

IN RE: MINUTES OF MEETING HELD
THURSDAY, MARCH 28, 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 order number 27605 to CDW-G in the amount of \$4,605.10, 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 February 7, 2002 and February 11, 2002.

The County Commission, upon a motion duly made, seconded and passed, approved Erroneous Assessment Applications in regard to personal property for Mark L. McCray – Tygart District (2001) and for Lucretia A. Robinson – Parkersburg City District (2000).

At 10:00 A.M., the County Commission met with Ginny Conley, Prosecuting Attorney to discuss a gun violence assistance grant. After discussion, 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 Grant Award in regard to the Gun Violence Prosecution Grant Number 2002-GP-CX-0127. Funding in the amount of two hundred thousand dollars and 00/100ths cents (\$200,000.00) for the aforementioned Grant is through the United States Department of Justice, Office of Justice Programs, Washington, D.C. Funds awarded under the

aforementioned Program will pay salary and fringe benefit costs for a newly hired gun violence prosecutor to the extent that such salary and fringe benefit costs do not exceed eighty (80) percent of the salary and fringe benefit costs of such prosecutor or forty thousand dollars and 00/100ths cents (\$40,000.00), whichever amount is less, per year. The project grant period begins March 1, 2002 and continues to February 28, 2005. If during the period of the award there is an insufficient number of gun violence cases, the position (gun violence prosecutor) could be used for the prosecution of only other criminal offenses. Documentation pertaining to the Gun Violence Prosecution Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

At 10:15 A.M., the meeting with Tom Azinger was cancelled.

At 10:30 A.M., the County Commission met with Jean Ford, Mayor of Williamstown; Jeffrey Martin and Gerald Townsend, Counsel for City of Williamstown in regard to the Annexation of Property by Minor Boundary Adjustment, Williams District. After testimony, the County Commission does hereby ORDER that the property, formerly situate in the District of Williams, County of Wood, be, and the same is, hereby annexed, by minor boundary adjustment, to the petitioner herein, the City of Williamstown, a municipal corporation, and accordingly, the corporate limits of the City of Williamstown be, and the same are, hereby changed by virtue of such annexation. A copy of the Order, with description of the property is attached to these minutes and shall be made a part thereof.

The County Commission met with elected officials to discuss and sign the budget. 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 APPROVE, by signature,

the Official Budget Document for the fiscal year July 1, 2002 to June 30, 2003. An Order was prepared regarding this matter.

At 11:00 A.M., the County Commission met with Mary Moore from Clear Channel Radio in regard to the Make a Wish Foundation.

The County Commission of Wood County was in receipt of a check from the State of West Virginia in the amount of ten thousand six hundred ninety-two dollars and sixty-one cents (\$10,692.61) of which the amount of one thousand nine hundred seventy-seven dollars and forty-eight cents (\$1,977.48) represents reimbursement to Wood County for expenses incurred during the month of December, 2001, and the amount of two thousand seven hundred fourteen dollars and ninety cents (\$2,714.90) represents reimbursement to Wood county for expenses incurred during the month of January, 2002 in regard to the STOP Violence Against Women Grant Number 00-VAW-028. Receipt of the aforementioned check is pursuant to an Order appearing in Order Book 65, at Page 154 and bearing the date of March 11, 2002, at which time the Request for Reimbursement was EXECUTED by Robert K. Tebay, in his official capacity as President and on behalf of the County Commission, in regard to the month of December, 2001, and further pursuant to an Order appearing in Order Book 65, at Page 152 and bearing the date of March 11, 2002, at which time the Request for Reimbursement was EXECUTED by Robert K. Tebay, in his official capacity as President and on behalf of the County Commission, in regard to the month of January, 2002. Documentation pertaining to the STOP Violence Against Women Grant is on file in the Office of the County Administrator.

