

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD  
MONDAY, NOVEMBER 29, 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 October 18, 2004 and October 25, 2004.

At 10:30 A.M., the County Commission met with Toni Tiano and Tim Knopp, Tiano-Knopp Associates, to give an update on grants for Wood County. Mr. Knopp presented the Commission a list of Wood County Commission grants prepared by Tiano-Knopp Associates since 2002. ( A copy of the list is attached to these minutes and should be made a part thereof.) Discussion took place about miscellaneous grants.

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 AUTHORIZES Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE an application for a grant with the West Virginia Governor's Highway Safety Program through the State of West Virginia's Department of Motor Vehicles, Charleston, WV. Such grant application is being filed for the purpose of the Click It or Ticket Challenge Incentive Award that was given to the Parkersburg Police Department in the amount of ten thousand dollars and 00/100ths cents (\$10,000.00). The said award is through the DUI Enforcement Program, Section 410 Alcohol Incentive Funds

Program Number F04-157/INV3-04. In addition to the EXECUTION of the aforementioned RESOLUTION, the County Commission of Wood County, within the same motion, did hereby AUTHORIZE Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE the GRANT CONTRACT AGREEMENT by and between the West Virginia Department of Transportation, Division of Motor Vehicles, Charleston, WV, and the Wood County Commission, Wood County, WV. The aforementioned Grant would be for the period of November 1, 2004 through October 31, 2005. The Grant Application and all pertinent documentation pertaining to the DUI Enforcement Program, Section 410 Alcohol Incentive Fund Program is on file in the Office of the County Administrator.

At 10:45 A.M., the County Commission met with Rich Shaffer from the Wood County Assessor's Office to discuss a YMCA proposal for county employees. Mr. Shaffer discussed having the County start an exercise program at the YMCA. He would like the Commission to pay the membership for employees. After discussion, the County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by Robert K. Tebay and made unanimous by K.D. Merritt, did hereby TABLE the YMCA Proposal for County employees until Thursday, December 2, 2004. Such CONTINUANCE would allow Rich Shaffer from the Assessor's Office to poll all County employees, not just employees of the Assessor's Office. An Order was prepared regarding this matter.

The 11:15 A.M. appointment with Fred Rader from the Mid-Ohio Valley Regional Council to discuss a HMPG Grant was rescheduled for December 2, 2004.

The County Commission met with Gerald Shaffer who discussed the opening of a right-of-way between 32<sup>nd</sup> and 33<sup>rd</sup> Streets in Vienna. A copy of a letter he read is attached to these

minutes and should be made a part thereof. The Commission scheduled a site-visit for December 16, 2004.

The County Commission of Wood County was in receipt of a check from the State of West Virginia in the amount of seventeen thousand two hundred sixty dollars and fifty-nine cents (\$17,260.59) which represents reimbursement to Wood County for expenses incurred during the time period of July 1, 2004 through September 30, 2004, in regard to the Mid-Ohio Valley Regional Highway Safety/Safe Communities Program Grant Number F04HS-10. Receipt of the aforementioned check is pursuant to an Order appearing in Order Book 66, at Page 424 and bearing the date of October 25, 2004, at which time Rick Modesitt, in his official capacity as President and on behalf of the County Commission, was AUTHORIZED to EXECUTE the Request for Reimbursement. Documentation pertaining to the Mid-Ohio Valley Regional Highway Safety/Safe Communities 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 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 03-VAW-008. Wood County incurred expenditures in the amount of twelve thousand four hundred fifty-four dollars and eighty-four cents (\$12,454.84) during the period of July 1, 2004 to September 30, 2004. However, the Request for Reimbursement is in the amount of eight thousand two hundred nine dollars and four cents (\$8,209.04) which represents payment of services provided by Angela Ramsey, Assistant Prosecuting Attorney, who is responsible for enhancing the Silence Affects Families Everywhere (S.A.F.E.) Team. Funds in the amount of four thousand

