

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA  
#1 COURT SQUARE, SUITE 203  
PARKERSBURG WV 26101

IN RE: MINUTES OF MEETING HELD  
THURSDAY, JULY 21, 2011

PRESENT: DAVID BLAIR COUCH, PRESIDENT  
WAYNE DUNN, COMMISSIONER  
STEPHEN GAINER, COMMISSIONER

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

**AGENDA AND DISCUSSION ITEMS**

At 9:35 A.M., Steve Parker, Director of the Gathering at Sweet Creek, met with the Commissioners to request they front them the money for the Governor's Community Participation Grant. After discussion, the County Commission approved \$9,5000.00 which will be reimbursed by the State.

At 10:30 A.M., the County Commission held a hearing in regard to the Correda Hensley estate. Gerald Townsend, Attorney for Nancy A. Hensley, Executrix, presented a motion to approve the Final Report, to close the insolvent estate and discharge her from further duties as Executrix. After testimony, the County Commission Ordered that the Final Report be approved; the claims be abated and the estate be closed. The Executrix is also discharged of her duties. (Probate Order)

At 10:45 A.M., the County Commission held a hearing in regard to the Johnnie A. Heskett estate. Reta Barrett, heir to the estate, requested that Barbara Hupp, Executrix of the estate, file an amended appraisal. Ms. Hupp was not present. After hearing testimony of Ms. Barrett, the

County Commission continued the hearing until Monday, August 8, 2011 at 11:00 A.M. Information in regard to this estate is on file the Probate Office. (Probate Order)

At 11:12 A.M., the County Commission held a hearing in regard to the Roger L. Wise estate. Deborah L. Wise, Administratrix, asked that a claim be disallowed. After testimony, the County Commission Ordered that the claim be disallowed. Information in regard to this estate is on file in the Probate Office. (Probate Order)

At 11:15 A.M., the County Commission held a hearing in regard to the Ronald M. Thompson estate. Berkeley Simmons, Attorney, was present, and asked that the Executor be removed and the Sheriff appointed. After testimony, the County Commission approved the request. Mr. Simmons is to prepare the Order. (Information in regard to this estate is on file in the Probate Office.)

At 11:30 A.M., the County Commission met with Terry Moore from the Mid-Ohio Valley Regional Airport; Brian Raitz from the Parkersburg/Wood County Public Library; Wood County Clerk, Jamie Six and Jason Wharton, Prosecuting Attorney (by phone). They discuss the proposed levy for the affected entities to be placed on the next County ballot. After discussion the Commission authorized the placement of a levy on the October 4, 2011 ballot. (Order M/1555)

The County Commission placed Terry Hefner and Steven Lehew in nomination for reappointment to the Abandoned Building Ordinance. (M/1554)


**ORDERS APPROVED AND ATTACHED TO THESE MINUTES**

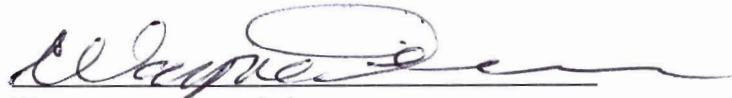
A/810, A/811, A/812, M/1555.

Having no further scheduled appointments or business to attend to, the County Commission adjourned.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
David Blair Couch, President

  
\_\_\_\_\_  
Wayne Dunn, Commissioner

  
\_\_\_\_\_  
Stephen Gainer, Commissioner

To listen to this meeting, please refer to DVD labeled July 21, 2011.

Wood County Commission Meeting  
Held July 21, 2011

Please Print

1.	C Roberts United Bank
2.	Steve Packer
3.	Terry Moore - Airport
4.	Sue Patalano Project Lifesaver
5.	GERALD W. Townsend - Est Correda Hansley
6.	Reta R. BARRETT
7.	Deborah Wise - Melissa McCroskey
8.	Berkeley L. Simmonds - Council for More Maps
9.	Brian Raitz
10.	
11.	
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20.	



# Wood County Commission

7/21/2011  
 1 Court Square, Suite 203  
 Parkersburg, WV 26101

9:30 AM	APPROVE AND SIGN MINUTES, ORDERS, PURCHASE ORDERS, INVOICES, NEW ROAD NAMES AND ANY OTHER ADMINISTRATIVE DUTIES	MARTY SEUFER, COUNTY ADMINISTRATOR
10:30 AM	CORREDA HENSLEY ESTATE – ASK THAT CLAIMS BE DISALLOWED	GERALD TOWNSEND, ATTORNEY
10:45 AM	JOHNNIE A. HESKETT ESTATE – ASKING EXECUTRIX FILE AMENDED APPRAISEMENT	RETA BARRETT
11:00 AM	ROGER L. WISE SR. ESTATE – ASKING CLAIMS BE DISALLOWED	DEBRA L. WISE
11:15 AM	CONTINUANCE OF RONALD M. THOMPSON ESTATE – DISCUSS REMOVAL OF EXECUTOR	BERKELEY SIMMONS, ATTORNEY <i>to appoint Sheriff</i>
11:30 AM	CONTINUANCE OF DISCUSSION FOR THE REQUEST FOR APPROVAL OF EXCESS LEVY ON BALLOT (CONTINUED FROM JULY 18)	