The County Commission of Wood County, upon a motion duly made, seconded 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 STOP

Violence Against Women Grant Number 00-VAW-028. Wood County incurred expenditures in the amount of four thousand four hundred eighty-eight dollars and three cents (\$4,488.03) during the month of February, 2002. However, the Request for Reimbursement is in the amount of two thousand seven hundred thirty-nine dollars and eighty-four cents (\$2,739.84) which represents payment of contractual services provided by Michael D. Farnsworth, Jr., 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, for overtime compensation paid to law enforcement personnel of the Wood County Sheriff's Department in regard to the STOP Domestic Violence Program and for overtime compensation paid to law enforcement personnel of the Vienna Police Department in regard to the STOP Domestic Violence Program. Funds in the amount of one thousand three hundred seventy-four dollars and eighty-two cents (\$1,374.82) were utilized as cash 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 Michael D. Farnsworth, Jr., and further is being provided through the remaining salary and benefits provided by the County of Wood to law enforcement officials who participated in the STOP Domestic Violence Program. In addition to the Request for Reimbursement, the Monthly Progress Report, the Monthly Demographic Reports submitted by the Prosecuting Attorney for Wood County, the City of Vienna Police Department and the Wood County Sheriff's Department; the Daily Time Records for the Prosecuting Attorney for Wood County, the City of Vienna Police Department and the Wood County Sheriff's Department; the Overtime Records for the City of Vienna Police Department and the Wood County Sheriff's Department; the Prosecution Tracking Forms; and the Project Financial Report are being submitted to the Criminal Justice Services, Charleston, West Virginia. Documentation

pertaining to the STOP Violence Against Women 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 made unanimous by Robert K. Tebay, did hereby ORDER that the amount of five thousand dollars and 00/100ths cents (\$5,000.00) be allocated to the Little Kanawha Resource Conservation and Development Area, Waverly, West Virginia, from the General County Fund budget for the fiscal year 2001/2002. The aforementioned amount will match funds from the Wood County Solid Waste Authority in regard to the installation of one thousand (1000) feet of road to provide access to the activity area behind the West Virginia State Fair and Exposition and to the area along the lake being developed for camping. An Order was prepared regarding this matter.

The County Commission of Wood County was in receipt of a check from the Division of Corrections, Charleston, WV in the amount of four hundred twenty-seven dollars and seventy-two cents (\$427.72) which represents reimbursement to Wood County for extradition expenses incurred by Trooper R.L. Clark and Trooper Bauso to travel to Green County, North Carolina for the purpose of transporting Douglas E. Tingler to Wood County, WV. Receipt of the aforementioned check is pursuant to an ORDER signed by the County Commission of Wood County appearing in Order Book 65, at Page 150 and dated the 11th day of March, 2002. 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, put Jennings Eddy in nomination to the new position on the Veterans Park Commission. Said announcement is pursuant to an Order appearing in Order Book 51, at Page 433 bearing the date of April 1, 1991,

which deals with the procedure policy for appointments to boards and authorities. 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, announced to all concerned that they are increasing membership by one on the Fort Boreman Historical Park Commission. 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, put Melvin Smith in nomination to fill a vacancy on the Fort Boreman Historical Park Commission created by the resignation of Donald L. Scothorn. Said announcement is pursuant to an Order appearing in Order Book 51, at Page 433 and bearing the date of April 1, 1991, which deals with the procedure policy for appointments to boards and authorities. 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, announced to all concerned that they are increasing membership by one on the Veterans Park Commission. 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, put Joe Gonzales in nomination to fill a vacancy on the Wood County Planning Commission created by the death of Robert Gissy. Said announcement is pursuant to an Order appearing in Order Book 51, at Page 433 bearing the date of April 1, 1991, which deals with the procedure policy for appointments to boards and authorities. An Order was prepared regarding this matter.

