

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD  
MONDAY, JUNE 24, 2002

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

On this date, 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 1, 2002, April 4, 2002, April 8, 2002, April 11, 2002, April 15, 2002, April 16, 2002, April 22, 2002, April 25, 2002, April 29, 2002 and May 2, 2002.

The County Commission, upon a motion made by Rick Modesitt, seconded by K.D. Merritt and passed, approved minutes from April 18, 2002.

At 9:45 A.M., the County Commission met with Terry Lowers to discuss the cleanup of his property. Mr. Lowers told the Commission what things have been done to clean it up and asked for an extension on the cleanup time.

At 10:00 A.M., the County Commission of Wood County opened sealed bids for the demolition of structures and cleanup of property located at 5875 Emerson Avenue, Parkersburg, West Virginia, and owned by Terry Lowers. Receipt of sealed bids is pursuant to a Legal Notice appearing in both The Parkersburg News and The Parkersburg Sentinel on June 6, 2002 and on June 13, 2002; and further pursuant to an ORDER appearing in Order Book 65, at Page 225 and

bearing the date of May 30, 2002, at which time the County Commission ORDERED that the bid be let. Sealed bids were received from the following.

1. J.C. Bosley Construction, Inc.  
P.O. Box 67  
Mineral Wells, WV 26150  
Bid: \$5,400.00
  
2. Empire Builders, Inc.  
Route 11 Box 437A  
Parkersburg, WV 26101  
Bid: \$4,950.00

The County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by K.D. Merritt and made unanimous by Robert K. Tebay, did hereby take the aforementioned bids under advisement. The aforementioned bids and pertinent documentation pertaining to the demolition and cleanup of property owned by Terry Lowers is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

At approximately 10:10 A.M., the County Commission met with Luke Peters from the Mid-Ohio Valley Regional Council to discuss a countywide plan in regard to the Lubeck Public Service District/Wadesville Area Water Extension Project. After discussion, the County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by K.D. Merritt and passed, did hereby AUTHORIZE Robert K. Tebay, in his official capacity as President and on behalf of the County Commission, to EXECUTE the Countywide Plan including the Long-Term and Short-Term Projects and the Priority List of the Wood County Commission. Such Countywide Plan is to be included in the County's Small Cities Block Grant Application in the amount of seven hundred fifty thousand dollars and 00/100ths cents (\$750,000.00) for the Lubeck Public Service District/Wadesville area water extension bearing the date of June 17, 2002 and appearing in Order Book 65, at Page 238. The aforementioned motion included

AUTHORIZATION to allow Robert K. Tebay, to EXECUTE the Applicant/Recipient Disclosure/Update Report in regard to the aforementioned Small Cities Block Grant. Documentation pertaining to the Small Cities Block Grant for the Lubeck Public Service District/Wadesville area water extension is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

At approximately 10:20 A.M., the County Commission presented Herb Galland with a Distinguished Citizen Award from Governor Bob Wise. Mr. Galland's family was also in attendance.

At 10:30 A.M., the County Commission held a hearing in regard to the Kenneth D. Heiney estate. Don Heiney, son, would like the Executor removed. After discussion, the County Commission, upon a motion duly made, seconded and passed, removed Matthew Heiney as Executor due to the fact that he has done nothing with the estate and appointed Don Heiney as Executor dbn. Also in attendance was Susan Heiney. (Tape was not on during this hearing.)

At 11:00 A.M., the County Commission held a public hearing in regard to the Boundary Extension of the Mineral Wells Public Service District. After discussion, the County Commission Ordered that the boundaries of Mineral Wells Public Service District be enlarged so as to include within the boundaries of the District, for purposes of providing water service, the area which is more fully described and set forth on Exhibit A, attached hereto and made a part hereof by reference and that the Petitioner cause a certified copy of the Order to be served upon the Executive Secretary of the Public Service Commission of West Virginia within ten days of its entry. An Order was prepared in regard to this matter and is attached to these minutes. In attendance was Roy Radabaugh, Charles Stewart and Shayne Brabham from the Mineral Wells Public Service District; Steven R. Hardman, Attorney and Dianne Wolfe; Manning Frymer from

Cerrone Associates; Charles Murray, Wirt County Commission and Conrad Bras (not sure of last name), West Virginia Public Service Commission.