Special notes:

1. Vacancies on Boards and Commissions
2. Building Enforcement Properties
3. Contribution Requests
4. County Facilities
5. Meldahl Subdivision Performance Bonds
6. Phillips Court Alley – WTAP
7. Discuss Change Orders for Justice Center

8/8/2011  
494/108

**IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA**

**In Re: Estate of:**

**RONALD M. THOMPSON**

**Deceased: April 5, 2010**

**ORDER**

On July 21, 2011 the petition as amended of Marjorie Mayes, beneficiary, for removal of the executor Ty A. Evans and for other relief, came on for hearing before the County Commission of Wood County West Virginia, David Blair Couch, president, Wayne Dunn and Stephen Gainer, commissioners presiding.

The Petitioner Marjorie Mayes appeared by counsel Berkeley L. Simmons. The respondent executor Ty A. Evans did not appear although notice to him of the hearing had been duly given. No counsel appeared for Ty A. Evans. The beneficiary Morna C. Evans did not appear although notice to her at her last known and address of record in this matter had been duly given. The remaining beneficiaries have by written notices consented to the relief requested by Petitioner.

The within hearing had been continued to July 21, 2011 at respondent Evans' request to allow respondent Evans' counsel to appear. Respondent Evans at the hearing of July 11, 2011 had advised the Commission that he was represented by attorney David A. Palmer. The Commission at the within hearing advised petitioner's counsel that it had received a letter dated July 18, 2011 from attorney David A. Palmer stating that Mr. Evans has not retained Mr. Palmer's law firm to represent Mr. Evans in any proceeding before the Wood County Commission sitting as a Probate Court.

The Commission for good cause shown, including evidence heretofore presented, now finds and orders as follows:

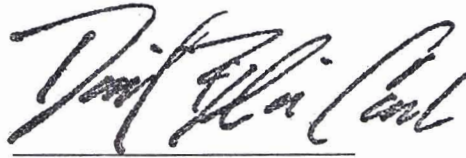
The respondent Ty A. Evans is determined not to be fit and able to continue serving as the Executor of the Estate of Ronald A. Thompson, deceased and is removed as executor of said estate effective immediately. Ty A. Evans shall submit to the Wood County Commission a final accounting of his term as executor of the Estate of decedent Ronald A. Thompson.

The Commission has received evidence that the nominated alternate executor Morna C. Evans could not be located. Notice to her of the within hearing was given as noted above and she has not appeared or otherwise responded.

The remaining beneficiaries Frances A. Weaver, Marion F. Cowan, Lloyd P. Fought and Francis L. Fought have by written notices joined in Petitioner's objection to the appointment of Morna C. Evans as alternate Executor. Morna C. Evans is the former wife of Ty A. Evans.

Jeff Sandy, Sheriff of Wood County is appointed to serve, without bond, as the administrator, with will annexed, of the estate of Ronald A. Thompson, deceased, April 5, 2010, effective immediately.

Dated:



DAVID BLAIR COUCH,  
County Commissioner

Prepared by:



BERKELEY L. SIMMONS  
Counsel for Petitioner  
State Bar No. 5656  
LAW OFFICES OF SIMMONS & SIMMONS, LC  
Route 3, Box 252A  
Elizabeth, WV 26143  
(304) 275-4400

Jamie Six  
WOOD County 10:35:49 AM  
Instrument No 696734  
Date Recorded 08/08/2011  
Document Type C/ORDER  
Pages Recorded 1  
Book-Page 494-108  
Order County Commissioner  
Remove Exadata-appoint  
Shawff

7/21/11  
69/499

JULY 21, 2011

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION WAS IN RECEIPT OF THE MID-OHIO VALLEY HEALTH DEPARTMENT CLEAN INDOOR AIR REGULATIONS.

**ORDER**

On this date, the County Commission of Wood County was in RECEIPT of the Mid-Ohio Valley Health Department Clean Indoor Air Regulations.

Said Regulations were presented to the Commission by representatives of the Health Department. Upon a motion made by Wayne Dunn, seconded by Stephen Gainer and made unanimous by David Blair Couch, said Regulations were APPROVED by the Commission.

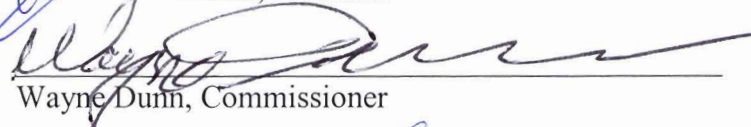
A copy of said Regulations are attached to this Order and should be made a part thereof.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_

David Blair Couch, President

  
\_\_\_\_\_

Wayne Dunn, Commissioner

  
\_\_\_\_\_

Stephen Gainer, Commissioner

A/810



**Mid-Ohio Valley Health Department  
CLEAN INDOOR AIR REGULATION**

**TITLE**

This Regulation shall be known as the Mid-Ohio Valley Health Department Clean Indoor Air Regulation covering the counties of Calhoun, Pleasants, Ritchie, Roane, Wirt and Wood.

