

APPROVED: _____

DATE: _____

**MINUTES
PUTNAM COUNTY COMMISSION REGULAR SESSION
January 31, 2019**

OPENING

Commissioners Stephen A. Andes, Ronald R. Foster, and R. Andrew Skidmore were present when the 5:30 p.m. meeting convened in the Putnam County Courtroom 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 \$9,356.50 for December 2018 Optical and Dental Benefits
3. An Order to transfer from the General County Fund to the Putnam County Employee Benefit Fund, the sum of \$9,180.00 for January 2019 Optical and Dental Benefits

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

GENERAL BUSINESS

Commissioner Andes made a motion to approve the minutes of January 8, 2019. Commissioner Skidmore seconded the motion. The motion carried unanimously.

DIVIDE ORDERS AND ERRONEOUS ASSESSMENTS

Commissioner Andes made a motion to approve the Divide Orders and Erroneous Assessments as presented:

Divide orders: G & J Farms LLC, Jacklyn Ann Oxley

Erroneous assessments: five for 2 J Supply HVAC, Raymond Gary Anderson, Belva Bailey, D. J. Barnett et ux, Ryan & Clarissa Bryant, two for Capitol Copiers Inc., Charles A. Craigo, two for Crystal Vision Video Inc., Erica Drake, six for Great Teays Podiatry PLLC, two for Jerald &/or Kerri Harrison, two for Health Source of Teays Valley Dr. Aaron Workman, Integrated Construction Service, Patricia G. Kimble, three for KVPTC LLC, Margie Landers, Roger T. Lawrence, two for Mega Oil & Gas, two for Maurice W. Milton, Sherri L. Morgan, three for Carla Murphy, two for Steven Michael Newton, two for Richard or Reanna Parsons, Rock Solid Builders, Jason B. &/or Miranda J. Rutledge, Kenneth Smith, Span 1 LLC, Mary L. &/or John T.

Spencer, Judy (Fields) &/or Stephen E. Stamper, Jr., Greta Thornton, four for Valley Chiropractic PLLC, four for Firebreather Kids LLC, Welch Brothers Upholstery, John &/or Carolyn Dayton, Kevin Wooten, Federal National Mortgage, two for Ronald J. & Sherry L. Hayes, Tonya Beaver, Jason C. Belcher, four for Debra L. Bowling, Capitol Nannies LLC, two for Elite Door Co., James Kaitlyn, Netra Lucas, three for Jay D. Martin LLC, two for Ellen Mills Pauley, Trina D. &/or Ronald D. Sigman &/or Gregory A. Day, Jr., Matthew Smith, Judy (Fields) &/or Stephen E. Stamper, Jr., Paul &/or Destanie Strickland, Robert D. Vickers, four for Lori Woody, three for Mortgagenet, Melanie Mitchell

94 Erroneous Assessment was approved totaling \$27,686.48 in deduction of taxes.

Commissioner Skidmore seconded the motion. The motion carried unanimously.

COURT ORDERS APPROVED

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

1. An amended payroll Order for Kyle Maxson, Part-time, Victim Advocate, Department 726, \$13.00/hourly, effective January 7, 2019 as presented by the Commission Secretary
2. An Order to add to payroll Bryan Simpson, Part-time, Office Assistant, Department 402, \$11.00/hourly, effective January 1, 2019 as presented by the Commission Secretary
3. An Order to delete from payroll Joshua Twohig, Grant-Funded Temporary Full-time, Day Report Officer, Department 731, effective November 2, 2018 as presented by the Commission Secretary
4. An Order to add to payroll James Mitchell, Part-time, Paramedic, Department 715, \$11.50/hourly, effective January 11, 2019 as presented by the Commission Secretary
5. An Order to remove Keith McClanahan, 118 Eleanor Circle, Eleanor, WV 25070 from the Putnam County Development Authority, effective September 7, 2018 as presented by the Commission Secretary
6. An Order to remove Paul Melton, P.O. Box 674, Buffalo, WV 25033 from the Putnam County Development Authority, effective November 7, 2018 as presented by the Commission Secretary
7. An Order to remove David Bagnall, 110 Research Parkway, Dundee, MI 48131 from the Putnam County Development Authority, effective January 4, 2019 as presented by the Commission Secretary
8. An Order to remove Patricia Schiffour, 507 Edgewood Drive, Hurricane, WV 25526 from the Putnam County Board of Zoning Appeals, effective January 14, 2019 as presented by the Commission Secretary

