

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, JANUARY 31, 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 purchase orders, invoices and other correspondence.

The County Commission, upon a motion made by Robert K. Tebay, seconded by Rick Modesitt and passed, approved minutes from January 13, 2005.

At 10:30 A.M., the County Commission opened sealed bids for the purchase of equipment for police cars assigned to the Wood County Sheriff's Department. Such sealed bids were received pursuant to a LEGAL NOTICE appearing in both local newspapers, The Parkersburg News and The Parkersburg Sentinel, on January 17, 2005 and on January 24, 2005; and further pursuant to an ORDER appearing in Order Book 66, at Page 449 and bearing the date of November 18, 2004, at which time a motion was duly made, seconded, and passed to let the bid for the aforementioned equipment. Sealed bids were received from the following:

1. Miller Communications
Route 4 Box 474-A
Parkersburg, WV 26101
Bid: \$39,913.65
2. D. R. Ebel Police & Fire Equipment
3203 Woodville Road
Northwood, Ohio 42619
Bid: \$37,122.30

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 take the

aforementioned bid UNDER ADVISEMENT. An Order was prepared regarding this matter. Sheriff K.D. Merritt and Chief Deputy T.R. Smith were present.

At 10:45 A.M., the County Commission met with Toni Tiano, Grant Consultant for Wood County to discuss a domestic violence grant. The County Commission, upon a motion made by Robert K. Tebay, seconded by Gary D. Deem 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 the STOP Violence Against Women Program Grant from the State of West Virginia's Division of Criminal Justice Services, Charleston, West Virginia. The aforementioned Grant Application requests funding in the amount of thirty-eight thousand four hundred seventy dollars and 00/100ths cents (\$38,470.00) for the purpose of continuing the comprehensive domestic violence program which involves the Wood County Prosecuting Attorney's Office, local law enforcement agencies, and the S.A.F.E. (Silence Affects Families Everywhere) Team, which is comprised of representatives from the Family Crisis Intervention Center, Camden-Clark Memorial Hospital, Department of Health and Human Resources, WVU-Parkersburg, St Joseph's Hospital, Wood County Schools, DuPont Washington Works, Kids First Program, 9-1-1 Center, and the Counseling and Wellness Center. Matching funds in the amount of fourteen thousand two hundred twenty-nine dollars and 00/100ths cents (\$14,229.00) will be provided through the Wood County Prosecuting Attorney's Office and the local law enforcement agencies. If funded, the term of the grant would commence on July 1, 2005 and continue until June 30, 2006. The Application and pertinent 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. Ginny Conley, Prosecuting Attorney, was present for this meeting.

At 11:00 A.M., the County Commission met with Ginny Conley, Prosecuting Attorney, to discuss the adoption of an ordinance for all-terrain vehicles. After discussion, County Commission of Wood County, upon a motion made by Gary D. Deem, seconded by Robert K. Tebay and made unanimous by Rick Modesitt, did hereby ORDER that Public Hearings, to be held by both the County Commission of Wood County and the Wood County Planning Commission, be duly advertised in both local newspapers, The Parkersburg News and The Parkersburg Sentinel, soliciting input from the public in regard to the proposed WOOD COUNTY SAFE ROADS ORDINANCE regarding All-Terrain Vehicle use in Wood County. The aforementioned ORDINANCE was prepared by Ms. Conley. An Order was prepared regarding this matter. (A copy of the proposed ordinance is attached to these minutes and should be made a part thereof.)

At 11:45 A.M., the County Commission met with Robert Reed and Mike Ruscitto from Innovative Technologies Group to discuss remedies for bank slippages in Wood County. Mr. Reed stated that they have a patented foundation system; they are professional engineer and technicians located in Vienna; they increase the soil strength, the system compacts and consolidates the soil and drive the moisture out and transform it into a rock. More discussion took place on how their system works and how it can help residents in Wood County.

