

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, OCTOBER 20, 2005

PRESENT: GARY D. DEEM, PRESIDENT
ROBERT K. TEBAY, COMMISSIONER
RICK MODESITT, 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 Erroneous Assessment Applications in regard to personal property for Robert L. Hopkins – Slate District (2004 & 2005); and Dreama Clark – Union District (2004).

The County Commission, upon a motion duly made, seconded and passed, approved Erroneous Assessment Applications in regard to real property for Harry L. Amsbary – Lubeck District (2003, 2004 & 2005); Jeffrey S. Freed – Clay District (2005); F. L. Morehead – Parkersburg City District (eight for 2005); Janlyn J. Smith – Lubeck District (two for 2005); Elwood N. Burdette – Parkersburg City District (2005); Randall C. Bell – Union District (2005); and Bryan E. Williams – Union District (2005).

Joseph Santer, Attorney for the City of Parkersburg, submitted an Application for annexation of territories to the City of Parkersburg by a minor boundary adjustment. The County Commission set a hearing date for November 28, 2005 at 10:30 A.M. A copy of the Application, the Legal Notice and an Order in regard to this matter, are attached to these minutes and shall be made a part thereof.

The County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by Robert K. Tebay and passed, did hereby AUTHORIZE Gary D. Deem, 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 two thousand forty-two dollars and 00/100ths cents (\$2,042.00) were incurred by Wood County during the month of September, 2005 which represents payment of contractual services provided by Rozann Wilcox, Juvenile Justice Liaison. In addition to the Request for Reimbursement; the Daily Time Records for the Juvenile Justice Liaison; the Project Director's Monthly Reports from the Juvenile Justice Liaison; the Demographic Report from 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 Rick Modesitt, seconded by Robert K. Tebay and passed, did hereby AUTHORIZE Gary D. Deem, 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 05-JJV-020. Expenditures in the amount of seven thousand five hundred thirty-five dollars and fifty cents (\$7,535.50) were incurred during the month of September, 2005. However, the Request for Reimbursement is in the amount of five thousand seven hundred twenty dollars and 00/100ths cents (\$5,720.00), which represents payment of contractual services provided by the Counseling and Wellness Center in regard to the P.E.A.C.E. (Program with Emphasis on Anger Control), and represents payment of contractual services provided by Dr. Fred Jay Krieg and Associates in regard to the Q.U.I.T. (Quality Intervention and Treatment) Program and Y.I.E.L.D. (Youth In Effective Legal Diversion) Program. The amount of one thousand eight

hundred fifteen dollars and fifty cents (\$1,815.50) represents the in-kind match as set forth in the aforementioned Grant and represents additional salary and additional benefits for employees of the Wood County Juvenile Probation Office. In addition to the Request for Reimbursement; the Monthly Reports, the Financial Recap; the time records of employees of the Wood County Juvenile Probation Office; time records of attendees in the P.E.A.C.E. (Program with Emphasis on Anger Control) Program, the Q.U.I.T. (Quality Intervention and Treatment) Program, and the Y.I.E.L.D. (Youth In Effective Legal Diversion) Program; the Demographic Reports of the Q.U.I.T. (Quality Intervention and Treatment) Program the Y.I.E.L.D. (Youth in Effective Legal Diversion) Program, and the P.E.A.C.E. (Program with Emphasis on Anger Control) Program; the Monthly Project Director's Report prepared by the Office of the Wood County Juvenile Probation, the Counseling and Wellness Center and Dr. Fred Jay Krieg, Ph.D. and Associates; and the Project Financial Report are being submitted to the Criminal Justice Services, Charleston, West Virginia. 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 Loan Agreement making application for a loan in the amount of one hundred sixty-four thousand two hundred twenty dollars and 00/100ths cents(\$164,220.00) to the West Virginia Secretary of State for the purchase of one hundred fifty-four (154) iVotronic touch screen election machines with printers for voter verifiable paper trail. Fourteen (14) of the aforementioned purchase of one hundred fifty-four (154) election machines are ADA (Americans With Disability Act) compliant. The aforementioned election machines have a five-year warranty. 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 nine hundred seventy-eight dollars and twenty-nine cents (\$978.29) which represents reimbursement to Wood County for expenses incurred during the month of July, 2005, in regard to the STOP Violence Against Women Grant Number 04-VAW-006. Receipt of the aforementioned check is pursuant to an ORDER appearing in Order Book 67, at Page 164 and bearing the date of September 1, 2005, at which time Gary D. Deem, 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 04-VAW-006 is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