9. An Order to appoint Dane Ryan to serve on the Putnam County Board of Zoning Appeals, effective January 31, 2019 with a term to expire on January 1, 2020 as presented by the Commission Secretary
10. An Order to re-appoint James David Mills to serve on the Putnam County Planning Commission Board, effective February 7, 2019 with a term to expire on February 6, 2022 as presented by the Commission Secretary
11. An Order to re-appoint John Dill to serve on the Putnam County Planning Commission Board, effective February 7, 2019 with a term to expire on February 6, 2022 as presented by the Commission Secretary
12. An Order to re-appoint Thor Meeks to serve on the Putnam County Planning Commission Board, effective February 7, 2019 with a term to expire on February 6, 2022 as presented by the Commission Secretary
13. An Order to re-appoint Vic Mays to serve on the Putnam County Planning Commission Board, effective February 7, 2019 with a term to expire on February 6, 2022 as presented by the Commission Secretary
14. An Order to appoint Marnie Edwards to serve on the Putnam County Planning Commission Board, effective January 31, 2019 with a term to expire on February 6, 2021 as presented by the Commission Secretary

Commissioner Andes seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS

There were none.

WEST VIRGINIA DEPARTMENT OF VETERANS ASSISTANCE

President Foster introduced Dennis Davis the Cabinet Secretary for West Virginia Department of Veterans Assistance who reviewed the benefits they provide to our Veterans. President Foster read and presented Mr. Davis with a resolution to recognize the many services West Virginia Department of Veterans Assistance provides to our West Virginia Veterans and to welcome them to Putnam County.

NAMING OF OLD HAUL ROAD IN BUFFALO

OES/911 Director Frank Chapman appeared before the Commission to present background information for Old Haul Road. Mr. Chapman stated that 911 did not name the road, but the name has been in place since 1999. In December of 1999, four residents petitioned the Commission to install an Old Haul Road sign and they petitioned for the road to be accepted into the state orphaned road program. Mr. Chapman recommended the name remain Old Haul Road and recommended for anyone wanting to change the name to go through the process at the 911 office.

Commissioner Andes made a motion to leave the name Old Haul Road. Commission Skidmore seconded the motion. The motion carried unanimously.

JARROD DEAN, PUTNAM COUNTY PARKS AND RECREATION DIRECTOR

Putnam County Parks and Recreation Director Jarrod Dean appeared before the Commission to report the pricing for netting at Valley Park is \$6,732.00, but he is still working with American Electric Power for the donation of the poles. The Commissioners did not take action, since the poles and installation have not been determined.

PATRICIA USHER, PLANNER

Patricia Usher presented the Zoning Amendment Application submitted by Georgia Summers for rezoning for property located on Tax Map 184, Parcel 25.6 which is located at Lockview Mobile Home Park, Southwest of the Winfield Locks and Dam, Winfield, WV 25213, to rezone property from "C-2" High Density Commercial District to "RR" Rural Residential District.

At 6:03 p.m., President Foster opened the public hearing.

Scott Burdette wanted to know what is on the property. The Commissioners informed him that it is a mobile home park.

Ed Absten of Absten & Sons asked if they were going to change it from commercial to residential. Mr. Absten's has concerns of low-income apartments going in. The Commissioners reviewed the Rural Residential District guidelines. Mr. Absten explained his employee had to move his mobile home out, supposedly because of river erosion. President Foster confirmed there is erosion.

Beth Pitzer representing Georgia Summers said some people were asked to move because of the river erosion. She explained if someone moves out and it's been vacant for more than a year then nobody can move back to a vacant lot because it is zoned C-2.

At 6:12 p.m., Commissioner Skidmore 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) The amendment of rezoning for Tax Map 184, Parcel 25.6 which is located at Lockview Mobile Home Park, Southwest of the Winfield Locks and Dam, Winfield, WV 25213, to rezone property from "C-2" High Density Commercial District to "RR" Rural Residential District would protect and promote the public health, safety, convenience, moral and general welfare because it will allow mobile home replacement; (2) there is a need for residence in this price point; (3) is consistent with the adopted comprehensive plan because of the change in the traffic patterns; (4) because this is how it has been operating and how they plan to operate in the future.