At 1:30 P.M., the County Commission met with Steven A. Grimm, Assessor of Wood County and Jay Day, County Clerk's Office, to discuss office space in the Wood County Courthouse. After discussion, the County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by Robert K. Tebay, and made unanimous by Gary D. Deem, did

hereby AUTHORIZE Steven A. Grimm, Assessor of Wood County, to retain some office space located on the West side of the Wood County Courthouse in regard to mapping and appraisal functions following the move of the mapping and appraisal function to the third floor at the Wood County Courthouse. The personal property functions of the Assessor's Office, currently located on the third floor, will be moving to the newly renovated Judge Donald F. Black Courthouse Annex in June, 2005. An Order was prepared regarding this matter.

At 1:45 P.M., the County Commission met with Jerry Shaffer to discuss the improvement of an alley right-of-way in Vienna. Mr. Shaffer read a letter of request (a copy is attached to these minutes and should be made a part thereof). 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 ORDER that the City of Vienna be notified in regard to the request from Gerald M. Shaffer to improve an alley between 32nd Street and 33rd Street and Tenth Avenue and Eleventh Avenue in the County of Wood, Williams Taxing District, West Virginia. The aforementioned alley is located in both the City of Vienna and the County of Wood. The County Commission of Wood County did hereby TABLE the aforementioned REQUEST until such time as a response, in writing, has been received by the City of Vienna. 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 EXECUTE a RESOLUTION that AUTHORIZES Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE the GOVERNOR'S COMMUNITY PARTNERSHIP GRANT PROGRAM CONTRACT between THE WEST VIRGINIA DEVELOPMENT OFFICE and the WOOD COUNTY COMMISSION in regard to funds allocated to the Putnam Houser

House located on Blennerhassett Island. The aforementioned funds are in the amount of five thousand dollars and 00/100ths cents (\$5,000.00) and are to be utilized for the construction of two (2) enclosed chimneys for the Putnam Houser House located on Blennerhassett Island. 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 Governor's Community Partnership 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). The Grant Program Contract executed by Rick Modesitt, along with the EXECUTED RESOLUTION, is attached to this ORDER and should be made a part thereof. 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 a letter addressed to the Division of Criminal Justice Services, Charleston, West Virginia, requesting a budget revision in regard to the Community Corrections Grant Number 05-CC-14. The County Commission REQUESTS that the amount of three thousand seven hundred eighty-four dollars and sixty-six cents (\$3,784.66) be reappropriated as follows: 1. The amount of three thousand six hundred forty-eight dollars and sixty-one cents (\$3,648.61) be transferred to the Other

Category, and 2. The amount of one hundred thirty-six dollars and five cents (\$136.05) be transferred to the Insurance line item. 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, upon a motion made by Robert K. Tebay, seconded by Gary D. Deem, and made unanimous by Rick Modesitt, did hereby ORDER that the amount of nine hundred dollars and 00/100ths cents (\$900.00) be ALLOCATED to Fairplains Elementary School. The aforementioned ALLOCATION is to be taken from funds RECEIVED by the County from Video Lottery proceeds. An Order was prepared regarding this matter.

The County Commission of Wood County, upon a motion made by Gary D. Deem, 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 Annual Service Contract by and between Noe Office Equipment, Parkersburg, West Virginia and the County Commission of Wood County, Wood County, West Virginia. The aforementioned Annual Service Contract is for a copy machine, Serial Number SCSH333137, located in the Office of the Sheriff of Wood County and covers the period of January 3, 2005 to January 3, 2006. The annual charge is in the amount of one thousand one hundred dollars and 00/100ths cents (\$1,100.00) and includes one hundred ten thousand (110,000) annual copies with an overage at \$0.01 per copy. The aforementioned Annual Service Contract includes all parts and labor, required preventive maintenance, drum replacements and all consumables including toner. Paper and staples not included. An Order was prepared regarding this matter.

The County Commission, upon a motion made by Robert K. Tebay, seconded by Gary D. Deem, and made unanimous by Rick Modesitt, did hereby AUTHORIZE the purchase of computer equipment for administrative personnel and the construction of an office for the Assistant Director of the Wood County Central Telecommunications Center. In accordance with the letter of request by Randall L. Lowe, Director of the Wood County Central Telecommunications Center, the cost of the office construction and the computer equipment is in the amount of eleven thousand five hundred dollars and 00/100ths cents (\$11,500.00). An Order was prepared regarding this matter.

