

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, OCTOBER 3, 1994

PRESENT: HOLMES R. SHAVER, PRESIDENT
JEAN GRAPES, COMMISSIONER
STEVEN A. GRIMM, COMMISSIONER

On this date, the County Commission met in regular session. They signed purchase orders, invoices and other correspondence.

On this date, the County Commission, upon a motion made by Steven A. Grimm, seconded by Holmes R. Shaver and made unanimous by Jean Grapes, approved minutes from Monday, July 11, 1994.

On this date, the County Commission approved Exonerations for Edna R. Feick, et al - Union District; Margaret D. Oliver - Williams District; Denzil G. & Edna S. Hall - City District; Cleta Elberta & Jack V. George - City District; Frank A. & Gail M. Saubier - City District; Darren C. Tallman - Lubeck District; Frank A. & Gail M. Saubier - City District; and Karl H. Bogard - Williams District.

On this date, the County Commission approved a Personal Property Improper for Bucklew Construction - Vienna District.

At 9:30 A.M., came Ken Lockhart, resident of Mill Run Road; and Neil Bee, Manager of Claywood Park Public Service District, and presented to the County Commission of Wood County an estimate in the amount of eleven thousand three hundred five dollars and seventeen cents (\$11,305.17) for materials necessary to extend water service to families residing on Mill Run Road off Dutch Ridge Road located in Clay District, Wood County, West Virginia. Resident Ken Lockhart requested the County Commission to approve the above-stated project as a self-help project in which the County Commission would

contribute up to the amount of five thousand dollars (\$5,000.00) for a specific project. The County Commission of Wood County, upon a motion duly made, seconded and passed APPROVED the Mill Run Road Project as a self-help project as defined above. Holmes R. Shaver, President of the County Commission, abstained from voting on the said Project due to the fact that he resides on the said Mill Run Road. An Order was prepared regarding this matter.

At 11:38 A.M., the County Commission, upon a motion made by Holmes R. Shaver, seconded by Jean Grapes and made unanimous by Steven A. Grimm, met in Executive Session at the request of John Burgy from Wood County Emergency Services. Said Session was called under No. 2 of the West Virginia Code, Chapter 6, Article 9A, Section 4, 1931, as amended. The Commission adjourned said session at 12:08 P.M.

At 1:15 P.M., the County Commission met with Greg Bailey to discuss Mountwood Park. Mr. Bailey stated that he had recently planned to submit documents, which are Federal guidelines that govern Mountwood Park, however, he did not have time to dig them out; in prior meetings with you (Commission) he has been pointing out violations and you (Commission) seemed not to care, however, he understands that a representative of Mountwood Park is scheduled to meet with you (Commission) in a few minutes to ask you to enter into law certain actions recently taken by the Mountwood Park Board; he hopes that the Commission takes into consideration the validity of what they are asked to do; one question the Commission might ask is if the individual can furnish documentation that the U.S. Department

of Interior has granted what is called a change of scope in reference to the institution of the trails in Mountwood Park; due to his actions and others, the trails were recently opened to the public, at this point the trail system is not making money, the taxpayers of the County are still subsidizing the trails, tax money is being spent to fix the trails, which should be done by the Off Highway Vehicle Association, who for four years tore up the park; in January, if he is fortunate enough to be sitting up there with you all as a Commissioner, he'll have the guts and the courtesy to the taxpayers to see just compensation from the private ATV club who has done the damage to the park; he understands that Mountwood Park is soliciting riders via radio and tv ads; it is his opinion that Mountwood Park is spending dollars to make nickels and dimes; do you all approve of this type of management of this kind of funds? Commissioner Grimm stated that he assumes that the board has some direction of plans and goals that they are taking and he is not going to intervene unless it becomes something that is of a nature that the board cannot make a decision on. Mr. Bailey stated that if the Commission is interested, he will mail them a copy of the Department of Interior Guidelines and other reasons why the Park Rules and Regulations should not become law at this time. Commissioner Grapes stated that if he (Mr. Bailey) has rules and regulations proving they (Mountwood Park) are in violation, then he should bring it to the Commission as well as the Mountwood Park board itself, don't bring accusations, bring proof; you have to learn what we are in charge of and what we are not in charge of, and if you take this office you will have to