Commissioner Skidmore made a motion to approve the rezoning application as presented by Ms. Usher. Commissioner Andes seconded the motion. The motion carried unanimously.

PUBLIC HEARING

President Foster called the public hearing to discuss the proposed annexation by the City of Winfield, West Virginia to order.

County Attorney Larry Frye Town explained the City of Winfield filed a petition for annexation by minor boundary adjustment of two tracts of land comprising approximately 223+/- acres. The Commission denied the previous petition, but there was not a recording from the meeting. It was sent to Judge Reeder on appeal, so he requested it to come back to the Commission for a record to be developed.

At 6:17 p.m., Commissioner Skidmore made a motion to open the hearing for public comments. Commissioner Andes seconded the motion. The motion carried unanimously.

Attorney Tim LaFon was present to represent the City of Winfield. Mr. Lafon questioned Randy Crase, Engineer, Jonathan Carpenter, Gloria Chapman, City of Winfield Treasurer, and Randy Barrett, Mayor of Winfield. Mr. Crase testified that the proposed annexation consists of two tracts. Mr. Carpenter testified that there are plans to upgrade and replace the water treatment plant and residents who live outside of the city limits do not pay for storm water treatment. Ms. Chapman testified that for the past ten years she prepared the infrastructure improvement record and that the business and occupation tax for the City of Winfield was implemented in 2006. Mayor Barrett testified that the residents outside of the city limits are provided services by the City of Winfield, that the Winfield Volunteer Fire Department receives financial assistance from the City of Winfield, that the City of Winfield Police Department provides law enforcement services outside of city limits under a mutual aid agreement, and that the storm water outside of the city limits flows into the City of Winfield's storm water system.

President Foster stated the Commission allowed Mr. Lafon representing the City of Winfield well over two minutes for each witness.

Laura Cox, 10554 Winfield Road, provided census information on the City of Winfield and was in favor of the annexation to enable continued growth.

Steve Schirtzinger owner of Easy Storage located at 13005 Winfield Road. Mr. Schirtzinger bought the property his business is located on because it was outside of the city limits. Mr. Schirtzinger has a retention pond for storm water and would not receive any benefits from the annexation; therefore, he is against the annexation.

Jackie Hunter lives in Winfield. Ms. Hunter feels the boundaries of the City of Winfield are crooked and she is for the annexation.

Scott Burdette, 13501 Winfield Road, was unclear on the annexation boundaries. Mr. Burdette said we had a water situation because we had sixty inches of rain. He is concerned about the costs of pump stations and feels the City of Winfield should expand towards John Amos Power Plant.

Paul Fourney is a resident in the proposed area to be annexed and is opposed to the annexation because he has all the services he needs. Mr. Fourney does not want tax increases for residents or businesses.

Marsha Postle resides at 34 Cash Lane in the City of Winfield. Ms. Postle has seen the storm water issues; therefore, she is in favor of the annexation.

Ronnie Roach has lived on Winfield Avenue since 1958, which is outside the City of Winfield. Mr. Roach said storm water has always been an issue and is opposed to the annexation.

Larry Stover, 13655 Winfield Road, which is in the area of the proposed to annexation and is opposed to the annexation. The City of Winfield has indicated gross incompetent management by getting in trouble with the EPA that is going to cost millions of dollars to fix.

Renee Jarrell and her husband own Appalachian Signals and Products that is in the proposed area to be annexed. Mrs. Jarrell wondered if Brittany Point or Radwin Acres contributed to the storm water issues, but Cane Creek Crossing does not affect the storm water because it drains into their field. We pay for our utilities, pay B&O tax in the areas we work, and donate to the schools in Winfield. Mrs. Jarrell is against the annexation.

Patrick McCallister owns a business at 12765 Winfield Road, which is in the proposed area to be annexed. Mr. McCallister is a lifelong resident of Putnam County. He stated neither the property owners nor businesses in the proposed area asked or want to be annexed. Mr. McCallister is against the annexation.

