

APPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

**MINUTES  
PUTNAM COUNTY COMMISSION REGULAR SESSION  
May 30, 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 \$9,407.50 for April 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 May 14, 2019. Commissioner Skidmore seconded the motion. The motion carried unanimously.

**PUBLIC COMMENTS**

Vice President of the Putnam County Fair Board Andrew Parsons appeared before the Commission to request an increase in contributions. The Commission contributes \$13,500.00, which they use to cover security expenses. The security expense last year was \$19,500.00, but has increased to approximately \$21,000.00 this year. Mr. Parsons requested the Commissioners consider increasing their donation to \$21,000.00 this year and start budgeting for this amount each year. President Foster asked this item be on an upcoming meeting agenda.

**TERRY MARTIN, RIC**

Commissioner Andes made a motion to approve the Payment Request #3 for the Manila Ridge Water Project as presented by Mr. Martin. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Mr. Martin said they are still working on the income surveys for the Small Cities Block Grant.

## **FFA PRESENTATION**

Buffalo FFA appeared before the Commission to debate Senate Bill 329. Some of the positive of Senate Bill 329 are the agricultural programs, dual credit classes, gain communications skills, but some of the negatives are the lack of funding and a waste of time for some students.

## **TERRELL ELLIS, ADVANTAGE VALLEY**

Executive Director Terrell Ellis with Advantage Valley appeared before the Commission to explain they are a regional economic development organization representing Charleston and Huntington's MSAs and have nine counties in their region. Ms. Ellis explained they sub funded through a grant Will Miller's Retention Specialist position at the Putnam County Chamber of Commerce. Ms. Ellis explained they do business to business activities to allow small companies to present their services and products to large manufacturers. They did an auto parts manufacturing supply chain event at the Valley Park Conference Center where eighty companies met with manufacturers to promote their business. On June 13, 2019, there will be another event at Valley Park Conference Center for supply chains for chemical and polymer industry.

## **BUDGET REVISIONS**

Commissioner Andes made a motion to approve a budget revision for the Circuit Clerk Fund #403 for travel and supplies and materials as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to approve a budget revision for the Prosecutor's Office Fund #405 for dues and subscriptions as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to approve a budget revision for the Planning Fund #439 for dues and subscriptions as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to approve a budget revision for the Animal Shelter Fund #716 for part-time employee's wages and professional services as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to approve a budget revision for the County Clerk Fund #402 for capital outlay equipment as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

## **ERRONEOUS ASSESSMENTS**

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

Ashley Bowling, Timothy B. &/or Debra A. Cart, Carl &/or Mary M. Chandler, Randall D. &/or Michele Craigo, Christopher or Tamara Feldhaus, Kristin &/or Jason, Hamblin, James W. Nida, Terry L. &/or Heather L. Summers, Dennie &/or Diana Taylor, Tyler C. Foster

10 Erroneous Assessment were approved totaling \$2,467.54 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 Order to delete from payroll Seth Lewis, Full-time, Deputy Sheriff, Department 700, effective March 18, 2019 as presented by the Commission Secretary
2. An Order to delete from payroll Kimberly Myles, Full-time, Tax Clerk, Department 404, effective March 20, 2019 as presented by the Commission Secretary
3. An Order to add to payroll Laura Carter, Full-time, Tax Clerk, Department 404, \$10.50/hourly, effective May 21, 2019 as presented by the Commission Secretary
4. An Order to add to payroll Brady Richard Corbett Taylor, Part-time, Paramedic, Department 715, \$11.50/hourly, effective May 28, 2019 as presented by the Commission Secretary
5. An Order to make a payroll change for Christopher Lowe, Part-time to Full-time, Bailiff, Department 700, \$12.98/hourly, effective May 28, 2019 as presented by the Commission Secretary
6. An Order to make a payroll change for Chris Meadows, Full-time to Part-time, Bailiff, Department 700, \$12.98/hourly, effective May 28, 2019 as presented by the Commission Secretary
7. An Order to add to payroll Dennis A. Criss, Full-time, Deputy Sheriff, Department 700, \$19.66/hourly, effective July 1, 2019 as presented by the Commission Secretary
8. An Order to add to payroll William Russell, Part-time, Telecommunicator, Department 712, \$14.00/hourly, effective May 30, 2019 as presented by the Commission Secretary
9. An Order to appoint William Cragg to serve on the Putnam County Fire Service Board, effective May 30, 2019 with a term to expire on June 30, 2021 as presented by the Commission Secretary

Commissioner Skidmore seconded the motion. The motion carried unanimously.

