

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, JANUARY 10, 2005

PRESENT: RICK MODESITT, PRESIDENT
ROBERT K. TEBAY, COMMISSIONER
GARY D. DEEM, COMMISSIONER

At 9:30 A.M., the County Commission of Wood County met in regular session. They signed invoices and other correspondence.

The County Commission, upon a motion duly made, seconded and passed, approved an Erroneous Assessment Application in regard to real property for James R. Modesitt – Parkersburg City District (2004).

The County Commission, upon a motion made by Robert K. Tebay, seconded by Rick Modesitt and passed, approved minutes from November 29, 2004, December 2, 2004, December 6, 2004 and December 9, 2004.

At 10:30 A.M., the County Commission held a hearing in regard to the estate of Elinore Davenport. Attorney William Crichton was present. Mr. Crichton represents Worthington Manor who secured a judgment lien against Elinore Davenport before she passed away; she was a resident of Worthington Manor and before she became eligible for State benefits she incurred debt in an excess of \$12,000.00; she died in December 2004 and Donne Jean Earhart was appointed as Executrix and has qualified; the only asset that they are aware of is a former residence located on 30th Street and it is now on the market; it is vacant and uninsured; they are asking that the property be insured or, if the Executrix won't insure the residence, they would like her removed. Ms. Earhart stated she was requested to insure the property and when she called Westfield Insurance Company who held the insurance previously, they had called and said they would not reinstate the insurance; she called her insurance company and another

insurance company and neither would insure the property; she has submitted an application to a company in Ohio and one in West Virginia and is waiting to hear from them; she would like them to allow this process to continue. Mr. Crichton suggested that maybe Ms. Earhart be bonded. Ms. Earhart lives in Columbus, Ohio and other heirs also live out of town; she was told that she could probably get around \$40,000.00 - \$45,000.00 for the residence. The Commission stated that they feel that Ms. Earhart is doing what she can. Mr. Crichton suggested giving her two weeks to get insurance on the property and then if she can't she should be removed as Executrix. Ms. Earhart asked why she couldn't get a surety bond if she couldn't get insurance. The Commission, upon a motion duly made, seconded and passed, Ordered that Ms. Earhart obtain insurance on the property in the amount of \$45,000.00 or a commercial surety bond in the amount of \$25,000.00.

At 11:00 A.M., the County Commission met with Paul Thornton, Virgil Flinn, Susan McCloud and Howard Taylor from the Wood County Solid Waste Authority and Sammy Burdette from the SW Resources. After discussing recycling, the Solid Waste Authority presented Ms. Burdette a check that will be used to assist in their recycling efforts. Ms. McCloud informed the Commission of sites where they would have dumpsters to help with the flood cleanup.

At 11:15 A.M., the County Commission met with K.D. Merritt, Sheriff; Mark Harris and Brian Rader, Home Confinement Officers, to discuss Home Confinement equipment. Brian Rader gave the Commissioners a copy of what they needed. Sheriff Merritt stated that the warranties have expired on some of the equipment. Mr. Rader stated that the warranties on the main computer server has expired and the warranties on the RFD and transmitters have also expired. Mr. Harris stated that if the system goes down they couldn't monitor anyone who is

on the program. After more discussion, the County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by Gary D. Deem and made unanimous by Rick Modesitt, did hereby AUTHORIZE Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE an Extended Warranty and Support Services Agreement by and between BI Incorporated, Boulder, Colorado, and Wood County, Wood County, West Virginia, in regard to the Computer Hardware being utilized by the Wood County Home Confinement Program. The aforementioned motion also APPROVES that one half of the cost of the Extended Warranty and Service Agreement be paid by the County Commission of Wood County. The annual cost of coverage is in the amount of nine thousand seven hundred fifty dollars and 00/100ths cents (\$9,750.00); therefore, the County Commission of Wood County will make payment in the amount of four thousand eight hundred seventy-five dollars and 00/100ths cents (\$4,875.00) from the General County Fund budget. The remaining cost of coverage will be paid from the Home Confinement Fund budget. An Order was prepared regarding this matter.

Jamie Six, County Clerk, discussed touch-screen voting and optical scan; he says Cabell County has been using it since 2000 and Marion County had switched over to the touch screen during the last election. Mr. Six encouraged the Commission to view the touch-screen voting at a conference in Flatwoods on January 27, 2005. The Commission stated they would attend.