Jill Thornton is a Putnam County resident. Ms. Thornton said 227 acres is not a minor boundary adjustment and is against the annexation.

Ed Absten, 13465 Winfield Road, explained that storm water does not come toward the City of Winfield from the proposed area to be annexed. Mr. Absten helps the Winfield community as well. The proposed area to be annexed has police protection, so he is against the annexation.

Lynn Fruth owner of Fruth Pharmacy located at 12803 Winfield Road provided a petition with thirty-seven signatures of people against the annexation. Ms. Fruth feels the way to correct the sewer problem is to increase the rates to everyone who utilizes it including people in the fringe areas. People chose locations because they were outside of city limits with less regulations or B&O tax. The proposed annexation will capture all the business outside the city limits. We make many contributions to the community and is a good business partner. Ms. Fruth is against the annexation.

Corey Cunningham, 3747 Winfield Road, owns an auto repair shop and is against the annexation.

John Payne delivered a written objection of the annexation to the Commission office. Mr. Payne stated he has helped the City of Winfield by allowing two water lines across the front of their property and a sewer line on the backside.

At 7:18 p.m., after hearing all comments, Commissioner Skidmore made a motion to close the public hearing. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioners deliberated the following issues:

1. They agreed that the proposed territory is contiguous to the corporate limits of the city.

2. They agreed that the territory is not limited solely to a DOH right-of-way or that the DOH owns the property outright.
3. They agreed that only one person in the proposed territory supported the annexation and few within the city spoke to support it.
4. They agreed that the additional territory consists of a street or highway and has one or more freeholders.
5. They agreed that the additional territory is not necessary for providing emergency services therein.
6. They agreed that the City of Winfield has applied to annex the same or substantially the same territory in the past but that no other city has sought to annex it.
7. They agreed that the proposed annexation is not in the best interest of the county as a whole as explained above.

Commissioner Skidmore made a motion to accept the said "Findings of Fact." Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Skidmore then made a motion to deny the City of Winfield's petition for annexation. Commissioner Andes seconded the motion. The motion carried unanimously.

RECESS

At 7:28 p.m., Commissioner Skidmore made a motion for a five-minute recess. Commissioner Andes seconded the motion. The motion carried unanimously.

At 7:41 p.m., Commissioner Skidmore made a motion to return to regular session. Commissioner Andes seconded the motion. The motion carried unanimously.

TIM HANNA, PROJECT COORDINATOR

Commissioner Andes made a motion to approve and authorize the President to sign the VAWA Grant Application as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to approve and authorize Commissioner Skidmore to sign the JAG PRO Grant Contract as presented by Mr. Hanna. President Foster seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to issue a check from the General County Fund in the amount of \$10,423.00 payable to Town of Buffalo for the Putnam County Recreation Enhancement Fund as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

JEREMY YOUNG, COUNTY MANAGER

Mr. Young presented the following orders for approval:

Commissioner Andes made a motion to approve and authorize the President to sign State Budget Revision #2 as presented by Mr. Young. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Skidmore made a motion to table Change Order #10 with Wolf Creek for Valley Park Improvement Project. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to approve a budget revision for the Sheriff's Department Fund #705 for vehicle maintenance and repair and Sheriff's Department Fund #700 for contracted services and as presented by Mr. Young. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to issue a check from the Spay and Neuter Fund in the amount of \$421.00 payable to Help For Animals for services provided as presented by Mr. Young. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes 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 FY2018 financial audit as presented by Mr. Young. Commissioner Skidmore seconded the motion. The motion carried unanimously.

1. An Order to issue a check from the TIF Fund in the amount of \$21,105.39 payable to WesBanco Bank, Inc. Trustee for December 2018 TIF Revenue – Trustee is to issue debt service payments Putnam Bonds 2017AB
2. An Order to issue a check from the TIF Fund in the amount of \$2,150.00 payable to Hooten Equipment Company, LLC for the Kitchen Equipment at the Valley Park Conference Center for the Putnam County Parks and Recreation Commission
3. An Order to issue a check from the TIF Fund in the amount of \$369.23 payable to the Putnam County Parks and Recreation for electrical supplies at Valley Park Conference Center for the Putnam County Parks and Recreation Commission
4. An Order to issue a check from the TIF Fund in the amount of \$400.00 payable to Triad Engineering, Inc. for work done on the Valley Park Improvement Project for the Putnam County Parks and Recreation Commission