learn that; cite me some codes that they are in violation of. Mr. Bailey stated that he would send it to her and he has given them that information in the past; recently there was accident at the park and the individual was in intensive care in the hospital for some time, hopefully he will not sue the County, however, he would have a claim; he hopes that you (Commission) will consider this liability that you may be subjecting the taxpayers to; he read in the paper last week that the dog kennel ordinance is dead and another article read that it was on hold until after the election. Commissioner Grapes stated that it is rumor that it was put on hold. Mr. Bailey stated that it was in Jesse Mancini's column. Commissioner Grimm stated that the Ordinance would not pass as it was presented to him. Mr. Devol stated that nearly everything that Mr. Bailey has said is untrue if not a total misrepresentation of the truth; every issue has been addressed, resolved and put to bed; Mr. Bailey first brought up the guidelines that he thinks the board is in violation, which Mr. Bailey took to the National Park Service and the Federal Grant Administrator in Charleston; the Park has never received any communication from them as to any validity of Mr. Bailey's concerns; they are aware of the trails, the grants and the regulations; they have not raised any allegations, but Mr. Bailey continues to raise these allegations, and raises them in lawsuits and when they asked him to produce the documents, they were not produced; in the lawsuit, the Volunteers made a motion in court to have their lawsuit dismissed; yet today, Mr. Bailey comes today and makes the same allegations; the park did spend money to bring in an expert in recreational trails, who spent

four days on the trails and found there was no significant environmental damage, no great costs and rated it very high; we have not spent any money to solicit riders to the trails. Mr. DeVol stated that all of the allegations that Mr. Bailey has brought up have been addressed time and time again and he can't help but believe that this is any more than a candidate trying to get his name in the paper, he has addressed every authority and every authority has rejected him. Mr. Bailey stated that the reason they dropped the lawsuit was due to the fact that the contract with the West Virginia Off Highway Vehicle Association was voided, and due to our action, we gave back the trails back to the public. Commissioner Grapes stated that the Board voted to put it out, and asked Mr. Bailey not to take credit for something he didn't do. Mr. DeVol stated that there was never any objection from the Off Highway Vehicle Association to making the trails public. Commissioner Grapes stated that the trails were not paid for by taxpayers, but that the Off Highway Vehicle Association put those trails in when they were there. Commissioner Grapes then stated that he could come in and disagree, but not make accusations without proof. Commissioner Grapes stated that Mr. Bailey may cause, because of his lawsuit against Mr. DeVol, the taxpayers a lot of money, because the County Commission had appointed him to the Board. Commissioner Grapes then made a motion to adjourn this meeting, Commissioners Shaver and Grimm agreed. Commissioner Grapes then stated that they would register Mr. Bailey's complaint.

At 2:00 P.M., the County Commission met with Ed Bohren,

Mountwood Park Director, who asked if the Rules and Regulations for the OHV Trails had been passed. President Shaver had hoped to talk with Michele Rusen, Prosecuting Attorney; he is reluctant to pass this type of law, because they have never done this before, and would like for the Park to enforce these rules and regulations, not the County Commission. Commissioner Grimm stated that if this was adopted, it would be at the park forever, unless the Commission rescinded it. Mr. Devol stated that the Park Board could also rescind it; all state parks have the right to fine people for violations in the parks. Commissioner Grapes stated that the County Commission has not been able to discuss this as a group, and asked Mr. Bohren to give them until next week to make a decision.

At this time Bradford P. Gandee was sworn in as park police officer for Mountwood Park. Mr. Gandee will have all of the power and authority which a regular appointed deputy sheriff of Wood County has in enforcing the criminal laws of West Virginia, within the park and in dealing with the park property as stated in the Wood County Parks and Recreation Commission By-laws and West Virginia Code 7-11-5.

On this date, came Robert D. Lewis for Dan Cooperrider of West Virginia Paving, Inc., E.V. Eschbacher and Phyllis E. Squires and presented to the County Commission of Wood County a petition to close a portion of an undeveloped and dead end road approximately fifty-eight feet (58') in length and thirty feet (30') in width located in Tygart District, County of Wood, West Virginia. The said portion of the undeveloped and dead end road being petitioned to be closed is

known as Second Avenue in the Randolph Addition and abuts Lot No. 103 and tract 2-FD as shown on Tax Map 5 recorded in the Office of the Clerk of the County Commission of Wood County. The County Commission, after having inspected the said petition, does hereby ORDER that the 31st day of October, 1994 at 3:30 o'clock P.M. be set as the time for said Public Hearing in the Office of the County Commission of Wood County. It is further ORDERED that the notice of the time and place of said Hearing be published as required and that there shall be duly served, as provided by law, upon every owner of property abutting upon such road, a notice showing the time, place and purpose of such Hearing, as required by Chapter 7, Article 1, Section 3 (h) of the Code of West Virginia, 1931, as amended. An Order was prepared regarding this matter.

On this date, came Charles R. Buskirk and presented to the County Commission of Wood County a petition to close an undeveloped and dead end road approximately five hundred twenty feet (520') in length and forty feet (40') in width known as 45th Street located in Parkersburg District, Wood County, West Virginia. The said undeveloped and dead end road petitioned to be closed is further located in Hillsdale Addition and borders lots numbered one (1) through thirteen (13) of the said Hillsdale Addition. The County Commission, after having inspected said petition, does hereby ORDER that the 24th day of October, 1994 at 11:30 o'clock A.M. be set as the time for said Public Hearing in the Office of the County Commission of Wood County. It is further ORDERED that the notice of the time and place of said Public Hearing be published as required

and that there shall be duly served, as provided by law, upon every owner of property abutting upon such road, a notice showing the time, place and purpose of such Hearing, as required by Chapter 7, Article 1, Section 3 (h) of the Code of West Virginia of 1931, as amended. An Order was prepared regarding this matter.

