

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, NOVEMBER 4, 2004

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 from August 19, 2004.

At 10:30 A.M., the County Commission held a hearing in regard to the estate of Alma J. York. Mary C. Cowan, James A. Miller, Richard Rader and Daniel Rader were present. They would like to have Fredrick A. Rader removed as the executor; they are trying to get the debts paid; the will states that if Fredrick won't take care of the problem, then Kathy is supposed to be the next to take care of the estate; Fredrick lives in Florida; the home is deteriorating; there are seven children all together; Fredrick took the money and spent it; Fredrick has cancer and has had an operation on his head; they say his health condition is poor; they want the debts paid and want the Commission to help them. More discussion took place. Dan Marshall is Fredrick's attorney, but someone told them Fredrick fired Mr. Marshall. Commissioner Modesitt called Mr. Marshall during this hearing. Mr. Marshall stated that at the present time he is representing him, but he is about to discontinue that representation. Mr. Marshall wasn't aware of this meeting today, but feels it is appropriate to give notice to Mr. Rader; Kathy would be competent in replacing Fredrick; the only asset of the estate is the residence; Mr. Rader had surgery had brain cancer and isn't sure he has recovered. The Commission, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt,

Ordered that this hearing be rescheduled for November 22, 2004 at 10:30 A.M. and Mr. Rader, as well as all other heirs, be notified. Jay Day, County Clerk's Office, was present.

At 11:00 A.M., the County Commission met with Chief Charlie Johnson to discuss the purchase of vehicles.

At 11:30 A.M., the County Commission met with Walt Auvil to discuss the expenditure of public funds. Mr. Auvil stated he is objecting to the Commission's expenditure of \$1,000.00 paid to the Parkersburg News and Sentinel for what is described as a Bush banner, political banner; the billing date is 9/30/04; the invoice was paid by the County Commission out of public funds. (Tape turned over) Mr. Auvil described the banner and discussed Bush's visits; the first visit was not political; the second visit was a political re-election visit; Commissioner Modesitt and Commissioner Merritt were both candidates at the time this banner was published; WV Code 6-6-1 prohibits the wasting or misappropriations of public funds by any officer and it applies to the County Commission; WV Code 3-8-2 has several provisions that have been violated by the actions of the Commission by using public funds to purchase the banner; it is his belief that no financial statement was filed advocating the reelection of President Bush; he also believes that since \$1,000.00 was spent, that a financial statement was not filed with the Secretary of State. More discussion took place. He is here to make a request that the Commission refund to the public funds, the amount of \$1,000.00 for this political ad. Commissioner Modesitt stated that the request to the West Virginia Ethics Commission wasn't an action of the Commission, Mr. Tebay had suggested it, but he made the phone call and they issued an opinion. Mr. Auvil stated he thinks that was an admission of an illegal meeting; it is required that if a quorum meets to discuss a public issue, there should be notice, noted on the agenda, etc. Mr. Modesitt stated there was no meeting, he, individually made the phone call;

there was not a meeting. Mr. Auvil stated that none of it was on any agenda. Mr. Modesitt stated lottery funds are always on the agenda. Mr. Auvil stated that lottery funds are taxpayers funds, they aren't your funds to use at your personal political discretion, or anyone else's.

The County Commission, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, announced to all concerned that they will be sitting, Ex-Officio as a Board of Canvassers on Monday, November 8, 2004 at 9:30 A.M. for the purpose of canvassing and ascertaining the results of the General Election held on Tuesday, November 2, 2004. 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 EXECUTE a RESOLUTION that hereby AUTHORIZES Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE all necessary documents in regard to the Local Economic Development Assistance Program application for the SW Resources, Inc. in the amount of ten thousand dollars and 00/100ths cents (\$10,000.00). Pertinent documentation pertaining to the aforementioned Local Economic Development 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 Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, did hereby AUTHORIZE Tiano-Knopp Associates, Parkersburg, WV, to ascertain what projects Wood County would qualify for in regard to funding from the Courthouse Facilities Improvement Authority. Consequently, the County Commission of Wood County would also authorize the said Tiano-

Knopp Associates to prepare an application requesting funding from the said Courthouse Facilities Improvement Authority. An Order was prepared regarding this matter.

The County Commission of Wood County was in receipt of a letter from the Governor's Representative for Highway Safety, West Virginia Department of Transportation, Charleston, WV, ADVISING the said County Commission of the APPROVAL of funding in the amount of ten thousand dollars and 00/100ths cents (\$10,000.00) from the Highway Safety Grant Program Number F04-157/INV3-04. The aforementioned funding would be utilized for the Click It or Ticket Challenge Incentive Program. Documentation pertaining to the DUI Enforcement Program Section 410 Alcohol Incentive Fund 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 Robert K. Tebay, seconded by K.D. Merritt and passed, did hereby EXECUTE a RESOLUTION that AUTHORIZES Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE the LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT PROGRAM CONTRACT between THE WEST VIRGINIA DEVELOPMENT OFFICE and the WOOD COUNTY COMMISSION in regard to funds allocated to the Julia-Ann Square Historic District. The aforementioned funds are in the amount of twenty thousand dollars and 00/100ths cents (\$20,000.00) and are to be utilized for the acquisition and installation of seventy-three (73) post lights in the said Julia-Ann Square Historic District. The aforementioned Grant Program shall be completed by June 30, 2005 and may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Local Economic Development Assistance Grant Program. Any changes to the scope of the services of the work to be performed, as stated above, shall be mutually agreed upon by and

between the West Virginia Development Office and the County Commission, and shall be incorporated in written agreements to this Contract. The aforementioned Contract may be terminated by giving written notice, one party to the other party, and specifying the effective date of such termination. Sealed bids must be solicited for all commodities or supplies related to this Project, which have an estimated value of over ten thousand dollars and 00/100ths cents (\$10,000.00). An Order was prepared regarding this matter.