At 11:30 A.M., the County Commission met with Robert Orndorf from the Dominion Resources, Inc. The County Commission had asked Mr. Orndorf to come in and discuss the phone system with the gas company and how long residents have to wait on the phone.

Discussion took place.

The County Commission met with Pauline Petty to discuss the addressing and maps that she is working on.

The County Commission met with Michael Knight and Ralph White from the D.A.V. #6. (Tape was not on during this meeting.)

The County Commission met with Carolyn Beverage to discuss her pony that was killed by dogs. (Tape was not on during this meeting.)

At 1:00 P.M., the County Commission was to meet with Ginny Conley, Prosecuting Attorney, to discuss Westbrook Health Services and the proposed Exotic Entertainment Ordinance; however, there is nothing on the tape for this meeting.

The County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by K.D. Merritt and passed, did hereby AUTHORIZE Robert K. Tebay, in his official capacity as President and on behalf of the County Commission, to EXECUTE an AGREEMENT by and between Westbrook Health Services Incorporated, Parkersburg, West Virginia and the Wood County Commission, Parkersburg, West Virginia. The said Westbrook Health Services Incorporated shall provide commitment services in Wood County, West Virginia, to be compensated by the Wood County Commission in the amount of thirty thousand dollars and 00/100ths cents (\$30,000.00) per year beginning with the year 2002. The said amount to be paid

in full for the fiscal year 2001/2002 before July 1, 2002. Thereafter, said amount to be paid in quarterly installments on a fiscal year basis – July 1 through June 30. The said AGREEMENT will be renewed automatically for a one-year term, unless terminated by either party upon delivery of a thirty (30) day notice in writing to the other party. The said AGREEMENT must be affirmed every year by the County Commission at its annual organization meeting. An Order was prepared regarding this matter.

At 2:00 P.M., the County Commission met with Ron Salter and Donnie Clark from Salter and Associates to discuss marketing assistance. (Tape was not on during this meeting.)

At 2:30 P.M., the County Commission met with Tim Knopp, Tiano-Knopp Associates, Inc. to discuss the Fort Boreman grant application. After discussion, the County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by K.D. Merritt and passed, did hereby AUTHORIZE Robert K. Tebay, in his official capacity as President and on behalf of the County Commission, to EXECUTE the APPLICATION requesting funds in the amount of eight hundred thirty-nine thousand eight dollars and 00/100ths cents (\$839,008.00) from the West Virginia Economic Development Grant Committee, Charleston, WV. The funding request is in regard to the Fort Boreman Historical Park and would be utilized in the upgrading and extension of the existing access road to the said Fort Boreman Historical Park. The County Commission of Wood County has completed the necessary historical and archaeological analysis and application to have the site included on the National Register of Historical Places. The development of the said Fort Boreman Historical Park is intended to create an additional tourist attraction to draw additional visitors into Wood County. Documentation pertaining to the West Virginia Economic and Development 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 Rick Modesitt, seconded by K.D. Merritt and passed, did hereby AUTHORIZE Robert K. Tebay, in his official capacity as President and on behalf of the County Commission, to sign the Request for Reimbursement in regard to the Victims of Crime Act (VOCA) Program Grant Number 00-VA-042. Wood County incurred expenditures in the amount of four thousand one hundred forty-nine dollars and thirty cents (\$4,149.30) during the month of May, 2002. However, the Request for Reimbursement is in the amount of three thousand five hundred eight dollars and sixty-two cents (\$3,508.62) which represents payment of salary and insurance benefits provided to Diana W. Williams, Victims Advocate for Wood County, for payment of contractual services provided by Sophia Angelos, Victims Advocate Assistant, and for payment of cell phone/pager expenses of the Victims Advocate Assistant for the month of May, 2002. The amount of five hundred forty-five dollars and forty-three cents (\$545.43) was utilized as a cash match, as set forth in the aforementioned Grant, and represents payment of office supplies, Statewide Crime Victims Conference Registration, and salary benefits (FICA, Retirement and Workers' Compensation) of the said Victims Advocate. The amount of two hundred sixty-four dollars and 00/100ths cents (\$264.00) was utilized as in-kind match, as set forth in the aforementioned Grant, and represents volunteer time. In addition to the Request for Reimbursement, the Monthly Progress Report from the Victims Advocate, the Monthly Progress Report from the Victims Advocate Assistant, the Monthly Statistics Report from the Victims Advocate, the Monthly Statistics Report from the Victims Advocate Assistant, the Daily Time Records of the Victims Advocate, the Daily Time Records of the Victims Advocate Assistant, the Financial Recap and the Project Financial Report are being submitted to the Criminal Justice Services, Charleston, West Virginia. Documentation

