

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD MONDAY,
MARCH 3, 1986

PRESENT: PRESIDENT, HOLMES R. SHAVER
COMMISSIONER, DEXTER L. BUCKLEY, JR.
COMMISSIONER, LEWIS E. GUINN

At 9:30 the Commission opened the sealed bids for the tax forms. The bids received were from: Moore Business Forms, P.O. Box 634, Parkersburg, WV, with a bid of \$4,351.85. NCR Corporation, 4300 Emerson Avenue, Parkersburg, WV, with a bid of \$5,393.40. Buroughs Corporation, 1410 Lee Street, West, Charleston, WV, with a bid of \$6,311.75. Upon a motion made by Commissioner, Dexter L. Buckley, Jr., and seconded by Commissioner, Lewis E. Guinn, and made unanimous by President, Holmes R. Shaver, to take the bids under advisement. The bids are on file in the Administrator's Office, Room 205, Wood County Courthouse. A copy of the Order is on file also.

At 10:00 The Commission held an alleged Incompetency Hearing on Russell L. Wiggins. The attorney submitted to the Commission a statement from Dr. Reddy on Mr. Wiggins condition, ~~Mr.~~ Wiggins is suffering from Parkinson's disease and is bedridden. He is presently residing at Arcadia Nursing Home in Coolville, OH., since December 1985. The affidavit includes the Doctor's statement that he felt that Mr. Wiggins was not capable of taking care of his business or his personal self. Mr. Wiggins is 80 years of age. It would be dangerous to his health for Mr. Wiggins to attend this meeting. Jeff Reed the guardian ad litem verified the incompetency of Mr. Russell Wiggins.

Commissioner, Dexter L. Buckley, Jr. made the motion, and Commissioner, Lewis E. Guinn seconded, and President, Holmes R. Shaver made it unanimous that Mr. Russell L. Wiggins be declared incompetent. Betty Sue Mchenry step-grand-daughter of Mr. Wiggins and has known him for 35 years. She resides at 1317 Parkerburg, has assisted Mr. Wiggins in his business and has a joint account. She also assisted Mr. Wiggins in taking care of his medication, and preparing his meals, along with her sister and his neighbor. His brothers and sisters are not able to help him they are in their late 70's. Mr. Wiggins owns his own home that is valued at approximately 30,000, a checking account of \$5,000, a CD for \$500 and furniture. His income is social security \$483, Civil Service \$166, and Veteran's Compensation \$66. Total Income per month is \$700 a month plus \$30 from his CD. Mr. Wiggins' brothers and sisters were made aware of this hearing. Commissioner Dexter L. Buckley, Jr. made the motion, and Commissioner, Lewis E. Guinn seconded and President Holmes R. Shaver made it unanimous that Ms. Mchenry be appointed as committee for Mr. Wiggins. A bond of \$40,000 will be posted and the Order will be filed today.

Dave Underwood came before the Commission to submit a Petition with Exhibits for Annexation for the territory to the City of Vienna, by a minor boundary adjustment.

Prosecuting Attorney, Harry Deitzler, brought Cheryl Milenger to be sworn as Assistant Prosecuting Attorney, Ms. Milenger will be replacing John Shank.

At 10:45 the Commission held an Alleged Incompetency Hearing

on Mrs. Stella Stewart. The Attorney, William Jacobs submitted an affidavit from Harry L. Shane, that Mrs. Stewart was 94 years of age, and unable to handle her business. Miss Jackie Hall, 31, resides at 3153 apt. 6, Parkersburg, WV, Mrs. Stewart's Granddaughter, Mrs. Stewart only relatives are Judy Ackerman and Jackie Hall. Mrs. Stewart lives at her home on 3153 Parkersburg Street, Parkersburg, WV. A lady lives in and takes care of Mrs. Stewart. Miss Hall stated that she visited her grandmother about once a week and Mrs. Stewart was aware of the hearing and had told her that she was unable to attend. Mrs. Judy Ackerman, 38, resides at 910-18th Street, Vienna, WV. Stated that she visits her grandmother about twice a week, and Mrs. Stewart reverts to the past, and cannot remember people, deteriorating physically. She is unable to take care of her business or her personal-self. On the testimony of the Granddaughters Commissioner, Dexter L. Buckley, Jr. made the motion and Commissioner, Lewis E. Guinn seconded and Commission President, Holmes R. Shaver made it unanimous that Mrs. Stewart be found incompetent. Miss Hall stated that Mrs. Stewart owns her home valued at about \$15,000 to \$20,000, and furniture valued at about \$1,000. Her income consists of Social Security \$348. Mrs. Stewart did have a checking account of \$18,000, but her son-in-law had it put in his name. Mrs. Stewart daughter is deceased. Mrs. Stewart has no stocks or bonds. There may be a savings account at Mountain State Bank of \$30,000, but is believed that the son-in-law had it removed. Miss Hall stated that she could not get any information on the accounts, and this information was not fact. President, Holmes R. Shaver stated that once the matters of the accounts were investigated then Miss Jackie Hall and

