

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, OCTOBER 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 invoices and other correspondence.

Paul Tingler was sworn in as a member of the Central Boaz Public Service District.

Bryan Katcher was sworn in as a member of the Wood County Airport Authority.

At 10:30 A.M., the County Commission held a hearing in regard to the estate of Woodrow Mace. Cathy Spears wishes to have Tammy Burge, Executrix, removed. Attorney Robert Ellison, was representing Tammy Burge. Cathy Spears stated that it has been over two years since her father died and she wants it to be settled; there is a house that needs to be sold and money to be distributed; she wants to see bills or receipts on where money has been spent; Tammy lives in the house now along with Penny Doty and Lesa Richards. Robert Ellison stated Mr. Mace died on July 14, 2002; there is a first settlement that was sent to Vance Golden, Fiduciary Commissioner; the will directs Tammy, as Executrix to sell the home; the home appraised for \$79,000.00 and she has reached an agreement with most of the heirs to purchase the house for \$90,500.00; Cathy Spears and maybe one other brother or sister doesn't want that to occur; this sounds like a good deal for the estate; utilities are now in Tammy Burge and her husband's name. Tammy Burge stated that the fence needed replaced and she had it replaced with an identical fence. Woodrow Mace stated he was told there was loans against the estate that need paid; his daughter was told previously she could buy the house for \$65,000.00,

then was told she couldn't buy it she would have to bid on it and she bid \$90,000.00. Mr. Ellison stated that Mr. Mace is referring to parts of the will that refer to those heirs who were given loans before his death and the amount that was already given to them will be deducted from what their share would be. Penny Doty, sister of Tammy Burge, stated she did live at the house off and on and paid utilities and so did Tammy; everyone agreed on the selling of the house except for one person; she (Tammy) has tried to do everything she can with the estate; the fence was falling over and had to be fixed. Another female stated that Tammy has been doing her job and doing it well and agrees the fence needed replaced. Mr. Mace stated that there was a developer interested in the two extra lots and they were worth \$18,000.00 a piece; the home was assessed at \$148,000.00. Mr. Ellison stated there was an appraisal at \$77,000 or \$77,500.00 and one for \$79,000.00. Michelle Nesbitt, granddaughter, lived in the house; she talked to Mr. Ellison about her offer on the house and he told her he wouldn't take her offer. Mr. Ellison stated it wasn't him; it may have been Attorney Dave Palmer. Cathy Spears stated that Mr. Palmer told her to call Tammy about the bids and when she called her she told her that she wasn't taking any more bids. The County Commission, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, denied the request to remove Tammy Burge as Executrix and further moved that this estate be referred to a Fiduciary Commissioner.

The County Commission of Wood County was in receipt of Grant Adjustment Notice Number Two (2) from the Division of Criminal Justice Services, Charleston, WV, in regard to the Juvenile Accountability Incentive Block Grant Number 02-A-D-157. The aforementioned Grant Adjustment Notice hereby CLOSES out the aforementioned Grant. 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.

The County Commission of Wood County was in receipt of a check in the amount of four thousand nine hundred fourteen dollars and 00/100ths cents (\$4,914.00) from the State of West Virginia, which represents reimbursement in regard to the Juvenile Accountability Incentive Block Grant Number 03-A-D-207. Receipt of the aforementioned check is pursuant to an ORDER appearing in Order Book 66, at Page 378 and bearing the date of September 9, 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 for expenses incurred during the month of August, 2004. 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.

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 EXECUTE a MUTUAL ASSISTANCE AGREEMENT by and between S.F. GREINER, in his capacity as Sheriff of Wood County, West Virginia; and Edward Hupp, in his capacity as the Compliance/Enforcement Agent for the Wood County Commission, Wood County, West Virginia; and The Wood County Commission, Wood County, West Virginia. For the purpose of improving the detection, prevention and enforcement of non-compliance with public safety statutes and/or ordinances which occur within Wood County, and thereby benefiting the Citizens of Wood County, the parties to this AGREEMENT hereby mutually agree to assist each other upon request with regard to enforcement of public safety statutes and/or ordinances,

the non-compliance of which creates situations of public nuisance and/or hazard, by providing enforcement personnel, technical assistance and/or equipment of their respective agencies to work in the detection, investigation and enforcement of non-compliance with public safety statutes and/or ordinances. Such AGREEMENT is pursuant to Chapter 15, Article 10 of the West Virginia Code, 1931, as amended. An Order was prepared regarding this matter.