**FINDINGS and PURPOSE**

The United States Surgeon General has determined that involuntary inhalation of tobacco smoke is (a) a cause of numerous diseases in health of nonsmokers' and (b) a major contributor to indoor air pollution; and (c) that children, elderly people, and individuals with cardiovascular and/or respiratory diseases are at special risk.

The Environmental Protection Agency (EPA) has classified secondhand smoke as a Group A Carcinogen, known to cause cancer in humans. Accordingly, the Mid-Ohio Valley Board of Health finds and declares that the purpose of this Regulation is to (1) protect the public health and welfare by prohibiting smoking in enclosed public places and by regulating smoking in places of employment and (2) recognize that where the need to breathe smoke-free air conflicts with the desire to smoke, the need to breathe smoke-free air shall have priority.

In attempting to minimize the effects of tobacco smoke on the general public in enclosed public places, the regulations of [boards of health] address a serious health issue which the Legislature has recognized... Based upon the foregoing observations, we find that clean indoor air regulations of local boards of health that place restrictions on smoking in enclosed public places (1) are consistent with the findings of the Legislature "that smoking may cause lung cancer, heart disease, emphysema and other serious health problems," (2) advance the legislatively prescribed public policy "to provide the state with a citizenry free from the use of tobacco," and (3) fall within the bounds of authority granted by the Legislature to such boards..." Excerpted from the December 2, 2003, WV Supreme Court Decision #31120.

**DEFINITIONS**

The following words and phrases, whenever used in this regulation, shall be construed as defined in this section.

- A. "Bar" means any establishment that is primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. A "bar" for the purposes of this definition has fifty percent (50%) or greater of total sales in alcoholic beverages and does not ever allow entry of customers under the age of 18 years. A "bar" for the purpose of this definition does not include any establishment where tobacco smoke can filter into any area where smoking is prohibited, through a passageway, ventilation system, or any other means.
- B. "Business" means any entity formed for profit-making purposes.
- C. "Employee" means any person employed for direct and indirect monetary wages or anything of value, or any person who volunteers for a non-profit entity.

- D. "Employer" means any entity including a municipal corporation, or non-profit entity that employs the paid or volunteer services of one or more persons.
- E. "Enclosed Area" is defined as any area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on more than two sides.
- F. "Fraternal Organization" is a private club that allows entry for dues-paying members and their guests. Fraternal Organizations for the purpose of this regulation will follow the guidelines of a bar/restaurant.
- G. "Free Standing Video Lottery Room" means a room that is devoted to the placement of video lottery machines licensed by the WV Gaming Commission. It has solid walls or windows, enclosed on all sides and is served by a separate ventilation system that does not allow for the infiltration of secondhand smoke into any non-smoking area.
- H. "Grocery Store" means any supermarket, convenience store, and other retail food production and marketing establishments.
- I. "Place of Employment" means any enclosed area under the control of a public or private employer whose employees normally frequent this area during the course of employment.
- J. "Enclosed Public Place" means any enclosed area to which the public is invited or in which the public is permitted. A private residence is not a "public place."
- K. "Restaurant" means any establishment that serves food to the public, guests, patrons, and employees as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.
- L. "Retail Store" means any establishment that sells goods or services directly to members of the general public including, but not limited to, specialty stores, department stores, pharmacies, banks, automobile dealerships, showrooms, professional offices, service stations, repair or maintenance stores, barber or beauty shops, cleaners, and laundromats.
- M. "Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and in which the sale of other products is merely incidental. It is a facility that does not possess a food service permit.
- N. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, plant or other smoking equipment in any manner or in any form.
- O. "Separate Ventilation" means ventilation equipment sized and installed to produce sufficient negative air pressure to effectively move air from the smoking area to the outside as proven by a "smoke test".

P. "Smoke Test" is the visual detection of the movement of a column of smoke produced anywhere within the smoking area to the outside environment.

### **APPLICATION OF ARTICLE TO COUNTY-OWNED FACILITIES**

All enclosed facilities including buildings and vehicles owned by the counties or municipalities covered in this regulation or any agency that receives any monetary support from the counties or municipalities covered in this regulation shall be subject to the provisions of this article.

### **REGULATION OF SMOKING IN ENCLOSED PUBLIC PLACES**

Smoking shall be prohibited in all enclosed public places with Calhoun, Pleasants, Ritchie, Roane, Wirt and Wood Counties, including, but not limited to the following places:

Grocery Stores and Convenience Stores

Retail Stores

Elevators

Stairwells

Restrooms

All means of public transit, including ticket, boarding and waiting areas

All waiting areas and lobbies in all business and non-profit entities

Restaurants, except that they may designate a contiguous area up to twenty-five percent (25%) of the seating capacity of the restaurant as a "smoking area"

Such areas shall be enclosed floor to ceiling with separate ventilation between smoking and non-smoking areas, and automatic closing doors which must remain closed except during entrance and egress. **NOTE: As of 10/1/2008, no "smoking areas" will be allowed in restaurants and all such establishments in the six counties covered by the Mid-Ohio Valley Health Department will be 100% smoke-free.**