pertaining to the aforementioned Victims of Crime Act Assistance (VOCA) 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 Rick Modesitt, seconded by K.D. Merritt and passed, did hereby AUTHORIZE Robert K. Tebay in his official capacity as president and on behalf of the County Commission, to EXECUTE the Request for Reimbursement in regard to the Combating Underage Drinking Program Grant Number 01-UD-055. Expenditures in the amount of twelve thousand six hundred ninety-four dollars and forty cents (\$12,694.40) were incurred by Wood County during the month of May, 2002, which represents payment of contractual services provided by Kelly Earley, Coordinator of Project S.O.B.E.R. (Services, Observation, Behavior Modification, Education and Rehabilitation), for money used in compliance check operations, for travel expenditures of the said Coordinator of Project S.O.B.E.R. (Services, Observation, Behavior Modification, Education and Rehabilitation) for overtime expenditures incurred by the Wood County Sheriff's Department and the City of Williamstown in regard to the Alcohol Compliance Checkpoints, for "buy" money used in compliance check operations, for expenses incurred in the purchase of a computer for the Project S.O.B.E.R. and for expenses incurred in regard to advertising for the Project S.O.B.E.R. In addition to the Request for Reimbursement, the Monthly Report, the Financial Recap, the Daily Time Records for the Coordinator of Project S.O.B.E.R., the Daily Time Records for the law enforcement officials from the City of Williamstown who participated in the S.O.B.E.R. Project, the Daily Time Records for the law enforcement officials from the Wood County Sheriff's Department who participated in the S.O.B.E.R. Project, the Project Director's Monthly Report, the S.O.B.E.R. Enforcing the Underage Drinking Laws Grant Program Documents; the Travel Vouchers for the Coordinator of Project S.O.B.E.R., the Underage

Drinking Checks Documents and the Project Financial Report are being submitted to the Criminal Justice Services, Charleston, West Virginia. An Order was prepared regarding this matter.

The County Commission of Wood County was in receipt of the Approval of the Request for Revision to Approved Budget from the West Virginia State Auditor, Chief Inspector Division, Charleston West Virginia, in regard to Revision No. 12 in the General County Fund budget for the fiscal year 2001/2002. Receipt of said Approval is pursuant to an Order appearing in Order Book 65, at Page 231 and bearing the date of June 10, 2002, at which time the Request for Revision was signed by Robert K. Tebay, 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 made unanimous by Robert K. Tebay, did hereby ORDER that the Wood County Planning Commission incorporate in the Subdivision Regulations for Wood County, the following:

“All new subdivisions shall have six inch (6”) water lines, and fire hydrants shall be installed every one thousand feet (1000’).”

