

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, SEPTEMBER 18, 1997

PRESENT: HOLMES R. SHAVER, PRESIDENT
DAVID A. COUCH, COMMISSIONER
ROBERT K. TEBAY, COMMISSIONER

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

On this date, the County Commission approved Erroneous Assessment Applications in regard to Real Property for Irvin L. Thorn - Parkersburg City District (1997); Consolidated Natural Gas Co. - Parkersburg City District (1997); T.E. Jr. & Deborah Deaton, Jr. & Darrell G. Deaton, etal - Parkersburg District (1997); Okey D. Welling - Union District (3 for 1996 & 1 for 1997); and William & Elvira Moore - Union District (2 for 1997). On this date, the County Commission approved Erroneous Assessment Applications in regard to Personal Property for Richard Guy Matheny - Vienna District (1996); Elizabeth S. Stephens - Lubeck District (1997) and Doak F. Markley, Jr. - Williamstown District (1997).

On this date, the County Commission of Wood County, upon a motion duly made, seconded and passed, ORDERED that Exoneration No. 8004, found in Order Book 60, at Page 207 and bearing the date of September 15, 1997, pertaining to real property be VOIDED due to incorrect tax amounts. As per the Assessor's Office, a new Exoneration will be prepared. Said Exoneration is in the name of Ronald J. and Rita K. Mullenix and is in Union District. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion duly made, seconded and passed, ORDERED that Exoneration No. 7865, found in Order Book 60, at Page 185 and bearing the date of August 14, 1997, pertaining to real property be VOIDED due to this being a duplicate with

ticket number 8020. Said Exoneration is in the name of John B., Saralie S. and Scott A. Sheets and is in Walker District. An Order was prepared regarding this matter.

At 9:15 A.M., the County Commission met with Jamie Six, County Clerk and Kay Williams from the County Clerk's Office who asked if they would pay for the extra people that the State won't pay for in regard to the upcoming election. The County Commission approved this request.

At 9:30 A.M., the County Commission met with Janelle Burwell to discuss a Drawdown for the Small Cities Block Grant. On this date, the County Commission of Wood County, upon a motion made by David A. Couch, seconded by Robert K. Tebay and made unanimous by Holmes R. Shaver, did hereby EXECUTE a RESOLUTION in which it is resolved that Holmes R. Shaver, in his official capacity as President and on behalf of the County Commission, is hereby AUTHORIZED to request Small Cities Block Grant funds by executing Drawdown Number Seven (7) in the amount of twenty thousand four hundred seventy-six dollars and ninety-five cents (\$20,476.95) to pay the invoices presented to the said County Commission in regard to the Lubeck Public Service District - LMH/Hopewell Water Extension Project. The said invoices presented to the said County Commission were from Yeneka Construction, Morristown, Ohio in the amount of twenty thousand one hundred ninety-four dollars and eighty-two cents (\$20,194.82) and from Mid-Ohio Valley Area Development Corporation, Parkersburg, West Virginia in the amount of two hundred eighty-two dollars and thirteen cents (\$282.13). Documentation in regard to the said Small Cities Block Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

At 9:45 A.M., the County Commission met with Glenn Neal, Assistant Prosecuting Attorney to discuss the hearing to be held later today in Judge Hill's courtroom.

At 10:00 A.M., the County Commission held a public hearing pursuant to a PETITION being presented by Thomas J. Allman, representing himself, on August 28, 1997 for the creation of the

Happy Valley Road Maintenance Association in accordance with Chapter 7, Article 12A, Section 1, et seq. of the West Virginia Code of 1931, as amended. The County Commission did hereby find that owners of at least sixty percent (60%) of the frontage on the roads have requested, by the signing of a petition, the establishment of such a road maintenance association; the property notice, as required by law, was given; and no objections were received for said creation of a Maintenance Association. NOW, THEREFORE, the County Commission, upon a motion made by Robert K. Tebay, seconded by David A. Couch and made unanimous by Holmes R. Shaver, did hereby ORDER that the Petition for the creation of the Happy Valley Road Maintenance Association be approved. Also present was Jeff Arnold, Gary Seckman and Rick Mathews. An Order was prepared regarding this matter.

At 10:30 A.M., came certain citizens and freeholders of the community of Mineral Wells, Wood County, West Virginia in person and by their attorney, Michelle Rusen, for public hearing upon their Petition filed pursuant to West Virginia Code 8-2-1 et seq. that the community of Mineral Wells be incorporated as a Class III City, proper notice and posting having been met in accordance with 8-2-3. Came also certain citizens and business owners within the proposed area of incorporation, in opposition thereto, by their attorneys Benjamin L. Bailey, Marc Monteleone, counsel for the majority of the business in the area as set forth more fully upon the record and Brian K. Carr, counsel for John Bosley Enterprises, Inc. Whereupon, witnesses were sworn and evidence presented and upon mature consideration thereof, the County Commission FINDS:

1. The Petition and Map substantially comply with the statute governing the incorporation of municipalities;
2. The Map and the narrative description, which incorporates by reference the United States Census Bureau TIGER files, defines with sufficient particularity the perimeter of the area to be incorporated so as to allow a precise and unique boundary for the proposed municipal corporation.

