

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD  
THURSDAY, MAY 3, 2001

PRESENT: ROBERT K. TEBAY, PRESIDENT  
RICK MODESITT, COMMISSIONER  
K.D. MERRITT, COMMISSIONER

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

The County Commission, upon a motion made by Rick Modesitt, seconded by K.D. Merritt and made unanimous by Robert K. Tebay, approved minutes from April 23, 2001.

The County Commission, upon a motion duly made, seconded and passed, approved Erroneous Assessment Applications in regard to personal property for Everett F. Freed – Clay District (1997); Konni D. Hewitt – Parkersburg City District (2000); Tia M. Boggs – Lubeck District (1999) and Roger R. Conley – Slate District (1999).

Marlin Sams was sworn in as a reappointed member of the Wood County Planning Commission.

Daniel C. DeBarr was sworn in as a member of the Civil Service for Correctional Officers.

Craig Boyles was sworn in as a Correctional Officer.

At 10:00 A.M., the County Commission of Wood County held a Public Hearing pursuant to an ORDER entered on the second day of April, 2001, setting this matter for hearing in accordance with Chapter 7, Article 1, Section 3(h) of the Code of West Virginia, 1931, as amended, in regard to a PETITION received from John E. Forshey and Linda L. Forshey, husband and wife. Mrs. Forshey was present. It appearing to the County Commission of Wood County that the Notice of the time

and date of said Public Hearing was published as a Class I Legal Advertisement in The Parkersburg News, a newspaper published regularly in Wood County, West Virginia, with said publication appearing on April 10, 17, 24, 2001 and on May 1, 2001, of which appears by an Affidavit of Publication, which said Affidavit is hereby ORDERED filed. After viewing the site, the County Commission of Wood County does hereby find the Petitioners John E. Forshey and Linda L. Forshey, husband and wife, have satisfied the requirements set forth in the Code of West Virginia, 1931, as amended. The aforementioned PETITION requests the closing of a portion of Holmes Avenue from Beckner Boulevard and running approximately one hundred fifty (150) feet in length along the property of the said John E. Forshey and Linda L. Forshey. The Division of Highways owns property around the said Holmes Avenue and has no objection to the closing of a section of the said Holmes Avenue. No objections were heard at the aforementioned Public Hearing. The aforementioned Holmes Avenue is thirty (30) feet in width, is located in Parkersburg Taxing District in what is known as East Homeland Addition and has access from Seventh Street (U.S. Route 50). NOW, THEREFORE, the County Commission of Wood County, upon a motion made by K.D. Merritt, seconded by Rick Modesitt and made unanimous by Robert K. Tebay, does hereby ORDER that the aforementioned Holmes Avenue located in Parkersburg Taxing District be CLOSED since no use and rights of any persons, firms or corporation in the aforementioned Holmes Avenue will be impaired or lost by the closing and vacating. The County Commission further ORDERS that a copy of the ORDER be certified by the Clerk of the County Commission for entry in the Office of the County Clerk of the County Commission of Wood County, West Virginia, pursuant to Chapter 7, Article 1, Section 3(h) of the Code of West Virginia of 1931, as amended,

and that the interests of the County of Wood in such Holmes Avenue by quit-claim deeds be the responsibility of such abutting property owners, John E. Forshey and Linda L. Forshey.

At 10:30 A.M., the County Commission held a hearing in regard to the Harold D. Life estate. Attorney Jim Bradley was present, along with Scott and Christina Life. A copy of the Order regarding this matter is attached to these minutes and shall be made a part thereof.

At 11:30 A.M., the County Commission met with Bill Morehead, President of Lambert-Tatman Ambulance; Jeff Johnson, CDF, General Ambulance, David Goff, Vice President of General Ambulance and Donald McMillian, Operations Director of General Ambulance to discuss bringing another ALS unit to Wood County.

Ginny Conley, Prosecuting Attorney met with the County Commission and discussed the 10:30 A.M. hearing in regard to the Harold Life estate.

The County Commission of Wood County, upon a motion made by K.D. Merritt, seconded by Rick Modesitt and made unanimous by Robert K. Tebay, ADOPTS the following Bidding Procedure in reference to Purchasing in Open Market or Competitive Bids as authorized by West Virginia Code Chapter 7, Article 1, Section 11. Accordingly, it is hereby ORDERED that henceforth the purchase of and contract for commodities and printing over fifteen thousand (\$15,000.00) dollars, shall be based upon, in part, by the rules and regulations followed by the State of West Virginia Code Chapter 5A, Article 3, Section 1 et seq.