The County Commission, upon a motion made by Robert K. Tebay, seconded by Gary D. Deem, and made unanimous by Rick Modesitt, did hereby ORDER the purchase of a tablet GIS system, used for mapping and addressing, from MSAG Data Consultants, Orange, Virginia, in the amount of fifteen thousand two hundred eighty-five dollars and 00/100ths cents (\$15,285.00). The software for the aforementioned system is proprietary to MSAG Data Consultants in accordance with the letter from Randall L. Lowe, Director of the Wood County Central Telecommunications Center, and the Director further adding that he is not aware of any software that is compatible with the MSAG software currently being utilized at the said Wood County Central Telecommunications Center. An Order was prepared regarding this matter.

The County Commission did not allocate funding in regard to the request from the Mid-Ohio Valley Regional Science Fair for a contribution in the amount of five hundred dollars and 00/100ths cents (\$500.00) or more, to cover regional fair costs, including awards and travel expenses. The aforementioned Science Fair includes Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, and Wirt Counties. 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 ORDER that THE SPIRIT OF WOOD COUNTY AWARD be presented to Rae Amiss Browne and Anthony Vitti. An Order was prepared regarding this matter..

The County Commission of Wood County, upon a motion made by R.K. Tebay, seconded by G. D. Deem and passed, did hereby EXECUTE a RESOLUTION in which it is Resolved that Rick Modesitt, in his official capacity as President and on behalf of the County Commission, is AUTHORIZED to EXECUTE the GOVERNOR'S COMMUNITY PARTERSHIP GRANT PROGRAM CONTRACT between THE WEST VIRGINIA DEVELOPMENT OFFICE and the WOOD COUNTY COMMISSION in regard to funds allocated to the Young Men's Christian Association (YMCA). The aforementioned funds are in the amount of fifty thousand dollars and 00/100ths cents (\$50,000.00) and are to be utilized for the purchase of equipment, including cardio, aerobic, and strength training machines, for the downtown Parkersburg YMCA facility. 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 Governor's Community Partnership 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.

The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by Gary D. Deem 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 GOVERNOR'S COMMUNITY PARTNERSHIP GRANT PROGRAM CONTRACT between THE WEST VIRGINIA DEVELOPMENT OFFICE and the WOOD COUNTY COMMISSION in regard to funds allocated to the Blennerhassett Foundation, Inc. The aforementioned funds are in the amount of fifteen thousand dollars and 00/100ths cents (\$15,000.00) and are to be utilized for the construction of two (2) enclosed chimneys for the Putnam Houser House located on Blennerhassett Island. 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 Governor's Community Partnership 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.

Duane Jones, Mapping Coordinator with the Wood County Central Telecommunications Center, presented to the County Commission of Wood County, a New

Road Name Request Form from Mona Gandee of Gandee Construction to name the streets in the River's Edge Subdivision. The said Request does not interfere with the scheduled readdressing and mapping for the E-9-1-1 Master Street Addressing Guide. Mona Gandee requested the roads be named GREENBRIER LANE and ELK RIVER DRIVE. The roads to be known as GREENBRIER LANE and ELK RIVER DRIVE are on Route 47 near Kanawha in Clay Taxing District. The request by Mona Gandee 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 Mona Gandee, and the approval from the Wood County Central Telecommunications Center, 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 Gary D. Deem and made unanimous by Rick Modesitt, does hereby ORDER that the aforementioned roads be named GREENBRIER LANE and ELK RIVER 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 Robert K. Tebay, seconded by Gary D. Deem and passed, adopted a Resolution in reference to Budget Revision No. 7 in the General County Fund Budget for the fiscal year 2004/2005. The Request for Revision to the Approved Budget, being submitted to the West Virginia State Auditor – Chief

Inspector Division, Charleston, West Virginia, was signed by Rick Modesitt, President of the Wood County Commission. 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 that employees at the Wood County Central Telecommunications Center be allowed to DONATE up to four (4) days sick time to Garry Freed as requested, by letter, from Randall L. Lowe, Director of the Wood County Central Telecommunication Center. Such AUTHORIZATION is due to the fact that the said Garry Freed is out of sick time since he has been spending time with his mother, who is in the Intensive Care Unit at Ruby Memorial Hospital, Morgantown, WV. An Order was prepared regarding this matter.