Terry L. Brown, Director of Wood County Emergency Services/E-9-1-1, presented to the County Commission of Wood County a New Road Request Form from Alfred Lee Rhodes II to name the road to his residence. The said Request does not interfere with the scheduled readdressing and mapping for the E-9-1-1 Master Street Addressing Guide. Alfred Lee Rhodes requested the road be named RHODES LANE. The road to be known as RHODES LANE, formerly Kesterson Road, provides access to the aforementioned residence as stated in Mr. Rhodes' Request Form. The road to be known as RHODES LANE is located ½ mile up Road 38/3 from Lost Pavement in Lubeck Taxing District, Tax Map 450, Parcel Number 00B20000. The request by Alfred Lee Rhodes II along with residents Carmelita Rhodes and David VanKirk is in accordance with Chapter 7, Article 1, Section 3 of the Code of West Virginia, 1931, as amended, which deals, in part, with the County Commission naming or renaming thereof of roads, ways, streets, avenues, drives and the like to assure uniform, nonduplicative conversion of all rural routes to city-type addressing on a permanent basis. The County Commission does hereby find that the said request, made in writing by Alfred Lee Rhodes, and the approval from the Wood County Emergency Services/E-9-1-1, is in proper form and is hereby ORDERED to be filed. 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 road be named RHODES LANE. The County Commission does further ORDER that a copy of this ORDER, along with the New Road Request Form, be certified by the Clerk of the County Commission for entry in the Office of the Clerk of the County Commission of Wood County. An Order was prepared regarding this matter.

Terry L. Brown, Director of Wood County Emergency Services/E-9-1-1, presented to the County Commission of Wood County a New Road Request Form from Steven D. Bailey to name

the road to his residence. The said Request does not interfere with the scheduled readdressing and mapping for the E-9-1-1 Master Street Addressing Guide. Steven D. Bailey requested the road be named GREYSTONE LANE. The road to be known as GREYSTONE LANE provides access to the aforementioned residence as stated in Mr. Bailey's Request Form. The road to be known as GREYSTONE LANE is located one (1) mile off Red Hill Road on the right in Clay Taxing District, Tax Map 90, Parcel Number 00210000. The request by Steven D. Bailey is in accordance with Chapter 7, Article 1, Section 3 of the Code of West Virginia, 1931, as amended, which deals, in part, with the County Commission naming or renaming thereof of roads, ways, streets, avenues, drives and the like to assure uniform, nonduplicative conversion of all rural routes to city-type addressing on a permanent basis. The County Commission does hereby find that the said request, made in writing by Steven D. Bailey, and the approval from the Wood County Emergency Services/E-9-1-1, is in proper form and is hereby ORDERED to be filed. 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 road be named GREYSTONE LANE. The County Commission does further ORDER that a copy of the ORDER, along with the New Road Request Form, be certified by the Clerk of the County Commission for entry in the Office of the Clerk of the County Commission of Wood County. An Order was prepared regarding this matter.

The County Commission of Wood County was in receipt of a check from the State of West Virginia in the amount of ten thousand six hundred ninety-two dollars and sixty-one cents (\$10,692.61) of which the amount of four thousand six hundred ninety-two dollars and thirty-eight cents (\$4,692.38) represents reimbursement to Wood County for expenses incurred during the months of December, 2001, and January, 2002 in regard to the STOP Violence Against

Women Grant Number 00-VAW-028. Receipt of the aforementioned check is pursuant to an Order appearing in Order Book 65, at Pages 154 and bearing the date of March 11, 2002, at which time the Request for Reimbursement was EXECUTED by Robert K. Tebay, in his official capacity as President and on behalf of the County Commission; and further pursuant to an Order appearing in Order Book 65, at Page 152 and bearing the date of March 11, 2002, at which time the Request For Reimbursement was EXECUTED by Robert K. Tebay, in his official capacity as President and on behalf of the County Commission. Documentation pertaining to the STOP Violence Against Women 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 Rick Modesitt and made unanimous by Robert K. Tebay, did hereby ORDER that a RESOLUTION be EXECUTED in support of House Joint Resolution 81 introduced in the 107th Session that would allow the freedom to pray in public schools. An Order was prepared regarding this matter.

