

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

**IN RE: MINUTES OF MEETING HELD
MONDAY, AUGUST 7, 1995**

**PRESENT: JEAN GRAPES, PRESIDENT
HOLMES R. SHAVER, COMMISSIONER**

ABSENT: STEVEN A. GRIMM, COMMISSIONER

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

On this date, the County Commission, upon a motion made by Holmes R. Shaver, seconded by Jean Grapes and passed, approved minutes from Thursday, June 29, 1995, Monday, July 3, 1995, Thursday, July 6, 1995 and Monday, July 10, 1995.

On this date, the County Commission approved Exonerations for James & Carol Wright - Steele District; Ruth M. Hames - City District; and Danny R. & Theresa A. Sapp - Union District.

On this date, the County Commission approved Personal Property Improvers for James E. Hardin - Lubeck District; Alfred C. Hall - City District; Charles Shepherd - Lubeck District; John & Ronda Hilton - Lubeck District; William R. Leachman - City District; Troy Jones - Williamstown District; Stuart R. Sams - City District; L.R. Leeson - City District; Sara Allen - Lubeck District; Stacy L. Bartlett - City District; Jo Ann Smith - Lubeck District; Kimberly Coplin - Tygart District; Michael Wood - City District; James Wilson, Jr. - Vienna District; Asa Wilson - Parkersburg District; Ralph J. Washburn - Vienna District; Blanna Geer - Lubeck District; Dorothy Thompson - Williams District; Keith's Grocery & Deli - City District; Stephen S. Martin - Williams District; James R. Snyder - City

District; Thomas & Evelyn Bombay - Vienna District; Lisa Moyer - Lubeck District; Ramco Oil & Gas Corp - City District; Brenda Daniels - Lubeck District; William & Dona Stair - Slate District; James Guinn - Tygart District; George F. Evans - City District; Tonya Goodnight - Clay District; Christopher A. Leach - Vienna District; John E. & Robin Bowman - City District; Stephanie Smith - City District; Julie M. Flemin - City District; Jerome Casey, Jr. - Lubeck District; Patricia Lucas - Harris District; James M. & Christine Gonzales - City District; Fines Mens Shop - Vienna District; Ronnie C. Batten - Slate District; Timothy Jessup - Parkersburg District; Laura A. Haden - Vienna District; Robin L. Bowman - Parkersburg District; Jesse J. Guthrie - Williamstown District; Regis L. Jones II - City District; Zondra C. Johnson - Slate District; Gary Backus - City District; James F. Arnold - City District; Mike E. & Catherine M. Hile - Parkersburg District; Christopher Gribble - City District; Christopher Gribble - Lubeck District; Steven Wilburn - Slate District; Teresa Anderson - City District; and Arron Scott & Julie M. Fleming - City District.

At 9:25 A.M., the County Commission went into Executive Session at the request of Charlie Johnson Chief Deputy of the Wood County Sheriff's Department. Said Session was called under No. 2 of the West Virginia Code, Chapter 6, Article 9A, Section 4. Also in attendance was Mary R. Rader, County Administrator. The County Commission adjourned said Executive Session at 9:28 A.M.

At 10:30 A.M., the County Commission met with Lt. Terry Dunn from the Department of Natural Resources to discuss a no wake zone

on the Little Kanawha River. Mr. Dunn stated that there are many reasons there are problems on the river; a subdivision of the State must make application to the DNR director for rules exemptions or rules changes as it relates to the operation of motor boats within a designated area, this can only be done after due notice to the public and public hearings held; the only reason the DNR is here today is to answer any questions that might come up from a law enforcement stand point or regulations standpoint as it relates to this specific problem. Commissioner Grapes asked how you enforce something like this. Mr. Dunn stated that it is difficult to determine how they would enforce the wake zone; it is a difficult regulation to enforce fairly to everyone; every situation would be different due to judgmental calls. Commissioner Grapes asked if it would help with a safety factor or would a no wake serve no purpose whatsoever. Mr. Dunn stated that the biggest problems with fatalities are barge related, at night, alcohol and speed involved incidents. Mr. Dunn thinks that anything that can be done will help, to what degree, he doesn't know; thinks that the punishment needs to be greater; Wood County is one of the highest production counties of arrest, complaints, investigations, etc. in West Virginia, the DNR has one officer assigned to this county. Terry Tamburini from the City of Parkersburg was present and stated that he has talked to boaters and there seems to be damage to boats moored there due to the wake. Mr. Dunn stated that if a no wake zone after dark is implemented you need to think about how you are going to post that at night.

At 11:00 A.M., the County Commission met with Micky Blough who stated that he came to the Commission last year and was told to come back when he got his tax ticket; they changed it last year and wanted to know if he could get credit for all the years he paid double taxes. Mary Rader, Administrator, instructed Mr. Blough to talk with the Assessor's Office. Commissioner Grapes agreed with Ms. Rader.