The County Commission of Wood County, did not allocate funding in regard to the request from the Actors Guild of Parkersburg, Inc. The said Actors Guild requested that the County Commission of Wood County co-sponsor a Disability Awareness and Education weekend presenting two (2) nationally known physically challenged comedians, Michall Aronin and Brett Leake. The aforementioned request died for a lack of a motion. An Order was prepared regarding this matter.

The County Commission of Wood County was ADVISED that the Division of Criminal Justice Services, Charleston, WV, had erred in the reimbursement check remitted to the County Commission of Wood County in regard to the Victims of Crime Act (VOCA) Program Grant Number 03-VA-034. The Request For Reimbursement submitted by the County Commission of Wood County for the months of October and November, 2004, in regard to the aforementioned Grant, was in the amount of seven thousand two hundred sixty dollars and ninety-one cents (\$7,260.91); however, the check received from the State of West Virginia was

in the amount of seven thousand one hundred three dollars and thirty-three cents (\$7,103.33), a difference of one hundred fifty-seven dollars and fifty-eight cents (\$157.58) as referred to in an ORDER appearing in Order Book 66, at Page 510 and bearing the date of January 24, 2005. The State of West Virginia stated that the aforementioned amount would be included in the next reimbursement check mailed to the County. Documentation pertaining to the Victims of Crime Act 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 Gary D. Deem, seconded by Rick Modesitt and made unanimous by Robert K. Tebay appointed Steven Stephens and K.D. Merritt to the E-911 Communications Advisory Board. Said appointments are 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. Mr. Stephens and Mr. Merritt's terms will expire April 30, 2005.

The County Commission of Wood County, upon a motion made by Gary D. Deem, seconded by Rick Modesitt and made unanimous by Robert K. Tebay reappointed Marty Gilchrist and Jennings Eddy to the Veterans Park Advisory Committee. Said appointments are 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 terms will expire on December 31, 2008. An Order was prepared regarding this matter.

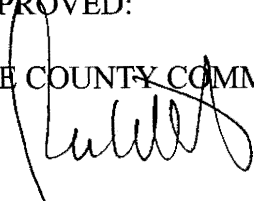
The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by Rick Modesitt and made unanimous by Gary D. Deem reappointed Justin Hardman to the Fort Boreman Historical Park Commission. Said reappointment is pursuant to an Order appearing in Order Book 51, at Page 433 and bearing the date of April 1, 1991,

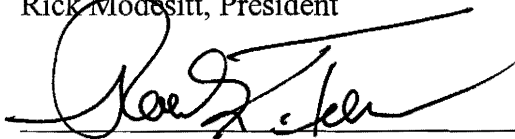
dealing with the procedure policy for appointments to Boards and Authorities. The new term for Mr. Hardman will expire on December 31, 2008. An Order was prepared regarding this matter.

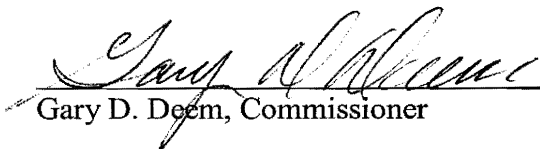
Having no further scheduled appointments or business to attend to, the County Commission adjourned at approximately 2:30 P.M.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY



Rick Modesitt, President

Robert K. Tebay, Commissioner

Gary D. Deem, Commissioner

PURCHASE ORDERS APPROVED ON JANUARY 31, 2005

30245	Broadwaters Motorcar	495.00
30263	State Electric Supply	18.00
30273	State Electric Supply	83.70
30277	CDW-G	1067.98
30283	Assurance Business Forms	846.40
30285	Broadwaters Motorcar	58.79
30287	State Electric Supply	44.83
30289	Fore Timber Company	554.30
30293	Parks Hardware	1.91
30295	Valley Supply Company	257.93
30303	Miller Communications	419.99
30309	Astorg Motor	55.84
32422	Ronks Uniform Center	749.35