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, did hereby AUTHORIZE Robert K. Tebay, in his official capacity as President and on behalf of the County Commission to EXECUTE a GRANT AGREEMENT by and between the West Virginia Commission on Drunk Driving Prevention, Charleston, West Virginia, and the Wood County Commission, Parkersburg, West Virginia, in regard to Highway Safety Grant funds in the amount of seven thousand five hundred dollars and



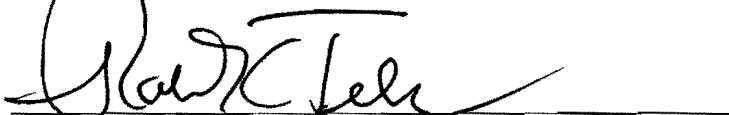
00/100ths cents (\$7,500.00). The aforementioned Grant funds are for the purpose of drunk driving prevention and/or enforcement, and are for the time period of July 1, 2002 through September 30, 2002. Any changes in the aforementioned Grant must be mutually agreed upon between the parties and must be in writing. The West Virginia Commission on Drunk Driving Prevention shall hold and save the Commission and its officers, agents and employees harmless from liability of any kind or nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries sustained by any persons or property resulting in whole or in part from the negligent performance of omissions of any employee, agent or representative of the Grantee (County Commission). The aforementioned Grant Agreement may be terminated when both parties agree that the continuation of the Agreement would not produce beneficial results. 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 made unanimous by Robert K. Tebay, did hereby ORDER that the closing date in regard to the Smith Building and gravel parking lot sale be extended up to thirty (30) days. The County Commission of Wood County held the Public Auction of the said Smith Building and adjacent gravel parking lot on May 6, 2002. An Order was prepared regarding this matter.

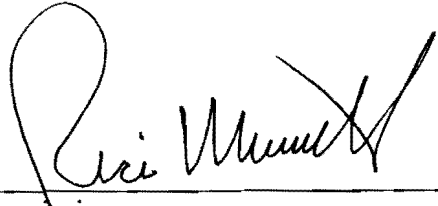
Having no further scheduled appointments or business to attend to, the County Commission adjourned at 3:00 P.M.

Approved:

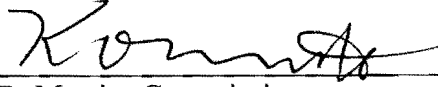
THE COUNTY COMMISSION OF WOOD COUNTY



Robert K. Tebay, President



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Rick Modesitt, Commissioner



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K. D. Merritt, Commissioner

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To listen to this meeting, please refer to Tape #182, Tape #183 and Tape #184.

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IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE:

MINERAL WELLS PUBLIC SERVICE DISTRICT ENLARGEMENT

ORDER

On the 24th day of June, 2002, at 10:00 a.m., this matter came to be heard, this Commission having heretofore by ORDER entered on the 23rd day of May, 2002, which appears of record, fixed this date and time for a public hearing on the enlargement of Mineral Wells Public Service District, and having provided in the Order that all persons residing in, or owning, or having any interest in property in Mineral Wells Public Service District, or in the proposed addition thereto, might appear before the Commission at this hearing and have the opportunity to be heard for and against the enlargement of the District.

Thereupon, Mineral Wells Public Service District tendered to the Commission for filing:

- 1) The affidavit of James McGoldrick that notice of the time and place of this hearing was published in the Wirt County Journal on the 5th day of June, 2002.
- 2) The affidavit of Sherry Brunett that notice of the time and place of this hearing was published in the Parkersburg News and the Parkersburg Sentinel on the 6th day of June, 2002.
- 3) The affidavit of Michael Ruben that notice of the time and place of this hearing was published in the Jackson Herald on the 12th day of June, 2002.
- 4) The affidavit of Shayne Brabham, an employee of Mineral Wells Public Service District, that notice of the time and place of this hearing was posted by him in at least five (5) conspicuous places in the proposed boundaries of Mineral Wells Public Service District not less than ten (10) days before the date of this hearing.
- 5) The certificate of service showing that a copy of the notice of the time and place of this hearing was mailed to the Executive Secretary of the Public Service Commission of West Virginia, the Clerk of the County Commission of Wirt County, and the Clerk of the County Commission of Jackson County.

The Commission having examined the foregoing and the same appearing to be proper, these documents are hereby ordered to be, and are hereby, filed herein.

