

APPROVED: _____

DATE: _____

**AMENDED MINUTES
PUTNAM COUNTY COMMISSION REGULAR SESSION
September 11, 2018**

OPENING

Commissioners Stephen A. Andes, Ronald R. Foster, and R. Andrew Skidmore were present when the 9:00 a.m. meeting was convened in the Putnam County Commission Chambers by County Clerk Brian Wood. The Pledge of Allegiance followed.

BRIAN WOOD, COUNTY CLERK

Mr. Wood presented the following documents for the Commissioner's approval and signature:

1. Edit registers and checks
2. An Order to transfer from the General County Fund to the Putnam County Employee Benefit Fund, the sum of \$9,563.50 for August 2018 Optical and Dental Benefits
3. Upon the recommendation of the Putnam County Democratic Executive Committee and the Putnam County Republican Executive Committee, the Putnam County Commission does hereby ORDER that the attached list of election officials received from the Democratic and Republican Executive Committees be named Election Officials for the purpose of conducting the General Election to be held on November 6, 2018. It is further ordered that the Clerk of the County Commission shall fill any vacancies as necessary.

Commissioner Foster made a motion to approve and sign the presented documents. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Foster made a motion to approve to designate community voting for early voting for the November 2018 General Election at the Valley Park Community Center. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Foster amended the motion to clarify the hours for early voting at Valley Park Community Center will be the same as the courthouse. Commissioner Andes seconded the motion. The motion carried unanimously.

Brian Wood stated the Legislature passed a law to allow the Commission to determine poll worker pay. Mr. Wood compared Putnam County's current poll worker pay, which is \$150 for Election Day and \$8.75 per hour for early voting with Kanawha County's recent changes, which is \$200 for Election Day and \$15.00 per hour for early voting.

Commissioner Andes requested Brian Wood put the proposed changes in a spreadsheet and present it to them at the September 27, 2018 Commission meeting for a decision. Commissioner Foster requested a comparison of current rates versus proposed rates.

GENERAL BUSINESS

Commissioner Foster made a motion to approve the minutes of August 30, 2018. Commissioner Andes seconded the motion. The motion carried unanimously.

ERRONEOUS ASSESSMENTS

There were none.

COURT ORDERS APPROVED

Commissioner Foster made a motion to approve and sign the following orders, personnel payroll changes and certifications:

1. An Order to add to payroll Jamie Williams, Full-time, Deputy Clerk, Department 403, \$10.00/hourly, effective August 27, 2018 as presented by the Commission Secretary
2. An Order to delete from payroll Caleb Bailey, Part-time, EMT, Department 715, effective September 3, 2018 as presented by the Commission Secretary
3. An Order to add to payroll Chad Jones, Full-time, Paramedic, Department 715, \$13.63/hourly, effective September 11, 2018 as presented by the Commission Secretary
4. An Order to re-appoint Alva Howard to serve on the Putnam County Development Authority Board, effective October 1, 2018 with a term to expire on September 30, 2021. Commissioner Andes seconded the motion. The motion carried unanimously
5. An Order to appoint Cam Moore to serve on the Putnam County Community Criminal Justice Board, effective September 11, 2018 with a term to expire on December 31, 2018 as presented by the Commission Secretary
6. An Order to appoint Heather Brown to serve on the Putnam County Community Criminal Justice Board, effective September 11, 2018 with a term to expire on December 31, 2018 as presented by the Commission Secretary
7. An Order to appoint R. Andrew Skidmore to serve on the Putnam County Community Criminal Justice Board, effective September 11, 2018 with a term to expire on December 31, 2018 as presented by the Commission Secretary

Commissioner Andes seconded the motion. The motion carried unanimously.

JARROD DEAN, PARKS AND RECREATION DIRECTOR

Mr. Dean said the public requested the Parks and Recreation Board provide netting on the adult baseball field because baseballs have hit a car and neighboring homes. Mr. Dean requested the Commissioners consider using TIF Funds to purchase and install extra netting. After a brief discussion on restrictive equipment and banning homeruns, Commissioners requested Commission staff look into this with Mr. Dean.

