

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, OCTOBER 2, 2003

PRESENT: RICK MODESITT, PRESIDENT
K.D. MERRITT, COMMISSIONER
ROBERT K. TEBAY, 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 10:30 A.M. appointment with Brian Honey from Salter & Associates to discuss the Wood County website was rescheduled for 11:30 A.M. on October 6, 2003.

The County Commission, upon a motion duly made, seconded and passed, approved an Erroneous Assessment Application in regard to real property for Albert C. Smith – Walker District (2002).

The County Commission, upon a motion duly made, seconded and passed, approved Erroneous Assessment Applications in regard to personal property for Troy D. & Eva J. Martin – Vienna District (2002) and for Avery M. White – Williamstown District (2001).

R.C. Heckert presented a letter to the County Commission in regard to a walking-biking-running trail. (A copy is attached to these minutes.)

Terry L. Brown, Director of Wood County Emergency Services/E-9-1-1, presented to the County Commission of Wood County, a New Road Name Request Form from Dale L. Tawney 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. Dale L. Tawney, along with Martha Tawney, requested the road be named TAWNEY LANE. The road to be known as TAWNEY LANE provides access to their residences as stated in Mr. Tawney's

Request Form. The road to be known as TAWNEY LANE is located North on State Route 2 from Interstate 77 in Union Taxing District, Tax Map 200, Parcel Number 0019. The request by Dale L. Tawney 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, non-duplicative 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 Dale L. Tawney, 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 Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, does hereby ORDER that the aforementioned road be named TAWNEY LANE. The County Commission does further ORDER that a copy of the ORDER, along with the New Road Name Request Form, be certified by the Clerk of the County Commission for entry in the Office of the Clerk of the County Commission. An Order was prepared regarding this matter.

Ginny Conley, Prosecuting Attorney, met with the Commission and stated she wanted to finalize the buyout of Myers, Zivkovich and Powell offices from Towne Square Agreement. Checks need to be written for \$20,000.00 for Zivkovich and \$40,000.00 for Myers and Powell. Commissioner Tebay stated this wasn't in the Agreement and it has not been on the agenda. Ginny Conley stated it was part of the negotiations. Commissioner Modesitt agreed. Ms. Conley asked to put it on the agenda for next week. Mr. Tebay stated he thinks this should have been a cost to the sellers. This will be further discussed on Thursday, October 9, 2003.

The County Commission met with Greg Smith and Charlie Matthews to discuss the Actors Guild. They are requesting \$5,000.00 to replace the fire alarm system; they have raised \$9,000.00 and received \$10,000.00 from the State of West Virginia. They will take it under advisement.

Mr. Smith then discussed the Parkersburg Downtown Development Authority's Christmas decoration project for the downtown area. The decorations cost approximately \$300.00 for each decoration. Commissioner Tebay wrote a personal check for one light and challenges all elected officials to do the same.

The County Commission of Wood County, upon a motion made by K.D. Merritt, seconded by Robert K. Tebay and made unanimous by Rick Modesitt, did hereby ORDER the purchase of four (4) Christmas light decorations to be situated on County property and subsequently coordinate with the downtown Parkersburg theme. An Order was prepared regarding this matter.

Commissioner Modesitt called Jamie Six, County Clerk, and discussed whether or not the Maintenance employees were needed to work the Board of Education election. Mr. Six said they were needed to do the same duties as if it were a regular election.

Mary Rader discussed an invoice from Empire Builders; a letter of credit instead of a bond for Perry Mollohan; legal notices and other miscellaneous administrative items.

The County Commission of Wood County was in receipt of the fully executed NOTICE OF ASSIGNMENT, in which all rights and interests of S. Byrl Ross Enterprises, Inc., as successful bidder at the Auction held by the County Commission of Wood County on September 25, 2003, did hereby assign to Dan A. Marshall, Esquire, as a qualified intermediary party to facilitate a like-kind exchange under Section 1031 of the Internal Revenue Code.