At 10:30 A.M., the County Commission met with Roger Sheppard from WTAP to discuss the alley between WTAP-TV and the Wood County Sheriff's Department. 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 TABLE the request from Roger Sheppard of WTAP-TV, Parkersburg, West Virginia, for a resolution from the abutting property owner, the said County Commission of Wood County, stating they have no objection to the abandonment and closing of Phillips Court Alley situated between property owned by the WTAP-TV and the County Commission of Wood County. The aforementioned WTAP-TV is in the process of petitioning the City of Parkersburg to abandon and close the aforementioned Phillips Court Alley situated between property owned by the WTAP-TV and the County Commission. The TABLING of such request set forth by Roger Sheppard of WTAP-TV, allows the said County Commission of Wood County to view the said Phillips

Court Alley prior to making any decisions. The request has been rescheduled for 10:00 o'clock A.M. on Monday, October 24, 2005.

At 10:50 A.M., the County Commission met with Kim Marshall of the Wood County Firefighters Association to discuss life insurance premiums for firefighters. After discussion, 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, did hereby TAKE UNDER CONSIDERATION the payment of life insurance premiums for members of the volunteer fire departments in the County of Wood. The annual premium is in the amount of twenty-eight thousand eighty-seven dollars and forty-six cents (\$28,087.46) for VFIS Benefits Division through Bill Bailey Insurance Agency which provides a five thousand dollars and 00/100ths cents (\$5,000.00) life insurance policy for honorary members of the said volunteer fire departments; active members have a ten thousand dollars and 00/100ths cents (\$10,000.00) coverage. The said County Commission of Wood County REQUESTED Paul K. "Kim" Marshall obtain the cost for lower coverage than the aforementioned five thousand dollars and 00/100ths cents (\$5,000.00) of life insurance for honorary members of the said volunteer fire departments. Mr. Marshall will return to the County Commission as soon as he obtains additional quotes. An Order was prepared regarding this matter.

At 11:15 A.M., the County Commission met with Adam Krason from ZMM, Inc. to discuss proposals submitted by Silverheels, Inc. and pending change orders in regard to the Judge Donald F. Black Courthouse Annex. After discussion, 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, did hereby AUTHORIZE Change Order Number Six (6)

received from ZMM, Inc., Charleston, West Virginia, on behalf of Silverheels, Incorporated, Marietta, Ohio, in regard to the renovations to the Judge Donald F. Black Courthouse Annex.

Additional Door Pulls	-	\$ 253.96
Additional Metal Coping	-	1,956.72
Additional Floor Prep (Large Dip in Lobby)	-	1,428.00
Additional Carpet (Eliminate Border)	-	911.00
Provide Epoxy Grout for Fountain	-	626.36
Additional Return Grills	-	<u>494.00</u>
Total	-	\$5,670.04

Documentation pertaining to the 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 Robert K. Tebay, seconded by Rick Modesitt and made unanimous by Gary D. Deem, did hereby AUTHORIZE the following proposals submitted by ZMM, Inc., Charleston, West Virginia, on behalf of Silverheels, Incorporated, Marietta, Ohio, in regard to the Judge Donald F. Black Courthouse Annex.

1.	Replace tempered window glass to allow for pass thru capabilities in the Prosecuting Attorney's Office	-	\$165.00
2.	Modifications to casework in Workroom/Files in the Prosecuting Attorney's Office	-	524.00
3.	Cut down size of top and relocate one base unit	-	<u>264.00</u>
	Total	-	\$953.00

Documentation pertaining to the 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 Robert K. Tebay, seconded by Gary D. Deem and made unanimous by Rick Modesitt did hereby AUTHORIZE

the payment of one half of the cost for the furnishing of materials and labor to manufacture casework with drawers and doors in the Office of the Prosecuting Attorney. The quote was provided by The Laminate Shop, Marietta, Ohio in the amount of one thousand two hundred eighteen dollars and 00/100ths cents (\$1,218.00) minus two hundred forty dollars and 00/100ths cents which will be paid by ZMM, Inc., Charleston, West Virginia, leaving a total in the amount of nine hundred seventy-eight dollars and 00/100ths cents (\$978.00). The amount of four hundred eighty-nine dollars and 00/100ths cents (\$489.00) to be made by the County Commission of Wood County, and the amount of four hundred eighty nine dollars and 00/100ths cents (\$489.00) to be paid by the Prosecuting Attorney of Wood County from funds allocated to that Office for the fiscal year 2005/2006. Ginny Conley, Prosecuting Attorney was present for this meeting.

Ms. Conley also discussed a response to the Freedom of Information Act on Paula Lathem. This will be discussed further on Monday. She discussed contracts that she was asked to review.

