

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

IN RE: MINUTES OF MEETING HELD  
MONDAY, APRIL 22, 2013

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

At 9:00 A.M., the County Commission of Wood County met in regular session. They signed purchase orders, invoices, orders and other correspondence.

Sean Andrews was sworn in as a member of the Wood County Recreation Commission and the Wood County Building Commission.

**AGENDA AND DISCUSSION ITEMS**

At 9:10 A.M., the County Commission discussed the Wood County Justice Center parking lot. Circuit Court Judge Beane; Magistrate Court Administrator Paulina Yearego and Prosecuting Attorney Jason Wharton were in attendance.

At 9:40 A.M., the County Commission discussed animal control in the County. Each Commissioner reported on counties they called to determine how they were running their responsibility.

The County Commission placed Tim Thomas, Jeff Dimick, Steve Cunningham and Pat Sole in nomination to the Wood County Local Emergency Planning Committee. (Order A/1094)

At 10:58 A.M., the County Commission met with Chip Pickering and presented the Williamstown Elementary School Site Selection Committee's agenda. At this time he stated they are merely informing the commission of the project.

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APRIL 22, 2013

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION PLACED TIM THOMAS, JEFF DIMICK, STEVE CUNNINGHAM AND PAT SOLE IN NOMINATION TO THE WOOD COUNTY LOCAL EMERGENCY PLANNING COMMITTEE.

**ORDER**

On this date, the County Commission of Wood County, upon a motion made by Steve Gainer, seconded by Wayne Dunn and made unanimous by David Blair Couch, placed Tim Thomas, Mid-Ohio Valley Transportation Authority, Jeff Dimick, Ohio Valley University, Steve Cunningham, Sabic and Pat Sole, Wood County Schools, in nomination to the Wood County Local Emergency Planning Committee. Said nominations are pursuant to two vacancies - Eric Bucklin, Ohio Valley University (term will expire December 31, 2014) and Belinda Fetty, Mid-Ohio Valley Transportation Authority (term will expire December 31, 2013) no longer wishing to serve. The other two nominations are new member positions and will expire December 31, 2015.

Said nominations 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 and are upon the recommendation of Steve Simonton, Chairman of the LEPC.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
Wayne Dunn, President

  
Stephen Gainer, Commissioner

  
David Blair Couch, Commissioner

The County Commission was in receipt of the Mid-Ohio Valley Health Department Clean Indoor Air Regulations. (Order M/2356)

**ORDERS APPROVED AND ATTACHED TO THESE MINUTES**

A/1094, M/2354, M/2356 and M/2357

Having no further scheduled appointments or business to attend to, the County Commission adjourned at 11:23 P.M.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
Wayne Dunn, President

  
Stephen Gainer, Commissioner

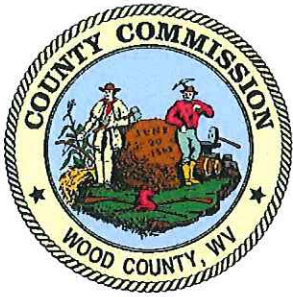
  
David Blair Couch, Commissioner

To listen to this meeting, please refer to DVD labeled April 22, 2013.

Wood County Commission Meeting  
Held April 22, 2013

**Please Print**

1.	Paulina Yeager, Mag Court
2.	J.D Beane, Circuit Court Judge
3.	CHIP PICKERING, WILLIAMSTOWN ELEMENTARY SCHOOL
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# Wood County Commission Agenda

4/22/2013

1 Court Square, Suite 203  
Parkersburg, WV 26101

9:00 AM	Approve and sign minutes, orders, purchase orders, invoices, new road names, erroneous assessment applications and any other administrative duties	Marty Seufer, County Administrator
	Consider adoption of Mid-Ohio Valley Health Department Clean Indoor Regulations revision.	
	Discuss County animal control	
	Consider scholarship for Youth Environmental Camp at North Bend	John Reed, Wood County Solid Waste Authority
	Put names in nominations on LEPC Board	
	Discuss Justice Center Parking Lot	
10:45 AM	Discuss Williamstown Elementary School Project Team Report	Chip Pickering
11:30 AM	Lunch at American Legion Post 15	



