

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, SEPTEMBER 11, 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 County Commission, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, approved minutes of August 28, 2003.

After the Commission made comments about this day, 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 EXECUTE a RESOLUTION that RESOLVES that September 11, 2003, be observed throughout Wood County, West Virginia, as PATRIOT DAY 2003, and further RESOLVES that on September 11, 2003 we honor the memory of Mary Lou Hague. An Order was prepared regarding this matter.

At 9:58 A.M., the County Commission had a prayer in remembrance of the tragic events of September 11, 2001.

The County Commission met with Ginny Conley, Prosecuting Attorney, to discuss an insurance issue matter with an employee. After discussion, the County Commission decided that this should be a winnable case and they would like Ms. Conley to stay involved. She then asked if the letter she did to Sam Ross was all right to send out. They said yes. Ms. Conley instructed the Commission that Robert Eddy, who is a member of the Abandoned Building Ordinance, is to no longer discuss anything to do with the Gerald Shaffer property.

The County Commission of Wood County, upon a motion duly made, seconded and passed, announced that a vacancy exists on the Wood County Historic Landmarks Commission. Said vacancy is due to the fact that Rae Browne submitted her resignation due to ongoing medical problems and is further pursuant to an Order appearing in Order Book 51, at Page 433 and bearing the date of April 1, 1991, dealing with the procedure policy for appointments to Board and Authorities. The term will expire December 31, 2003. An Order was prepared regarding this matter.

The County Commission discussed a building permit for Keith Sheppard. The Commission asked Mary Rader to do a letter to Mr. Sheppard and that the Commission needs a letter from his contractor and a date of when it will be completed, they will consider issuing a building permit.

At approximately 11:00 A.M., the County Commission met with Gerald Shaffer to discuss the Abandoned Building Ordinance. Mr. Shaffer read a statement to the Commission to defend himself in regard to the petition of Robert Eddy. (A copy of said statement is on file in the Office of the County Administrator.) He wants a determination of what they expect him to do. Commissioner Tebay stated that Robert Eddy should not be voting on any further matter and they asked Mr. Shaffer to bring in a copy of a receipt for trash pickup and a current copy of his business license.

At approximately 11:15 A.M., the County Commission met with Jim Cox, Manager of Lubeck Public Service District and Phillip Postlewaite, Accountant for the Board, to discuss a rate increase for residents in the Lubeck area. Mr. Cox explained they will be adding four water tanks, air stripper and associated materials, which is what the increase is for; he stated the increase is only on the water part of the bills; they have reduced the minimum on the bills

which will help those who don't use much water. More discussion took place. There will be a public hearing, but no date is set yet.

At 11:30 A.M., the County Commission met with Jim Bowman from Allegheny Power to discuss outdoor lighting. Mr. Bowman discussed the information he gave the County Commission. Mr. Bowman will talk with Jack Ankrom, Architect and get back with the Commission.

Charlie Johnson, Chief Deputy, met with the Commission to discuss a copier. After discussion, 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 the purchase of a Toshiba copy machine from NOE Office Equipment, Parkersburg, West Virginia. The aforementioned Toshiba copy machine is a twenty-eight (28) copy per minute digital copier, Model e-STUD1028, with stand in the total amount of four thousand six hundred twenty-eight dollars and 001/00ths cents (\$4,628.00) and will be used the Sheriff's Law Enforcement Office. An Order was prepared regarding this matter. Chief Johnson then discussed taking the civil process line item and adding \$1,000.00 to pay Jane Anderson to help the officers with the paperwork. The Commission suggested the Sheriff move it from the Holding Center's payroll line item from the money that was being paid to Ronnie Nelson who has retired. Chief Johnson will check with the Sheriff.

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 the acceptance of a Federal Home Loan Bank bond, CUSIP Number 3133MJ2Y5, in the amount of five hundred thousand dollars and 00/100ths cents (\$500,000.00), bearing an interest rate of 5.55% as a substitution for the Federal Home Loan Mortgage Corporation bond, CUSIP