The County Commission of Wood County was in receipt of Work Change Proposal Request Number One (1) from Adam R. Krason, Project Architect with ZMM, Inc., Charleston, West Virginia, in regard to the renovations to the Judge Donald F. Black Courthouse Annex located at Third and Market Streets, Parkersburg, West Virginia. The aforementioned change Proposal is as follows:

Provide all labor, material and equipment for the following:

1. All fixture in the following restrooms shall be fixture type P1H in lieu of P1:108, 115, 131, 132, 156, 159, 180, 181, 190, 191, 195
2. The layout of the following toilet rooms and accessories have been revised to meet accessibility guidelines: 108, 115, 131, 132, 156, 159, 180, 181, 195. If chase walls were removed, all exposed walls are to have a painted gypsum board finish.
3. The location of the casework and skylight in Room 130 has been revised.
4. The counter height adjacent to Door 117 and Door 118 is to be lowered to 30" A.F.F. Please see Note on D/A9-1.

Documentation pertaining to renovations to the Judge Donald F. Black Courthouse Annex 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 Robert K. Tebay and made unanimous by K.D. Merritt, did hereby ORDER that the amount of one thousand dollars and 00/100ths cents (\$1,000.00) be CONTRIBUTED to the Disaster Relief Fund of the American Red Cross to assist in the recent flooding as a result of

Hurricane Ivan. The aforementioned CONTRIBUTION is to be taken from funds received from video lottery funds. An Order was prepared regarding this matter.

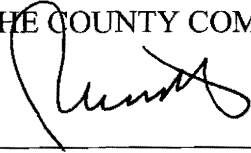
Duane Jones, Assistant Director of the Wood County Telecommunications Center presented to the County Commission of Wood County, a New Road Name Request Form from Ben Morgan to name the road to his residence. The said Request does not interfere with the scheduled readdressing and mapping for the E-9-1-1 Master Street Addressing Guide. Mr. Morgan requested the road be named FORTUNATO LANE. The road to be known as FORTUNATO LANE is located 1.7 miles out Ewing Ridge Road on the right in Williams Taxing District, Tax Map 90, Parcel Number 000E. The request by Mr. Morgan 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 Ben Morgan, 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 FORTUNATO 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.

Duane Jones, Assistant Director of the Wood County Telecommunications Center presented to the County Commission of Wood County, a New Road Name Request Form from

Woodrow W. Moss and Deborah J. Moss to name the road that provides access to residences. The said Request does not interfere with the scheduled readdressing and mapping for the E-9-1-1 Master Street Addressing Guide. Woodrow W. Moss and Deborah J. Moss, along with resident James Dawkins, requested the road be named MOSSY LANE. The road to be known as MOSSY LANE is located East on Route 50, five (5) miles to second Murhpytown Exit, exit right on Murphytown Road, third driveway on left, up the hill to forks, turn on right fork in Clay and Walker Taxing Districts, Tax Map 170, Parcel Number 330 and Tax Map N11, Parcel Number B4. The request by Woodrow W. Moss and Deborah J. Moss 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 Woodrow W. Moss and Deborah J. Moss, 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 MOSSY 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.

APPROVED:

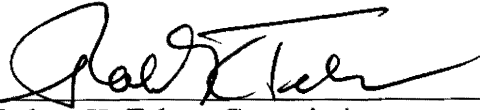
THE COUNTY COMMISSION OF WOOD COUNTY



Rick Modesitt, President



K.D. Merritt, Commissioner



Robert K. Tebay, Commissioner

To listen to this meeting, please refer to Tape #424.

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OCT 21, 2004

1. Robert A. Ellison, Attorney for Estate
2. Tammy Burge
3. Jessa Richards
4. Penny E. Doty
5. Cathy M. Spears
6. Robert D. Spears
7. Woodrow A. Mace
8. Michelle R. Nestitt
9. Paul Tingle
- 10.