two hundred forty-five dollars and eighty cents (\$4,245.80) were utilized as cash funds, as set forth in the aforementioned Grant. In addition to the Request for Reimbursement, the Prosecuting Attorney Reports for the months of July, August and September, 2004, the Daily time Records for the Assistant Prosecuting Attorney, and the Financial Reports for the Assistant Prosecuting Attorney, 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, 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 STOP Violence Against Women Grant Number 03-VAW-008. Wood County incurred expenditures in the amount of two thousand eight hundred nineteen dollars and twenty-nine cents (\$2,819.29) during the month of October, 2004. However, the Request for Reimbursement is in the amount of one thousand nine hundred seventy-four dollars and forty-eight cents (\$1,974.48) which represents payment of overtime compensation paid to law enforcement personnel of the City of Vienna, the City of Parkersburg and the Wood County Sheriff's Department in regard to the STOP Domestic Violence Against Women Program Grant. Funds in the amount of eight hundred forty-four dollars and fifty-one cents (\$844.51) were utilized as cash funds, as set forth in the aforementioned Grant. In addition to the Request for Reimbursement, the Monthly Reports for the Wood County S.A.F.E. Team; the Demographic Report of City of Parkersburg Law Enforcement; the Demographic Report of the City of Vienna Law Enforcement; the Demographic Report of the Wood County Sheriff's

Department; the Daily Time Records for law enforcement officials at the City of Parkersburg, the City of Vienna and the Wood County Sheriff's Department; Financial Information for the City of Parkersburg Law Enforcement officials; Financial Information for the City of Vienna Law Enforcement officials; Financial Information for the Wood County Sheriff's Law Enforcement; Financial Information for the S.A.F.E. (Silence Affects Families Everywhere) Team; 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, 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 Juvenile Justice and Delinquency Prevention Grant Number 03-JJC-014. Expenditures in the amount of eight hundred eight-nine dollars and fifty cents (\$889.50) were incurred by the Wood County during the month of October, 2004, which represents payment of materials and supplies as set forth in the aforementioned Grant. In addition to the Request for Reimbursement; the Monthly Report; the Financial Recap; and the Project Financial Report are being submitted to the Criminal Justice Services, Charleston, West Virginia. Documentation pertaining to the Juvenile Justice and Delinquency Prevention 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 a check from the State of West Virginia in the amount of seventeen thousand two hundred sixty dollars and fifty-nine

cents (\$17,260.59) which represents reimbursement to Wood County for expenses incurred during the time period of July 1, 2004 through September 30, 2004, in regard to the Mid-Ohio Valley Regional Highway Safety/Safe Communities Program Grant Number F04HS-10. Receipt of the aforementioned check is pursuant to an Order appearing in Order Book 66, at Page 424 and bearing the date of October 25, 2004, at which time Rick Modesitt, in his official capacity as President and on behalf of the County Commission, was AUTHORIZED to EXECUTE the Request for Reimbursement. Documentation pertaining to the Mid-Ohio Valley Regional Highway Safety/Safe Communities 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 fully EXECUTED AGREEMENT between the Wood County Commission, Parkersburg, WV, and J.C. Bosley Construction, Inc., Mineral Wells, WV, in regard to the Wood County Fort Boreman Historical Park Project. The County Commission of Wood County was further in receipt of the fully EXECUTED AGREEMENT that sets forth that any artifacts found during construction at the Wood County Fort Boreman Historical Park Project will be the property of the County Commission of Wood County. Receipt of the aforementioned fully EXECUTED AGREEMENTS is pursuant to an ORDER appearing in Order Book 66, at Page 447 and bearing the date of November 18, 2004, at which time Rick Modesitt was AUTHORIZED to enter into such AGREEMENTS on behalf of the County Commission of Wood County. 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 ORDER that twenty-five (25) copies of the book entitled, A River To Cross, be donated to the Wood

County Board of Education and consequently distributed to school libraries. The book, A River To Cross, was written by Dr. Phillip Sturm and sets forth the history of Wood County. Dr. Sturm was commissioned by the County Commission of Wood County to write such book for Wood County's Bicentennial. An Order was prepared regarding this matter.

