

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

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

**MINUTES  
PUTNAM COUNTY COMMISSION REGULAR SESSION  
May 12, 2020**

**OPENING**

The Commission meeting was open to the public by conference call with multiple participants.

Commissioners Stephen A. Andes, Ronald R. Foster and R. Andrew Skidmore were present when the 9:00 a.m. meeting convened in the old 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 issue a check from the Dog Fund in the amount of \$1,272.35 (003-716-3-41-0) payable to Casto & Harris for 7,800 rabies tags for FY2020
3. An Order to transfer from the Putnam County Community Criminal Justice Fund to the General County Fund, the sum of \$20,209.98 for December 2019 for payroll expenses
4. An Order to transfer from the Putnam County Community Criminal Justice Fund to the General County Fund, the sum of \$22,546.52 for January 2020 for payroll expenses
5. An Order to transfer from the Putnam County Community Criminal Justice Fund to the General County Fund, the sum of \$21,512.86 for February 2020 for payroll expenses
6. An Order to transfer from the Putnam County Community Criminal Justice Fund to the General County Fund, the sum of \$20,390.21 for March 2020 for payroll expenses
7. An Order to transfer from the Putnam County Community Criminal Justice Fund to the General County Fund, the sum of \$21,207.75 for April 2020 for payroll expenses

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

**GENERAL BUSINESS**

Commissioner Skidmore made a motion to approve the minutes of April 21, 2020. Commissioner Foster seconded the motion. The motion carried unanimously.

## **COURT ORDERS APPROVED**

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

1. An Order to add to payroll Clark Stewart, Part-time Seasonal, Office Assistant I, Department 413, \$10.50/hourly, effective April 22, 2020 as presented by the Commission Secretary
2. An Order to add to payroll Denise Erwin, Part-time Seasonal, Office Assistant I, Department 413, \$10.50/hourly, effective April 16, 2020 as presented by the Commission Secretary
3. An Order to add to payroll Hunter Thornton, Part-time, Humane Officer, Department 716, \$10.00/hourly, effective May 5, 2020 as presented by the Commission Secretary
4. An Order to make a payroll change for Tyler Witt, Full-time, Telecommunicator, Department 712, \$15.00/hourly, effective April 26, 2020 as presented by the Commission Secretary
5. An Order to delete from payroll Cameron Temple, Full-Time, Corporal, Department 700, effective May 28, 2020 as presented by the Commission Secretary
6. An Order to make a payroll change for Part-time, Paramedics, Department 715, \$12.00/hourly, effective March 22, 2020 and Part-time, EMTs, Department 715, \$10.00/hourly effective March 22, 2020 as presented by the Commission Secretary
7. An Order to make a payroll change for John Dearnell, Full-time, EMS Director, Department 715, \$55,000.00/annually, effective March 22, 2020 as presented by the Commission Secretary
8. An Order to make a payroll change for Brad Hughes, Full-time, Permanent Field Training Officer (FTO), Department 715, \$45,700.00/annually, effective March 22, 2020 as presented by the Commission Secretary
9. An Order to make a payroll change for Jonathon Strong, Full-time, Paramedic Supervisor, Department 715, \$14.75/hourly, effective March 22, 2020 as presented by the Commission Secretary
10. An Order to make a payroll change for Christopher Bailey, Full-time, Paramedic Supervisor, Department 715, \$14.75/hourly, effective March 22, 2020 as presented by the Commission Secretary
11. An Order to make a payroll change for Allen Weeks, Full-time, Paramedic Supervisor, Department 715, \$14.75/hourly, effective March 22, 2020 as presented by the Commission Secretary

12. An Order to make a payroll change for Amber Hughes, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
13. An Order to make a payroll change for Troy Baker, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
14. An Order to make a payroll change for Natasha Bailey, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
15. An Order to make a payroll change for Michelle White, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
16. An Order to make a payroll change for Josh Dehart, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
17. An Order to make a payroll change for Savannah Brooks, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
18. An Order to make a payroll change for Mary Jo Woodford, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
19. An Order to make a payroll change for Alexander Jividen, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
20. An Order to make a payroll change for Johnny Walls, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
21. An Order to make a payroll change for Christopher Kitts, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
22. An Order to make a payroll change for Chadwick Jones, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
23. An Order to make a payroll change for Corey Champlin, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary

24. An Order to make a payroll change for Alex Moore, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
25. An Order to make a payroll change for Scott Ballard, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
26. An Order to make a payroll change for Anthony Runyon, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
27. An Order to make a payroll change for Brian Phillips, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
28. An Order to make a payroll change for Brandi Pauley, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
29. An Order to make a payroll change for Errin Ballard, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
30. An Order to make a payroll change for Jason Parsons, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
31. An Order to make a payroll change for Andrew Westwood, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
32. An Order to make a payroll change for Tonya Damron, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
33. An Order to make a payroll change for Trevor Hensley, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
34. An Order to make a payroll change for Ryan Lewis, Full-time, Paramedic, Department 715, \$14.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
35. An Order to make a payroll change for Angela Wood, Full-time, Advanced Care Technician, Department 715, \$12.00/hourly, effective March 22, 2020 as presented by the Commission Secretary

36. An Order to make a payroll change for Bobbie Bragg, Full-time, Advanced Care Technician, Department 715, \$12.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
37. An Order to make a payroll change for Brandon Facemire, Full-time, Advanced Care Technician, Department 715, \$12.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
38. An Order to make a payroll change for Jason Wurster, Full-time, Advanced Care Technician, Department 715, \$12.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
39. An Order to make a payroll change for Jonathan Williams, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
40. An Order to make a payroll change for Scott Dixon, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
41. An Order to make a payroll change for Lonnie Snodgrass, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
42. An Order to make a payroll change for Gary Smith, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
43. An Order to make a payroll change for Tausha Carter, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
44. An Order to make a payroll change for Brain Sullivan, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
45. An Order to make a payroll change for Krystal Harrison, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
46. An Order to make a payroll change for Brandon Butcher, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
47. An Order to make a payroll change for Jacob Shirley, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
48. An Order to make a payroll change for Logan Mitchem, Full-time, EMT, Department 715, \$10.00/hourly, effective March 22, 2020 as presented by the Commission Secretary

49. An Order to make a payroll change for Part-time, Telecommunicators, Department 712, \$14.50/hourly, effective March 22, 2020 as presented by the Commission Secretary
50. An Order to make a payroll change for Frank Chapman, Full-time, OES Director, Department 711, \$60,600.00/annually, effective March 22, 2020 as presented by the Commission Secretary
51. An Order to make a payroll change for Jessi Hale, Full-time, Telecommunicator, Department 712, \$15.50/hourly, effective March 22, 2020 as presented by the Commission Secretary
52. An Order to make a payroll change for Kimberly Hunt, Full-time, Telecommunicator, Department 712, \$15.50/hourly, effective March 22, 2020 as presented by the Commission Secretary
53. An Order to make a payroll change for Christa Miller, Full-time, Telecommunicator, Department 712, \$15.50/hourly, effective March 22, 2020 as presented by the Commission Secretary
54. An Order to make a payroll change for David Rollins, Full-time, Telecommunicator, Department 712, \$15.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
55. An Order to make a payroll change for Shannon Smalley, Full-time, Telecommunicator, Department 712, \$15.50/hourly, effective March 22, 2020 as presented by the Commission Secretary
56. An Order to make a payroll change for Carley Stover, Full-time, Telecommunicator, Department 712, \$15.50/hourly, effective March 22, 2020 as presented by the Commission Secretary
57. An Order to make a payroll change for Josh Staley, Full-time, Telecommunicator, Department 712, \$15.50/hourly, effective March 22, 2020 as presented by the Commission Secretary
58. An Order to make a payroll change for Cheryl Whitt, Full-time, Telecommunicator, Department 712, \$15.00/hourly, effective March 22, 2020 as presented by the Commission Secretary
59. An Order to make a payroll change for Ariel Taylor, Full-time, Telecommunicator, Department 712, \$15.50/hourly, effective March 22, 2020 as presented by the Commission Secretary
60. An Order to make a payroll change for Matthew West, Full-time, Telecommunicator, Department 712, \$15.50/hourly, effective March 22, 2020 as presented by the Commission Secretary

Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Skidmore made a motion to approve payment of invoices as presented.

61. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$248.00 payable to Thomas M. Lyvers, Sr. for professional services rendered for May 1, 2020
62. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$2,232.00 payable to Thomas M. Lyvers, Sr. for professional services rendered for April 20, 2020 to April 30, 2020
63. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$1,147.00 payable to Track Group
64. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$637.50 payable to Pretera Center for Mental Health Services, Inc. for Drug Court March 2020 invoice
65. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$24.44 payable to Compton Office Machine LLC
66. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$600.00 payable to QLABS for February 2020 invoice
67. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$148.00 payable to QLABS for March 2020 invoice
68. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$198.00 payable to Reconnect, Inc. for January invoice
69. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$180.00 payable to Reconnect, Inc. for March invoice
70. 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 May 2020 invoice for unit #1
71. 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 May 2020 invoice for unit #4

Commissioner Foster seconded the motion. The motion carried unanimously.

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

Commissioner Skidmore made a motion to designate Jonathan Davis to serve as the Putnam County Chief Humane Officer, in addition to his regular duties as County Dog Warden and “special officer” under W.Va. Code §§ 19-20A-1, et seq., and likewise appoints Dog Wardens, Shawn Martin and Hunter Thornton, as Putnam County Humane Officers as presented by Mr. Frye. Commissioner Foster seconded the motion. The motion carried unanimously.

**LARRY FRYE, COUNTY ATTORNEY**

Commissioner Skidmore made a motion to approve sending a letter to WV Public Service Commission asking them to consider reducing the fuel surcharge rate as presented by Mr. Frye. Commissioner Foster seconded the motion. The motion carried unanimously.

**TIM HANNA, PROJECT COORDINATOR**

Commissioner Skidmore made a motion to approve and authorize the President to sign the FY2020 Court Security Grant Application and Resolution as presented by Mr. Hanna. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Skidmore made a motion to approve a 90 day extension for spending funds awarded through the Putnam County Recreation Enhancement Fund as presented by Mr. Hanna. Commissioner Foster asked if they would be opposed to extend it 120 days. Commissioner Skidmore modified his motion to approve a 120 day extension for spending funds awarded through the Putnam County Recreation Enhancement Fund as presented by Mr. Hanna. Commissioner Foster seconded the motion. The motion carried unanimously.

**JEREMY YOUNG, COUNTY MANAGER**

County Manager Jeremy Young appeared before the Commission to present five (5) bids for the Storage Facility Project as follows: 1) Persinger & Associates with a bid of \$712,069, Alternate #1 \$50,000, Alternate #2 \$6,000, asphalt paving \$7.00 per sq. ft., 2) 1 Korin 3-10 Inc. with a bid of \$730,000, Alternate #1 \$29,000, Alternate #2 \$13,000, asphalt paving \$5.25 per sq. ft. 3) Burdette Realty Improvement Inc. with a bid of \$432,881.67, Alternate #1 \$20,280, Alternate #2 \$3,159, asphalt paving \$5.36 per sq. ft., 4) Agsten Construction Company with a bid of \$848,113, Alternate #1 \$15,848, Alternate #2 \$13,386, asphalt paving \$4.93 per sq. ft., and (5) Dan Hill Construction with a bid of \$1,084,000, Alternate #1 \$35,000, Alternate #2 \$10,000, asphalt paving \$5.50 per sq. ft.

Commissioner Skidmore made a motion to table the Storage Facility Project decision to allow staff to review the bids. Commissioner Foster seconded the motion. The motion carried unanimously.