At 11:55 A.M., the County Commission met with Ginny Conley, Prosecuting Attorney, to discuss a request for exemption in regard to the video lottery ordinance. Ginny Conley REQUESTED such EXEMPTION, verbally, on behalf of John Triplett, Attorney for Doctor Mike Shramowiat, in regard to the request from the said Doctor Mike Shramowiat to set up a video lottery business on Forty-Sixth Street, outside the corporation limits of Vienna, West

Virginia. The location of the aforementioned video lottery establishment is in front of the Vienna Fellowship Baptist Church. After discussion, the County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by Gary D. Deem and made unanimous by Rick Modesitt, did hereby DENY the request for an exemption to the LAND USE ORDINANCE FOR LOCATING VIDEO LOTTERY ESTABLISHMENTS ADOPTED by the County Commission of Wood County in May of 2004. Although Doctor Mike Shramowiat was shown on the Agenda for the meeting held on January 10, 2005, Doctor Shramowiat was not present. An Order was prepared regarding this matter.

The County Commission, upon a motion duly made, seconded and passed, DENIED Erroneous Assessment Application No. 2045 in regard to real property. Said Application is in the name of James R. Modesitt; is for Tax Year 2003 and is for property located in Parkersburg City District. The County Commission DENIED said Application due to the fact the Assessor and the Prosecuting Attorney did not sign it. 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, Office of Emergency Services, in the amount of two thousand five hundred dollars and 00/100ths cents (\$2,500.00) in regard to the 2005 HMEP Planning Grant. Receipt of the aforementioned check is pursuant to an application submitted by the Local Emergency Planning Committee (LEPC) of the Office of Emergency Services for Wood County. Documentation pertaining to the HMEP Grant is on file in the Office of the County Administrator and the Office of the Emergency Services for Wood County.

The County Commission of Wood County was in receipt of a check in the amount of three thousand eight hundred forty-five dollars and fifty-eight cents (\$3,845.58) from the State of West Virginia in regard to the Wood County Commission Homeland Security

Grant/Homeland Security Planner Grant Program for the month of November, 2004. Receipt of the aforementioned check is pursuant to an ORDER appearing in Order Book 66, at Page 457 and bearing the date of December 2, 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 the month of November, 2004. Documentation pertaining to the Homeland Security Planner Grant Program 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 thirteen thousand one hundred thirty-five dollars and eighty-three cents (\$13,135.83), of which the amount of two thousand nine hundred thirty-four dollars and eighty-two cents (\$2,934.82) represents reimbursement to Wood County for expenses incurred during the month of November, 2004, in regard to the STOP Violence Against Women Grant Number 02-VAW-008. Receipt of the aforementioned check is pursuant to an ORDER appearing in Order Book 66, at Page 458 and bearing the date of December 6, 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 STOP Violence Against Women Grant Number 02-VAW-008 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 Gary D. Deem 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 three thousand seven hundred forty-five dollars and eighty-three cents (\$3,745.83) during the month of October, 2004, in regard to the Prosecuting Attorney's section of the aforementioned Grant. However, the Request for Reimbursement is in the amount of two thousand four hundred thirty-five dollars and eighty-six cents (\$2,435.86) 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 one thousand three hundred nine dollars and ninety-seven cents (\$1,309.97) were utilized as cash funds, as set forth in the aforementioned Grant, and represents the full benefits and a portion of the salary of the Assistant Prosecuting Attorney. In addition to the Request for Reimbursement, the Financial Information for the Assistant Prosecuting Attorney, the Monthly Report of the Assistant Prosecuting Attorney; the Daily Time Sheets of the Assistant Prosecuting Attorney; and the Project Financial Reports are being submitted to the Criminal Justice Services, Charleston, WV. 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 Gary D. Deem, 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 03-A-D-207. Expenditures in the amount of six thousand four hundred eighty-eight dollars and seventy-two cents (\$6,488.72) were incurred by Wood County during the month of December, 2004. However, the Request for Reimbursement is in the amount of four thousand nine hundred seventy-eight dollars and 00/100ths cents (\$4,978.00) which represents payment of

contractual services provided by Rozann Wilcox, Juvenile Justice Liaison, and Michelle Buckley, Project R.E.P.A.Y./Youth Transition Coordinator. The amount of one thousand five hundred ten dollars and seventy-two cents (\$1,510.72) represents the cash match as set forth in the aforementioned Grant and represents the additional salary and all benefits provided by Wood County to the Juvenile Justice Liaison. 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 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.

