

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, MAY 5, 1994

PRESENT: HOLMES R. SHAVER, PRESIDENT
JEAN GRAPES, COMMISSIONER
STEVEN A. GRIMM, COMMISSIONER

On this date, the County Commission met in regular session. They signed purchase orders, invoices and other correspondence.

On this date, the County Commission, upon a motion made by Jean Grapes, seconded by Steven A. Grimm and made unanimous by Holmes R. Shaver, approved minutes from Thursday, March 3, 1994. Upon a motion made by Steven A. Grimm, seconded by Jean Grapes and made unanimous by Holmes R. Shaver, the county Commission approved minutes from Thursday, March 10, 1994.

At 9:15 A.M., the County Commission met with Judge George Hill and Annette Fantasia, Family Law Master. Ms. Fantasia stated that there will be a part-time law master starting July 1, 1994 and that there will need to be separate offices for said law master. Judge Hill suggested either expanding Magistrate Court Building or expanding the Judicial Annex. Mr. Shaver asked Judge Hill what he recommended for the County Commission to do in regard to the fact that the State hasn't been paying the County and they have been billed. Judge Hill recommended asking the Prosecuting Attorney. Ms. Fantasia stated that it would be helpful to have child advocate employees in the same building as the Family Law Master; the security in the current offices is good; she is close to the Sheriff and there is a bailiff in the Magistrate Court Offices. There was further discussion and the County Commission agreed to visit Ms. Fantasia's offices in the Magistrate Court Building.

At 9:30 A.M., Douglas Lamm, Mary Rowley and Shana Modesitt were sworn in as Humane Officers for Wood County.

At 10:00 A.M., the County Commission held a public hearing in regard to the 1994 Small Cities Block Grant. Kathryn Drost, from the Mid-Ohio Valley Regional Council, along with Fred Rader explained the Grant to the County Commission and residents who were in attendance. Ms. Drost informed the Commission that they will have to meet one of three requirements: 51% low or moderate income, eliminate slum areas or provide relief of a disaster. The County Commission asked if there was a County match. Ms. Drost stated that funding up to \$500,000.00 there would be no match; funding up to \$750,000.00 would require a match. Ms. Drost asked for comments from the citizens. Elaine Brown from the Sam's Creek area stated that they have been trying for many years to get water and they need the other areas to be approved as well before they can get water. Ms. Brown also stated that many wells have gone dry. Ms. Drost stated that Mineral Wells Public Service District did qualify for funds (56 customers). The entire project will cover Sugar Camp Road, Chesterville Road and Sam's Creek Road. With this combination there will be approximately 110 customers. Ms. Drost stated that they are conducting an income survey at the present time. The County Commission asked if this was considered one grant or three. Mr. Rader stated that it would be three separate activities under one grant. Ms. Drost informed them that the second hearing would need to be held before July 1, 1994 and they are trying to also get help from the Farmers Home Administration. Mr. Rader informed the citizens that the grant may not go through the first time around and that it would take time to get the water. Mr. Rader then stated that the Walker-Kites Run water project has not yet been finished, which could cause a problem getting additional grant monies unless the State would approve a waiver. Mr. Rader then presented a waiver to the County Commission. Upon a motion made by Jean Grapes, seconded by Steven A. Grimm and passed, authorized Holmes R. Shaver, as President, to sign a letter addressed to the Community Development

Division of the West Virginia Development Office, Charleston, West Virginia. The said letter requests that Wood County be granted a waiver so they would be able to submit an application for the 1994 Small Cities Block Grant Program. An Order was prepared regarding this matter. Mr. Rader then asked if there was anyone present who had other ideas for said grant funds. There were none. A list of those in attendance is attached to these minutes.

At 10:30 A.M., the County Commission met with Toni Tiano and Tim Knopp to discuss the Wood County Community Traffic Safety Program. After discussion, the County Commission, upon a motion made by Jean Grapes, seconded by Steven A. Grimm and passed, authorized Holmes R. Shaver as President to sign a letter requesting a budget revision be allowed in regard to the Wood County Community Traffic Safety Program Grant No. 94HS-07. The said letter, addressed to the Criminal Justice and Highway Safety Office, Charleston, West Virginia, requests that a total in the amount of \$4,405.00 be reallocated as follows: \$600.00 to the training/travel category for the Program Administrator and \$3,805.00 to the equipment category to enable the purchase of radar units for the Wood County Sheriff's Department and the City of Vienna's Police Department. An Order was prepared regarding this matter.