**COMPETITIVE BIDS; PUBLICATION OF SOLICITATIONS FOR SEALED BIDS;  
PURCHASE OF PRODUCTS OF NONPROFIT WORKSHOPS.**

A purchase of and contract for commodities, printing and services shall be based, whenever possible, on competitive bids. The County Commission shall solicit sealed bids for the purchase of

commodities and printing which is estimated to exceed Fifteen Thousand (\$15,000.00) Dollars. No County Official or County Office shall issue a series of requisitions, which would circumvent this Fifteen Thousand (\$15,000.00) Dollar maximum. The County Commission may permit bids by facsimile transmission machine to be accepted in lieu of sealed bids; Provided, that an original bid is received within two working days following the date specified for bid opening. Bids shall be obtained by public notice. The notice may be published by any advertising medium the County Commission deems advisable. Bids shall be obtained by public notice published as a Class II legal advertisement in compliance with the provisions of Article 3, Chapter 59 of the Code of West Virginia (59-31-1 et seq.) and the publication area for such publication shall be the County where the department or agency making the requisition is located. Such notice shall be published within the fourteen (14) days next preceding the final day of submitting bids. The County Commission may also solicit sealed bids by sending requests by mail to prospective suppliers and by posting notice on a bulletin board in the Wood County Courthouse: Provided, however, that the County Commission shall, without competitive bidding, purchase commodities and printing produced and offered for sale by nonprofit workshops, as defined in West Virginia Code Section 5A-1-1 et seq., which are located in this state: Provided further, that such commodities and printing shall be of a fair market price and of like quality comparable to other commodities and printing otherwise available as determined by the County Commission with the advice of the County Official or County Office needing the commodities and printing. Bids shall not be altered or withdrawn after the appointed hour for the opening of such bids. All open market orders, purchases based in advertised bid requests or contracts made by the County Commission shall be awarded to the lowest responsible bidder, taking into consideration, among other things, the qualities of the articles to be

supplied, their conformity with the specifications, their suitability to the requirements of the County and the delivery terms. Any or all bids may be rejected. If all bids received on a pending contract are for the same unit price or total amount, the County Commission shall have authority to reject all bids, and to purchase the required commodities, printing and services in the open market, if the price paid in the open market does not exceed the bid prices. Bids must be received at the respective office prior to the specified date and time of the bid openings. The failure to deliver or the nonreceipt of a bid prior to the appointed date and hour are grounds for rejection of the bids. After the award of the order or contract, the County Commission, or someone appointed by them for that purpose, shall indicate upon the successful bid that it was the successful bid. Thereafter, the bid shall be maintained as a public record, shall be open to public inspection and shall not be destroyed without the written consent of the County Commission: Provided, that a County Official or County Office may certify in writing to the County Commission the need for a specific item essential to a particular usage and the County Commission, upon review of such certification, may provide for the purchase of said specific items in the open market without competitive bids. The County Commission may authorize, in writing, a County Official or County Office to purchase in the open market, without competitive bidding, specific commodities for immediate delivery to meet bona fide emergencies arising from unforeseen causes, including, but not limited to, delays by contractors, delays in transportation and unanticipated volume of work. A report of any such purchase, shall be submitted at once to the County Commission by the County Official or County Office, together with a full account of the circumstances of the emergency. Such report shall be entered of record and shall be open to public inspection. An Order was prepared regarding this matter.

The County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by K.D. Merritt and passed, adopted a Resolution in reference to Budget Revision No. 11 in the General County Fund budget for the fiscal year 2000/2001. The Request for Revision to the Approved Budget, being submitted to the West Virginia State Auditor - Chief Inspector Division, Charleston, West Virginia, was signed by Holmes R. Shaver, President of the Wood County Commission. An Order was prepared regarding this matter.

The County Commission of Wood County, upon a motion made by K. D. Merritt, seconded by Rick Modesitt and passed, did hereby AUTHORIZE Robert K. Tebay, in his official capacity as President and on behalf of the County Commission, to EXECUTE the letter addressed to the Governor's Highway Safety Program, Charleston, West Virginia, requesting a revision to the Wood/Jackson Regional Safe Community/Highway Safety Program Grant Number 00HS-11. The aforementioned letter requests that the amount of two thousand five hundred dollars and 00/100ths cents (\$2,500.00) be reallocated from the Contractual/Overtime Enforcement Category to the Other Category - Public Information and Education Items. This reallocation is necessitated due to personnel, medical and other issues experienced by some of the law enforcement agencies that would not allow them to expend the amount of overtime occupant protection funds allocated to them. Documentation pertaining to the Wood/Jackson Regional Safe Community/Highway Safety Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

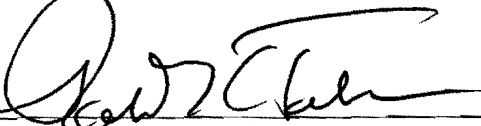
The County Commission of Wood County, upon a motion made by K.D. Merritt, seconded by Robert K. Tebay and passed, did hereby AUTHORIZE Professional Residential Commercial Appraisers, Parkersburg, West Virginia, to appraise a 49.8 acre tract of raw land at Wood County

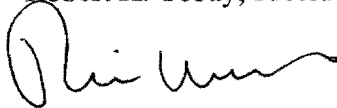
Parks and Recreation Commission (Mountwood Park); to appraise a 0.21 acre tract and a 0.24 acre tract purchased by the County Commission from CSX; and to appraise a 20.006 acre tract of land from Martin-Marietta Materials, Inc. to the Wood County Parks and Recreation Commission. The cost for the aforementioned appraisals is in the amount of one thousand one hundred dollars and 00/100ths cents (\$1,100.00). Commissioner Rick Modesitt abstained from voting. Documentation pertaining to the above mentioned real estate is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