It further appearing to the Commission that all interested persons have been afforded an opportunity of being heard, for and against, the enlargement of the District, the Commission did proceed to hear and consider testimony and evidence relating to the necessity and feasibility of enlarging Mineral Wells Public Service District, so as to include therein the territory described in the Petition heretofore filed herein, and in the notice hereinabove referred to. From all of which, the

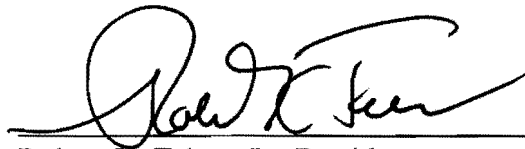
Commission does find that it is necessary, feasible and proper to enlarge Mineral Wells Public Service District so as to include the territory described in the Petition; and that the enlargement of Mineral Wells Public Service District will be conducive to the preservation of the public health, comfort and convenience within the area of the enlarged public service district.

IT IS ACCORDINGLY ORDERED, as follows:

1) That the boundaries of Mineral Wells Public Service District be enlarged so as to include within the boundaries of the District, for purposes of providing water service, the area which is more fully described and set forth on Exhibit A attached hereto and made a part hereof by reference.

2) That the Petitioner cause a certified copy of this Order to be served upon the Executive Secretary of the Public Service Commission of West Virginia within ten (10) days of its entry.

THE COUNTY COMMISSION OF WOOD COUNTY,  
WEST VIRGINIA



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Robert K. Tebay, Jr., President

## EXHIBIT A

The existing and additional areas sought to be embraced by Mineral Wells Public Service District for purposes of providing water service are located in Steele, Slate and Tygart Magisterial Districts in Wood County, West Virginia; Tucker and Reedy Districts in Wirt County, West Virginia; and Grant District in Jackson County, West Virginia; and are more particularly described by metes and bounds as follows:

Beginning at latitude north  $39^{\circ}08'14''$  and longitude west  $81^{\circ}25'35''$ , said point being the centerline of the Little Kanawha River and the easterly most corner of Slate District, and the easterly most corner of a previously described boundary for the Mineral Wells Public Service District;

Thence;  $S48^{\circ}28'W$ , 200 feet to a point on the southwest bank of the Little Kanawha River at a corner of the Wood County-Wirt County Line, common corner with Claywood Park P.S.D. at latitude north  $39^{\circ}08'13''$  and longitude west  $81^{\circ}25'36''$ ;

Thence, running with the county line between Wood County and Wirt County and said Claywood Park P.S.D.,  $S48^{\circ}28'W$  8,000 feet to the corner of Newark and Tucker Districts in Wirt County and a common corner with Claywood Park P.S.D. located at latitude north  $38^{\circ}07'15''$  and longitude west  $81^{\circ}26'53''$ ;

Thence, running with the county line between Wood County and Wirt County in a southwesterly direction 12,800 feet;

Thence, leaving the county line,  $S48^{\circ}28'E$ , 17,770' to a point; Thence,  $S33^{\circ}0'W$  1,370', crossing County Route 1 to a point 500' past the centerline of C.R. 1; Thence, due west 6,440' to a point; Thence,  $S53^{\circ}0'W$  9,160' to a point; Thence due South 8,370' to a point; Thence due West 9,240' to a point 500' from the centerline of C.R. 20/5; Thence, in a southerly direction, parallel with and at right angles to the centerline of C.R. 20/5 at 500', to a point 1,670' south of Niggletetwist Run; Thence,  $S46^{\circ}0'W$  1,000' to a point; Thence, in a northerly direction, parallel with and at right angles to the centerline of C.R. 20/5 at 500', to the extension of the prior westerly line; due West 8,980' to a point; Thence,  $S41^{\circ}0'W$  2,400' to a point; Thence due West 1,600' to a point; Thence,  $N25^{\circ}0'W$  14,530' to a point; Thence,  $N28^{\circ}0'E$ , 1,000' to a point located on the Wood-Jackson County Line;

Thence, running with the county line between Wood County and Jackson County in a northwesterly direction, 26,580 feet to a point in the centerline of Wood County Route 25 (Jackson County Route 1/2) at latitude north  $39^{\circ}12'21''$  and longitude west  $81^{\circ}33'15''$ ;

Thence, leaving the county line between Wood County and Jackson County in a northeasterly direction 62,200 feet to a point in the centerline of Wood County Route 21/17 at latitude north  $39^{\circ}12'21''$  and longitude west  $81^{\circ}33'15''$ .