32444	Office Depot	1799.20
32482	Diamond Triumph Auto Glass	200.00
32532	Super Circuits	50.00
32534	Office Depot	113.22
32550	Office Depot	42.12
32556	Office Depot	149.99
32558	Office Depot	34.49
32572	Office Depot	41.99
32578	Fanelli Boys	624.95
32584	Office Depot	89.75
32586	Office Depot	53.60
32602	NOE Office Equipment	116.80
32616	Stout's Drug Store	54.36
32618	Broadwaters Motorcar	13.36
32620	Astorg Motor	566.77
32622	Casto & Harris	9375.00
32630	Astorg Motor	2381.82
32634	Radio Shack	61.96
32636	Astorg Motor	98.00
32646	Federal Express	30.95
32648	Golden Rule Creations	84.38
32650	Broadwaters Motorcar	469.21
32652	Woodford Oil	13291.91
32654	Astorg Motor	57.49
32666	Poynter's Best Office	103.00
32668	Broadwaters Motorcar	4.53
32672	Astorg Motor	52.50
32674	Diamond Triumph Auto Glass	170.00
32676	Runyon Lock Service	66.50
32678	Parkersburg Office Supply	66.79
32692	Broadwaters Motorcar	18.32
32704	Wal-Mart	19.32

To listen to this meeting, please refer to Tape #457 and Tape #458.

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Wood County Commission Meeting
Held January 31, 2005
Please Print

1.	George Z Samuels
2.	TR [Signature]
3.	RD Merritt
4.	Gunny Conley
5.	Toni Tiano
6.	ROBERT REED - ITG
7.	MIKE RUSCITTO - ITG
8.	JERRY SHAFER
9.	STEVE GRIMM
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GERLAD M. SHAFFER
999 Rector Rd.
Parkersburg, W.Va. 26105
January 30, 2005

WOOD COUNTY COMMISSION
Court House Bldg.
Parkersburg, W.Va.

RE: Continuation request for opening/
Improving an alley RoW between 32nd
and 33rd Sts. and 10th and 11th Ave.
in Vienna, W.Va.

Commissioners:

I initially appeared before this Commission to verbally ask to open this subject alley RoW in 1995 and was given unanimous approval to go ahead. After I had already started with heavy equipment on the job, someone complained and the WCC stopped me. Subsequently, I made a formal petition to open the alley as directed. No one at that hearing offered any evidence of good cause to prevent me from opening the alley for access.

Subsequently, Bill Owens (ex-Mayor of Vienna) asked and was granted "a favor" of denying me access to my property by then Commissioners Holmes Shaver and Steve Grimm by denying my petition for opening this RoW -- because this property is outside the Corporation limits of Vienna and Bill Owens wanted to force me to enter my property into the Corp. Limits (although he didn't try to force the other property owners into the Corp. Limits).

I am currently having to pay taxes on a lot in the Corporation of Vienna - to the City of Vienna and I'm not allowed to drive on the street RoW to get to it. Likewise, the WCC is currently denying me RoW access to my property of which I am paying taxes to the county. And the Wood County Assessor just increased the valuation on this property by \$ 8000.00 Dollars and you deny me a RoW access. Landlocked.

It should also be noted that the WCC participated in giving away one-half of the other RoW access that I had on 32nd Street to another "Good Ole Boy"--Bob Eschbacher who was the PD Director for the City of Vienna and partners in "Lexington Trailer Park" with Robert Perry. And the WCC gave away the extensions of this subject alley and 32nd Street to private individuals-

for their personal gain while landlocking my property. "More Favors". These actions were not only immoral but possibly illegal. This Commission should not even have considered giving away designated street RoW 's from a 1903 Subdivision without notifying adjoining landowners. This is not a legal action.

Thus, I later asked for the WCC to review the denial of my petetion, since it wasn't based on just cause, and over-rule the initial denial. Since that time I have asked many times for an answer to my official request. The County Administrator has stated that she would find out the status and give me an answer. The WCC has stated that they would consult counsel. Still everyone sits on their hands and does nothing. I have still not received an answer.

I have legal right to have access to my property in a designated subdivision, and for the WCC or the City of Vienna to deny me such access without sufficient cause or for someone else's personal gain, is legal injustice.

If it is the choice of the WCC to continue to participate in these actions, then the WCC is also then choosing to force me to pursue other courses of action available to me in order to obtain the same legal rights of access to my property that everyone else has without having to go to court to ascertain.