Mrs. Judy Ackerman will be appointed co-committee, Commissioner Dexter L. Buckley, Jr. made the motion and Commissioner Lewis E. Guinn seconded and President Holmes R. Shaver made it unanimous. A bond in the amount of \$21,000 will be posted with a report to the Commission on the status of the Bank accounts and then if needed the bond will be adjusted.

At 11:25 the Commission received a certified letter from the State Fire Commission regarding the approval of the Constitution and By-Laws of the Wood County Firefighters Association and the laws of the Wood County Fire Board.

At 2:00 David Myers was sworn in as a new Correctional Officer.


At 3:00 County Assessor Eugene Knotts met with the Commission to discuss the reappraisal meetings.


President, Holmes R. Shaver, signed an CEMSAP Application for the advanced Life support and Basic Life Support Equipment for Pond Creek Volunteer Fire Department.

Having no further business or appointments the Commission adjourned at 4:00.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY


PRESIDENT, HOLMES R. SHAVER


COMMISSIONER, DEXTER L. BUCKLEY, JR.


COMMISSIONER, LEWIS E. GUINN

3/86

STATE OF WEST VIRGINIA



WILLIAM D. SITES
Chairman

BILL SPENCER
Vice-Chairman

RONALD A. KYLE
Secretary

ARCH A. MOORE, JR.
Governor

STATE FIRE COMMISSION
Capitol Complex

Charleston, West Virginia 25305
Telephone (304) 348-2191

February 28, 1986

ARNETT B. CORLEY, JR.
State Fire Administrator

WALTER SMITTLE, III
State Fire Marshal

Dexter L. Buckley, Jr., President Pro Tem
Wood County Commission
Wood County Courthouse
Parkersburg, West Virginia 26101

Dear Mr. Buckley:

This is to advise you and all parties concerned, that the West Virginia State Fire Commission, pursuant to the provisions of West Virginia State Code, Chapter 7, Article 17, in regular meeting assembled this date, February 28, 1986, approved the Constitution and Bylaws of the Wood County Firefighters Association and the Bylaws of the Wood County Fire Board as submitted to, and received by this Office on February 10, 1986.

Wood County is the sixth county to submit and receive approval for the implementation and operation of a County Fire Board in West Virginia.

On behalf of the Commissioners and myself, we wish you every success in your endeavor. We believe that your efforts will be of great benefit to the Wood County Fire Services and to each resident of your County.

As always, should we be able to assist you in any manner, please do not hesitate to contact us.

Sincerely,

Arnett B. Corley, Jr.
State Fire Administrator

CC: Secretary of State
State Fire Commissioners
ABC/gb

Rec. 3/3/86 11:23 A.M.
JES
AV

MARCH 3, 1986

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION ACCEPTING
ORDINANCE FROM THE WOOD COUNTY FIRE
SERVICE BOARD WHICH IS TO BE PLACED ON
THE BALLOT FOR THE PRIMARY ELECTION
WHICH WILL BE HELD ON MAY 13, 1986.

ORDER

On this date, upon a motion made by Commissioner Lewis E. Guinn, seconded by Commissioner Dexter L. Buckley, Jr., and made unanimous by President Holmes R. Shaver, the County Commission of Wood County, accepted the Ordinance that was presented to them by the Wood County Fire Service Board. Said Ordinance is to placed on the ballot for the Primary Election which will be held on May 13, 1986.

A copy of said Ordinance is attached and is hereby ordered to be filed.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY


HOLMES R. SHAVER, PRESIDENT


DEXTER L. BUCKLEY, JR., COMMISSIONER


LEWIS E. GUINN, COMMISSIONER

AN ORDINANCE ENACTING ARTICLE
OF THE CODIFIED ORDINANCES
OF THE COUNTY COMMISSION OF WOOD
COUNTY, WEST VIRGINIA, PROVIDING
FOR FIRE PROTECTION FEES

THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA ORDAINS
that the following Ordinance known as the County-Wide Fire
Protection Ordinance be enacted:

01. DEFINITIONS.

The following definitions shall be used in interpreting this
Article:

(a) "Residential building" means any structure
the first floor of which (excluding basement) is used
or intended by the nature of its construction to be
used by persons for living and sleeping quarters, but
shall not include hotels, motels, or other buildings
intended primarily for transient lodging.