The County Commission of Wood County was in receipt of the fully executed ADDENDUM to Contract of Lease Number VET-006-602, by and between the County Commission of Wood County and the State of West Virginia, by the Secretary of the Department of Administration, for and on behalf of the Division of Veterans Affairs. Receipt of the fully executed ADDENDUM is pursuant to an ORDER appearing in Order Book 65, at Page 146 and bearing the date of March 4, 2003, at which time the aforementioned ADDENDUM was EXECUTED by Robert K. Tebay, in his official capacity as President and on behalf of the County Commission. 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 AUTHORIZE the expenditure in the amount of three thousand five hundred dollars and 00/100ths cents (\$3,500.00) for the purchase of three (3) laptop computers for the Detective Bureau of the Wood County Sheriff's Law Enforcement. The aforementioned expenditure will be taken from the General County Fund budget for the fiscal year 2001/2002. An Order was prepared regarding this matter.

The County Commission of Wood County was in receipt of a check from the State of West Virginia in the amount of ten thousand six hundred ninety-two dollars and sixty-one cents (\$10,692.61) of which the amount of two thousand five hundred ten dollars and twenty-eight cents (\$2,510.28) represents reimbursement to Wood County for expenses incurred during the month of January, 2002, in regard to the Enforcing the Underage Drinking Laws Grant Number 01-UD-55. Receipt of the aforementioned check is pursuant to an Order appearing in Order Book 65, at Page 120 and bearing the date of February 11, 2002, at which time the Request for Reimbursement was EXECUTED by Robert K. Tebay, in his official capacity as President and on behalf of the County Commission. Documentation pertaining to the STOP Violence Against Women Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

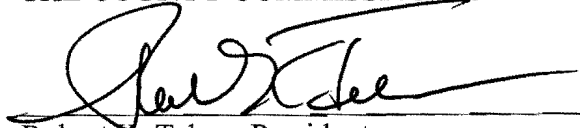
The County Commission of Wood County was in receipt of the Approval of the Request for Revision to Approved Budget from the West Virginia State Auditor, Chief Inspector Division, Charleston, West Virginia, in regard to Revision No. 9 in the General County Fund budget for the fiscal year 2001/2002. Receipt of said Approval is pursuant to an Order appearing in Order Book 65, at Page 158 and bearing the date of March 18, 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.


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



Robert K. Tebay, President



Rick Modesitt, Commissioner



K. D. Merritt, Commissioner

To listen to this meeting, please refer to Tape #163.

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March 28, 2002

PLEASE PRINT

1. Jean J. A. Mayor
2. ~~Jeffery Martin~~ Jeffrey Martin
3. Gerard Gattuso, Council
4. Steve Greiner
5. Charles Johnson
6. Gary Vincent
- 7.
- 8.
- 9.
- 10.

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: Annexation of Property By
Minor Boundary Adjustment,
9.784 Acres, Williams District,
Wood County, West Virginia

ORDER OF ANNEXATION

This 28th day of March, 2002, pursuant to the Order entered herein on the 7th day of March, 2002, this proceeding came on before the County Commission of Wood County, West Virginia; and, this day came Petitioner, the City of Williamstown, a municipal corporation, by Gerald W. Townsend, its Special Counsel.

Findings of Fact

From examination of the Petition and its exhibits, and the evidence adduced at hearing before the Commission, the Commission makes these Findings of Fact, pursuant to the provisions of Chapter 8, Article 6, Section 5 (f):

1. The territory proposed for annexation is contiguous to the corporate limits of the municipality.
2. The proposed annexation is not limited solely to a Division of Highways right-of-way nor does the Division of Highways hold title to the

property in fee.

3. The affected parties of the territory to be annexed support the proposed annexation.

4. The proposed annexation does not consist of a street or highway as defined in Section 35 [§17C-1-35], Article 1, Chapter 17C of the West Virginia Code of 1931, as Amended, and one or more freeholders.

5. The proposed annexation does not consist of a street or highway as defined in Section 35 [§17C-1-35], Article 1, Chapter 17C of the West Virginia Code of 1931, as Amended, which does not include a freeholder but which is necessary for the provision of emergency services in the territory being annexed.

6. No other municipality has made application to annex the same or substantially the same territory.

7. The proposed annexation is in the best interest of the county as a whole.

8. The Notices by publication and by posting required by Chapter 8, Article 6, Section 5 (e) were published and posted in timely manner as required by law.

9. The territory proposed for annexation is a proper subject for a

minor boundary adjustment.