JAMEY HUNT, DAY REPORT DIRECTOR

Commissioner Foster made a motion to approve and authorize the President to sign the Community Corrections grant contract and resolutions as presented by Mr. Hunt. Commissioner Andes seconded the motion. The motion carried unanimously.

County Attorney Larry Frye stated the Community Correction Board approved to provide increment pay to employees. He researched if the County Commission has the authority to deny a request. He said the state code language is ambiguous; however, he became aware of a resolution by the Community Corrections Subcommittee on Crime Delinquency and Corrections that says the County Commission does not have the authority to deny a request.

President Skidmore made a motion to issue increment paychecks to all full-time Putnam County Community Criminal Justice Fund employees for FY 2017-18 as presented by Mr. Hunt. Commissioner Foster seconded with the caveat that we don't end up at some point and time coming back to the County Commission and ask for it again. Commissioner Andes feels it is wrong on our part to approve this. Commissioner Andes said we are setting precedence, and you are going to have other people from other departments looking at it. Commissioner Andes said they do a great job, but there are other ways to increase their pay. Commissioner Foster said based on the language given to us by our staff attorney it looks like our hands are tied and it might cost us more to fight it than it would to approve it. Commissioner Andes voted nay. The motion passed.

CYNTHIA KEELEY, AMERICAN HEART ASSOCIATION

Cynthia Keeley with American Heart Association appeared before the Commission to present the 2018 Bronze Performance Achievement Mission Lifeline Award to Putnam County EMS and the organizations that work with them on STEMI care where patients received treatment in ninety minutes or less.

MAYOR MELTON, TOWN OF BUFFALO

Mayor Melton appeared before the Commission to request assistance to rebuild a privately built bridge on Wright's Lane that is used by residents of a subdivision and Cross Creek. He said emergency services would no longer use the bridge. Commissioner Andes asked if the subdivision has a homeowners association, which Mr. Melton said they do not. Commissioner Andes said the state can allocate funds on an emergency basis, but the county does not have funding to maintain roads. Commissioner Foster agreed with Commissioner Andes and wants Mayor Melton to exhaust all other avenues. Commissioners requested Mayor Melton work with Project Coordinator Tim Hanna to determine if grants are available.

Commissioner Foster made a motion to deny the funding assistance request to rebuild the

bridge on Wright's Lane. Commissioner Andes seconded the motion. The motion carried unanimously.

RECESS

At 9:54 a.m., Commissioner Foster made a motion to recess for the 9/11 Annual Remembrance Ceremony. Commissioner Andes seconded the motion. The motion carried unanimously.

At 10:22 a.m., Commissioner Foster made a motion to return to regular session. Commissioner Andes seconded the motion. The motion carried unanimously.

TIM HANNA, PROJECT COORDINATOR

Commissioner Foster made a motion to approve and authorize the President to sign an Application for the 2018 Courthouse Facilities Improvement Authority Grant as presented by Mr. Hanna. Commissioner Andes seconded the motion. The motion carried unanimously.

JEREMY YOUNG, COUNTY MANAGER

Mr. Young presented the following orders for approval:

Commissioner Foster made a motion to approve and authorize the President to sign the 2017 engagement letter with the State Auditor. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Foster made a motion to approve and authorize the President to sign the 2018 engagement letter with the State Auditor. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Foster made a motion to Order the clerk of this Commission to publish the following notice for (2) consecutive weeks in the Charleston Newspapers: The Putnam County Commission in conjunction with the Sheriff's Department will conduct an auction of the county surplus equipment consisting of police cruisers and other vehicles. The auction will be held on the courthouse parking lot on Saturday, September 29, 2018 at 10:00 a.m. The County reserves the right to reject any and all bids. All sales are final and purchaser will accept property as is. Cash or certified checks for amount of purchase will be accepted. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Foster made a motion to issue a check from the General County Fund in the amount of \$19,225.00 payable to the WV State Auditor's Office for the first half invoice for the FY2017 financial audit.

1. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$1,040.00 payable to Thomas M. Lyvers, Sr. for professional services rendered September 3, 2018 to September 7, 2018

2. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$1,040.00 payable to Thomas M. Lyvers, Sr. for professional services rendered August 27, 2018 to August 31, 2018
3. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$560.00 payable to Hometown Tire
4. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$60.80 payable to Office Depot

Commissioner Foster made a motion to approve the orders as presented. Commissioner Andes seconded the motion. The motion carried unanimously.