At 11:00 A.M., the County Commission met with Ramona DeHart to discuss the Juvenile Detention Center on Mission Drive, Parkersburg, West Virginia. Ms. DeHart is an employee with the Department of Health and Human Resources who works at the Detention Center; however, she is currently on medical leave. Ms. DeHart asked the County Commission to close the Detention Center until it is made handicap accessible. Ms. DeHart informed the Commission that the Inspector General's Office has already been notified about the situation. Commissioner Grapes stated that they are already checking with the Prosecuting Attorney's Office to see what they are required by law to do. Ms. DeHart stated that the current staff is incapable; she is suing the State of West

Virginia; she had previously fallen at a hospital, she then fell at the Detention Center and injured herself again, which wouldn't have happened if the facility was handicap accessible; the State of West Virginia was aware of this matter in March of 1993 and has done nothing to correct the situation. Commissioner Grapes stated that the Commission will make a decision.

At 11:30 A.M., the County Commission visited Magistrate Court Building in regard to the additional space needed by the Family Law Master.

On this date, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and made unanimous by Holmes R. Shaver, appointed Tom O'Donald, Independent, to the Wood County Airport Authority to fill a vacancy that was created upon the receipt of a letter of resignation from Kenneth J. Hudson, Democrat. Mr. Hudson had recommended Mr. O'Donald to fill said vacancy. Mr. O'Donald will fill the unexpired term of Mr. Hudson which will expire on June 30, 1995. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, authorized Holmes R. Shaver, as President, to sign a letter addressed to the West Virginia Development Office, Charleston, West Virginia, requesting the \$17,000.00 approved for Wood County from the Governor's Community Partnership Grant and on behalf of the Lubeck Volunteer Fire and Rescue Department. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and made unanimous by Holmes R. Shaver, Ordered that the amount of \$3,000.00 be contributed to the Jackson Jr. High Athletic Field Committee; that the amount of \$2,000.00 be contributed to the Mineral Wells Baseball Association and that the amount of \$1,000.00 be contributed to the Eastwood Baseball Association. The total amount of these

contributions, \$6,000.00, will be made payable to the Wood County Recreation Commission, who, in turn, will make distribution in the above amounts to the above Committees. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, adopted a Resolution in reference to Budget Revision No. 20 in the General County Fund budget for the fiscal year 1993/1994. The Request for Revision to the Approved Budget, being submitted to the Department of Tax and Revenue, Charleston, West Virginia, was signed by Holmes R. Shaver, President of the Wood County Commission. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, authorized Holmes R. Shaver, as President, to sign the Release which hereby releases, acquits and forever discharges the State of West Virginia of and from any and all claims arising from the matter considered by the Legislature in the finding of the moral obligation and the making of the appropriation for the payment. The amount of \$58,925.00 has been appropriated by the State Legislature to Wood County in payment for the housing and feeding of State prisoners incarcerated in the Wood County Correctional Center during the calendar year of 1993. The said payment is a result of the Wood County Commission v. Division of Corrections, Claim No. CC-93-381. An Order was prepared regarding this matter.

On this date, the County Commission was presented a Petition bearing 170 signatures of interested parties or residents near and/or adjacent to Recycling Limited situated at 1274 Gihon Road, Parkersburg, WV. The said Petition requests the Wood County Commission to see that the said property is cleaned up, including the removal of several years of accumulated trash; burned over and soaked paper and cardboard products and pallets; assorted plastic barrels, buckets and porta-toilets; abandoned truck bodies and rusting metal and other

debris contributing to the great and grant eyesore. An Order with said Petition attached, was prepared regarding this matter. Commissioner Grapes prepared letters to be sent to Cindy Musser, Department of Natural Resources; John Lichiello, Wood County Solid Waste Authority and Brenda Brum, Delgate, in regard to the cleaning up of this matter. Copies of said letters are attached to these minutes.

