of the TIF Act;

WHEREAS, the Executive Director of the West Virginia Development Office has formally notified the Commission, in writing, that it has reviewed the Application and has found the Application to be complete and approved, a copy of which is attached hereto as Exhibit B and incorporated herein; and

WHEREAS, the Commission now wishes to adopt this Resolution pursuant to and in accordance with the applicable provisions of the TIF Act to (i) approve, in final, the TIF Project as set forth in the TIF Project Application, (ii) designate the use of the tax increment financing fund (the "TIF Fund"), and (iii) provide for other matters in connection therewith and relating thereto.

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

1. Findings. (a) It is hereby found and determined that the real property within the TIF District will be benefitted as a result of implementation of the TIF Project by eliminating or preventing the development or spread of slums or blighted, deteriorated or deteriorating areas, discouraging the loss of commerce, industry or employment and increasing employment therein.

(b) It is hereby found and determined that the TIF Project is economically feasible.

(c) It is hereby found, determined and stated that the projects set forth in the TIF Project are not reasonably expected to occur without the use of tax increment financing.

2. Approval of the West Virginia Development Office. The TIF Project, as fully set forth in the TIF Project Application, was approved by the Commission following a public hearing held on December 2, 2010. The Commission then submitted the approved TIF Project Application to the Executive Director of the WVDO for review and approval. The Executive Director of the WVDO has formally notified the Commission, in writing, that he has reviewed the TIF Project Application and has found it to be complete and approved.

3. TIF Fund. The TIF Project, as set forth in the TIF Project Application, is hereby declared to be eligible for funding from "pay-as-you-go" tax increment funds currently on deposit in the TIF Fund and any future deposits in the TIF Fund, in accordance with the provisions of the TIF Act.

4. Severability of Invalid Provisions. If any section, paragraph, clause or provision of this Resolution should be held invalid by any court of competent jurisdiction, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

5. Headings, Etc. The headings and catchlines of the articles, sections and subsections hereof are for convenience of reference only, and shall not affect in any way the meaning or interpretation of any provision hereof.

6. Conflicting Provisions Repealed. All resolutions in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

7. Covenant of Due Procedure, Etc. The Commission covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in the adoption of this Resolution do exist, have happened, have

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been performed and have been taken in regular and due time, form and manner as required by and in full compliance with the laws and Constitution of the State of West Virginia applicable thereto; and that the President, the members of the Commission and the Clerk of the Commission were at all times when any actions in connection with this Resolution occurred and are duly in office and duly qualified for such office.

8. Effective Date. This Resolution shall take effect immediately upon adoption.

ANTIQUE POWER ASSOCIATION – CONTRIBUTION – Gary Shreve, President of the Marshall County Antique Power Association, appeared before the Commission requesting financial assistance for the annual Show to be held in June.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission approved a contribution in the amount of \$1,500 to the Marshall County Antique Power Association. Motion carried.

E-911 MAPPING/ADDRESSING – UPDATE – Larry Newell, E-911 Director, and Scott Treaster, Baker & Associates, appeared before the Commission with updates on the addressing project. Mr. Newell stated the Dallas area began using new addresses earlier this month, and the Cameron area is next on the schedule, which will begin next month. Seventy-four hundred addresses have been sent to the Pittsburgh Post Office; however, they can only process 300-400 per week.

Three new lanes were found that need to be named, and Mr. Treaster stated this would be an on-going process with new construction. Mr. Treaster also stated a completion date of June is expected.

RECESS – On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission took a short recess. Commission reconvened.

GRANTS – Betsy Frohnapfel, County Administrator, submitted an Application for the Justice Assistance Grant (JAG) for Commission approval. Mrs. Frohnapfel stated this Grant would replace the current grant used for Crimes Against Children. The Grant, in the amount of \$12,000, has a \$3,000 match.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President was authorized to sign the Grant Application and Special Conditions and Assurances documents for the JAG Grant. Motion carried.

Betsy Frohnapfel, County Administrator, also submitted the closeout and final drawdown for the Fostoria Glass Museum Grant No. 11-470, in the amount of \$5,000, for Commission approval.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President was authorized to sign the Request for Payment for the Fostoria Glass Museum Grant in the amount of \$5,000. Motion carried.

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An Application for a Community Participation Grant for the Cockayne Project was submitted for Commission approval. County Administrator Betsy Frohnapfel stated the Grant is in the amount of \$5,000.

On motion of Commissioner Schambach, seconded by Commissioner Mason, the Commission President was authorized to sign the Grant Application for the Cockayne Project in the amount of \$5,000. Motion carried.

CORRESPONDENCE:

THANK YOU – County Clerk Employees

CUB SCOUT PACK #78 – 2nd Place Feller Cake Bake

WV DEVELOPMENT OFFICE – 43rd Anniversary of Title VIII

SEWERAGE DIST - Board meeting March 2011 highlights

PUBLIC DEFENDER CORPORATION – BOARD RE-APPOINTMENT – The

Commission received a letter from David L. Zehnder of the Public Defender Corporation, request the re-appointment of Mary Rose to the Board of Directors. The re-appointment would be for a three-year term ending June 30, 2013.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission approved the re-appointment of Mary Rose to the Board of Directors for the Public Defenders Corporation; with a letter of the re-appointment to the Corporation, and a letter of thanks to Ms. Rose for her services. Motion carried.

FIRST TIME HOME BUYERS PROGRAM – RELEASE OF DEEDS OF TRUST – The

Commission received letters from Vickey Battista, HOME Program Administrator for the First Time Homebuyer Program, along with three releases. Charles W. Rush, Jordan M. Wallace and Stephanie E. Perko complied with the conditions of their loans. Mrs. Battista requested the Release of Deeds of Trust be signed and recorded.

On motion of Commissioner Mason, seconded by Commissioner Schambach, the Commission President was authorized to sign the three Release of Deeds of Trust, to be submitted to the County Clerk’s Office for recording. Motion carried.

CLAIMS AUDITED – The Commission, this day, approved the following claims:

<u>GENERAL COUNTY FUND</u>	\$75,121.51
<u>COAL SEVERANCE FUND</u>	116,018.26
<u>E-911 FUND</u>	230,908.29
<u>HOME CONFINEMENT FUND</u>	786.80

ADJOURNMENT – There being no further business to come before the Commission, on motion of Commissioner Mason seconded by Commissioner Schambach, the meeting was adjourned.

PRESIDENT