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 Ron Nelson's term expires on December 31, 2004 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 Boards and Authorities. The new term will expire December 31, 2009. Upon a letter of recommendation from James Miracle, Chairman of the Historic Landmarks Commission, the County Commission, upon a motion made by K.D. Merritt, seconded by Robert K. Tebay and made unanimous by Rick Modesitt, placed Ron Nelson in nomination for reappointment. An Order was prepared regarding this matter.

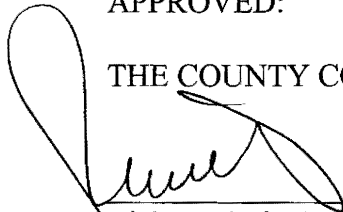
The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, did hereby ORDER that a Public Auction be held for the purpose of selling used police vehicles and other miscellaneous County property in accordance with Chapter 7, Article 3, Section 3 of the Code of West Virginia, 1931, as amended. The aforementioned Public Auction will be held on Monday, December 20, 2004, at 11:00 o'clock A.M. in the rear of 328 Second Street, Parkersburg, West Virginia. A Legal Notice advertising such Public Auction will appear in both local newspapers, The Parkersburg News and The Parkersburg Sentinel on December 6, 2004 and on December 13, 2004. 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. 4 in the General County Fund budget for the fiscal year 2004/2005. Receipt of said Approval is pursuant to an Order appearing in Order Book 66, at Page 451 and bearing the date of November 22, 2004, at which time the Request for Revision was signed by Rick Modesitt, 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 approximately 2:00 P.M.

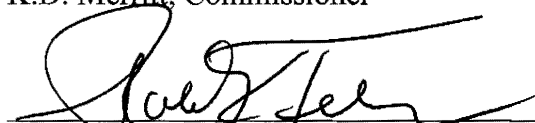
APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY



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Rick Modesitt, President

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K.D. Merritt, Commissioner



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Robert K. Tebay, Commissioner

PURCHASE ORDERS APPROVED ON NOVEMBER 29, 2004

30119	State Electric Supply	163.97
30123	Broadwaters Motorcar	60.78
30133	Wharton Cadillac	115.00
30145	Runyon Lock Service	27.25



30157	Parks Hardware	8.98
30147	Broadwaters Motorcar	21.70
32220	State Electric Supply	44.41
32236	Laptop for Less.com	1073.00
32312	Parkersburg Office Supply	117.60
32340	Broadwaters Motorcar	275.00
32362	Qualification Targets	351.40
32368	Broadwaters Motorcar	12.24
32382	Glotfelty Enterprises	26.00
32384	Sam's Club	598.50
32386	Wal-Mart	59.26
32388	Office Depot	12.78
32390	Gall's Inc.	115.98
32392	Sam's Club	12.17
32394	Wal-Mart	47.84
32396	Ohio Valley College	80.00
32406	Fanelli Boys	49.95
32408	Broadwaters Motorcar	262.94
32410	Glotfelty Enterprises	340.16
32416	Lowe's	27.94
32418	Broadwaters Motorcar	20.00

To listen to this meeting, please refer to Tape #440 and Tape #441.

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Wood County Commission Meeting

Held NOV 29, 2004

**Please Print**

1.	Toni Ticano
2.	Tim Knopp
3.	Rich Shaffer
4.	JERRY SHAFER
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Jerry Shaffer  
999 Rector Rd.  
Parkersburg, W.Va. 26105  
November 29

WOOD COUNTY COMMISSION  
Parkersburg, W.Va.