**NOTE: As of 10/1/2008, no "smoking areas" will be allowed in restaurants and all such establishments in the six counties covered by the Mid-Ohio Valley Health Department will be 100% smoke-free.**

Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or any subdivision of the State during such time as a public meeting is in progress

All patient rooms, waiting rooms, and other public areas in health care facilities, including but not limited to hospitals, clinics, pharmacies, primary care facilities, physical therapy facilities, doctors' offices, dentists' offices, and optometrists' offices

Enclosed shopping malls

Bowling Alleys, unless a portion of the bowling alley falls under the exemption allowed a restaurant

Polling places

All fire department facilities

Child care and adult day care facilities

Private schools

Galleries, libraries and museums

Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or similar performance

Auction houses

Lobbies, hallways and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities

Private offices in places of employment

Notwithstanding any other provision of this section, any person who controls any establishment or facility described in this section may declare that entire establishment or facility as non-smoking.

In any dispute arising under this Regulation, the concerns of the non-smoker shall be given precedence.

**REGULATIONS OF SMOKING IN ENCLOSED PLACE OF EMPLOYMENT**

- A. It shall be the responsibility of the employers to provide a smoke-free workplace for all employees.
- B. Within 90 days of the effective date of this article, each employer having an enclosed place of employment located within Calhoun, Pleasants, Ritchie, Roane, Wirt and Wood Counties shall adopt, implement, make known and maintain a written smoking policy.
- C. The smoking policy shall be communicated to all employees within three (3) weeks of its adoption.
- D. All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.
- E. Notwithstanding any other provision of this section, every employer shall have the right to designate any place of employment, or any portion thereof, as a no-smoking area.

**REASONABLE DISTANCE**

Designated smoking areas shall occur at a reasonable distance of 15 feet or more from any entrance, exit, window, or ventilation unit of any building or enclosed area where smoking is prohibited to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means. This shall include fresh air intake areas for the heating, ventilation, and air-conditioning (HVAC) systems of any building.

**EXEMPTION TO SMOKE-FREE REGULATIONS**

Restaurants which permit smoking shall provide a floor to ceiling enclosed area with separate ventilation between smoking and no-smoking areas, and automatic closing doors. The minimum fresh air exchange rate shall be no less than twelve (12) times per hour. Tobacco smoke may not filter into any area where smoking is prohibited, through a passageway, ventilation system, or any other means. The decision to build a "smoking room" must be communicated to the Mid-Ohio Valley Health Department Environmental Health Services Department before implementation. The separately ventilated area must pass a "smoke test" before put into use and must be verified in writing by a licensed HVAC installer and such documentation provided to the MOVHD.

**NOTE: As of 10/1/2008, no smoking areas will be allowed in restaurants and all such establishments in the six counties covered by the Mid-Ohio Valley Health Department will be 100% smoke-free.**

#### **WHERE SMOKING IS NOT REGULATED**

A. Notwithstanding any other provisions of this Regulation to the contrary, the following areas shall not be subject to the smoking restrictions of this Regulation:

1. "Bars", **until 10/1/2008.**
2. "Free Standing Video Lottery Rooms", **until 10/1/2008.**
3. Private residences, except when used as a child care or health care facility.
4. Designated Hotel and Motel rooms rented to guests.
5. Bingo halls
6. Retail tobacco stores which do not possess a food service permit.
7. The conference or meeting rooms or public and private assembly rooms of hotels, motels and fraternal organizations while these places are being used for private functions.
8. Residents, prior to September 4, 2003, of personal care homes who had smoking privileges under WV 64CSR 14.8.12.3 as stipulated by the West Virginia Supreme Court of Appeals, December 2, 2003.

B. Notwithstanding any other provisions of this section, any person who controls any establishment described in this section may declare that establishment as a non-smoking facility.

C. Newly constructed establishments or those acquired by a change of ownership, going into business after the effective date of this regulation shall be smoke-free facilities.

D. As of **10/1/2008**, "bars", "restaurants", and "free-standing video lottery rooms" will also be 100% smoke-free and will be subject to the smoking restrictions of this Regulation.

#### **POSTING OF SIGNS**

A. Because rules regulating smoking are primarily self-enforcing, their success depends heavily upon adequate signs.

B. The owner, operator, manager or other person having control of a building or other place covered by this Regulation shall post conspicuous "No Smoking" signs in every place.

C. Every establishment where smoking is controlled by this regulation shall have posted at each entrance a conspicuous sign stating that smoking is prohibited.

D. Facilities that permit smoking must post signs at every smoking area entrance that reads:

**Health Warning**  
**Smoking is permitted within this area,**  
**You will be exposed to secondhand smoke,**  
**Such exposure can cause or contribute to**

**cancer, heart disease, respiratory illness, and  
other serious health problems.  
No one under the age of 18 is permitted.**

The lettering of such signage must be bold and at least one (1) inch in height and one-quarter (1/4) of an inch in width with the heading at least two (2) inches in height and three-eighths (3/8) of an inch in width.

E. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this regulation by the owner, operator, manager, or other person having control of such area.