Receipt of such fully EXECUTED NOTICE OF ASSIGNMENT is pursuant to an ORDER appearing in Order Book 66, at Page 47 and bearing the date of September 25, 2003, at which time Rick Modesitt, in his official capacity as President and on behalf of the County Commission, was AUTHORIZED to hereby consent to the aforementioned assignment and accept the rights of S. Byrl Ross Enterprises, Inc. under the aforementioned Auction held by the County Commission of Wood County. The County Commission of Wood County was also in receipt of the ASSIGNMENT signed by Sam Ross, President of S. Byrl Ross Enterprises, Inc. An Order was prepared regarding this matter.

The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, did hereby ACCEPT the OPTION AGREEMENT signed by Sam Ross, President of S. Byrl Ross Enterprises, Inc., in regard to the repurchase of twenty-one percent (21%) of land sold to the said S. Byrl Ross Enterprises, Inc. by Auction held by the County Commission of Wood County on September 25, 2003, such repurchase being in the amount of sixty-four thousand six hundred eighty dollars and 00/100ths cents (\$64,680.00). The said OPTION AGREEMENT further states that the County Commission of Wood County shall pay S. Byrl Ross Enterprises, Inc. twenty-one percent (21%) of the costs incurred by S. Byrl Ross Enterprises, Inc. to demolish the existing Smith Building, fill and compact the area to grade level even with the sidewalk and not to exceed the amount of fourteen thousand three hundred forty-three dollars and 00/100ths cents (\$14,343.00). An Order was prepared regarding this matter.

The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, did hereby give APPROVAL to a modified survey of the County parking area located on Market Street

between Third Street and Fourth Street. Environmental Design Group had requested such modified survey to enable them to know the perimeter of such land for the purpose of preparing contract documents for the layout and design of such parking area. Environmental Design Group of Vienna, WV, has been AWARDED the Contract for such professional services by ORDER dated September 25, 2003 and appearing in Order Book 66, at Page 43. The aforementioned modified survey is not to exceed seven hundred fifty dollars and 00/100ths cents (\$750.00) and will not increase the contract total amount. Such charge for services will be taken from the one thousand two hundred dollars and 00/100ths cents (\$1,200.00) set forth in the aforementioned Contract and reflected in the Reimbursable category. An Order was prepared regarding this matter.

The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, did hereby AMEND the Eligibility Section of the County's Group Vision Care contract, in accordance with knowledge of Vision Service Plan, in regard to coverage for dependents. The amended Eligibility Section to read as follows: Coverage stops at the end of the calendar year of age 19 for a child who is an eligible dependent, but will continue to the end of the calendar year of age 23 if the eligible dependent is a full-time student. An Order was prepared regarding this matter.

James E. Smith, County Engineer for the Abandoned and Dilapidated Building Ordinance presented to the County Commission of Wood County a Petition of the Wood County Enforcement Agency in regard to property located at 1001 Benton Street, Parkersburg, West Virginia, and owned by Betty Bibbee. Presentation of such Petition is pursuant to Article 3, Section 3.2, paragraphs (d) and (e) of the Wood County Abandoned and Dilapidated Building Ordinance. Upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and

made unanimous by Rick Modesitt, the County Commission of Wood County did hereby ORDER that the aforementioned Petition be mailed to the aforementioned Betty Bibbee by Certified Mail. An Order was prepared regarding this matter.