TIMOTHY SMITH, PLANNING DIRECTOR

County Attorney, Larry Frye recused himself due to a conflict of interest because his residence is located beside a subdivision, which could potentially be impacted by the text amendment. Jennifer Karr will be acting County Attorney.

Timothy Smith presented the County Commission summary for the Planning Commission's discussion, findings, and facts from the meeting on Tuesday, August 28, 2018 on the Text Amendment to modify Article 600 – "C-1 Suburban Commercial District," in order to allow "Fast Food Restaurant" and "Restaurant" as permitted principal uses instead of special permit uses.

Public comments were taken at the Putnam County Commission meeting on Thursday, August 30, 2018.

President Skidmore asked if staff determined what surrounding counties has in place, which Timothy Smith stated he could not find a special permitting process for Kanawha or Cabell Counties.

Commissioner Foster asked if agricultural and farming are allowed in C-1, which Mr. Smith answered they are allowed without a special permit. Commissioner Foster asked if they have guidelines governing dairy, row crops, hog farming and Mr. Smith said they do not need a special permit, but would have to follow the ordinance. He confirmed with Ashley Alford the President of Putnam County Chamber of Commerce that on WV-34 the third lane and sidewalks were put in thirteen years ago. Commissioner Foster stated the Department of Highways is required to do traffic studies when a proposed development is projected to generate one hundred or more trips per hour during peaks times. He said for smaller developments it is when the proposed new approach to an intersection is already operating at a level of service of E or worse, when the developer is requesting a new traffic signal, and when there is a request to modify an existing traffic signal. Their rating system goes from A-F with D being when they start to have issues. He reviewed the base results from the Walmart traffic study stating the existing level of service never got worse with mitigation. He wanted the public to know that we are concerned about traffic. Commissioner Foster said he heard in the public hearings that we didn't involve the public and it was pointed out that the public was not invited to the "Listening Session" which is a valid point. He wants people to understand the public has been involved considerably. The Putnam County Chamber of Commerce did a

"Visioning Summit" on November 2, 2017, as a part of their assumptions it says we need to entice more retail and restaurants to the county. It states that over the past few years we have seen a decline in growth as well as businesses looking to locate here and need to determine the cause of whether it is governmental regulations. Commissioner Foster asked for a copy of Dr. Mike Cunningham's 2011 Visioning Project Survey Report taken by people in our community. The summary of all findings: (1) concerns for business attraction, (2) community center, (3) Route 35 being completed, (4) family restaurants, (5) drugs in schools, (6) skilled workers, and upscale restaurants is eighth on the list. In February 23, 2012, the Planning Commission held a hearing for a developer who was trying to get a property in C-1 changed to C-2. The developer stated he talked to national realtors who said their national tenants are only interested in C-2. Commissioner Foster said this is part of what the Planning Commission and subcommittee took into consideration. He said John Dill organized a training session by the Chief Planner of Morgantown for the Board of Zoning Appeals and the Planning Commission. One of his slides said a heavy caseload on variances indicates the ordinance is defective; the board is malfunctioning or both. The presentation said the need for variances should be minor and variances should be granted sparingly. Commissioner Foster does not feel the board is malfunctioning, but does feel the ordinance is defective and the Planning Commission is moving to correct the ordinance. He said Kylene Brown stated the BZA requests on average took 47 days, but the ones of any concern took between 65-142 days. Commissioner Foster said on April 13, 2015 in the Gazette Mail the "Keep the Promise" group said their opposition was not specifically targeted to Walmart because they would oppose any project at that location. He reviewed several comments on "Keep the Promise" website in favor of new businesses and restaurants in Putnam County.