At 2:00 P.M., the County Commission held a hearing in regard to the Robert Burk Estate that was continued from August 3, 1995. Attorney Joseph Albright presented a Respondent's Stipulation (copy attached marked Exhibit A). Mr. Albright wants the case reopened. Attorneys Dave Palmer and Joseph Brown do not. Michele Rusen, Prosecuting Attorney was present. Commissioner Grapes stated that the Commission will reject the affidavit, but accept the stipulation. Mr. Albright stated that Judge Hill ruled that the subject divorce action is considered by the court as having by virtue of defendant's death and that Susan Burk does not wish to pursue the equitable distribution. The County Commission adjourned to meet with counsel. The County Commission, upon a motion made by Holmes R. Shaver, seconded by Jean Grapes and passed, Ordered that, based on evidence presented by counsel and the petition, the petition be denied as it relates to removing Susan Burk. Mrs. Burk qualified as Executrix on November 28, 1994. An Amendment was made by the Commission, upon a motion made by Holmes R. Shaver, seconded by Jean Grapes and passed, stating that if for any reason the said Susan C. Burk should reconsider to apply for any applicable distribution, they would reconsider the motion.

The Commission referred this estate to Fiduciary Commissioner Ernest Douglas, who informed them he does not have a conflict. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion made by Holmes R. Shaver, seconded by Jean Grapes and passed, did hereby AUTHORIZE Jean Grapes, in her official capacity as President and on behalf of the County Commission, to sign the Partial Release of Lot Number One Hundred Six (106) of the Mullenix Subdivision, Section Two, as amended, a plat of which said Subdivision is of record in the Office of the Clerk of the County Commission of Wood County, West Virginia, in Plat Book 22, at Page 10, to which plat reference is hereby made and had for a more particular description of said lot by metes and bounds. With the signing of said Partial Release, the County Commission released only the lien on Lot Number One Hundred Six (106); in all other respects the said Notice of Lien shall remain and be a valid and subsisting lien. That certain Notice of Lien, which is dated June 3, 1982, executed by Ronald J. Mullenix and Rita K. Mullenix, as shown of record in the Office of the Clerk of the County Commission of Wood County, West Virginia, in Lien Book 274, at Page 703, which said Notice of Lien secures a bond in the amount of eight thousand and no/100ths (\$8,000.00) dollars on real estate situate in the District of Union, County of Wood and State of West Virginia. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion duly made, seconded and passed, did hereby EXECUTE a

Stipulation For Stay of Proceedings in regard to case number 95-C-262, Wood County Deputy Sheriff's Association, Plaintiff, vs. Jean Grapes, Steve Grimm and Holmes Shaver, as duly elected members of the County Commission of Wood County, West Virginia, Defendant. Legal Counsel for the Wood County Deputy Sheriff's Association, John Dascoli, has also executed said Stipulation For Stay of Proceedings. Said Stipulation is to be filed in the Circuit Court of Wood County in which both the Plaintiff and Defendants have agreed and stipulated that action shall be stayed and held in abeyance. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion made by Holmes R. Shaver, seconded by Jean Grapes and passed, did hereby AUTHORIZE Jean Grapes, in her official capacity as President and on behalf of the County Commission, to execute the Community Emergency Medical Services Assistance Program application of the West Virginia Department of Health and Human Resources, Office of Emergency Medical Services, Charleston, WV. The aforementioned application requests State funding in the amount of nine hundred thirty and 00/100ths (\$930.00) dollars to upgrade the current Life Pak 10's to 12-lead capabilities for the Camden-Clark Memorial Hospital Ambulance Service, Parkersburg, WV. Local matching funds for the said purchase is in the amount of one thousand nine hundred thirty and 00/100ths (\$1,930.00) dollars. All documentation pertaining to such Community EMS Assistance Program Applications 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 duly made, seconded and passed, ORDERED that Exoneration No. 4137, found in Order Book 56, at Page 275 and bearing the date of July 17, 1995, pertaining to real property be VOIDED due to incorrect information. As per the Assessor's Office, a new Exoneration will be prepared. Said Exoneration is in the name of Curtis D. & Pamela B. Causie and is in Slate District. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion made by Holmes R. Shaver, seconded by Jean Grapes and passed, did hereby EXECUTE a Resolution in which it is RESOLVED that Jean Grapes, in her official capacity as President and on behalf of the County Commission, be AUTHORIZED to enter into a Contractual Agreement with the Criminal Justice and Highway Safety Division to receive and administer grant funds pursuant to provisions of the Drug Control and System Improvement Grant Program. The said Drug Control and System Improvement Grant funding would allow the continuation of an Assistant Prosecuting Attorney in the Wood County Prosecuting Attorney's Office. The said Grant Number 95-DC-050 is in the amount of twenty thousand and 00/100ths (\$20,000.00) dollars and is for the period of August 1, 1995 through July 31, 1996. In addition to executing the aforementioned Grant Contract Agreement, President Grapes also executed the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Lower Tier Covered Transactions form on behalf of the County Commission. All documentation pertaining to the said Drug Control and System