Thence, running in a southeasterly direction, 2100 feet to the northwest corner of a previously described boundary for the Mineral Wells Public Service District, for water authority, said point located at latitude north  $39^{\circ}12'02.3''$  and longitude west  $81^{\circ}33'08.8''$ ;

Thence,  $N89^{\circ}30'E$  5,750 feet to a point in the centerline of State Route 15 at latitude north  $39^{\circ}12'02''$  and longitude west  $81^{\circ}31'56''$ ;

Thence,  $S59^{\circ}45'E$  950 feet to a point located at latitude north  $39^{\circ}11'57''$  and longitude west  $81^{\circ}31'45''$ ;

Thence,  $N6^{\circ}10'W$  1,950 feet to a point in the centerline of County Route 21/34 at latitude north  $39^{\circ}12'16''$  and longitude west  $81^{\circ}31'48''$ ;

Thence, following an Old Road Bench,  $N55^{\circ}08'E$  3,300 feet to a point in the centerline of I-77 at latitude north  $39^{\circ}12'35''$  and longitude west  $81^{\circ}31'14''$ ;

Thence, in a north-northwesterly direction with the centerline of I-77, 4,100 feet to a point at latitude north  $39^{\circ}13'11.9''$  and longitude west  $81^{\circ}31'40.5''$ ;

Thence,  $S84^{\circ}28'E$  1,000 feet to a point in the centerline of the Little Kanawha River at its confluence with Jackson Run at latitude north  $39^{\circ}13'11''$  and longitude west  $81^{\circ}31'28''$ ;

Thence, running upstream with the centerline of the Little Kanawha River and the magisterial line between Slate and Clay Districts, in a southeasterly direction. 57,500 feet to the point of beginning, containing 73,373 acres or 115 square miles, more or less, which said area is shown on a map prepared by Cerrone Associates, Inc. and dated March 12, 2002, a copy of which is attached hereto and made a part hereof. Copies of the map are also on file with the Clerks of the County Commissions of Jackson, Wirt, and Pleasants Counties, West Virginia.

6-24-02

1. Terry Lowers Terry Lowers
  2. Roy K. Kodabaugh Roy K. Kodabaugh MWPSD
  3. CHARLES STEWART CHARLES STEWART MWPSD
  4. Shayne Braham Shayne Braham MWPSD
  5. Luke Peters MOVRC Luke Peters
  6. Steven R. Hardman MWPSD
  7. Dianne Woff ""
  8. Manning Jymet Cerrom Assoc % MWPSD
  9. Charles R. Murray Witt co. Commission
  10. Conrad Branch WL Public Service Comm.
  11. Edward K. Gallant Self
  12. Sue Galland Self
  13. Kanaad Bahamed Self
  14. Stump Matr Self
  15. E. Fred Gallant daughter
  16. Van Galland Van Galland
  17. Jody Galland Jody Galland
  18. Sarah Galland daughter-in-law
- Donald Henry  
Susan Heiney  
Becky Deckman  
BJ Elliott daughter  
Ashley Elliott grand  
Jakob Elliott grand  
Jay Galland son  
Bob Galland brother  
Gina Taylor WU Extension

6/24/02

Bob Orndorff  
Michael Knight  
Ralph F. White  
Carolyn Beverage  
JIM KNOPP

Dominion Resources, Inc  
DAV # C  
P.A.V. # 6  
TIAND KNOPP ASSOCIATES, INC.