The Commission discussed the contract with Gannett Fleming. This will be further discussed on Monday due to the fact it is not on today's agenda.

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 give APPROVAL to the request from employees of the Wood County Magistrate Court to have a door installed as you enter from the lobby area to the old clerk's office at the Wood County Magistrate Court Building located on Avery Street, Parkersburg, West Virginia. This work is to be completed by the County's Maintenance personnel. As per the letter signed by the Magistrate Court Clerk and the four (4) Magistrates, it states that Pancho Morris and Art Angus

with the West Virginia Supreme Court of Appeals felt confident the space previously occupied by the Magistrate Clerk and staff would be acceptable to use as an expanded lobby area. An Order was prepared regarding this matter.

Ed Hupp, Compliance Officer, discussed the cancellation of a contract for service in regard to weather information for Emergency Services. The Commission asked Mr. Hupp to call them and make sure this is cancelled.

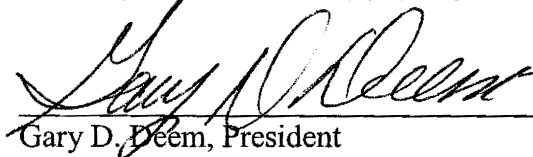
Commissioner Modesitt stated that he is uncomfortable debating the legal issue earlier with Ginny Conley since it was not on the agenda. Commissioner Tebay stated they didn't debate it, they discussed it.

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 the CONTRIBUTION in the amount of five thousand dollars and 00/100ths cents (\$5,000.00) to the Lubeck Volunteer Fire Department to assist in the construction of a substation for the lower end of the fire district. The aforementioned amount is to be taken from the Special Projects funds. An Order was prepared regarding this matter.

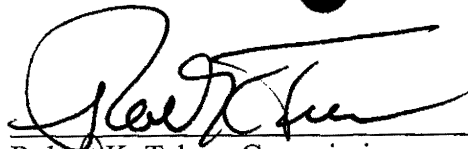
The County Commission, upon a motion made by Robert K. Tebay, seconded by Rick Modesitt and made unanimous by Gary D. Deem, adjourned at 12:18 to go visit the WTAP property discussed earlier in the day.

APPROVED:

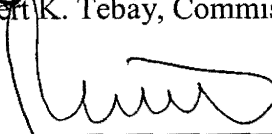
THE COUNTY COMMISSION OF WOOD COUNTY



Gary D. Deem, President



Robert K. Tebay, Commissioner



Rick Modesitt, Commissioner

To listen to this meeting, please refer to Tape #504 and Tape #505.

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Wood County Commission Meeting
Held October 20, 2005

Please Print

1.	LIM MARSHALL
2.	ROGER SHEPPARD
3.	ADAM R. KRASON, ZMA, Inc.
4.	Kenneth W. Cline
5.	Gunny Conly
6.	Ed Huff
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IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: Annexation of Property by
Minor Boundary Adjustment
Magisterial District of Tygart District
Wood County, West Virginia

ORDER

This day came the City of Parkersburg, a municipal corporation, by Joseph T. Santer, its Attorney, and tendered to the Commission its Application, with Exhibits, a copy of which is attached hereto, for annexation of territories to the City of Parkersburg by a minor boundary adjustment, pursuant to the provisions of Chapter 8, Article 6, Section 5, of the Code of West Virginia, as amended; and

It appearing to the Commission that said Application is in proper form and that said petitioner is entitled to file said Application and make such application, it is ORDERED that said Application, and Exhibits, be, and the same are, hereby filed.

It further appearing to the Commission that the boundary adjustment sought by said Application is a minor boundary adjustment, that this Commission has jurisdiction to hear and consider such application, a hearing shall be set for the 28th day of November, 2005, at 10:30 o'clock, A.m., and that Notice of said hearing, including a description of the territory sought to be annexed, be published in the Parkersburg News and the Parkersburg Sentinel, newspapers published in Wood County, West Virginia, once a week for two (2) consecutive weeks, with the first publication thereof to be more than fourteen (14) days prior to the said hearing date, and that said Notice also be prominently posted at not less than five (5) public places within the areas proposed to be annexed.

Dated this 20th day of October, 2005.

ENTER: WOOD COUNTY COMMISSION

By 

Its President

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: Annexation of Property By
Minor Boundary Adjustment
Magisterial District of **Tygart District**
Wood County, West Virginia

NOTICE

Notice is hereby given that the County Commission of Wood County, West Virginia, will on the 28th day of November 2005, at 10:30 o'clock, A.m., in the Courtroom of said County Commission at the Wood County Courthouse, located in the City of Parkersburg, Wood County, West Virginia, hear the application and petition of the City of Parkersburg for the annexation of territories to the City of Parkersburg by minor boundary adjustment. The territories sought to be annexed to the said City of Parkersburg are hereinafter described by metes and bounds.