# Williamstown Elementary Site Selection Committee

## PURPOSE AND OBJECTIVES

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The WES New School Project Site Selection Committee is intended to accomplish the following:

- Identify all potential new school sites
- Evaluate and analyze each viable site in a consistent approach
- Rank potential school sites
- Propose the preferred site to the sponsors and steering committee for their approval
- Recommend site selection to school board for approval
- Purchase land

## SITES IDENTIFICATION

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- Potential sites will be identified by first communicating a description of the property being sought including size, location, type of property.
- This description will be communicated through the media, school and city meetings.
- The Site Selection Committee will have discussions with and offer presentations to the Wood County School Board, the City of Williamstown, and the Wood County Commission.

### **Site Description (draft):**

The Wood County Board of Education and the City of Williamstown is looking for land to be used for the building of a new elementary school for Williamstown. The site should be at least 8 acres, located within the current school district and have access to public utilities.

## SITES ANALYSIS

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- Selected sites will be analyzed in regards to the site criteria (as identified below).
- Each site will be evaluated by the entire site selection committee or by a sub-group of the committee.
- Data will be collected, and compiled on the Site Selection Criteria form (Part 1).
- The entire site selection committee will then work to evaluate the site using the detailed Site Selection Evaluation form (Part 2), providing weight to each of the criteria.
- Top sites will be further analyzed and due diligence conducted (soil borings, site contamination, etc.)
- The current school location will be evaluated using the same criteria as the other sites and will include an additional consideration of where to house the students during the building of a new school on the current site.
- Site Criteria: (Scoring)

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APRIL 22, 2013

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION DID HEREBY EXECUTE A RESOLUTION THAT AUTHORIZED WAYNE DUNN, AS PRESIDENT, TO EXECUTE ALL DOCUMENTS IN REGARD TO THE COMMUNITY PARTICIPATION PROGRAM FOR THE GATHERING AT SWEET CREEK.

**ORDER**

On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Stephen Gainer, and made unanimous by Wayne Dunn, did hereby EXECUTE a RESOLUTION that hereby AUTHORIZES Wayne Dunn, in his official capacity as President and on behalf of the County Commission, to EXECUTE all necessary documents in regard to the Governor's Community Partnership Grant Program application for the Gathering at Sweet Creek Project (#13LEDA0256) in the amount of five thousand dollars and zero cents (\$5,000.00).

Pertinent documentation pertaining to the aforementioned Governor's Community Partnership Grant Program is in the Office of the County Administrator.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
Wayne Dunn, President

  
Stephen Gainer, Commissioner

  
David Blair Couch, Commissioner

M/2354

APRIL 22, 2013

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IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

**RESOLUTION**

**WHEREAS**, The State of West Virginia is sponsoring the Governor's Community Partnership Grant Program; and

**WHEREAS**, the Governor's Community Partnership Grant Program is designed to provide assistance to Counties and Municipalities in West Virginia to address economic development projects; and

**WHEREAS**, the County Commission of Wood County is an eligible applicant; and

**WHEREAS**, the Wood County Commission possesses certain economic development needs which would qualify it for participation in the Governor's Community Partnership Grant Program; and,


**NOW THEREFORE, BE IT RESOLVED**, that Wayne Dunn, in his official capacity as President, is authorized to execute all necessary documents in regard to the Governor's Community Partnership Program application for the following project:

**GATHERING AT SWEET CREEK (#13LEDA0256) - \$5,000.00**

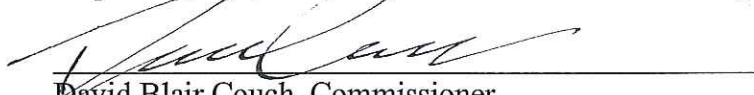
**RESOLVED** this 22<sup>nd</sup> day of April, 2013.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
Wayne Dunn, President

  
Stephen Gainer, Commissioner

  
David Blair Couch, Commissioner

Certified to be a true copy of a Resolution adopted at a regular meeting of the County Commission of Wood County held on April 22, 2013.