Improvement Grant 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 was in receipt of a letter from Fred Cutlip, State Alternate, West Virginia Development Office, Charleston, WV, in which the County Commission is advised that the said West Virginia Development Office is requesting that the Appalachian Regional Council, Washington, D.C. withdraw funding in the amount of six hundred twenty-five thousand and 00/100ths (\$625,000.00) dollars from the Appalachian Regional Commission Project Number WV-10825-91-1-214-0430 allocated to the Wood County Airport Hangar Project. The said Project is being administered by the Rural Economic and Community Development Service (formerly Farmers' Home Administration); therefore, the State of West Virginia requests that the recovery process be implemented by the Appalachian Regional Commission so that the State may have use of said funds. Documentation pertaining to said Grant is on file at the office of the Wood County Airport Authority, Parkersburg, WV. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion made by Holmes R. Shaver, seconded by Jean Grapes and passed, did hereby EXECUTE a Resolution in which it is RESOLVED that Jean Grapes, in her official capacity as President and on behalf of the County Commission, be AUTHORIZED to enter into a Contractual Agreement with the Criminal Justice and Highway Safety Division to receive and administer grant funds pursuant to provisions of the Drug Control and System Improvement Grant Program. The said Drug Control

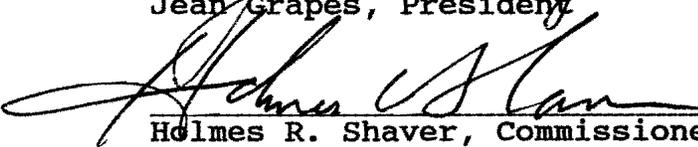
and System Improvement Grant funding would allow the Wood County Sheriff's Department to continue the Drug Abuse Resistance Education (D.A.R.E.) Program in the County's four (4) elementary schools. The said Grant Number 95-DC-025 is in the amount of nine thousand two hundred thirty-one and 00/100ths (\$9,231.00) dollars and is for the period of August 1, 1995 through July 31, 1996. In addition to executing the aforementioned Grant Contract Agreement, President Grapes also executed the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Lower Tier Covered Transactions form on behalf of the County Commission. All documentation pertaining to the said Drug Control and System Improvement Grant 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 4:00 P.M.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY


Jean Grapes, President


Holmes R. Shaver, Commissioner

PURCHASE ORDERS SIGNED ON AUGUST 7, 1995

No.	20083	Lowe's Home Centers	\$ 40.78
	20084	Broadwaters Motorcar	55.04
	20137	Unisource	59.07
	20138	Bob Barker Company	538.02
	20149	Viking Office Products	253.83

20153	Miller Communications	29.85
20163	Dils Motor Company	55.16
20214	Kincheloe Motors	60.75
20218	Wal-Mart	146.04
20223	Dils Ford	24.96
20233	Broadwaters Motorcar	21.34
20250	Broadwaters Motorcar	131.81
20251	Dils Ford	51.94
20252	Broadwaters Motorcar	85.00
20260	Broadwaters Motorcar	4.33
20261	Char Ann Sales & Service	65.54

Ent. A.
8/7/95

BEFORE THE COUNTY COMMISSION
OF THE COUNTY OF WOOD, STATE OF WEST VIRGINIA

In re: The Last Will and Testament of
Robert W. Burk, Jr., Deceased.
and
The several motions to remove
Susan C. Burk as Executrix.

RESPONDENT'S STIPULATION

It appearing that questions have arisen in the current proceedings as to the intentions of Susan C. Burk with respect to the continuation of Civil Action No. 94-D-124, lately pending in the Circuit Court of Wood County, West Virginia, the Respondent, by counsel, hereby stipulates as follows:

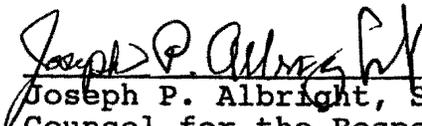
Under date of May 9, 1995, the Circuit Court of Wood County, George W. Hill, Judge, ruled by letter that "the subject divorce action is considered by the court as having terminated by virtue of the defendant's death".

The Respondent, Susan C. Burk, has not directed that any appeal be taken of the ruling of the Circuit Court of Wood County, mentioned above. No further action will be taken by the Respondent, Susan C. Burk, the Plaintiff in such action and the Respondent herein, to appeal such decision of the Circuit Court therein. The Respondent considers the ruling of the Court to be dispositive of the issue of "equitable distribution".

Accordingly, the said Susan C. Burk did not claim on August 3, 1995, does not claim and will not in the future claim that there presently exists or has existed at any time since the death

of the Defendant, any right of "marital distribution" by reason
of the institution of Civil Action 94-D-124.

Susan C. Burk
By Counsel



Joseph P. Albright, Sr.
Counsel for the Respondent,
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