### **NATALIE HANSON**

Natalie Hanson appeared before the Commission regarding the substance abuse homes on Cross Lanes Drive, which ROCK WV Inc. a non-profit operates. She feels the homes have increased the foot traffic in the area and more activity in the church parking lot. President Foster asked Chief Deputy Hayzlett to increase their presence in the area. Chief Deputy

Hayzlett said he will, but this is the first time he heard of any issues in the church parking lot. Ms. Hanson previously requested the Commissioners consider the adoption of the utilization of standards with National Alliance for Recovery Residences (NARR).

Mr. Frye reported NARR is a national organization with affiliates. The affiliates monitor the residences, but they do not have one in West Virginia. President Foster asked if another affiliate could monitor in WV and Mr. Frye said he was not sure. President Foster asked if Planning could develop an ordinance and Mr. Frye did not feel that would be feasible to enforce. Mr. Frye also stated he does not see enforcement with NARR either. Mr. Frye has been unable to speak to DHHR. President Foster asked Mr. Frye to research if we have the authority to regulate this countywide.

## **RECESS**

At 6:23 p.m., Commissioner Andes made a motion to take a five minute recess. Commissioner Skidmore seconded the motion. The motion carried unanimously.

At 6:29 p.m., Commissioner Andes made a motion to return to regular session. Commissioner Skidmore seconded the motion. The motion carried unanimously.

## **PUBLIC COMMENTS**

Jeremiah Underhill Legal Director for the Disability Rights of WV spoke in support of the ICF facility in Putnam County. He stated legally you cannot block this and he will take legal action if Putnam County Commission files an injunction. This is a home for people with disabilities to live and designed to keep them close to services in the community. Mr. Underhill does not represent Starlight, but advocates for everyone with disabilities. They do monitor the ICF facilities to make sure the residents are safe. Mr. Underhill said they do not have to notify the residents that an ICF facility is going into a neighborhood.

William Dempsey of 319 Lower Overlook Drive said his questions in regards to the facility have yet to be answered. Mr. Dempsey reviewed the list of questions regarding the Starlight facility.

Jeremy Maynard Director of Starlight Behavioral Health read a prepared statement in regards to what they do and detailed information on Senate Bill 575. They were transparent when filing the paperwork with the Planning Commission and he feels it was blown out of proportion by the media. The residents will have intellectual disabilities. Mr. Maynard said studies proven that these facilities do not affect property values. The Commissioners feel as part of the process they should educate the residents in the neighborhoods where they plan to put an ICF IDD facility.

Eli Baumwell Policy Director with American Civil Liberties Union is a nonprofit/nonpartisan organization. Our mission is to protect the rights guaranteed by the US and WV Constitution, which includes the rights of people with disabilities. Mr. Baumwell is speaking on behalf of Starlight for their right to proceed with this ICF. Mr. Baumwell's understanding is that residents feel some of the people moving to the neighborhood are undesirable. He does not feel they should have to justify their right to move into that neighborhood.

Kipp Beaver 301 Lower Overlook Drive spoke about misinformation presented from speakers. Mr. Beaver said their biggest fears are our home values and this property looks terrible because the grass needs mowed.

William Dempsey said WSAZ misrepresented us. He explained that it is not about the residents in the ICF IDD home, but about a business moving into the neighborhood and the affect it will have on the residents.

Steve Slack Ambassador with the National Down Syndrome Society and Advocacy Liaison for the Down Syndrome Network of WV. This is definitely a disability rights issue. Everybody here is saying we are not against these people and the key word is you are saying these people. Mr. Slack discussed two of his three children have disabilities and the negative reactions he received from his neighbors. Mr. Slack explained the requirements of the employees at the facility including backgrounds checks and fingerprinting. This home will end up being a benefit to Putnam County.

### **LARRY FRYE, COUNTY ATTORNEY**

Larry Frye did not feel the language in Senate Bill 575 is ambiguous and cannot make a good faith argument.

Commissioner Andes withdrew the motion to file injunction. Commissioner Skidmore seconded the motion. President Foster explained the process they went through to come to this decision. The motion carried unanimously.

