

**West Virginia Board of Public Works  
Wednesday, February 29, 2012 – 10:00 a.m.  
Legislative Services Conference Room, 330W  
Minutes**

**Attendees:**

Members

Natalie E. Tennant, Secretary of State  
Darrell V. McGraw, Jr., Attorney General  
Glen B. Gainer III, State Auditor  
John D. Perdue, State Treasurer  
Sandy Marinacci for Commissioner of Agriculture Gus Douglass  
G. Kurt Dettinger, General Counsel for Governor Earl Ray Tomblin

Guests

Chuck Heinlein, State Superintendent of School's Office  
Jeff Amburgey, Property Tax Division, State Tax Department  
Russ Rollyson, Auditor's Office  
Dawn Warfield, Attorney General's Office  
David Hildreth, Department of Administration, Real Estate Division  
Chuck Lawrence, Department of Administration, Real Estate Division  
John McHugh, Division of Highways  
Danny Ellis, Treasurer's Office  
Samme Gee, Jackson Kelly  
Bill Bragg, Goodwin & Goodwin  
Ashley Summitt, Secretary of State's Office  
Ashley Parsons, Secretary of State's Office  
Adam Young, Secretary of State's Office

The West Virginia Board of Public Works met on Wednesday, February 29, 2012 at 10:00 a.m. in the Legislative Services Conference Room of the State Capitol Complex. The meeting was called to order and chaired by Secretary Tennant. A quorum of members was established.

The first item on the agenda was the approval of minutes from the December 5, 2011 and December 15, 2011 West Virginia Board of Public Works meetings. Auditor Gainer moved to approve both sets of minutes with Treasurer Perdue seconding. The motion carried.

The second item on the agenda was discussion of utility request for relief from erroneous assessment pursuant to WV Code §11-6-12a for Philips Metals Inc. Jeff Amburgey addressed the Board. He explained that each year the Tax Department gets a list of the railroad cars that travel through West Virginia. They received markings in KNOX and SFRS for Philips Metals. The company did not file a tax return so the Tax Department did an estimated assessment on them. The Tax Department did receive a return for PSC Metals. It was later discovered that Philips Metals and PSC Metals are the same company and the car markings were the same. That

left one estimated assessment and one that was correct based on the actual filing. Philips Metals had gone through bankruptcy and re-emerged as PSC Metals. The Tax Department recommends that the assessment for Philips Metals of \$900 be exonerated. Auditor Gainer made a motion to remove the assessment for Philips Metals Inc. with Treasurer Perdue seconding. The motion carried.

The final item on the agenda was discussion of the following deeds listed 1 through 6x seeking approval by the Board of Public Works.

1. Between the West Virginia Department of Transportation, Division of Highways and the Mingo County Redevelopment Authority, dated September 22, 2011, approved as to form by the Attorney General's Office February 6, 2012.
2. Between the Fayette County Commission and the West Virginia Department of Transportation, Division of Highways, dated November 4, 2011, approved as to form by the Attorney General's Office February 6, 2012.
3. Mineral Deed (Coal Interest) between the West Virginia Economic Development Authority and the West Virginia Department of Transportation, Division of Highways, dated December 9, 2011, approved as to form by the Attorney General's Office January 6, 2012.
4. Deed (Surface) between the West Virginia Economic Development Authority and the West Virginia Department of Transportation, Division of Highways, dated December 13, 2011, approved as to form by the Attorney General's Office January 6, 2012.
5. Between Charleston Urban Renewal Authority and West Virginia Economic Development Authority, approved as to form by the Attorney General's Office February 27, 2012.
6. Ten deeds containing 13 parcels, dated February 1, 2012, approved as to form by the Attorney General's Office January 20, 2012:
  - i. Parcel 190 between Marion Regional Development Corporation and the State of West Virginia, Dept. of Administration, Real Estate Division.
  - ii. Parcel 191 between the County Commission of Marion County, State of WV and the State of West Virginia, Dept. of Administration, Real Estate Division.
  - iii. Parcels 192 and 212 between Marion Regional Development Corporation and the State of West Virginia, Dept. of Administration, Real Estate Division.
  - iv. Parcel 193 between Marion County Development Authority and the State of West Virginia, Dept. of Administration, Real Estate Division.
  - v. Parcel 194 between Marion County Development Authority and the State of West Virginia, Dept. of Administration, Real Estate Division.