Number 312925NN6, in the amount of five hundred thousand dollars and 00/100ths cents (\$500,000.00), bearing an interest rate of 8.00%, which was originally pledged as a depository bond by First Federal Savings Bank, 2904 Pike Street, Parkersburg, West Virginia. 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 passed, did hereby AUTHORIZE Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to sign the Request for Reimbursement in regard to the Combating Underage Drinking Program Grant Number 02-UD-79. Expenditures in the amount of one thousand one hundred thirty-four dollars and 00/100ths cents (\$1,134.00) were incurred by Wood County during the month of August, 2003, which represents payment of contractual services provided by Kelly Shook, Coordinator of Project S.O.B.E.R. (Services, Observation, Behavior Modification, Education and Rehabilitation). 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 Monthly Supervisor's Report; the Project Director's Monthly Reports; the S.O.B.E.R. Enforcing the Underage Drinking Compliance Checks Documents and the Project Financial Report are being submitted to the Criminal Justice Services, Charleston, West Virginia. Documentation pertaining to the Combating Underage Drinking Program 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 Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE the letter addressed to the Bureau of Justice Assistance, Washington, D.C., with the Categorical

Assistance Progress Report attached, in regard to the United States Department of Justice, Office of Justice Programs Grant Number 2002-GP-CX-0127. The Reporting Period is from January 1, 2003 to June 30, 2003. Documentation pertaining to the Office of Justice Programs 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 AUTHORIZE Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE the Request for Reimbursement in regard to the Enforcing the Underage Drinking Laws Program Grant Number 03-UD-110. No expenditures were incurred during the month of August, 2003. In addition to the Request for Reimbursement (no expenses reflected), the Monthly Report, the Project Director's Monthly Report, the Monthly Supervisor's Report and the Project Financial Report are being submitted to the Division of Criminal Justice Services, Charleston, West Virginia. Documentation pertaining to the Enforcing the Underage Drinking Laws Program Grant is on file in the Office of the County Administrator. 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 Name Request Form from Gerald R. Lockhart 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. Gerald R. Lockhart requested the road be named EWING LANE. The road to be known as EWING LANE provides access to the aforementioned residence as stated in Mr. Lockhart's Request Form. The road to be known as EWING LANE is located in Harris Taxing District, Tax Map

110, Parcel Number 00G4. The request by Gerald R. Lockhart 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 Gerald R. Lockhart, 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 EWING 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.

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 Jason Harper 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. Jason Harper requested the road be named MILLSTONE HEIGHTS. The road to be known as MILLSTONE HEIGHTS provides access to the aforementioned residence as stated in Mr. Harper's Request Form. The road to be known as MILLSTONE HEIGHTS is located off Rosemar Road near Route 14 in Williams Taxing District, Tax Map 390, Parcel Number S. The request by Jason Harper 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 Jason Harper, 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 MILLSTONE HEIGHTS. 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.

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 John Huffman to name the road to a rental house and trailer. This Amended Order replaces the Order appearing in Order Book 65, at Page 578 and bearing the date of August 11, 2003. Said Request does not interfere with the scheduled readdressing and mapping for the E-9-1-1 Master Street Addressing Guide. John J. Huffman and Vicky W. Huffman, request the road be named RIVERSIDE DRIVE. The road to be known as RIVERSIDE DRIVE provides access to a rental house and a trailer as stated in Mr. Huffman's Request Form. The road to be known as RIVERSIDE DRIVE is located 9/10 mile out Nicolette Road, turn right just past Bob's Bicycle Shop in Clay Taxing District, Tax Map 290, Parcel Number 120. The request by John Huffman 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 John Huffman, 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 Robert K. Tebay and made unanimous by Rick Modesitt, does hereby ORDER that the aforementioned road be named RIVERSIDE DRIVE. 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.