Commissioner Andes asked what the population growth is in Kanawha County, saying there is none. They don't have any ordinances, so people are moving out. We need to look at everything when we're going to try to be like everybody else. Maybe instead removing things from the ordinance we should be adding agricultural to a special permitted use, so the people could have a say and know what is going on. Slow growth for the last couple of years, I will give it to you in one word Obama. His policies drove this country downhill. We now have the greatest growth in the country in the history of America, again one word Trump. Why are restaurants not moving here, go ask them. He asked Outback why they do not have a restaurant in our area; it is because it would take away business from their best store in Huntington. Many restaurants know they can do a great dinner business, but they are concerned about the lunch business since most residents work in Charleston or Huntington. Why did some BZA special permits take longer, maybe they did not have all the paperwork? He does not believe the BZA has ever held them up. Mr. Dill said the subcommittee had feelings that businesses were not locating in Teays Valley, but did not have facts to show the BZA is impeding progress. At the public hearing, the biggest thing we heard is taking away the public's voice. This text amendment is silencing the public. He gave several examples of public comments at BZA hearings. The public is concerned about what could happen to their quality of life and want it protected. The BZA is providing a balance for regulation versus property rights and he thinks that is what we have. There were one or two comments from the public that this decision was self-serving and in sixteen years, he has never heard that comment before about the Planning Commission. If you are not presenting facts, then you are presenting feelings. He can see where they got that. He said it does not promote protect and promote the public health, safety, convenience, moral and general welfare of Putnam County. Most businesses locating to the area want to hear from the people to find out what their needs

are to allow them to be a good neighbor. The Wendy's franchise owner wants to be a good neighbor and put up fencing in other areas.

President Skidmore does not see traffic being an issue. The way he understands it, C-1 is a transition piece from residential to commercial. He likes the fact that there is a dialog with the public. He thinks many people thought this was about one piece of property, but the text amendment affects all C-1 properties. The BZA approved special permits in 30-60 days and most developments do not happen overnight. He asked Mr. Smith if businesses submit their plans when they apply for a special permit, and Mr. Smith said that is correct. President Skidmore confirmed with Mr. Smith that it takes time for Planning Commission staff to review the plans. He feels most of these businesses want to be good neighbors and welcome public comments. The BZA can make adjustments from public comments to allow these businesses to locate to our area. He spoke to realtors who at first glance were in favor of the text amendment; however, they were no longer supportive when they realized the public's voice would be taken away. He feels the special permitting processing gives the balance to allow public input and better transition between residential and commercial.

Commissioner Foster said we are not changing everything in C-1 to C-2. It is a very specific targeted change that gives us the opportunity to be able to attract business. As a business owner if I was going to build an Outback and I buy land and take a shot in the dark with the BZA as to whether I am approved or not, then they could put restrictions that would prevent a profitable business. This is why businesses are not coming right now. The businesses would rather go to Cabell or Kanawha County where they do not have to do this and will still get Putnam County's business. This could put more traffic on the road to Cabell or Kanawha County. He confirmed with Mr. Young that we authorized 15.9 million that is good for through 2034 and a large portion of the C-1 is located in the TIF District. He confirmed to be able to make the payments we need 4.25% growth and the growth is not guaranteed. If we restrict businesses in this area, then we may not meet that growth. One of the reasons he ran for Commissioner is that Putnam County was becoming more restrictive for businesses. He had many public comments about it being too restrictive and they said I would rather build homes in Kanawha County and I would rather build a restaurant somewhere else. Business is not the enemy of the people and is a good thing because it employs people, pays wages to people, pay taxes, and spend money in the county. This is going to discourage business from being in our area and possibly subject us to not having the increase in tax revenue to pay for the park. The people have many ways to be heard including voting the Commissioners out of office. We talk about the residents having their rights, but what about the businesses who spend large amounts of money on property. We have twenty people that are going to control a section of property. The business owner does not have protection over residents having drunken parties and scaring off his customers because there is not a noise ordinance. They have no input of what the residents put in their backyard. Commissioner Andes said maybe we should be more restrictive, but I do not think so and feel we are too restrictive already.

Commissioner Andes said that Commission Foster said you can put a pig farm beside a residential property and maybe the homeowner should have a say in that also. He explained it was a suggestion and he was not saying to do it. We are not restricting businesses. Wendy's is going to go in there. Right now, we are attempting to restrict the voice of the public.