The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by Gary D. Deem and made unanimous by Rick Modesitt, did hereby AUTHORIZE the EXECUTION of a RESOLUTION in regard to the Community Corrections Grant Number 05-CC-14. With the EXECUTION of the aforementioned RESOLUTION, Rick Modesitt, in his official capacity as President and on behalf of the County Commission of Wood County, is hereby AUTHORIZED to EXECUTE the GRANT CONTRACT AGREEMENT between the Division of Criminal Justice Services, Charleston, WV, and the Wood County Commission, Wood County, WV; the Subgrantee EEOP Certification; and the Certifications Regarding Lobbying, Debarment, Suspension and Other Special Responsibility Matters, and Drug-Free Workplace Requirements. Documentation pertaining to the Community Corrections 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 Report Number Ten (10) covering the period of October 1, 2004 through December 30, 2004 in regard to the Community Gun Violence Prosecution Grant Number 2002-GP-CX-0127. Funds in the amount of ten thousand dollars and 00/100ths cents (\$10,000.00) were requested through the Phone Activated Paperless Request System from the United States Department of Justice, Office of Justice Programs, Washington, D.C., which represents the salary and most of the benefits of Patrick LeFebure, who has been hired as the Community Gun Violence Assistant Prosecuting Attorney for Wood County. The remaining benefits of Patrick LeFebure will be provided through the budget allocation of the Prosecuting Attorney for Wood County. Documentation pertaining to the Community Gun Violence Prosecution 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 Cash Statements and Asset Lists for the Escrow Account - Expense Fund, the Expense Fund, the Rebate Fund, the Bond Fund and the Principal Prepayment Fund from The Bank of New York, Church Street Station, New York, New York, in regard to the Wood County, West Virginia Single Family Mortgage Revenue Bond Issue, 1997 Series. The said Cash Statements and Asset Lists are for the period ending December 31, 2004. Documentation pertaining to the said Single Family Mortgage Revenue Bonds 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 Grant Adjustment Number Five (5) from the Division of Criminal Justice Services, Charleston, West Virginia, in regard to

the STOP Violence Against Women Grant Number 02-VAW-008. The aforementioned Grant Adjustment does hereby DEOBLIGATE the amount of one thousand three hundred twenty-six dollars and ninety-one cents (\$1,326.91) from the Law Enforcement category of the aforementioned Grant. Therefore, the aforementioned Grant is hereby CLOSED effective January 5, 2005. Documentation pertaining to the STOP Violence Against Women 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 duly made, seconded and passed, appointed Robert K. Tebay to the Wood-Washington-Wirt Planning Commission. The County Commission, upon a motion duly made, seconded and passed, appointed Rick Modesitt to the Mid-Ohio Valley Regional Council. These appointments were inadvertently left off of the January 3, 2005 Order found in Order Book 66, at Page 488. An Order was prepared regarding this matter.

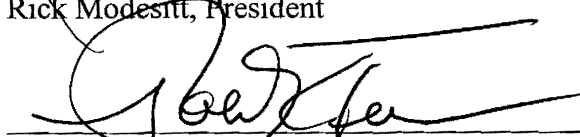
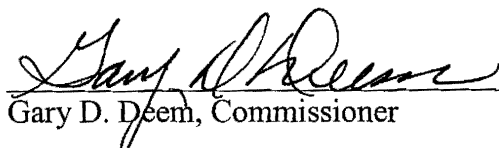
The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by Gary D. Deem and passed, did hereby AUTHORIZE Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE an Application for Funding from the Transportation Enhancement Program, West Virginia Department of Transportation, Charleston, West Virginia. The aforementioned Application requests funding in the amount of one hundred twenty thousand dollars and 00/100ths cents (\$120,000.00) to be utilized for the acquisition and installation of seventy-three (73) pole lights along the public right-of-way in the Julia-Ann Square Historic District, Parkersburg, West Virginia. Matching funds in the amount of thirty thousand dollars and 00/100ths cents (\$30,000.00) will be provided by the said Julia-Ann Square Historic District. A copy of the Application for Funding from the Transportation Enhancement Program, West Virginia Department of Transportation,

Charleston, West Virginia, is on file in the Office of the County Administrator. 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


Rick Modesitt, President
Robert K. Tebay, Commissioner
Gary D. Deem, Commissioner

To listen to this meeting, please refer to Tape #453.

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Wood County Commission Meeting

Held January 10, 2005

Please Print

1.	William Crichton	
2.	Donna Jean Earhart	
3.	Larry Thornton	
4.	Vireil Flinn	
5.	Susan McCloud	Wood Co. Solid Waste Authority
6.	David Jaylen	" " " "
7.	Sammy Burdette	SA Resources
8.	K. D. Denny	
9.	McHane	
10.	Brian Rader	
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