### **DELINQUENT TAX LIST**

Larry Frye appeared before the Commission to present the delinquent tax list. Commissioner Andes made a motion to approve the delinquent tax list as presented. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to designate all the banking institutions situate in the county and duly incorporated under the laws of this state, or organized under the laws of the United States, as depositories of public moneys. When any banking institution designated herein has complied with all of the requirements and provisions of West Virginia Code §7-6-1, et seq., the Sheriff may deposit public funds with it as a county depository as presented by Mr. Frye. Commissioner Skidmore seconded the motion. The motion carried unanimously.

### **BOARD APPOINTMENT**

Commissioner Skidmore made a motion to appoint William Cragg to serve on the Putnam County Fire Service Board, effective May 30, 2019 with a term to expire on June 30, 2021. Commissioner Andes seconded the motion. The motion carried unanimously.

### **EXECUTIVE SESSION**

At 7:30 p.m., Commissioner Andes made a motion to enter into executive session for Office of Planning and Infrastructure Update with Timothy Smith. Commissioner Skidmore seconded the motion. The motion carried unanimously.

At 8:03 p.m., Commissioner Andes made a motion to enter back into regular session. Commissioner Skidmore seconded the motion. The motion carried unanimously.

### **BID OPENING – ELECTRONIC PAYMENT PROCESSING SERVICES**

Project Coordinator Tim Hanna appeared before the Commission to present three (3) bids for the Electronic Payment Processing Services as follows: 1) WV Interactive with service charge of 2.2% plus \$1.00 per transaction and \$250.00 per device, 2) Certified Payments LLC with service charge of 2.45% and \$150.00 per device, 3) Fidelity Information Systems (FIS) with service charge of 2.29% and \$323.00 per device.

Commissioners requested Project Coordinator review the bids to allow a decision at the last meeting in June.

### **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:** Rebekah Ruth Boone, Keith Byron Cargill, Mary Frances Harper Cash, Norma June Cooper, Walter Ulice Harrison, Ephriam Albert Hawkins, Terry Wayne Lanham, Connie Leah Parker, Montina Pettry, Dennis Ray Sansom, Leola Catherine Taylor

**Long Form Settlement:** Sidney Paul Dent, Clarence Rice

An Order to disburse the sum of \$144.00 from the Fiduciary Special Fund made payable to Brian Wood, Clerk, for recording settlements.

An Order approving the partial settlement of Andrea Frame, Executrix of the Estate of Charles William Byrd.

An Order appointing Charles Byrd as Executor DBN for the Estate of Charles William Byrd upon resignation of former Executrix, Andrea Frame, to complete administration.

An Order of "Estate Listing" of Actions of Fiduciary Supervisor from May 11, 2019 through May 24, 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.

## **TIM HANNA, PROJECT COORDINATOR**

Mr. Hanna presented the following orders for approval:

Commissioner Andes made a motion to issue a check from the TIF Fund in the amount of \$32,592.53 payable to WesBanco Bank, Inc. Trustee for April 2019 TIF Revenue – Trustee is to issue debt service payments Putnam Bonds 2017AB as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to issue a check from the Dog Fund in the amount of \$13,982.50 payable to Midway Ford for a vehicle as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to issue a check from the Water and Sewer Fund in the amount of \$800.00 payable to Terradon Corporation for engineering services for the IJDC Application as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

Commissioner Andes made a motion to issue a check from the grant account 001-442-5-67.Q in the amount of \$55,000 payable to Billy C. McCallister Electronic Services Inc. for handheld radios as presented by Mr. Hanna. Commissioner Skidmore seconded the motion. The motion carried unanimously.

1. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$2,080.00 payable to Thomas M. Lyvers, Sr. for professional services rendered for May 6, 2019 to May 17, 2019
2. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$1,136.00 payable to WV Board of Risk and Insurance Management
3. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$296.05 payable to Sprint

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

## **BOARD APPOINTMENTS**

Commissioner Skidmore made a motion to appoint William Cragg to serve on the Putnam County Fire Service Board, effective May 30, 2019 with a term to expire on June 30, 2021. Commissioner Andes seconded the motion. The motion carried unanimously.

## **ADJOURN**

At 8:15 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, June 11, 2019 at 9:00 a.m.

Respectfully submitted,

Marcie Kimberling  
Secretary