President Skidmore stated he heard a lot about restaurants when he decided to run for Commissioner. He has called some of the restaurant chains who say if they put a restaurant in

our area, they would lose money and does not feel our ordinances are restricting businesses especially the larger chains. He likes the BZA process because the public can provide input. He understands some businesses may not purchase property because of the process and he struggled with that, but does not think we should take away the public input.

The County Commission made the following FINDINGS OF FACT: (1) Commissioner Andes said the text amendment will not protect and promote the public health, safety, convenience, moral and general welfare. (2) President Skidmore agreed because it takes away public comment. (3) President Skidmore said it would be a detriment to C-1 zoning because it is considered a transition piece between residential and commercial.

Commissioner Andes made a motion to deny the Text Amendment to modify Article 600 – “C-1 Suburban Commercial District,” in order to allow “Fast Food Restaurant” and “Restaurant” as permitted principal uses instead of special permit uses. President Skidmore seconded the motion. Commissioner Foster said he thinks you are making a big mistake and believes you are going to affect the revenue into the TIF Fund. Commissioner Foster said you voted for Valley Park and I just hope we can pay for it. Commissioner Foster stated he does not think you will ever have restaurants at a national level be interested in that particular area. Commissioner Foster explained we are already overcrowded in the I-64 interchange area. Commissioner Foster voted nay. The motion to deny the text amendment carried.

RECESS

At 11:35 a.m., Commissioner Foster made a motion to take a five-minute recess. Commissioner Andes seconded the motion. The motion carried unanimously.

At 11:51 a.m., Commissioner Foster made a motion to return to regular session. Commissioner Andes seconded the motion. The motion carried unanimously.

Timothy Smith presented the Text Amendment to modify Article 650 – “C-2 High Density Commercial District,” in order to change minimum front yard setback requirements listed in the table under “Property Development Standards.”

Commissioner Andes made a motion to open the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

President Skidmore opened the public hearing and asked for public comments; Sandy Mellert former Planning Director: She wants to make sure you understand what the consequence of this will be. If you have multiple frontages, then they have to be consistent in all of the subdivision regulations and the zoning ordinance. You get the primary frontage in the ordinance when you are talking about signs and then you have primary and secondary frontages. She explained in our ordinances a setback is from the property line back to the location you can build your first structure or parking. She does not understand why this is for C-2 only and why C-1 and residential are not included? Do you like the idea of having different frontages and if so who will determine primary and secondary? If someone has multiple frontages then they can request a variance, so why do you need this change? If you have repeated requests for the same variance then you should go back and look at your ordinance, but you have not had that. Her proposal is that you not approve this and instruct your director

to look at an overlay district that would have its own regulations. She explained the language in the text amendment goes back and forth between setbacks and frontages. You can get what you want, but this is not the correct way to do it.

Commissioner Foster made a motion to close the public hearing. Commissioner Andes seconded the motion. The motion carried unanimously.

President Skidmore asked Commissioner Foster if the subcommittee felt this was a needed change. Commissioner Foster said for corner lot properties it would allow them to get the required amount of parking easier. President Skidmore asked what you do if the ordinances and subdivision regulations are conflicting, then Mr. Smith said the most stringent would apply. Mr. Smith said they could clarify this is just for commercial and he spoke to John Butterworth who works for the City of Charleston who did not see any issue with the amendment. Commissioner Foster said we would have the option to add C-1 into the amendment and verified with Mr. Smith that he could add C-1 as well as stipulate for commercial use only. President Skidmore asked Mr. Frye if they can make changes without it going back to the Planning Commission and Mr. Frye said they could. President Skidmore confirmed with Commissioner Foster that the intent was for commercial use. Commissioner Andes asked Commissioner Foster if the property owner would determine the primary, which he said they would. President Skidmore would like to have C-1 added and include for commercial use only. Timothy Smith clarified that the Planning officer determines the frontage in regards to signage. Sandy Mellert said the subdivision regulations must be changed also.

Commissioner Foster made a motion to table the Article 650 – “C-2 High Density Commercial District,” in order to change minimum front yard setback requirements listed in the table under “Property Development Standards” to add C-1 and stipulate for commercial use as presented by Mr. Smith.