On this date, Margie Cunningham presented a letter to the County Commission in regard to Computer Assisted Mass Appraisal property records. Said letter is attached to these minutes and should be made a part thereof.

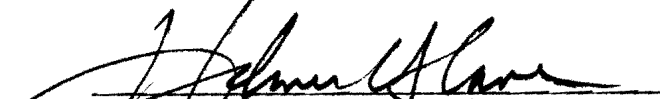
On this date, the County Commission approved a Personal Property Improper for David H. & Mary M. Frazier - Lubeck District.


On this date, the County Commission, upon a motion duly made, seconded and passed, did hereby give approval to RCDI, Parkersburg, WV, to use a portion of County owned property (68 square feet) for the entrance of the construction of a sidewalk beginning on Avery Street and providing access to the newly constructed Public Debt Building. Information and documentation pertaining to the said approval has been forwarded to the Office of the Wood County Prosecuting Attorney for the promulgation of an Easement Right-of-Way. The plat prepared by Surveyor Paul K. Marshall for the RCDI Corporation has the following statement reflected on it and has been signed by James A. Cochrane, "RCDI hereby does release Wood County from any liability regarding the 8.65' by 15.45' triangular area as shown on this Survey." The said plat will be recorded with the Easement Right-of-Way when received from the Prosecuting Attorney's Office. An Order was prepared regarding this matter.


Having no further scheduled appointments or business to attend to, the County Commission adjourned at 12:00 Noon.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY


Holmes R. Shaver, President


Jean Grapes, Commissioner


Steven A. Grimm, Commissioner

Wood Co. Comm.

5-594

Fred Rader

MOVRC

George J. Keatman

MWP58

MINERAL WELLS 489205

Howard Wilson

Rt #2 Box 35 M.W. Va.

Foster Litten

Rt 2 Box 95 Mineral Wells W.V.

Steve Eaton

Rt 2 Mineral Wells WV

Mary Wilson

Rt 2 Box 134 Mineral Wells W.V.

Tina B. Bee

P.O. Box 282 Mineral Wells W.V.

Karen V. Wilson

Rt 2 Box 139-A Mineral Wells W.V.

Jama Wilson

Rt #2 Box 139-A Mineral Wells W.V.

C Marie Wilson

Rt #2 Box 135 Mineral Wells W.V. 26150

David A. Air

Rt #2 Mineral Wells W.V. 26150

Linda M. Blosser

Rt #2 Box 139C Mineral W. Va. 26150

Dianna L. Eaton

Rt 2 Box 141 Mineral Wells WV 26150

Elaine Brown

Rt 2 Box 302 Sams Creek Mineral Wells, WV 26150

Kathy Richards

Rt 2 Box 86 Chesterville Rd., M. Wells, WV 26150

Donald L. W. Gal

Rt 3 Box 44 Mineral Wells W.V.A. 26150

Robert L. Judge

Rt #2 Mineral Wells 26150

Margie Cunningham
3000 Dudley Avenue
Parkersburg, WV 26104
May 5, 1994

Wood County Circuit Clerk
Mr. Jamie Six and
Wood County Commissioners,
Mr. Holmes Shaver, President


To whom it may concern:

Freedom of Information to public documents has been denied to the Computer Assisted Mass Appraisal property records without any written reason for its denial. I am expressing my fears of a deeper seated problem in those responsible to certify the CAMA as accurate during the May meetings of this public body.

The Clay District rural farm lands do not contain any income approach methods of assessments. I have documentation to prove to the satisfaction of this body that the records sought contain no data that would violate any farmer's privacy. However, my purpose is to disclose the discrepant valuations and the Constitutional misuse of farm assessments. The Administrative Regulations in Chapter 11-1A Series IA address the Appraisal of Farmland and of Structures and page 12 of HB 4127 passed 1990 to amend chapter eleven of the Code of West Virginia to EXCEPT farm values from being appraised at its highest possible use as may be alleged in Wood County's Leachtown community. Based upon its actual farm use and errors already witnessed on the CAMA under Influence Factors (301-329) as well as, (402) Entry codes for Street or Road on my Buckner Bend Road will record further computation errors. At least Thirty families on Buckner Bend Road at Walker are being over taxed due to the Reappraisal Land Data Considerations.