Thus, I ask you once again to review the decision of denial of my petetion, and reverse this unjust ruling (denial at someone else's "personal request"). So, I ask that you consider my request, review the testimony from the petetion hearing, and rectify the problem by Commission decision on the prior action - without further delay. This is not a hard or complicated issue and I would think it possible, and therefore ask for you to give me an answer within the next two weeks.

I am asking to open a pre-existing RoW designated in a planned subdivision from 1903 where this is my only RoW access to ten residential lots and no one has given substantial cause to prevent the RoW access (just because an individual protests because he doesn't "like" the idea, is insufficient cause for denying access to landlocked property.).

Thank you.

Gerald M. Shaffer

DRAFT

At a regular session of the County Commission of Wood County, West Virginia, held at the Courthouse thereof, on the ____ day of February 2005, the following was made and entered:

SUBJECT: PROPOSED
WOOD COUNTY SAFE ROADS
ORDINANCE

WHEREAS, the State of West Virginia passed House Bill 4022, which amends the West Virginia State Code by adding a new chapter, designated Chapter 17F. All-terrain Vehicles: and,

WHEREAS, this Bill became on or about May 19, 2005; and,

WHEREAS, Chapter 17F-1-3, states the County Commission of any county which has in effect and is operating under a countywide comprehensive plan may by lawfully enacted ordinance regulate or prohibit the operation of all-terrain vehicles on any road in the county, except interstate highways; provided that any county which enacts any such ordinance shall notify the West Virginia State Police and all law enforcement agencies in the county of its action in writing, together with a copy of the ordinance; and,

WHEREAS, at the direction of the Wood County Commission the Wood County Planning Commission has conducted a series of eight public community input meetings regarding additional all-terrain vehicle regulation; and,

WHEREAS, input was received from residents in the communities of (LIST AGENCIES, SCHOOLS, ETC.) and;

WHEREAS, from these meetings there were a number of residents requesting that all-terrain vehicles be prohibited from traveling on public roads due to the narrow road conditions as well as concern for the safety of the operators of licensed motor vehicles as well as the operators of all-terrain vehicles; and,

WHEREAS, additional public input has been received through a number of phone calls, emails and letters both in support of all-terrain vehicle regulation and in opposition to additional regulation; and,

WHEREAS, according to reputable and nationally recognized manufactures of ATVs they warn against improper use of ATVs as they are unsuitable and unsafe on public roads and paved surfaces; and,

WHEREAS, in 2003 there were 262 all-terrain vehicle related injuries treated in the trauma centers in the State of West Virginia this figure does not include injuries treated in emergency rooms throughout the State; and,

WHEREAS, 33% of injuries occurred on paved roads; and,

WHEREAS, as of May 1, 2004 there have been 6 deaths reported as a result of all-terrain vehicle usage; and,

WHEREAS, banning all-terrain vehicles from public roads would be for the betterment and safety of the general public who use the same roads for transportation; and,

WHEREAS, the banning of all-terrain vehicles does not include any roads within municipalities; and,

WHEREAS, this action does not effect the municipalities' ability to regulate all-terrain vehicles as long as the appropriate law enforcement agencies are notified of such action; and,

NOW, THEREFORE, BE IT RESOLVED THAT, all-terrain vehicles shall be banned and prohibited from any road in the unincorporated areas of Wood County, excluding interstates, except all-terrain vehicles shall be allowed to cross a public road where there is no obstruction preventing a quick and safe crossing providing that the operator has a valid driver's license.

The following motion was offered by _____,
Commissioner.

The Wood County Commission hereby adopts the above Wood County Safe Roads Ordinance.

The adoption of the foregoing motion having been moved by:

_____, Commissioner, and duly seconded by

_____, Commissioner, the vote thereon was as follows;

Rick Modessitt, President _____

Robert Tebay, Commissioner _____

Gary Deem, Commissioner _____

WHEREUPON, Rick Modessitt, President, declared said motion duly adopted and it is hereby ADJUDGED and ORDERED that said motion be, and the same is hereby adopted.

Presented by the
Wood County Commission
On this ____ day of February, 2005

Rick Modessitt, President
Robert Tebay, Commissioner
Gary Deem, Commissioner

Approved _____
County Attorney