Re: Opening of All  
32nd-33rd Sts.  
to end of 11th  
Petition of re

*Submitted for the  
recd by Jerry  
Shaffer 11/29/04*

Commissioners:

I appeared before this Commission in 1995 and petitioned for the opening of this alley Right-of-Way to access my property which is currently landlocked with no other road RoW access. Although there was no official objection, and even though this Commission had initially given me approval to go ahead and open and improve the alley, I was told that I could use the RoW but not improve it at that time.

I subsequently appealed that decision and was told that the Prosecuting Attorney's Office was being consulted and the Commission or the County Administrator would notify me with an answer. Nine years later and this Commission still will not respond!!!

Every request that I have made to this Commission and to the County Administrator on this subject has been ignored. I recently petitioned this Commission again for approval to "improve" this alley. Months have now passed and no answer has been given on a request which could have been answered in a week.

Almost all of the other alley RoW in Vienna are open and being used. They are laid out the same and are of much the same width (all being laid out and dedicated in a sub-division in 1903). According to the county Assessor's Office, this alley RoW is a dedicated RoW.

According to legal counsel, any landowner in the sub-division has the right to petition for the opening of the alley RoW. And unless there is just cause, the Commission does not have the right to with-hold the use or opening of the RoW.

In this case, this RoW is the only RoW access that I have. If this RoW is 10' wide, it is wide enough to allow access and cannot justifiably be with-held. Likewise, the Assessor's Office is currently increasing the valuation of this property by thousands of

dollars while this Commission maintains a landlocking chokehold and refuses to do their sworn duty and issue an answer (and actually open the RoW). So, I'M expected to continue paying higher taxes on the property while being denied access by this Commission.

If I cannot get an answer from my petition before this Commission and no promised response from the County Administrator then I can then only make assumptions based on those actions (or lack thereof) as to the cause.

First, I assume that it is your job and your duty to give a timely and fair response to anyone who appears before the Commission and petitions an action.

Since much case law has set an obvious precedent in this case, I assume that the Commission does not then want to allow me access to this needed RoW for some other reason !

Also, since there is no justifiably reason for the denial of access or improvement to the RoW, then I must assume that there is some political influence involved in the Commission's refusal to authorize the improvement.

Lastly, I assume that this Commission's refusal to authorize the improvement is a means of "buying time" to delay the opening of the alley for as long as possible, or to try and force me to take legal action to improve the alley (another delay).

I hope that most of my assumptions are incorrect. However, the facts do remain that I am being treated like a "second-class" citizen and am being denied the same rights as any other like petitioner before this Commission. Thus, I ask you once again to authorize the improvement of this subject alley RoW.

Nine years of delay represents considerable punishment and sacrifice.

Respectfully submitted,

  
Jerry Shaffer

**WOOD COUNTY COMMISSION GRANTS - 2004**  
**Prepared By Tiano-Knopp Associates, Inc.**

<u>TITLE</u>	<u>AMOUNT</u>
Comprehensive Highway Safety Program	\$110,800*
Sustained DUI Enforcement Program	\$ 60,000*
Highway Safety Incentive Program	\$ 10,000*
SOBER Underage Drinking Program	\$ 37,350**
Project REPAY (Juvenile Community Service) & Youth Transition After Care Program	\$ 29,760**
Juvenile Justice Liaison	\$ 29,016**
Program QUIT (Substance Abuse Counseling)	\$ 7,500**
YIELD Program (Incorrigible Youth Counseling)	\$ 7,500**
PEACE Program (Anger Management Counseling)	\$ 28,100**
Victims Advocate	\$ 42,333**
STOP Domestic Violence Against Women	\$ 38,470**
Local Law Enforcement Block Grant	\$ 13,849**
Community Gun Violence Prosecution	\$ 40,000**
Project Safe Neighborhoods Gun Violence Safety	\$ 28,000**
Court Security	\$ 57,000**
Homeland Security - Citizens Corps Grant Program	\$ 10,000**
Homeland Security - Homeland Security Planner	\$ 50,000**
Homeland Security - Law Enforcement Terrorism Prev.	\$295,940**
Homeland Security	\$ 30,000**
<b><u>TOTAL</u></b>	<b><u>\$925,618</u></b>