On this date, came Emory O. Hickel and Nancy L. Hickel, husband and wife, and requested the County Commission of Wood County to accept their withdrawal of a petition presented by the said Hickels to close approximately two hundred ten feet (210') of Fourth Street located in Section "A" of Larkmead Addition, Parkersburg, West Virginia, Lubeck Taxing District, Wood County, West Virginia. Withdrawal of said petition is pursuant to an Order appearing in Order Book 56, at Page 24 and bearing the date of July 21, 1994 at which time the said petition was presented to the County Commission and a date for a Public Hearing was set by the said County Commission. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion duly made, seconded and passed, executed Quit Claim deeds in regard to the closing and vacating, by Order of the County Commission and dated April 18, 1994, of Leta Street located in the O.J. Hammond Subdivision, Town of Waverly, Union District, Wood County, West Virginia. The said Quit Claim deeds, prepared by the Law Offices of Clark and Marlow, are to be recorded in the Office of the Clerk of the County Commission of Wood County, and are identified as follows:

1. By and between the County Commission of Wood County and Kenneth R. Davis and Ramona A. Davis, owners of Lot Nos. 109, 110, 111, 112

and 113 of the said O.J. Subdivision and Lot No. N-1 of Block 100 which abuts the said O.J. Hammond Subdivision. 2. By and between the County Commission of Wood County and Billy D. Mayfield and Betty A. Mayfield, owners of Lot Nos. 101, 102 and 103 of the said O.J. Hammond Subdivision. 3. By and between the County Commission of Wood County and Ronald L. Conaway and Jo Ann Conaway, owners of Lot Nos. 104 and 105 of the said O.J. Hammond Subdivision. 4. By and between the County Commission of Wood County and Charlotte M. Clark, owner of Lot Nos. 106, 107, 108, 114, 115 and 116 of the said O.J. Hammond Subdivision. 5. By and between the County Commission of Wood County and Mary E. Stanley, owner of Lot No. 117 of the said O.J. Hammond Subdivision. 6. By and between the County Commission of Wood County and Darrel G. Hescht and Janet C. Hescht, owners of Tract "A" in Block 10 which abuts the said O.J. Hammond Subdivision. All documentation pertaining to the said closing and vacating of Leta Street in the O.J. Hammond Subdivision is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion made, seconded and passed, does hereby ORDER that the Order appearing in Order Book 56, at Page 84 and bearing the date of September 26, 1994 be hereby VOIDED. The said Order bearing the date of September 26, 1994 did Order that the bid be let for the installation of carpet at the Wood County Magistrate Court Building. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County was in

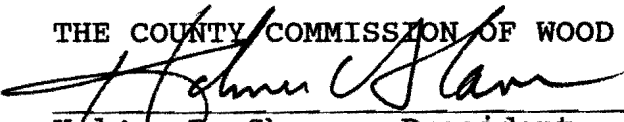
receipt of the Statement of Account from Huntington National Bank West Virginia, Parkersburg, West Virginia, in regard to the Wood County Building Commission (Wood County Courthouse Annex Project) 1992 Series Bond Issue. The said Statement of Account is for the period ending August 31, 1994. All documentation pertaining to the said Wood County Building Commission Bond Issue is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

On this date came Jamie Six, Clerk of the County Commission of Wood County and requested that he be allowed to have extended hours in the Voter Registration Office only for persons wishing to register to vote for the November 8, 1994 General Election to be held in the County of Wood. Upon a motion duly made, seconded and passed, the County Commission Ordered that the Voter Registration Office will be open Friday, October 7, 1994 until 8:00 P.M., Saturday, October 8, 1994 9:00 o'clock A.M. to 5:00 o'clock P.M. and Tuesday, October 11, 1994 until 8:00 o'clock P.M., which is the last day to register to vote for the November 8, 1994 General Election. An Order was prepared regarding this matter.

At 3:00 P.M., the County Commission adjourned to visit the Family Crisis Intervention Center.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY


Holmes R. Shaver, President


Jean Grapes, Commissioner

Steven A. Grimm
Steven A. Grimm, Commissioner

PURCHASE ORDERS SIGNED ON OCTOBER 3, 1994

No.	19152	S.W. Graphics	\$71.20
	19228	Broadwaters Motorcar	40.25
	19229	Dils Ford	11.06
	19237	Mahone Tire Service	210.60
	19238	Mahone Tire Service	105.30
	19239	Lowe's Home Centers	28.93
	19240	Broadwaters Motorcar	16.00
	19246	NAPA	4.00
	19248	Lowe's Home Centers	148.80