Please do not allow this State Tax Department Legal Section to abuse the public trust in denying CAMA property record cards. The Custdians were given written notice to respond on April 11, 1994, yet to date no documents have been given nor any reason in writing for denial. I urged Senate President Keith Burdette, Wood County to also review this problem.

Sincerely,


Margie Cunningham
Clay District Landowner

THE FREEDOM OF INFORMATION ACT

A SUMMARY OF THE LAW ON FREEDOM OF INFORMATION (PUBLIC RECORDS)

INTENT:

The State statute on public records, known as the Freedom of Information Act, was enacted for the express purpose of providing full and complete information to all persons about the workings of government and the acts of those who represent them as public officials and employees, so that the people may be informed and retain control. Its provisions must be liberally construed to carry out that purpose.

SCOPE:

The Act applies to all State, county and municipal officers, governing bodies, agencies, departments, boards and commissions, and any other bodies created or primarily funded by State or local authority, unless their enabling statute specifically exempts them from its provisions. The records covered by the Act include virtually all documents and information retained by a public body, regardless of their form.

Public records are available to every person for inspection or copying when there has been a request made to the custodian, and when they are not specifically exempted from disclosure. There is no statutory requirement that the request be in writing; however whenever possible, a written request is advisable in order to avoid misunderstandings regarding the timing and scope of the request, and to ensure that the information sought is stated "with reasonable specificity," as required by W. Va. Code § 29B-1-3(4) (Supp. 1992). The custodian must respond within five (5) working days by either granting the request or giving written reasons for its denial. Citizens may be charged a reasonable fee for the costs of copying.

EXEMPTIONS:

While the scope of the Act is expansive and its coverage liberally construed, it does provide specific delineated exemptions from disclosure. These exemptions are strictly construed because the intent of the Act is disclosure and anything less than a narrow construction of exemptions would operate to defeat this intent. The exemptions are set forth in W. Va. Code § 29B-1-4 (1986) at pages 16 and 17 herein.

ENFORCEMENT:

Any person denied the right to inspect a public record of a public body may sue the public body in circuit court for injunctive or declaratory relief under the

Freedom of Information Act. The burden is on the public body to prove to the satisfaction of the court that the records sought are exempt from disclosure. If successful, the person bringing the suit may recover his or her attorney fees and court costs from the public body that denied access to the records.

PENALTIES:

Any custodian of a public record who willfully violates the Act is guilty of a misdemeanor, and upon conviction may be fined up to \$500.00 or imprisoned in the county jail for up to ten (10) days, or both.

PURCHASE ORDERS SIGNED ON MAY 5, 1994

No. 18424	Golden Rule Creations	\$ 835.97
18492	Big Mac Printing	225.00
18519	Advanced Automotive Technologies	97.22
18587	C&P Telephone	20.06
18601	Gall's Inc.	19.49
18605	Mahone Tire Service	39.00
18622	Mahone Tire Service	80.78
18624	Broadwaters Motorcar	14.04
18625	Flags Over America	47.00
18644	AGA Gas, Inc.	159.85
18648	Mahone Tire Service	24.00
18649	Miller Communications	59.85
18652	K-Mart	11.43
18653	Parkersburg Office Supply	151.18
18655	BSSI	50.00
18656	BSSI	9.00
18660	Parkersburg Office Supply	42.75
18668	Casto & Harris	56.90
18673	Newberry Hardware	5.16
18675	Broadwaters Motorcar	7.89
18676	Radio Shack Accounts Receivable	49.99
18677	Assurance Business Forms	651.40
18678	Casto & Harris	1,102.40
18679	Casto & Harris	1,162.70
18680	Casto & Harris	2,425.00
18681	Casto & Harris	945.00
18682	Casto & Harris	154.40
18683	Sherwin-Williams	132.75
18689	SW Resources	25.00
18690	Industrial Rubber Products	18.20
18695	Parkersburg Office Supply	1,725.00