**ENFORCEMENT**

A. Enforcement of this article shall be implemented by the Mid-Ohio Valley Health Officer, or his or her designee.

B. Notice of the provisions set forth in this article shall be given to all applicants for a business license in the Counties of Calhoun, Pleasants, Ritchie, Roane, Wirt and Wood.

C. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Mid-Ohio Valley Health Department.

D. The Health Department shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance of this ordinance.

E. Any owner, manager, operator or employee of any establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.

**NON-RETALIATION**

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or member of the public because such person exercises any rights afforded by this Regulation. An employee must be 18 to work in a designated smoking area.

**VIOLATIONS AND PENALTIES**

A. Willful violation of this Clean Indoor Air Regulation is an unlawful act. Any person who owns, manages, operates or otherwise controls the use of a premise shall commit a willful violation if they:

- (1) Knowingly permit smoking on a premises subject to their control in an area where smoking is prohibited by the provisions of this clean indoor air regulation, or
- (2) Knowingly violate any other provisions of this clean indoor air regulation.

**B. Penalties:**

The Board of Health may, at its option, seek civil relief and/or file a misdemeanor complaint under W.V.A. Code 16-2-15 against any person who willfully violates this clean indoor air regulation.

Enforcement through civil process includes, but is not limited to, a petition for injunctive relief.

Any person who willfully violates this clean indoor air regulation may be charged with a misdemeanor under W.V.A. Code 16-2-15 and, upon evidence, be subject to a monetary fine. At the time of the adoption of this Clean Indoor Air Regulation, West Virginia Code 16-2-15 provided as follows:

**Chapter 16-2-15. Obstructing local health officers and others in the enforcement of public health laws; other violations, penalties.**

Any person who willfully obstructs any local health officer, public health nurse, sanitarian or any other person charged with the enforcement of any public health law, in the performance of that person's legal duties in enforcing the law, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars and not more than five hundred dollars.

Any person who willfully violates any of the provisions of this article, or any of the rules or orders adopted or issued pursuant to the provisions, for which a penalty is not otherwise provided, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred dollars and not more than one thousand dollars.

Magistrates have concurrent jurisdiction with the circuit courts of this state for violations of provisions of this article.

**Public Education**

The Mid-Ohio Valley Health Department shall engage in a continuing program to explain and clarify the purposes and requirements of this ordinance to citizens affected by it, and to guide owners, operators and managers in their compliance with it. Such program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

**OTHER APPLICABLE LAWS**

This regulation shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable federal, state, or local law or ordinance.

**SEVERABILITY**

If any portion of this regulation, or the application thereof, shall be held invalid, the other provisions of this regulation shall not be affected, and to this end the provisions of this regulation are declared to be severable.

**Effective Date**

This article shall become effective July 21, 2011.

Adopted by the Mid-Ohio Valley Board of Health  
July 26, 2005  
Modified November 24, 2009  
Modified May 24, 2011



STATE OF WEST VIRGINIA,  
COUNTY OF WOOD, TO WIT:

I JAMIE SIX, Clerk of the County Commission in and for the County of Wood and State of West Virginia, having a Seal, and the Officer in whose custody of files, books and records of said Office are required by laws of said State to be kept, do hereby certify that the attached and foregoing writing is a full, true and complete transcript and copy of  
IN RE: THE COUNTY COMMISSION WAS IN RECEIPT OF THE MID-OHIO VALLEY

HEALTH DEPARTMENT CLEAN INDOOR AIR REGULATIONS.

and the same appears of record in my said Office in ORDER BOOK 69 ,Page 499

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of said Office, at the City of Parkersburg, County of Wood and State of West Virginia, this the 25th day of JULY , 20 11 .

JAMIE SIX, CLERK  
WOOD COUNTY COMMISSION  
By: Ruth A. McBeal  
Deputy



Jamie Six  
WOOD County 11:27:22 AM  
Instrument No 695872  
Date Recorded 07/29/2011  
Document Type ORDER/D  
Pages Recorded 10  
Book-Page 1171-851

7/21/11  
69/508

JULY 21, 2011

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION PLACED TERRY HEFNER AND STEVEN LEHEW IN NOMINATION FOR REAPPOINTMENT TO THE ENFORCEMENT AGENCY FOR THE ABANDONED BUILDING ORDINANCE.

**ORDER**

On this date, the County Commission of Wood County, upon a motion made by Wayne Dunn, seconded by Stephen Gainer and passed, announced placed Terry Hefner and Steven Lehew in nomination for reappointment to the Enforcement Agency for the Abandoned Building Ordinance. Said vacancies are due to the fact that the terms of Terry Hefner and Steve Lehew expired July 23, 2011. Said vacancies are pursuant to an Order appearing in Order Book 51, at Page 433 and bearing the date of April 1, 1991, dealing with the procedure policy for appointments to Boards and Authorities. The new terms will expire July 23, 2013

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

\_\_\_\_\_  
David Blair Couch, President

  
\_\_\_\_\_  
Wayne Dunn, Commissioner

  
\_\_\_\_\_  
Stephen Gainer, Commissioner

A/812

7/21/11  
69/499

JULY 21, 2011

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION DID HEREBY AUTHORIZE THE  
PLACEMENT OF A LEVY ON THE OCTOBER 4, 2011 BALLOT.