Any person having objections to such annexation, or desiring to be heard, may appear at the time and place aforesaid and be heard if they so desire.

The said territories to be annexed to the City of Parkersburg are situated in the Magisterial District of **Tygart District**, County of Wood and State of West Virginia, and are more particularly described as follows:

BEING all of Lots 5 and 6 as shown on the consolidated plat of Lot Nos. 5 to 41 and Tract "E" of Newberry's Subdivision No. 4, recorded in Plat Book 9, Page 35, in the Office of the Clerk of the County Commission of Wood County, West Virginia, containing 0.379 acre, more or less, as shown on a plat attached hereto and made a part of this description.

COUNTY COMMISSION OF WOOD
COUNTY, WEST VIRGINIA, a corporation

BY: *Gay Adams*

ITS: President

THE COUNTY COMMISSION OF WOOD COUNTY

APPLICATION FOR ANNEXATION BY MINOR BOUNDARY ADJUSTMENT

West Virginia Code, Chapter 8, Article 6, Section 5

SECTION 1

The Petitioner, The City of Parkersburg, a municipal corporation within the County of Wood, State of West Virginia, hereby petitions the County Commission of Wood County, West Virginia, to annex certain property by minor boundary adjustment in accordance with the provisions of West Virginia Code, Chapter 8, Article 6, Section 5.

SECTION 2

The territory proposed to be annexed is located in the Magisterial District of **Tygart District**, Wood County, West Virginia, and more particularly described as follows:

BEING all of Lots 5 and 6 as shown on the consolidated plat of Lot Nos. 5 to 41 and Tract "E" of Newberry's Subdivision No. 4, recorded in Plat Book 9, Page 35, in the Office of the Clerk of the County Commission of Wood County, West Virginia, containing 0.379 acre, more or less, as shown on a plat attached hereto and made a part of this description.

Attached hereto is **Exhibit A**, which is an accurate map showing the metes and bounds of the territory proposed to be annexed.

SECTION 3

There is attached hereto as **Exhibit B** an identification of all affected parties to the proposed annexation, including:

A. An identification of all firms, corporations, and/or entities who operate any business or commercial enterprise within the territory proposed to

be annexed, and the respective addresses of such businesses or commercial enterprises;

B. An identification, by name and address, of all persons known to reside in the territory proposed to be annexed;

C. Identification, by name and address, of all persons or entities who own an interest in real estate located within the territory proposed to be annexed;

D. Identification, by name and address, of all persons or entities who own property abutting a street or highway in the territory proposed to be annexed;

SECTION 4

The plan of the Petitioner for providing the territory to be annexed with all applicable public services, including police and fire protection, public water and sewer services, street maintenance services, and solid waste collection (including to what extent the solid waste collection will be provided by a private solid waste collection service) is as follows:

POLICE AND FIRE SERVICE:	CITY OF PARKERSBURG
PUBLIC WATER SERVICE:	CITY OF PARKERSBURG
PUBLIC SEWER SERVICE:	CITY OF PARKERSBURG
STREET MAINTENANCE SERVICES:	CITY OF PARKERSBURG
SOLID WASTE COLLECTION:	CITY OF PARKERSBURG

SECTION 5

In the event the Petitioner intends to choose not to utilize current providers for solid waste collection service, a statement of the impact of the annexation on any private solid waste collection service or public service district currently doing business in the territory proposed to be annexed, which is as follows:

NONE.

SECTION 6

Petitioner hereby represents that the impact of the annexation on fire

protection and fire insurance rates in the territory proposed for annexation is as follows:

NONE.

SECTION 7

The Petitioner hereby represents that the proposed annexation will affect the finances and services of the municipality as follows:

NONE.