After a lengthy discussion, due to the number of proposed changes Mr. Frye determined the Commissioners should send the text amendment back to the Planning commission with recommendations.

Commissioner Foster amended his motion to send the Article 650 – “C-2 High Density Commercial District,” in order to change minimum front yard setback requirements listed in the table under “Property Development Standards” back to Planning Commission with recommendations to add C-1, clarify the amendment is for commercial use, look at subdivision regulations to ensure they are consistent and research if the property owner can select primary frontage and the Planning Director be required to make the frontage the same for signage. Commissioner Andes seconded the motion. The motion carried unanimously.

Timothy Smith presented the Article 1200.03 modifying – “Detailed Standards for Internal Roadways, Off-Street Parking, and Loading Areas,” in order to allow stones to be utilized as an approved material for “Landscaping” within raised islands; and to allow “RV Parks” to construct areas for loading, parking, internal roadways, and recreational vehicle pads from gravel.

At 12:37 p.m., Commissioner Foster made a motion to open the public hearing. Commissioner Andes seconded the motion. The motion carried unanimously.

President Skidmore opened the public hearing and asked for public comments; there were none.

At 12:37 p.m., Commissioner Foster made a motion to close the public hearing. Commissioner Andes seconded the motion. The motion carried unanimously.

The County Commission made the following FINDINGS OF FACT: (1) Commissioner Andes said yes the proposed amendment will protect and promote the public health, safety, convenience, moral and general welfare, and is consistent with the adopted comprehensive plan because gravel roads keeps traffic slow. (2) Protects pedestrians. (3) Aesthetics in the raised island will look good. (4) Integrated parking is within the character of the development. (5) Functional efficiency of the land use requiring off street parking, loading, and internal roadways is consistent with modern standards. (6) President Skidmore said safety and efficiency

Commissioner Foster made a motion to approve the Article 1200.03 modifying – “Detailed Standards for Internal Roadways, Off-Street Parking, and Loading Areas,” in order to allow stones to be utilized as an approved material for “Landscaping” within raised islands; and to allow “RV Parks” to construct areas for loading, parking, internal roadways, and recreational vehicle pads from gravel as presented by Mr. Smith. Commissioner Andes seconded the motion. The motion carried unanimously.

Timothy Smith presented the Article 600 Modifying– “C-1 Suburban Commercial District,” in order to allow “Automobile Repair; Including Body and Paint Work” as a special permit use.

At 12:54 p.m., Commissioner Foster made a motion to open the public hearing. Commissioner Andes seconded the motion. The motion carried unanimously.

President Skidmore opened the public hearing and asked for public comments; Sandy Mellert: You need to add a definition under special conditions for automobile repair and body and paint, and it would be a good idea to put conditions on it. She feels this amendment is not complete and you should table it to send back for more information. She does not feel it meets the intent. The BZA will hear public comment on this property and does not have to approve this. Commissioner Foster confirmed there was never a definition for auto body shop in the ordinance. She said it is a special permit in a C-2 and not a permitted principle.

At 1:02 p.m., Commissioner Foster made a motion to close the public hearing. Commissioner Andes seconded the motion. The motion carried unanimously.

After a lengthy discussion and verification from Mr. Frye that minor modifications could be made, Commissioner Foster made a motion to approve the Article 600 Modifying– “C-1 Suburban Commercial District,” in order to allow “Automobile Repair; Including Body and Paint Work” as a special permit use based on adding automobile body and paint work as letter c., striking the word minor out of item number two, eliminating item number six, renumbering, and add dismantled or damaged vehicles to number three. Commissioner Andes seconded the motion. The motion carried unanimously.

The County Commission made the following FINDINGS OF FACT: (1) President Skidmore said the proposed amendment protects and promotes the public health, safety, convenience, moral and general welfare, and is consistent with the adopted comprehensive plan because it makes better use of the land and we have a need in this area for body shops. (2) President Skidmore does not know why it was excluded and thinks it would be a nice addition to our area.

RECESS

At 1:15 p.m., Commissioner Andes made a motion for a two-minute recess. Commissioner Foster seconded the motion. The motion carried unanimously.

At 1:20 p.m., Commissioner Andes made a motion to return to regular session. Commissioner Foster seconded the motion. The motion carried unanimously.