**ORDER**

On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Wayne Dunn and made unanimous by Stephen Gainer, did hereby AUTHORIZE the placement of a levy on the October 4, 2011 Special Election. Said levy is for funding of the Parkersburg and Wood County Public Library, The Mid-Ohio Valley Regional Airport and The Veteran's Museum.

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

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
David Blair Couch, President

  
\_\_\_\_\_  
Wayne Dunn, Commissioner

  
\_\_\_\_\_  
Stephen Gainer, Commissioner

M/1555

7/21/11  
69/499

**ORDER AND NOTICE OF SPECIAL ELECTION FOR AN  
ADDITIONAL COUNTY COMMISSION LEVY  
TO THE VOTERS OF WOOD COUNTY**

That at a regular meeting of the County Commission of the County of Wood, State of West Virginia, held on the 21st **day of July, 2011**, as provided by law, the following order was made and entered of record, to wit:

The County Commission of Wood County being of the opinion that the maximum levies for current expenses authorized by Article 8, Chapter 11, of the Code of West Virginia, as amended, will not provide sufficient funds for the payment of current expenses of Wood County, including expenditures for the purpose or purposes hereinafter set forth, and that an election should be held to increase such levies under the provisions of Section 16, Article 8, Chapter 11 of the Code, as amended, it is hereby ordered:

1. That the purpose or purposes for which additional funds are needed are: **A. Parkersburg & Wood County Public Library; B. MOV Regional Airport; C. Veteran's Museum**
2. That the approximate annual amount for this purpose after a **9% percent** allowance for tax discounts, delinquencies, exonerations and uncollectible taxes is **A. \$453,000; B. \$453,000; C. \$50,375 or a total amount of \$956,375.**
3. That the total approximate amount for said purpose during the term of the levy is **A. \$2,265,000; B. \$2,265,000; C. \$251,875 or a Grand Total of \$4,781,875.**
4. That the separate and aggregate assessed valuation of each class of taxable property within the County is

Class I	\$0
Class II	\$1,587,648,398
Class III	\$753,846,597
Class IV	\$758,913,372

5. That the proposed additional rate of levy in cents per one hundred dollars of assessed valuation on each class of property is:

	Library	Airport	Veteran's Museum	Total
Class I	.54 cents	.54 cents	.06 cents	1.14 cents
Class II	1.08 cents	1.08 cents	.12 cents	2.28 cents
Class III	2.16 cents	2.16 cents	.24 cents	4.56 cents
Class IV	2.16 cents	2.16 cents	.24 cents	4.56 cents

6. That the proposed years to which the additional levy shall apply are the fiscal years beginning **July 1, 2012, July 1, 2013, July 1, 2014, July 1, 2015, and July 1, 2016.**
7. That the County Commission will not issue bonds upon approval of the proposed levy.
8. That the question of such additional levy shall be submitted to a vote of a special election to be held on the **4<sup>th</sup> day of October 2011.**
9. That notice calling such election shall be given by the publication of this Order at least once each week for two successive weeks next preceding said election in two newspapers of opposite politics and of a general circulation in the territory in which the election is held. If there is only one newspaper published in the county, said publication shall be made therein. All the provisions of the law concerning general elections shall apply so far as they are practicable.
10. That the ballot to be used at such election shall be in the following form:

WOOD COUNTY COMMISSION

SPECIAL ELECTION TO AUTHORIZE ADDITIONAL LEVIES

(October 4, 2011)

A special election to authorize additional levies for the fiscal years beginning **July 1, 2012, July 1, 2013, July 1, 2014, July 1, 2015, and July 1, 2016** for A. Parkersburg & Wood County Public Library in the approximate amount of **\$453,000** annually and **\$2,265,000** during the term of the levy; B. MOV Regional Airport in the approximate amount of **\$453,000** annually and **\$2,265,000** during the term of the levy; and C. Veteran's Museum in the approximate amount of **\$50,375** annually and **\$251,875** during the term of the levy; according to the Order of the County Commission entered on the **21<sup>st</sup> day of July, 2011**.

That the additional rate of levy in cents per one hundred dollars of assessed valuation on each class of property shall be:

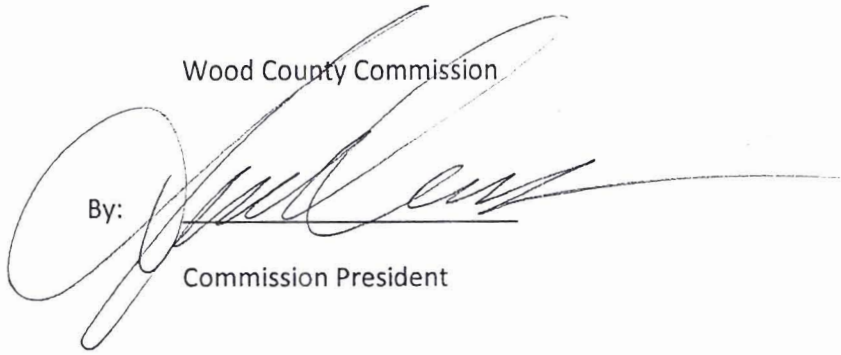
	Library	Airport	Veteran's Museum	Total
Class I	.54 cents	.54 cents	.06 cents	1.14 cents
Class II	1.08 cents	1.08 cents	.12 cents	2.28 cents
Class III	2.16 cents	2.16 cents	.24 cents	4.56 cents
Class IV	2.16 cents	2.16 cents	.24 cents	4.56 cents