SECTION 8

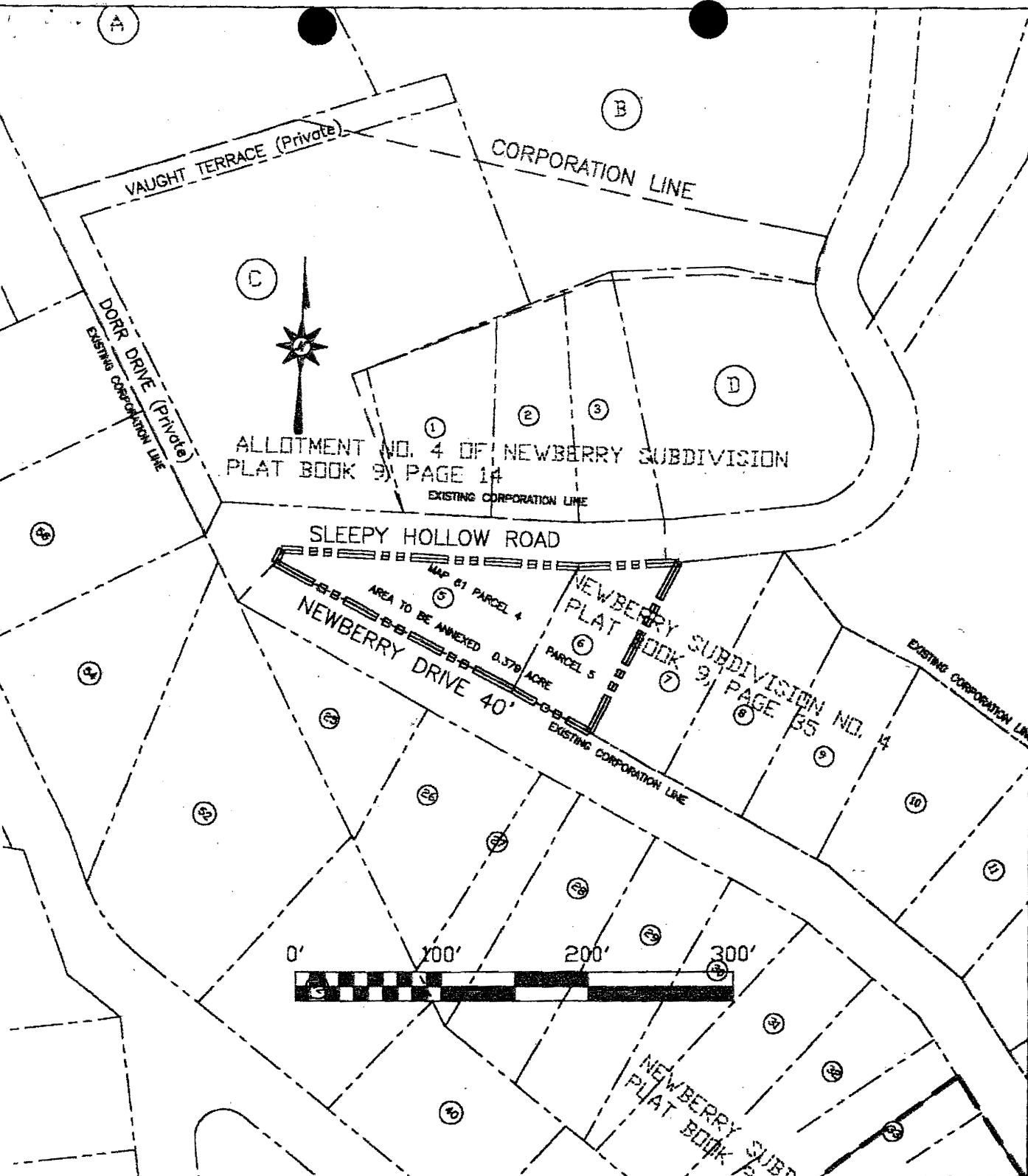
The undersigned municipality hereby represents that the proposed annexation meets the requirements of the provisions of West Virginia Code, Chapter 8, Article 6, Section 5.

MUNICIPALITY:

By: _____

Its: _____

[Handwritten signature]
[Handwritten signature]



1 INCH = 100 FEET

3/10/05

BY: BS

BY:

DISTRICT, MAP 61

4 & 5

K 1084 PAGE 333

6, NEWBERRYS SUB. #4

9 PAGE 35

CITY OF PARKERSBURG, W.VA.

DEPARTMENT OF PUBLIC WORKS

DIVISION OF ENGINEERING

PLAT OF PROPOSED ANNEXATION

DONALD G. & KAREN S. JACKSON PROPERTY

EXHIBIT 1

EXHIBIT B

- A. DONALD G AND KAREN S. JACKSON
1305 NEWBERRY DRIVE
PARKERSBURG, WV 26101**
- B. DONALD G. AND KAREN S. JACKSON
1305 NEWBERRY DRIVE
PARKERSBURG, WV 26101**
- C. DONALD G. AND KAREN S. JACKSON
1305 NEWBERRY DRIVE
PARKERSBURG, WV 26101**
- D. NONE.**