(b) "Commercial building" means any structure
the first floor of which (excluding basement) is used
or intended by the nature of its construction to be
used for any purpose other than "residential", but
shall also be deemed to include hotels, motels, or
other buildings intended primarily for transient lodging.

(c) "Institutional building" means any structure
used as a government building, church, or which is owned
by any person, corporation or entity which is granted
non-profit status by the Internal Revenue Service under
the applicable provisions of the Internal Revenue Code
of the United States. ~~All property owned by the Wood
County Board of Education is specifically exempted from
this definition.~~

(d) "Basement" shall mean that portion of a building
which is located below the level of the adjoining ground,
and which is unfinished and not utilized as a part of the
living or working area of the building.

(e) "Total square feet" means that sum as measured by the exterior dimensions of the structure regardless of stories, but shall not include any part of a structure encompassed by the following:

- (1) Porches (unless entirely enclosed for all-weather purposes);
- (2) Basements;
- (3) Attics;
- (4) Garages;
- (5) Any out outbuildings.

.02 CONTINUATION, MAINTENANCE AND IMPROVEMENT OF FIRE SERVICE.

The service of fire protection shall be continued, maintained and improved by the Wood County Fire Service Board, in part, at the charge and expense of the owners of all buildings of every kind and nature within the County, which said owners are declared to be users and beneficiaries of such fire protection service. The charges and expenses with respect to each of such users and beneficiaries shall be imposed, assessed and collected as set out in this Article.

.03 LEGISLATIVE INTENT.

The imposition of Fire Protection Fees under this Article is pursuant to authorization set forth in Chapter 7, Article 17, Section 12 of the West Virginia Code. In accordance with said statute, it is the legislative intent of this Article that the fees imposed hereunder are based, in part, upon recognition of the following legislative findings:

(a) The size of a building (as reflected by the total square feet) is a factor which affects the cost of providing fire protection. Therefore, it is the intent and purpose of this Article that the fees imposed hereunder be related, in part, to the size of a building.

(b) Commercial building owners maintaining an Occupational, Safety & Health Act (OSHA) approved fire brigade are less susceptible to the extent of damage and cost usually associated with a commercial fire. It is therefore the intent and purpose of this Article that the owners of such buildings pay a lesser charge for fire protection to reflect the reduced susceptibility to fire.

(c) Section 7-17-3 of the West Virginia Code specifically excludes any full-time paid fire department located in a municipality as defined in §8-15-9 of said Code from the provisions of this Ordinance. It is therefore the intent of this Ordinance that no fee imposed hereunder be effective against buildings within any municipality in this County having a full-time paid fire department as so defined.

.04 SEVERABILITY.

Should any section or sub-paragraph of this Article be declared invalid or unenforceable by any court of competent jurisdiction, such ruling shall not affect the validity of any other section or sub-paragraph, and in such event, this Article should be interpreted and applied as if the invalid or unenforceable section were not in existence. Accordingly, each section and sub-paragraph of this Article is severable.

.05 ASSESSMENT OF FIRE PROTECTION FEES.

(a) There is hereby imposed upon the respective owners of all buildings in the County a Fire Protection Fee for one year periods beginning July 1, 1986, in an amount equal to the total number of square feet contained in the building multiplied by .0175.

(b) The respective owners of all commercial buildings maintaining an OSHA approved fire brigade shall be exempt from the fee imposed in section (a), but shall in lieu thereof pay a Fire Protection Fee for the one year periods beginning July 1, 1986, of .00875 cents per square foot.

.06 ARTICLE TO BE ADMINISTERED BY WOOD COUNTY FIRE SERVICE BOARD, A PUBLIC CORPORATION.

This Article shall be administered by the Wood County Fire Service Board, a public corporation, which is hereby authorized to promulgate such regulations as are necessary and reasonable to carry out the provisions of this Article.

.07 EFFECTIVE DATE; SCHEDULE OF PAYMENT; PENALTY.

This Article shall become effective from passage. The Fire Protection Fees imposed under this Article shall be due and payable on July 15, 1986. A penalty of ten (10%) percent of the Fire Protection Fee shall be added for the failure to pay the installments within 60 days of the date.

.08 USE OF FUNDS FOR FIRE PROTECTION ONLY.

The revenues received from the collection of Fire Protection Fees provided for in this Article shall be used only to defray the cost of the continuance, maintenance, or improvement of fire protection service within the County, and no part of such revenues shall be used for any other purpose.

.09 REPEAL OF INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances inconsistent with the provisions of this Article are hereby repealed to the extent of such inconsistency.