( ) For the Levies

( ) Against the Levies

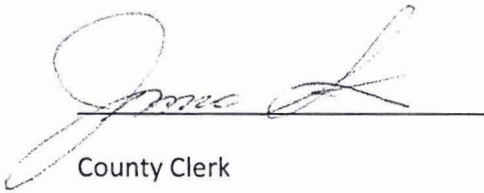
Wood County Commission

By:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be 'Mark Lewis'.

Commission President

ATTEST:

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be 'James L. ...'.

County Clerk

# ORDERS-Wood County Commission, West Virginia

THURSDAY, JULY 21, 2011

JULY Term,

SIXTH Day

JULY 20 11

## IN RE: ESTATE OF ROGER LEE WISE, SR., DECEASED (ORDER COUNTY COMMISSION-DISALLOW CLAIM)

This day came DEBORAH L. WISE, ADMINISTRATRIX of the Estate of ROGER LEE WISE, SR., deceased, before the County Commission, before a hearing asking that a claim be disallowed in said Estate. The County Commission after reviewing said estate, ruled that the claim be disallowed. The County Commission ordered that if additional funds come into estate, that the estate will need to be reopened.

## IN RE: ESTATE OF JOHNNIE A. HESKETT, DECEASED. (HEARING CONTINUED)

This day came RETA REBECCA BARRETT, heir to the Estate of JOHNNIE A. HESKETT, deceased, in regard to a hearing, requesting that BARBARA CHERYL HUPP, EXECUTRIX of the Estate of JOHNNIE A. HESKETT, deceased, file an amended appraisal. The said BARBARA CHERYL HUPP, EXECUTRIX of the Estate of JOHNNIE A. HESKETT, deceased, was not present. The County Commission after hearing the information that RETA REBECCA BARRETT presented, made a motion to continue the hearing until Monday, August 8, 2011, at 11:00 o'clock A. M.

## IN RE: ESTATE OF GEORGINA PHILPOTT, DECEASED

This day came CHRISTINE PHILPOTT, who was, by the last Will and Testament of GEORGINA PHILPOTT, deceased, named therein to qualify as EXECUTRIX, without bond, of said Will.

It appearing to this Commission that CHRISTINE PHILPOTT, be and she is hereby qualified as such EXECUTRIX, and entered upon the discharge of said trust, without bond, as provided by said Will.

Letters testamentary are hereby granted the said CHRISTINE PHILPOTT, upon the Estate of GEORGINA PHILPOTT, 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 GEORGINA PHILPOTT, 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.

## IN RE: ESTATE OF MARY L. BURNS, DECEASED. (REFERRED TO A FIDUCIARY COMMISSIONER)

This day came MARGARET ELLEN BURNS, and made known to this Commission the need of a Fiduciary Commissioner to settle the Estate of MARY L. BURNS, deceased; and

It appearing to this Commission that no reference was made to a Fiduciary Commissioner for settlement of said Estate in the former qualification of MARGARET ELLEN BURNS, as EXECUTRIX, of the Estate of MARY L. BURNS, deceased, on the 10/18/2010, it is hereby ordered that said Estate be, and it is hereby, referred to R. VANCE GOLDEN, III, Fiduciary Commissioner, for settlement.

## IN RE: ESTATE OF LANTZ ARTHUR, DECEASED

This day came KAREN PATRICIA JOHNSON AKA KAREN PATRICIA JOHNSTON and KATHY JOANN JARVIS, who was, by the last Will and Testament of LANTZ ARTHUR, deceased, named therein to qualify as CO-EXECUTRICES, without bond, of said Will.

It appearing to this Commission that KAREN PATRICIA JOHNSON AKA KAREN PATRICIA JOHNSTON and KATHY JOANN JARVIS, be and they are hereby qualified as such CO-EXECUTRICES, and entered upon the discharge of said trust, without bond, as provided by said Will.

Letters testamentary are hereby granted the said KAREN PATRICIA JOHNSON AKA KAREN PATRICIA JOHNSTON and KATHY JOANN JARVIS, upon the Estate of LANTZ ARTHUR, 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 LANTZ ARTHUR, 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.

## IN RE: ESTATE OF CORREDA G. HENSLEY, DECEASED. (ORDER COUNTY COMMISSION-DISALLOW CLAIMS)

This 21<sup>st</sup> day of July, 2011, came Nancy Anne Hensley, Executrix of the Last Will and Testament of CORREDA G. HENSLEY, Deceased, and presented her Motion to Approve Final Report, to Close the Insolvent Estate and Discharge her from further duty as Executrix.

Appearing on behalf of movant was her attorney, Gerald W. Townsend.