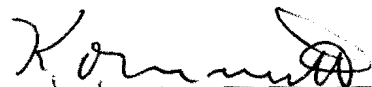
Having no scheduled appointments or business to attend to, the County Commission adjourned at 12:00 Noon.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
Robert K. Tebay, President

  
\_\_\_\_\_  
Rick Modesitt, Commissioner

  
\_\_\_\_\_  
K. D. Merritt, Commissioner

PURCHASE ORDERS APPROVED ON APRIL 30, 2001

26683	Universal Supply	3.54
27570	Tri-State Roofing	1197.37
27774	Bestway Equipment	346.90
27776	Parkersburg Office Supply	543.09
27886	Universal Supply	297.80
27936	Signs & More in 24	70.00

To listen to these minutes, please refer to Tape #78.

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May 3, 2001

Ronald McMillen, Operations Director General Ambulance,  
Devin Gott, V.P. General Ambulance,  
Jeff Johnson COF, General Ambulance.  
Bill Morlock, President, Lembeck - Telman Ambulance.

May 3, 2001

still serv.  
for CW's  
10:00  
deducted

David C DeBarr

Linda Forshey

ATTN

James M Bradley Jr

SON

Scott A Life

SCOTT'S WIFE

Christine M Life

CO

Craig Boyles

David C. DeBarr

Linda Forshey

James M Bradley Jr

Scott A Life

CHRISTINE M. LIFE

CRAIG BOYLES

5/3/01  
433/101

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: ESTATE OF HAROLD D. LIFE, DECEASED

ORDER DENYING CLAIM

This matter came on before the County Commission of Wood County, West Virginia, this 3<sup>rd</sup> day of May, 2001, upon the claim filed by Caroline C. Life Masten against the Estate of Harold D. Life, deceased, and upon proper Notice of Hearing having been served upon the Claimant, there appearing Scott Andrew Life, Administrator of the Estate of Harold D. Life, in person and by his counsel, James M. Bradley, Jr., and the Claimant, Caroline C. Life Masten, in person, *pro se*.

WHEREUPON the Commission did take up for consideration such claim and the objections thereto filed on behalf of the Administrator, and did hear and receive the evidence and testimony offered both for and against the claim, and from all of the above the Commission does find and conclude as follows:

1. The within claim arises out of an Order of the Circuit Court of Wood County, West Virginia, in a divorce action between the Claimant and the Deceased, which concluded in 1966. The Claimant alleges that the Order provided for a child support payment of \$20.00 per week for the parties' youngest child, and that the Deceased had failed to pay the support from February 22, 1975, until August 3, 1981, the child's 18<sup>th</sup> birthday.

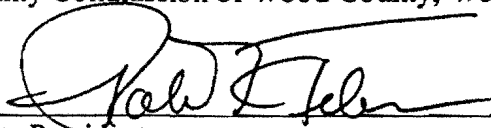
2. The Claimant admitted that the Circuit Court never issued an abstract of a judgment with respect to the child support order and that neither the judgment or any subsequent execution was ever issued or recorded in the Office of the Clerk of the County Commission of Wood County, West Virginia.

3. The Commission further finds that the provisions of West Virginia Code 38-3-18, regarding the enforcement of judgments apply to this claim. Since more than ten (10) years have passed since the obligation was owed and no abstract or execution was ever recorded with respect to the judgment, the claim is barred by the application of the ten (10) year statute of limitations.

WHEREUPON, on motion properly made and seconded the Commission did unanimously vote to deny the claim and it is so ORDERED this 3<sup>rd</sup> day of May, 2001.

The County Commission of Wood County, West Virginia

By:

  
Its President

**BRADLEY & ALBRIGHT, PLLC**

ATTORNEYS AT LAW

JAMES M. BRADLEY, JR.  
JOSEPH P. ALBRIGHT, JR.

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PARKERSBURG, WEST VIRGINIA 26102  
TELEPHONE (304) 424-5163  
FAX (304) 428-2623  
jamesbradley@law.com

May 3, 2001

Ruth McBride  
First Deputy Clerk  
Probate Office  
Wood County Commission  
Wood County Courthouse  
Parkersburg, WV 26101

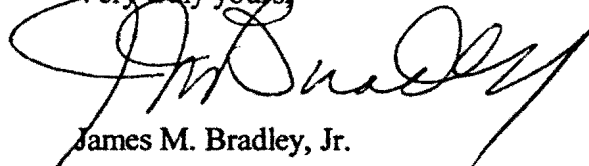
Re: Estate of Harold D. Life, Deceased

Dear Mrs. McBride:

I tender herewith a proposed Order with respect to this morning's hearing. Should you believe any modifications should be made to the proposed Order please let me know and I will be glad to make the same.

Thank you for your assistance.

Very truly yours,



James M. Bradley, Jr.

JMBjr/aes  
Enclosure