- vi. Parcel 195 between Marion Regional Development Corporation and the State of West Virginia, Dept. of Administration, Real Estate Division.
- vii. Parcel 196 between Marion Regional Development Corporation and the State of West Virginia, Dept. of Administration, Real Estate Division.
- viii. Parcel 197 between Marion Regional Development Corporation and the State of West Virginia, Dept. of Administration, Real Estate Division.
- ix. Parcels 208, 209 and 210 between Marion Regional Development Corporation and the State of West Virginia, Dept. of Administration, Real Estate Division.
- x. Parcel 211 between Marion Regional Development Corporation and the State of West Virginia, Dept. of Administration, Real Estate Division.

John McHugh addressed the Board concerning deed number 1. He explained that the DOH is conveying to the Mingo County Redevelopment Authority a tract of land containing 1.54 acres to be used for public purposes; specifically, as an access right-of-way for a housing development adjacent to the King Coal Highway. Treasurer Perdue made a motion to approve the deed with Auditor Gainer seconding. The motion carried.

John McHugh addressed the Board concerning deed number 2. The Fayette County Commission is conveying to the DOH a non-controlled access right-of-way and permanent drainage easement. This is to be used for public purposes. It's part of the road improvement for the Minden Project. Auditor Gainer made a motion to approve the deed with Treasurer Perdue seconding. The motion carried.

John McHugh addressed the Board concerning deed number 3. He explained that deeds number 3 and 4 go together. Deed number 3 is the mineral component, and 4 is the surface. This is a standard acquisition by the DOH in connection with the construction on Corridor H. Treasurer Perdue made a motion to approve deeds number 3 and 4 with Auditor Gainer seconding. In discussion, Secretary Tennant asked how well this will move along Corridor H. Mr. McHugh stated he didn't know exactly when the construction would be completed. They are finalizing all of the acquisitions. The motion carried.

Bill Bragg addressed the Board concerning deed number 5. He explained that this project involves the refinancing of some debt that was incurred in 1999 by the Charleston Urban Renewal Authority to renovate the Diamond Building and construct a parking garage. The refinancing is utilizing the services of the Economic Development Authority to pay off the debt. Kurt Dettinger stated it was his understanding that this transaction saves the State millions of dollars. Mr. Bragg confirmed that it does. Treasurer Perdue made a motion to approve deed number 5 with Auditor Gainer seconding. The motion carried.

Secretary Tennant explained that deeds number 6.i – x. all go together. They were submitted by the West Virginia Real Estate Division for the purpose of developing the new WV State office building in Fairmont. David Hildreth addressed the Board. He stated this is a conveyance of 13 parcels of land for the State office building in the 400 block of downtown Fairmont. Pre-bid for the project will be March 15<sup>th</sup>. The building is still in the design and development phase and is proposed to be 4 floors and 85,000 square feet. It will house 5 state agencies that are currently located in various leased facilities in Fairmont. Secretary Tennant asked if all of the offices in

the building are already leased or if there are open spaces available. Mr. Hildreth stated there will be some undesignated space. Secretary Tennant asked if it is only for state agencies. Mr. Hildreth answered that it is for state agencies only. Secretary Tennant asked if there was a projected finish date. Mr. Hildreth stated that construction should begin in July and take about 20 months. They are hoping for completion in early spring of 2014. Treasurer Perdue made a motion to approve deed 6 as presented with the 13 parcels with Auditor Gainer seconding. The motion carried.

With no further business, Auditor Gainer made a motion to adjourn the meeting. Treasurer Perdue seconded. The motion carried. The meeting was adjourned.



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Natalie E. Tennant, Secretary  
of State and Ex-Officio  
Secretary of the West Virginia  
Board of Public Works