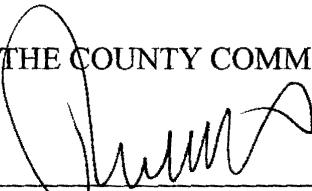
James E. Smith, County Engineer for the Abandoned and Dilapidated Building Ordinance presented to the County Commission of Wood County a Petition of the Wood County Enforcement Agency in regard to property located at 534 Marrtown Road, Parkersburg, West Virginia, and owned by Jeanette S. Sees. Presentation of such Petition is pursuant to Article 3, Section 3.2, paragraphs (d) and (e) of the Wood County Abandoned Building Ordinance. A previous ORDER of the County Commission of Wood County dated March 28, 2002, did hereby notify the property owner, Jeanette S. Sees, by certified mail, to demolish and cleanup property located at 534 Marrtown Road, Parkersburg, West Virginia, by April 19, 2002. Further stating that if demolition and cleanup had not occurred by April 19, 2002, the County Commission of Wood County shall advertise for, and seek, a contractor to make the ORDERED demolition and cleanup. A Legal Notice was placed in both local newspapers and bid opening was scheduled for 10:00 A.M. on Monday, May 13, 2002. The County Commission of Wood County rejected all bids received due to the fact the bids were too high, and they felt it was more prudent to solicit quotes for the asbestos search, notification and sampling prior to soliciting bids for demolition and cleanup of properties. The aforementioned asbestos search, notification and sampling has been completed in regard to the structure located on 534 Marrtown Road, Parkersburg, West Virginia. Therefore, in accordance with the aforementioned Petition of the Wood County Enforcement Agency, the County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, did hereby ORDER that a legal notice be placed in both local

newspapers accepting sealed bids for the demolition and cleanup of the aforementioned property. The opening of said sealed bids will occur at 10:45 o'clock A.M. on Thursday, October 23, 2003. An Order was prepared regarding this matter.

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

APPROVED:

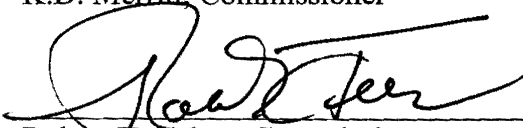
THE COUNTY COMMISSION OF WOOD COUNTY



Rick Modesitt, President



K.D. Merritt, Commissioner



Robert K. Tebay, Commissioner

PURCHASE ORDERS APPROVED ON OCTOBER 2, 2003

29023	Tri-State Roofing	178.90
29111	Assurance Business Forms	162.93
29121	WV Uniforms	662.95
30724	Southern Public Safety Equip.	962.86
30820	Big Mac Printing	225.12
30860	Broadwaters Motorcar	279.53
30884	Desantis	111.64
30902	Office Depot	128.84
30906	Broadwaters Motorcar	61.14
30920	Parkersburg Office Supply	71.07

Broadway Industrial Park, Inc.

P.O. Box 361, Parkersburg, WV 26102-0361

304-428-8888 office & fax

The County Commission of Wood County
No. 1 Court Square, Suite 203
Parkersburg, WV 26101
304-424-1984 office 424-1970 fax

*For Minutes
10/2/03*

ref: Walking-biking-running trail

Date: October 1, 2003

Dear Commissioner:

In regard to the newspaper article in the Parkersburg News on September 30, 2003, I would like to qualify my interest in the development of the proposed walking-biking-running trail. This project would be good for South Parkersburg and would add merit to the development of the Erickson All Sports Complex.

Broadway Industrial Park, Inc. is the owner of approximately 1.5 miles of the former CSX Railroad property. The width of the property is at least sixty feet and connects directly to the Little Kanawha River Railroad, which would take your project all the way to the Fort Boreman Hill area.

At this time Broadway Industrial Park, Inc., wishes to make The County Commission of Wood County an offer to lease the needed right of way for the development of the proposed walking-biking-running trail. I believe the common usage of this property for your project and any future development of the railroad can be done with reasonable harmony between all parties.

The offer to work with your project is to be considered in good faith by all parties and can be formalized at the discretion of The County Commission of Wood County any time in the next fifteen months, thus this offer would be considered abandoned as of 12:01 AM on January 1, 2005.

Sincerely yours,

R. C. Heckert, Pres.
R. C. Heckert, Pres.

OCT 2, 2003

1. R.C. HECKERT PRES BROADWAY IND PARK INC
2. Ginny Conly
- 3) Greg Smith & CHARLES MATTHEWS - ACTORS GUILD