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

5. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$277.93 payable to Sprint
6. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$117.76 payable to Swana Lovejoy for mileage reimbursement for October 23, 2018 to January 22, 2019
7. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$1,872.00 payable to Thomas M. Lyvers, Sr. for professional services rendered for January 1, 2019 to January 11, 2019

8. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$208.00 payable to Thomas M. Lyvers, Sr. for professional services rendered for December 31, 2018
9. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$140.00 payable to Call2test, LLC
10. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$107.72 payable to Office Depot
11. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$48.00 payable to Gunters Logoworks & Sportwear, LLC
12. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$860.00 payable to C V Management for February 2019 invoice Unit #1
13. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$860.00 payable to C V Management for February 2019 invoice Unit #4
14. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$293.00 payable to Chris Moles for professional services rendered for December 2018 invoice
15. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$870.00 payable to Kimberly Sizemore for professional services rendered for December 2018 invoice
16. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$315.00 payable to Anthony Craigo for professional services rendered for December 2018 invoice
17. An Order to issue a check from the Putnam County Community Justice Fund in the amount of \$1,652.00 payable to Pretera Center for mental health services for December 2018 Invoice for Day Report
18. An Order to issue a check from the Putnam County Community Justice Fund in the amount of \$1,965.00 payable to Pretera Center for mental health services December 2018 Invoice for Drug Court
19. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$216.50 payable to Track Group for monitoring

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

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: Edward Lane Bartlett, Fayette Bowen, Thomas Ray Davis, Sr., Patricia Rumbaugh Goff, Ruth Jean King, Helen Fay Lanham, James Edward Lowe, Charlotte Pauline Mollohan, Justina Lindner Moyer, Michael Boone Null, Tony Sam Putinsky, John Henry Smith, Elizabeth Moore Sovine, James Ross Taylor

Long Form Settlement: Thomas Lee Henson, Harold Stephen Holmes

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 to reopen the estate of Chester Clinton Wood for the sole purpose of transferring titles of a vehicle and trailer and appointing Charlotte J. Wood, Executrix.

An Order of "Estate Listing" of Actions of Fiduciary Supervisor from January 4, 2019 through January 25, 2019.

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

BOARD APPOINTMENTS

Commissioner Skidmore made a motion to appoint Dane Ryan to serve on the Putnam County Board of Zoning Appeals, effective January 31, 2019 with a term to expire on January 1, 2020. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to re-appoint Ronald Stone to serve on the Putnam County Development Authority Board, effective September 31, 2018 with a term to expire on September 31, 2021.

Commissioner Skidmore made a motion to table the Putnam County Development Authority Board appointments until the Commission meeting in February. President Foster seconded the motion. Commissioner Andes voted nay. The motion carried.

Commissioner Skidmore made a motion to re-appoint James David Mills to serve on the Putnam County Planning Commission Board, effective February 7, 2019 with a term to expire on February 6, 2022. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Skidmore made a motion to re-appoint John Dill to serve on the Putnam County Planning Commission Board, effective February 7, 2019 with a term to expire on February 6, 2022. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Skidmore made a motion to re-appoint Thor Meeks to serve on the Putnam County Planning Commission Board, effective February 7, 2019 with a term to expire on February 6, 2022. Commissioner Andes seconded the motion. The motion carried unanimously.

Commissioner Skidmore made a motion to re-appoint Vic Mays to serve on the Putnam County Planning Commission Board, effective February 7, 2019 with a term to expire on February 6, 2022. Commissioner Andes seconded the motion. The motion carried unanimously.

Skidmore made a motion to appoint Marnie Edwards to serve on the Putnam County Planning Commission Board, effective January 31, 2019 with a term to expire on February 6, 2021. Commissioner Andes seconded the motion. The motion carried unanimously.

ADJOURN

At 8:00 p.m., having no further business, Commissioner Andes made a motion and Commissioner Skidmore seconded to adjourn the regular session of the County Commission until Tuesday, February 12, 2019 at 9:00 a.m.

Respectfully submitted,

Marcie Kimberling
Secretary