10. The Petition, exhibits, and other evidence offered satisfy all of the requirements for annexation by minor boundary adjustment set forth in Chapter 8, Article 6, Section 5 of the Code.

11. The proposed annexation is in the best interest of the petitioner municipality and the freeholder of the territory to be annexed.

Conclusions of Law

Based upon the foregoing Findings of Fact, the Commission concludes that the Petition of the City of Williamstown for annexation of property by minor boundary adjustment should be granted.

In view of the foregoing Findings of Fact and Conclusions of Law, this Commission does **ORDER** that the following described property, formerly situate in the District of Williams, County of Wood, State of West Virginia, be, and the same is, hereby annexed, by minor boundary adjustment, to the petitioner herein, the City of Williamstown, a municipal corporation, and, accordingly, the corporate limits of the City of Williamstown be, and the same are, hereby changed by virtue of such annexation, to include the following described property, to-wit:

Beginning at a 1/2" steel rod found at the northeasterly corner to the Silos Subdivision as recorded in Plat Book 23, at Page 4,

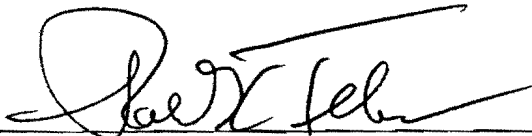
in the line of Painters Crossing Subdivision as recorded in Plat Book 20, at Page 52; thence S 28° 14' 20" E 448.72 feet with the line of Painters Crossing Subdivision and D. Jeffry Martin to a 3/4" steel rod set in the line of the said Martin; thence S 38° 33' 20" W 128.19 feet to a 3/4" steel rod set; thence S 00° 51' 47" W 106.99 feet to a 3/4" steel rod set; thence S 65° 05' 20" W 103.25 feet to a 3/4" steel rod set; thence S 17° 26' 00" W 253.84 feet to a 3/4" steel rod set; thence N 30° 41' 20" W 92.68 feet to a 3/4" steel rod set; thence S 17° 03' 44" W 87.41 feet to a 3/4" steel rod set; thence S 76° 59' 51" W 165.63 feet to a 3/4" steel rod set at a corner to a 1.599 acre tract; thence 6 calls with the 1.599 acre tract N 11° 55' 40" E 249.96 feet to a 3/4" steel rod set; thence N 58° 13' 11" W 162.04 feet to a 3/4" steel rod set; thence S 38° 59' 45" W 78.08 feet to a 3/4" steel rod set; thence S 79° 42' 49" W 36.28 feet to a 3/4" steel rod set; thence S 56° 20' 59" W 143.31 feet to a 3/4" steel rod set; thence S 16° 40' 35" W 50.69 feet to a 3/4" steel rod set; thence N 34° 10' 45" W 258.55 feet to a 3/4" steel rod set at a corner to a 35.513 acre tract; thence 3 calls with the 35.513 acre tract N 48° 37' 00" E 275.67 feet to a 3/4" steel rod set; thence N 13° 33' 00" E 109.00 feet to a 3/4" steel rod set; thence N 34° 57' 15" W 10.00 feet to a 1/2" steel rod found at the southeasterly corner to the Silos Subdivision; thence 3 calls with the Silos Subdivision N 65° 13' 29" E 520.00 feet to a 1/2" steel rod found at another corner to the Silos Subdivision; thence N 24° 46' 31" W 50.00 feet to a 1/2" steel rod found at another corner to the Silos Subdivision; thence N 65° 13' 29" E 50.00 feet to the place of beginning containing 9.784 acres more or less.

Bearings and description are based on a survey made by Pearley Dale Pifer, West Virginia Licensed Land Surveyor No. 462.

The plat of said property filed with the Petition, for purposes of this Order of Annexation, is incorporated herein by reference.

ENTER this 28 day of March, 2002.

COUNTY COMMISSION OF WOOD COUNTY,
WEST VIRGINIA

By: 
Its President

Prepared and Submitted
for Entry by:



Gerald W. Townsend, Bar No. 3786
Special Counsel to Petitioner