### Findings of Fact

From the records and evidence at hearing the County Commission finds the following facts to be true:

0. The probate estate of CORREDA G. HENSLEY, Deceased, consisted solely of tangible and intangible personal property with value of \$11,504.61;

0. The executrix exhausted all of the assets of the probate estate by payment of:

CLASS 1 priority Costs of Administration	\$ 817.38
CLASS 2 PRIORITY Reasonable Funeral Expenses	\$10,687.23

0. CLASS 7 Creditors' Proofs of Claims in sum of \$7,781.45 were filed by the following Claimants who were notified by Certified Mail, Return Receipt Requested, at their proper addresses, of the hearing upon Executrix' Motion.

<u>Claimant</u>	<u>Amount of Claim</u>
Ascension Point Recovery Services, LLC, on behalf of GE Consumer Finance - WALMART	\$ 1,247.59
DMC Services, Inc. on behalf of Chase Bank credit card claim	5,342.56
DMC Services, Inc., credit card claim	<u>1,191.30</u>



of the Executrix and it is ORDERED that:

0. The Final Report of Nancy Anne Hensley, Executrix of the Last Will and Testament of CORREDA G. HENSLEY, Deceased, be approved;
0. Those claims listed in the Findings of Fact above, are abated;
0. The Estate of CORREDA G. HENSLEY, Deceased, is closed; and,
0. The Executrix is discharged from further duty.

ENTER this 21<sup>st</sup> day of JULY, 2011.

s/ David Blair Couch  
Commissioner  
s/ Wayne Dunn  
Commissioner  
s/ Stephen Gainer  
Commissioner

Order submitted by  
s/ Gerald W. Townsend  
Gerald W. Townsend  
Counsel for Movant-Executrix  
Nancy Anne Hensley  
Fluharty & Townsend  
417 Grand Park Drive, Suite 101,  
Parkersburg, WV 26105

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, July 25, 2011, at 9:30 o'clock A. M.

\_\_\_\_\_  
President

JULY 21, 2011

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION ORDERED THAT THE NEW ROAD NAME REQUEST FORM FROM SHAM ROLSTON BE APPROVED. THE NEW ROAD NAME WILL BE LOXLEY DRIVE.

**ORDER**

The County Commission of Wood County was in receipt of a New Road Name Request Form from Sham Rolston, to name the road to his residence LOXLEY DRIVE. The said Request does not interfere with the scheduled readdressing and mapping for the E-9-1-1 Master Street Addressing Guide. The road to be known as LOXLEY DRIVE is located off Robin Hood Road in Harris District, Tax Map 250, Parcel Q039. The request by Sham Rolston is in accordance with Chapter 7, Article 1, Section 3 of the Code of West Virginia, 1931, as amended, which deals, in part, with the County Commission naming or renaming thereof of roads, ways, streets, avenues, drives and the like to assure uniform, nonduplicative conversion of all rural routes to city-type addressing on a permanent basis.

The County Commission does hereby find that the said request, made in writing, by Sham Rolston, and the approval from the Wood County E-9-1-1, is in proper form and is hereby ORDERED to be filed.

NOW, THEREFORE, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Wayne Dunn and made unanimous by Stephen Gainer, does hereby ORDER that the aforementioned road be named LOXLEY DRIVE. The County Commission does further ORDER that a copy of this ORDER, along with the New Road Name

Request Form, be certified by the Clerk of the County Commission for entry in the Office of the Clerk of the County Commission.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

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David Blair Couch, President

---

Wayne Dunn, Commissioner

---

Stephen Gainer, Commissioner

A/811

Please complete the upper portion of this request form. Return it to: Central Telecommunications Center, 911 Core Road, Parkersburg, WV 26104.

fax 472-6270

WOOD COUNTY 9-1-1

NEW ROAD NAME REQUEST FORM

Applicant Name: Sham P Robston

Applicant Phone #: 304-917-4143

Property Owner Name:

Current Road Name or Highway Number, if any:

Tax District: Harris Tax Map #: 250 ~~039~~ Parcel #: 0039

Describe Physical Location: Rt 68 S to Robin Hood Rd  
1/2 mile on left

List Three Road Name Suggestions: 1<sup>st</sup> Barnsdale Lane ~~LOXLEY~~  
2<sup>nd</sup> Loxley ~~DRIVE~~ Drive \* ✓  
3<sup>rd</sup> Lionheart Lane

Please prioritize.

Signature of Applicant: 

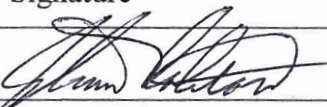
OFFICIAL USE ONLY

Coordinated with the Map Processor:

Processor Signature:  Process Date: 7/13/11

Granted Street Name:

Place signature, address and telephone number all of the homeowners agreeing to the road name changes. This must be 100% of the residents if less than 10 and 75% if more than 10.

Signature	Existing Address	Phone #
	2508 26th St Parkersburg WV	304 481-4799
Candice Bucklew	236 Frames Ln. Belleville, WV	304-863-3798
Steph R Bennett	236 Frames Ln. Belleville, WV	304-863-3798
Stephen R. Bennett S.R	1 Canal Ct Dr. Parkersburg, WV. 26101	304-480-9553

New Road