PROVIDED HOWEVER, the Petitioners are given leave to amend and clarify one area of ambiguity, a full description of which appears on the record, where the border of the area to be incorporated comes into close proximity to the present boundaries of the City of Parkersburg. NOW THEREFORE, the County Commission of Wood County, upon a motion made by David A. Couch, seconded by Holmes R. Shaver and passed, finds that the requirements of 8-2-1 and 8-2-2 have been met, the Petitioners are ORDERED to post bond in penalty of \$22,000.00 with good and sufficient surety. The Petitioners are further ORDERED to submit clarification of that ambiguous border area before enumeration so that the enumerators shall have clear guidance in determining which residents are eligible to vote in the special election mandated by West Virginia Code 8-2-5. Commissioner Robert K. Tebay ABSTAINED from voting due to the fact he owns property in the area. There being no further business before the Commission, this public hearing is adjourned. The Clerk of the County Commission is ORDERED to provide a certified copy of the ORDER prepared in regard to this matter to each counsel of record. (This meeting was held in the Parkersburg Municipal Building.)

On this date, it appearing to the County Commission that it would be helpful, in consideration of the Petition to Incorporation filed herein, to have the assistance of special counsel knowledgeable in matters of municipal and public law and upon motion duly made, seconded and unanimously adopted, the County Commission does hereby ORDER, ADJUDGE and DECREE that Richard A. Hayhurst, an attorney admitted to the practice of law and the bar of the Circuit Court of this County, be and is hereby, appointed and constituted Special Counsel to this Commission for these proceedings and that said Special Counsel be, and he is hereby, authorized to review said Petition For Incorporation and the legal issues raised thereby, attend and preside over the hearing(s) held or to be held thereon, call and examine witnesses, rule on the admission or exclusion of evidence at the hearing(s), advise the Commission on legal issues raised in these proceedings and assist in the preparation of any documents

evidencing the decision(s) of the Commission herein and take such other action, of a legal nature, as he or the Commission deems appropriate to assist the Commission in carrying out its responsibility herein. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by David A. Couch and passed, did hereby AUTHORIZE Holmes R. Shaver, in his official capacity as President and on behalf of the County Commission, to sign the Request for Reimbursement in regard to Juvenile Justice and Delinquency Prevention Grant Number 96-JJ-RD-021. Expenditures in the amount of two thousand seven hundred thirty-six dollars and 00/100ths cents (\$2,736.00) were made by the County during the month of August, 1997 which represents payment of contractual services provided by Fred Jay Krieg, Ph.D. and Associates for group counseling under the Youth In Effective Legal Diversion (Y.I.E.L.D) Program. In addition to the Request for Reimbursement, the Monthly Reports, the Financial Recap, the Daily Time Records, the Project Financial Report, the Monthly Activity Report, the Demographic Report and the Monthly Attendance Reports are being submitted to the Criminal Justice and Highway Safety Division, Charleston, West Virginia. All documentation pertaining to the said Juvenile Justice and Delinquency Prevention Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by David A. Couch and passed, did hereby AUTHORIZE Holmes R. Shaver, in his official capacity as President and on behalf of the County Commission, to sign the Request for Reimbursement in regard to the STOP Violence Against Women Grant Number 96-VAW-001. Expenditures in the amount of one thousand three hundred ninety-six dollars and 50/100ths cents (\$1,396.50) were made by the County during the month of August, 1997 which represents contracted services provided by Kelly L. Lee, Assistant Prosecuting Attorney, who is responsible for enhancing

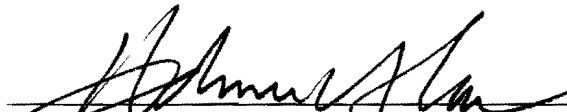
the Silence Affects Families Everywhere (S.A.F.E.) Team to improve the criminal justice system's response to violence against women. Funds in the amount of three thousand seven hundred forty-two dollars and eighty-six cents (\$3,742.86) were utilized as matching funds, as set forth in the aforementioned Grant, and is being provided through the remaining salary and benefits provided by the County to the said Kelly L. Lee, purchase of supplies by the County and office space provided by the County. In addition to the Request for Reimbursement, the Monthly Progress Report, the Daily Time Records, the Project Financial Report and the Monthly Demographic Report are being submitted to the Criminal Justice and Highway Safety Division, Charleston, West Virginia. All documentation pertaining to the said STOP Violence Against Women Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County was in receipt of the Cash Statement and Asset List from The Bank of New York, Church Street Station, New York, New York for the Excess Investment ER Fund in regard to the counties of Berkeley, Brooke, Fayette, Hancock, Harrison, Jackson, Jefferson, Marion, Marshall, Mason, Mercer, Monongalia, Morgan, Nicholas, Ohio, Raleigh, Randolph, Upshur, Wetzel and Wood and the City of Wheeling, West Virginia, Single Family Mortgage Revenue Bonds 1984 Series A. All documentation pertaining to the said Single Family Mortgage Revenue Bonds is on file in the Office of the County Administrator. 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


David A. Couch, Commissioner


Robert K. Tebay, Commissioner

PURCHASE ORDERS SIGNED ON SEPTEMBER 18, 1997

No. 22516	WV Uniform	\$ 406.57
22629	Chapman Printing	26.00
22660	Williams Refrigeration	401.30
22664	Wal-Mart	84.24
22666	Ikon Office Solutions	62.20
22704	Walter F. Stephens	175.05
22714	Stuart Oil	3404.00
22717	Office Depot	164.68
22733	Wal-Mart	21.29
22737	Easton Printing	26.85
22738	WV Uniform	296.87
22751	Ikon	109.00
22752	Easton Printing	101.40
22753	Sam's Club	33.98
22754	Parkersburg Office Supply	242.40
22755	Fanelli Boys	125.00
22759	R.G. Headley	65.00

To listen to these minutes, please refer to Tape #58.