\* Research and Prepare Grant Application - **Provide Daily Program Oversight**

\*\* Research and Prepare Grant Application - **Provide Monthly Administration**

**Grant Applications Prepared With No Funding Decision**

EMPG	\$ 43,145
Records Management/Assessor's Office	\$ 52,000
WV Dept of Transportation/Fort Boreman/Letter Intent	\$ 90,000
<b>TOTAL</b>	<b>\$185,145</b>

**WOOD COUNTY COMMISSION GRANTS - 2004**

**Prepared By Tiano-Knopp Associates, Inc.**

**Page Two**

**Grant Applications Prepared With Funding Request Denied**

Community Corrections	\$160,151
WV Solid Waste/Chipper	\$ 20,000
<b>TOTAL</b>	<b>\$180,151</b>

**WOOD COUNTY COMMISSION GRANTS - 2003**  
**Prepared By Tiano-Knopp Associates, Inc.**

<u>TITLE</u>	<u>AMOUNT</u>
Comprehensive Highway Safety Program	\$122,107*
DUI Enforcement Program	\$ 19,500*
Highway Safety Incentive Program	\$ 16,500*
SOBER Underage Drinking Program	\$ 57,000**
Project REPAY (Juvenile Community Service) & Youth Transition After Care Program	\$ 35,305**
Juvenile Justice Liaison	\$ 34,505**
Program QUIT (Substance Abuse Counseling)	\$ 3,500**
YIELD Program (Incorrigible Youth Counseling)	\$ 3,500**
PEACE Program (Anger Management Counseling)	\$ 45,000**
Victims Advocate	\$ 44,633**
STOP Domestic Violence Against Women	\$ 38,000**
Local Law Enforcement Block Grant	\$ 30,154**
Community Gun Violence Prosecution	\$ 40,000**
Project Safe Neighborhoods Gun Violence Safety	\$ 28,000**
Public Safety Foundation of America	\$ 53,200**
 <u>TOTAL</u>	 <u>\$570,904</u>

\* Research and Prepare Grant Application - Provide Daily Program Oversight

\*\* Research and Prepare Grant Application - Provide Monthly Administration

**Grant Applications Prepared With Funding Request Denied**

Courthouse Facilities - Judge Donald F. Black Courthouse Annex	\$ 80,000
Courthouse Facilities - Community Corrections	\$ 80,000
WV Dept. of Natural Resources/Chipper	\$ 20,000
TOTAL	\$180,000

**WOOD COUNTY COMMISSION GRANTS - 2002**  
**Prepared By Tiano-Knopp Associates, Inc.**

<u>TITLE</u>	<u>AMOUNT</u>
Comprehensive Highway Safety Program	\$179,257*
DUI Enforcement Program	\$ 20,000*
Highway Safety Incentive Program	\$ 10,000*
Drunk Driving Prevention	\$ 7,500*
SOBER Underage Drinking Program	\$ 57,000**
Project REPAY (Juvenile Community Service) & Youth Transition After Care Program	\$ 34,210**
Juvenile Justice Liaison	\$ 33,410**
Program QUIT (Substance Abuse Counseling)	\$ 17,875**
YIELD Program (Incorrigible Youth Counseling)	\$ 17,975**
PEACE Program (Anger Management Counseling)	\$ 28,250**
Victims Advocate	\$ 40,578**
STOP Domestic Violence Against Women	\$ 36,400**
Local Law Enforcement Block Grant	\$ 9,268**
Local Law Enforcement Block Grant	\$ 13,394**
Bulletproof Vest Program	\$ 3,150**
Community Gun Violence Prosecution	\$ 40,000**
<u>TOTAL</u>	<u>\$556,267</u>

\* Research and Prepare Grant Application - Provide Daily Program Oversight

\*\* Research and Prepare Grant Application - Provide Monthly Administration