The County Commission of Wood County, upon a motion made by K.D. Merritt, seconded by Robert K. Tebay and passed, did hereby AUTHORIZE Rick Modesitt, in his official capacity as President and on behalf of the County Commission to EXECUTE a RESOLUTION in which it is resolved that the County Commission of Wood County does hereby AGREE to the terms as set forth in the Governor's Community Partnership Program Application for the fiscal year 2004. The aforementioned Application is in the amount of twenty thousand dollars and 00/100ths cents (\$20,000.00) to be utilized to install heating and air conditioning units in the Boys & Girls Club facility and to purchase a new telecommunications system with intercom and emergency phones for such facility. Documentation in regard to the Governor's Community Partnership Program Grant, to be utilized by the Wood County Boys & Girls Club of Parkersburg, 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 Rick Modesitt, 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 02-VAW-008. Wood County incurred expenditures in the amount of nine hundred sixty-five dollars and ninety-one cents (\$965.91) during the month of August, 2003. However, the Request for Reimbursement is in the amount of seven hundred twenty-four dollars and forty-seven cents (\$724.47) which represents payment of overtime compensation paid to law enforcement personnel of the Wood County Sheriff's Department and for overtime compensation paid to law enforcement personnel of the City of Vienna in regard to the STOP Domestic Violence Against Women Program Grant. Funds in the amount of two hundred forty-one dollars and forty-four cents (\$241.44) were utilized as cash funds, as set forth in the aforementioned Grant, and is being provided through the benefits provided by the County to the law enforcement personnel who participated in the STOP Violence Against Women Program Grant. In addition to the Request for Reimbursement, the Monthly Reports for the Wood County STOP Team; the Monthly Demographic Reports submitted by the City of Vienna and the Wood County Sheriff's Department; the financial information submitted by the City of Vienna and the Wood County Sheriff's Department; the Daily Time Records for the City of Vienna and the Wood County Sheriff's Department; and the Project Financial Reports are being submitted to the Criminal Justice Services, Charleston, West Virginia. Documentation pertaining to the STOP Violence Against Women Program 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 On-Site Visit Report in regard to the Victims of Crime Act (VOCA) Assistance Program Grant Number 02-VA-050. The aforementioned On-Site Visit occurred on September 3, 2003 and was conducted by Lora

J. Maynard of the Division of Criminal Justice Services, Charleston, WV. The Monitoring Report and Certification of the VOCA Grant, completed by the said Lora J. Maynard, are set forth as follows; (1) Develop and maintain a community resource contact list for assistance with clients that have special needs, (2) Add civil rights information to client contact/intake sheet and begin collecting data as soon as possible, (3) Develop and implement a formal, written, annual performance appraisal system for the VOCA staff before the end of the grant year, and (4) The program should utilize the PRO's (Prevention Resource Officers) in the local schools in Wood County. Documentation pertaining to the Victims of Crime Act (VOCA) Assistance Program 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 Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to sign the Request for Reimbursement in regard to the Juvenile Accountability Incentive Block Grant Number 02-A-D-157. Expenditures in the amount of six thousand five hundred thirty-three dollars and four cents (\$6,533.04) were incurred by Wood County during the month of August, 2003. However, the Request for Reimbursement is in the amount of five thousand three hundred twelve dollars and 00/100ths cents (\$5,312.00) which represents payment of contractual services provided by Rozann Wilcox, Juvenile Justice Liaison, and services provided by Michelle Buckley, Project R.E.P.A.Y./Youth Transition Coordinator. In addition to the Request for Reimbursement; the Monthly Reports; the Financial Recap; the Daily Time Records for the Project R.E.P.A.Y./Youth Transition Coordinator and for the Juvenile Justice Liaison; the Project Director's Monthly Reports from both the Project R.E.P.A.Y. Program

Coordinator and the Juvenile Justice Liaison; the Demographic Reports for both the Project R.E.P.A.Y. Program Coordinator and the Juvenile Justice Liaison; and the Project Financial Report are being submitted to the Criminal Justice Services Office in Charleston, West Virginia. Documentation pertaining to the Juvenile Accountability Incentive Block Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

Robert Newell was sworn in as a member of the West Virginia Watch Committee.

Jeremy Sams, Jamie Miller and William Eddy were sworn in as Holding Center Officers.

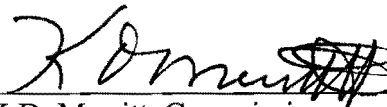
Having no further scheduled appointments or business to attend to, the County Commission adjourned at approximately 1:00 P.M.

APPROVED:

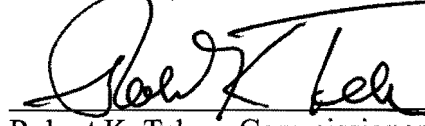
THE COUNTY COMMISSION OF WOOD COUNTY



Rick Modesitt, President



K.D. Merritt, Commissioner



Robert K. Tebay, Commissioner

To listen to this meeting, please refer to Tape #257 and Tape #258.

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SEPTEMBER 11, 2003

1. Robert Newell
2. Mike St. Clair
3. Jerry Shaffer
4. James M. Cox
5. Philip R. Postlewait
6. Hayward Roberts
7. Virginia Sines
8. Henry Conley
9. C. J. Johnson
10. Jim Boren

Text of presentation to Wood County Commission on 9/11/03
by Jerry Shaffer

I must appear before the Commission to defend myself against the total fabrication and prevarication of the situation and conditions represented by the petition from Robert Eddy aka Residents of North Hills. (concerning my property on Rector Road.).