  
Jamie Six, County Clerk



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APRIL 22, 2013

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION DID HEREBY AUTHORIZE WAYNE DUNN TO SIGN THE REQUEST FOR REIMBURSEMENT IN REGARD TO THE VICTIMS OF CRIME ADVOCATE GRANT NUMBER 12-VA-008. SAID REQUEST IS IN THE AMOUNT OF \$3,595.50

**ORDER**

On this date, the County Commission of Wood County, upon a motion made by Stephen Gainer, seconded by David Blair Couch and made unanimous by Wayne Dunn, did hereby AUTHORIZE Wayne Dunn, on behalf of the County Commission, to sign the Request for Reimbursement in regard to the Victims of Crime Advocate Grant Number 10-VA-040. The Request for Reimbursement is in the amount of three thousand five hundred ninety-five dollars and fifty cents (\$3,595.50) for the month of March, 2013. Along with the Request for Reimbursement Form; a Financial Recap Page; Project Financial Report; Daily Time Sheets for the Victims Advocate, Tiffany Kiger; Time Sheets for the Assistant Victim Advocate, Monthly Progress Reports and the Monthly Statistical Report have been submitted.

A copy of the Request for Reimbursement is attached to this Order and should be made a part thereof.

Documentation pertaining to the Victims of Crime Advocate Grant is on file in the Office of the County Administrator.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
Wayne Dunn, President

  
Stephen Gainer, Commissioner

  
David Blair Couch, Commissioner

M/2355

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<b>WEST VIRGINIA</b> Division of Criminal Justice Services	<b>Request for Reimbursement</b>
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<b>RECEIVED</b> (For DCJS Use Only)	Subgrantee: Wood County Commission
	Address: One Court Square, Suite 203 Parkersburg, WV 26101
	Project #: 12-VA-008
	FEIN#: 556 000 417
	Funds are hereby requested to cover expenditures FROM: 3/1/13 TO: 3/31/13

**PROJECT CASH EXPENDITURES**

CATEGORY	AMOUNT
Personnel/Contractual	\$3,595.50
Travel/Training	
Space	
Other	
<b>TOTAL</b>	<b>\$3,595.50</b>

**CERTIFICATION:**

I certify that this report presents actual receipts and expenditures of funds for the period covered and for the total grant budget to date, made in accordance with the approved budget for this grant.

All documentation is available at our office.

BY: Wayne Dunn, President, Wood County Commission  
 TYPED NAME & TITLE  
 (Authorized Official or Grant Financial Officer ONLY)

  
 SIGNATURE 4/22/13 DATE

**DCJS USE ONLY**

**ADMINISTRATIVE APPROVAL:**

This request is approved in the amount of \$ \_\_\_\_\_  
Initials Date

Pursuant to the authority vested in me, I certify that this request is correct and proper for payment.

\_\_\_\_\_ \_\_\_\_\_  
 Date Program Accountant

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APRIL 22, 2013

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.

Upon a motion made by David Blair Couch, seconded by Stephen Gainer and made unanimous by Wayne Dunn, said Regulations were RECEIVED 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

  
\_\_\_\_\_  
Wayne Dunn, President

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

  
\_\_\_\_\_  
David Blair Couch, Commissioner

M/2356



4/22/13  
70/277

**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 and other authoritative public health authorities have determined that involuntary inhalation of tobacco smoke (a) is a cause of numerous diseases in healthy non-smokers; (b) is a major contributor to indoor air pollution; (c) places children, unborn children of pregnant women, elderly people, and individuals with cardiovascular and/or respiratory disease at special risk; (d) is a trigger for acute episodes of respiratory distress and myocardial infarction; (e) increases the lifetime exposure to carcinogenic tobacco smoke of both smokers and non-smokers; (f) burdens the health care system by increasing the number and frequency of required hospital admissions and emergency visits thereby increasing the public and private expenditures required for the treatment; (g) reduces the life expectancy of persons consistently exposed to secondary smoke and (h) causes substantial losses in productivity through smoking related absences from work and school.