Mary R. Rader, Director of the Wood County Planning Commission, presented to the County Commission of Wood County a plat of Lot Number twelve (12) in Miller's Landing Subdivision, Phase I. The said Lot Number Twelve (12) in Miller's Landing Subdivision, Phase I is located in Clay Taxing District and is being developed by Michael A. Miller. Water and sewer facilities are being provided by Claywood Park Public Service District and all other utilities will be provided by the appropriate utility companies. Application was made to the Division of Environmental Protection, Charleston, WV for the NPDES (National Pollutant Discharge Elimination Service) Permit that controls soil erosion. A Homeowners' Association has been prepared for the purpose of maintaining the streets within the aforementioned Subdivision. A topographic map is on file, along with a Soils Report Map for the Miller's Landing Subdivision. The right-of-way providing access to the aforementioned Lot Number Twelve (12) is completed as per the specifications of the Subdivision Regulations for Wood County; therefore, a bond is not required. The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and passed, did hereby give APPROVAL to Rick Modesitt, in his official capacity as President and on behalf of the County Commission to EXECUTE the plat of Lot Number Twelve (12) in the Miller's Landing Subdivision for recordation. An Order was prepared regarding this matter.

The County Commission of Wood County was in receipt of a Work Change Proposal Request from ZMM, Inc., Charleston, WV, in regard to the renovations to the Judge Donald F. Black Courthouse Annex, Parkersburg, WV, for County offices. The aforementioned Work Change Proposal Request asks that Silverheels, Incorporated, Marietta, Ohio, Contractor for the renovation project, submit an itemized proposal for changes in the Contract sum and Contract time for proposed modifications to the Contract documents in reference to the storm water drainage at the said Judge Donald F. Black Courthouse Annex. The Architect, ZMM, Inc., has provided two (2) options for the aforementioned storm water drainage. An Order was prepared regarding this matter.

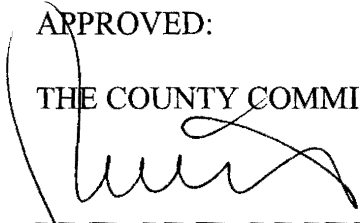
Mary R. Rader, Director of the Wood County Planning Commission, presented to the County Commission of Wood County, a plat of the Redivision of Lot Numbers 1, 2 and 3 of the C.P. Corbitt's Second Addition Subdivision. The said C.P. Corbitt's Second Addition Subdivision is located in Union Taxing District and redivides lot numbers 1, 2 and 3 into two (2) tracts of land; each tract being 0.136 acre. The aforementioned lot numbers 1, 2 and 3 are owned by Danny R. Cross and Audrey J. Cross. The aforementioned C.P. Corbitt's Second Addition Subdivision was previously approved by the County and appears in Plat Book 2 at Page 27. The Planning Commission of Wood County did not set a bond since the aforementioned Subdivision has been completed. The Wood County Planning Commission has given approval to the said Redivision of Lot Numbers 1, 2 and 3 of the C.P. Corbitt's Second Addition Subdivision at their regular monthly meeting held on November 3, 2004. The County Commission of Wood County, after consideration and review, did hereby give APPROVAL to the plat of the Redivision of Lot Numbers 1, 2 and 3 of the C.P. Corbitt's Second Addition

Subdivision for recordation upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt. An Order was prepared regarding this matter.

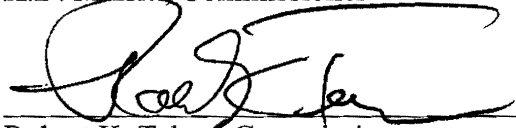
Having no further scheduled appointments or business to attend to, the County Commission adjourned at approximately 12:00 Noon.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY



Rick Modesitt, President

K.D. Merritt, Commissioner

Robert K. Tebay, Commissioner

PURCHASE ORDERS APPROVED ON NOVEMBER 4, 2004

30115	E.F. Johnson Company	277199.20
30107	Office Depot	83.05
32158	HR Direct	149.17
32200	Tri-State Roofing	2011.07
32204	Mahone Tire	41.45
32266	Glotfelty Enterprises	26.00
32292	Wal-Mart	172.35
32314	Parkersburg Office Supply	149.99
32316	Bosley Rental	129.00

To listen to this meeting, please refer to Tape #433.

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Wood County Commission Meeting

Held NOVEMBER 4, 2004

Please Print

1.	DANIEL GREEN RADER
2.	WALT AUVIL
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