I have lived at this rural location for over 20 years and long before Eddy bought adjoining property to build on at which time he apparently made the comment that " he would get rid of me from this location."

Eddy has been trying to get rid of me for years and has even used a now convicted criminal North Hills lawyer to try to buy Political Influence and I feel to even influence the Judge in the court. It is also not surprising that he had himself appointed to the Abandoned Building Committee, after he failed in court to eliminate the total look of my property. He has pestered the WCC for years now - trying to pedal more Political Influence - to have his way with me.

I have indicated to the Abon. Bldg Comm. Engr. and to the WCC that if I am violating the law, then I will willingly correct the problem. However, I am not just going to roll over for an Eddy. Most of ^{us} are aware that those people of NH aren't allowed to have a front yard fence or a clothesline etc. in their yard. If that's what they want - fine- let them stay in NH. But, they should not expect to go out of town - bulldoze down the trees, build a house and then try to require previous residents to "toe the mark" and "clean up" their property to someone else's standard.

These people in NH are not able to see my property from their houses and are not required to drive by my property to get to their property; e.g. Marg and Gordon Monroe live almost a mile away from me, but signed the petition because she has befriended Eddy before by denying me my rights (Magis. Ct.). Also, these people either don't know how, are not allowed, or don't choose to work on anything in their yards (Car, lawn mower, etc.) in general.

On the other hand, I work on stuff in my yard all the time. This is not against the law ! And I don't live in NH.

I have several utility trailers and car trailers ~~and~~ legally licensed and use them on an ongoing basis. I was not born with the proverbial " silver spoon " in my mouth and find it necessary to have to work on stuff to get by.

I also have a license to operate a garage or work on cars. To try to deny me to work on stuff, is to try and deprive me of my livelehood. The wheel" will probably "squeak" even more when I begin working on cars more full time.

I do not have any abandoned buildings on my property and question why or how the WCC is even trying to apply this law to me. Also, perhaps the WCC could recognize that it should be an extreme conflict of interest for Eddy to try to get this committee to try to do his own "dirty work".

Likewise, these reputable NH area residents try to harass me by calling in a false fire alarm (when I am burning brush and wood in a barrel), and then lie by telling the Fire Department that the fire is out of control and no one is there, thus wasting the Fire Department's time (it is also illegal). This situation was investigated and the person doing the calling was identified. The Fire Chief says he has no choice but to respond each time he receives a call. It is not surprising to see the names of these criminals on the subject petetion.

Further, I invite all the residents of Wood County to drive out Rector Road to see all the "supposed" debris, overgrown vegetation, junked vehicles and abandoned buildings at my property behind NH. There may be an Eddy of "Political Influence" trying to "take over" next to you next time.

I am a Vetern and I can assure you that I did not choose to serve my country so that an arrogant little man sucking on a big cigar could say that he would get rid of me just because he has money (is he a Vetern?).Further, I would not only invite, but ask, other Veterns of this area to drive by and see what this Commission and Committee is trying to do to appease the squeaking wheel of political influence.

The "abandoned building" on my property that Eddy hopes for is my house!!!!!!!.

At my request, the Ab.Bldg.Comm. representative viewed my property and informed me that I should put this away, hide that, remove this can of spray paint from my picnic table, etc. I did that. But then Eddy apparently ^{was} not satisfied and he squeaked some more. Then someone else decides I need to do something else. If Eddy is not satisfied - then he squeaks some more and the old wheel of Political Influence wants to satisfy him. Now its something else or someone else's opinion. Show me a definitive code that tells me what I am allowed to work on or have in my yard. And, since this type of thing is not enforced county-wide then it becomes discriminatory and subject to "Political Influence". I have ^{now} been informed that even a house that someone is living in can be called an "abandoned building" by the WCC and Prosecurter Conley.

I have even returned home and found Eddy and his wife trespassing on my property and walking around in my yard.

Again, I repeat - If I am violating the law, then I will work with the WCC or the A B Comm. Engr. to correct the situation, I have not refused to co-operate. But I think there should be a set standard or a standard code for me to use as guidance, rather than the whim or fancy of an Eddy trying to make someone conform to his demands.

So, in closing I ask the WCC to make a determination of specifically what it is that you expect or want me to do - and perhaps have one individual convey that to me and be the one to tell you that I have satisfied his wishes. Currently, the "squeaking wheel " has caused conflicting opinions to send mixed signals about what you want or what the law really requires.