Excerpted from the December 2, 2003 WV Supreme Court Decision #31120.... "In attempting to minimize the effects of tobacco smoke on the general public in 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....."

Accordingly, the purposes of this Regulation are:

1. to protect the public health and welfare by prohibiting smoking in public places,
2. to prohibit smoking in places of employment,
3. to 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,
4. to facilitate smoking cessation by active smokers and
5. to discourage non-smokers from taking up the habit and thereby developing a nicotine addiction.

7-001



M. "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.

N. "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.

O. "Smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this regulation.

#### **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

Bars

Restaurants

Video Lottery Rooms

Retail Tobacco Stores

Fraternal Organizations

Elevators

Stairwells

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

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

Restaurants

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

1. Private residences, except when used as a child care or health care facility.
2. 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.  
**WHERE SMOKING WILL BE REGULATED AFTER 5/1/2014**

1. Designated Hotel and Motel rooms rented to guests shall be subject to the restrictions of this regulation on **5/1/2014**.

2. The conference or meeting rooms or public and private assembly rooms of hotels and motels while these places are being used for private functions shall be subject to the restrictions of this regulation on **5/1/2014**.

3. The conference or meeting rooms or public and private assembly rooms of fraternal organizations while these places are being used for private functions shall be subject to the restrictions of this regulation on **5/1/2014**.

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.

## **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. 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.



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.

Because supporting the WV Legislature's goal of a tobacco free populace is also part of the mission of the Mid-Ohio Valley Health Department (MOVHD) and its Board of Health, MOVHD will assist all those who want to quit with cessation classes, access to the Quit Line, and other aids in their journey towards breaking their addiction to tobacco.

### **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 March 26, 2013.

Adopted by the Mid-Ohio Valley Board of Health

July 26, 2005

Modified November 24, 2009

Modified May 24, 2011

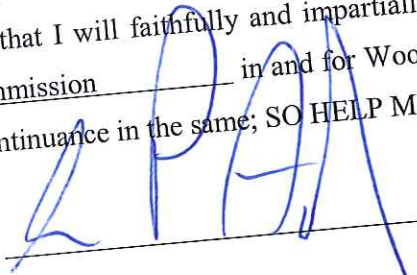
Modified March 26, 2013

4/22/13  
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STATE OF WEST VIRGINIA  
COUNTY OF WOOD

} TO -WIT:

I, Sean Andrews, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and that I will faithfully and impartially discharge the duties of the office of the Wood County Building Commission in and for Wood County, West Virginia, to the best of my skill and judgment, during my continuance in the same; SO HELP ME GOD.



Subscribed and sworn to, before County Commission of Wood County, West Virginia, this 22<sup>nd</sup> day of April, 2013.



County Commission of Wood County



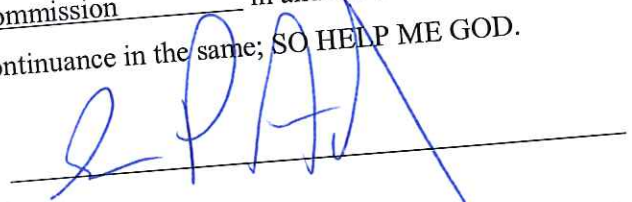
4/22/13

70/276

STATE OF WEST VIRGINIA  
COUNTY OF WOOD

} TO -WIT:

I, Sean Andrews, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and that I will faithfully and impartially discharge the duties of the office of the Wood County Recreation Commission in and for Wood County, West Virginia, to the best of my skill and judgment, during my continuance in the same; SO HELP ME GOD.



Subscribed and sworn to, before County Commission of Wood County, West Virginia, this 22<sup>nd</sup> day of April, 2011.

  
County Commission of Wood County