Timothy Smith presented the a proposal for a Text Amendment to the Putnam County Subdivision Regulations to modify Article 100.08 – “Sale of Property,” in order to allow a one (1) lot exemption for each phase of development.

At 1:30 p.m., Commissioner Foster made a motion to open the public hearing. Commissioner Andes seconded the motion. The motion carried unanimously.

President Skidmore opened the public hearing and asked for public comments; Sandy Mellert: A developer can sell a lot when you get preliminary plat approval without any improvements in. She explained there are two ways to get approval for most of the lots with one being to get an escrow account for the amount it will take for the improvements or a performance bond. There is a risk involved to the consumer if the developer does not make the improvements. If you choose to approve the amendment, she recommends changing the wording to 20% and has a minimum of five lots.

At 1:34 p.m., Commissioner Foster made a motion to close the public hearing. Commissioner Andes seconded the motion. The motion carried unanimously.

President Skidmore understands the risk that could be involved for the potential buyer, but feels it is on the homeowners to do their due diligence. Commissioner Foster explained this would help the smaller developers.

After discussion, Commissioner Foster made a motion to approve a proposal for a Text Amendment to the Putnam County Subdivision Regulations to modify Article 100.08 – “Sale of Property,” in order to allow a one (1) lot exemption for each phase of development with the following changes: Major subdivisions which are developed in phases shall receive a one lot exemption for each phase provided that the phase is at least 20% of the size of the number of lots of the overall development and has a minimum of five lots. No such one-lot exemption will be allowed for any subsequent phase unless and until the prior phase has received final plat approval from the Planning office as presented by Mr. Smith. Commissioner Andes seconded the motion. The motion carried unanimously.

The County Commission made the following FINDINGS OF FACT: (1) Commissioner Foster said the proposed amendment would protect and promote the public health, safety, convenience, moral and general welfare because it allows small developers as well as more developers to work in phases, which creates more competition. (2) Commissioner Foster said it is consistent with the adopted comprehensive plan because it is consistent with the land use plan objective for residential and commercial.

BOARD APPOINTMENTS

Commissioner Foster made a motion to re-appoint Alva Howard to serve on the Putnam County Development Authority Board, effective October 1, 2018 with a term to expire on September 30, 2021. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to appoint Cam Moore, Heather Brown, and R. Andrew Skidmore to serve on the Putnam County Community Criminal Justice Board, effective September 11, 2018 with a terms to expire on December 31, 2018. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to re-appoint Johnny Harris to serve on the Putnam County Development Authority Board, effective October 1, 2018 with a term to expire on September 30, 2021. Commissioner Foster would like to table this appointment. The motion died for lack of a second.

ESTATE SETTLEMENTS

The Fiduciary Supervisor Mr. Frye presented the following documents to the Commission and recommended that they be approved as presented:

Short Form Settlements: Terry L. Adams, Dellos H. Adkins, Wanda Lee (aka Hammonds) Cavender, Richard David Chapple, Oretha M. Cline, Gatha Irene Estep, Nancy Jo Frye, Edith Louise Harrison, Jonathan Ray Harrison, Irma Irene Hescht, Billy Earl Lovejoy, Robert L. Santmyer, Charles Daniel Simms, Sr., Jeffrey Brian Stutler, Douglas William Swiger, Robert Warren Whitt, Jr.

Long Form Settlement: None

An Order to disburse the sum of \$130.00 from the Fiduciary Special Fund made payable to State Tax Department for estate tax administration fees.

An Order to disburse the sum of \$178.00 from the Fiduciary Special Fund made payable to Brian Wood, Clerk, for recording settlements.

An Order of "Estate Listing" of Actions of Fiduciary Supervisor from August 25, 2018 through September 7, 2018.

Commissioner Foster made a motion to approve the documents as presented and authorize the President to sign. Commissioner Andes seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS

There were none.

ADJOURN

At 1:45 p.m., having no further business, Commissioner Foster made a motion and Commissioner Andes seconded to adjourn the regular session of the County Commission until Thursday, September 27, 2018 at 5:30 p.m.

Respectfully submitted,

Marcie Kimberling
Secretary