**JEREMY YOUNG, COUNTY MANAGER**

Jeremy Young started the discussion on reopening the Courthouse Facilities to the general public. Mr. Young has concerns for early voting on May 27, 2020 through June 6, 2020 and the public paying taxes at the end of the month. Mr. Young said we are looking into getting a heat sensor when you walk into the building. We are installing hand sanitizing stations throughout the building, posting social distancing signage, and staff will use computers to clock in and out instead of using the time clock.

Assessor Sherry Hayes and County Clerk Brian Wood would like to see someone taking temperatures as they enter the building. Circuit Clerk J.J. Mullins said they are following the Supreme Court guidelines. Jon Davis would like to delay volunteers working for another month. Sheriff Dewese would like to see one entrance used for early voting and exiting on



this side of the building.

Commissioner Skidmore made a motion to authorize the county manager to purchase two heat sensors for reopening the courthouse to the public. Commissioner Foster seconded. The motion carried unanimously.

Commissioner Skidmore made a motion to reopen the courthouse to the public on May 18, 2020. Commissioner Foster seconded the motion. The motion carried unanimously.

Jeremy Young started the discussion on how to handle/distribute the Governor's COVID-19 \$100,000 Grant. Mr. Young provided the population breakdown of the towns in Putnam County. The CARES ACT is at a federal level which the state is deciding on the distribution amounts. FEMA and HAVA Grants are also available.

Commissioner Foster requested Jeremy Young research what they mean by grants to small businesses, payroll support, and unemployment insurance costs not otherwise covered by the CARES ACT.

Commissioner Skidmore made a motion to establish the #206 fund and deposit the \$100,000 check into a separate account for distribution later. Commissioner Foster seconded the motion. The motion carried unanimously.

Following a brief discussion, Commissioner Foster made a motion to table ending the State of Emergency in Putnam County. Commissioner Skidmore seconded the motion. The motion carried unanimously.

### **FRANK CHAPMAN, OES/911 DIRECTOR AND JOHN DEARNELL, EMS DIRECTOR**

Commissioner Skidmore made a motion to approve the OES, 911, and EMS raises to be effective March 22, 2020 as presented by Frank Chapman and John Dearnell who confirmed they have the money in their budgets to cover the cost. Commissioner Foster seconded the motion. The motion carried unanimously.

President Andes made a motion to include other employees who had contact with the public. Commissioner Skidmore needs more information and Commissioner Foster said they would need enough money in their budget. The motion died for a lack of a second.

Commissioner Foster made a motion to table this until we have the more information. Commissioner Skidmore seconded the motion. The motion carried unanimously.

### **RECESS**

Commissioner Skidmore made a motion to take a ten minute recess. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Skidmore made a motion to go back in regular session. Commissioner Foster seconded the motion. The motion carried unanimously.

## **TIMOTHY SMITH, PLANNING DIRECTOR**

President Andes asked Timothy Smith if their meeting properly advertised and he felt it was. Mr. Smith said the ad was sent before the COVID-19 shutdown and anyone who contacted him was given the teleconference information. President Andes clarified with Larry Frye that Timothy Smith asked advice on the Planning Commission meeting and Mr. Frye recommended postponing the meeting because the teleconference information was not in the ad, but they met anyway. Commissioner Foster asked Mr. Frye if state code requires the phone number, but he explained this is a unique situation because of COVID-19. The state code requires it to be posted at the courthouse. President Andes did not feel like we did enough to notify the public. Commissioner Foster said he tried to appoint Commissioner Andes to the Planning Commission Board, but he refused. President Andes said he would be happy to sit on the board after the election, but he has been involved. President Andes asked if we followed the ordinance by posting the minutes within ten days from the meeting and Mr. Smith said anyone who requested them received a draft copy. President Andes said the County Commission should hold a public hearing for Planning Commission items within fifteen days of their meeting, but Commissioner Foster said Commissioner Skidmore and President Andes would not meet. President Andes asked if the permits are completed in ten days. Mr. Smith said they try, but are down an employee. Jason Asbury said the Planning Commission met the minimum standards.

## **PATRICIA USHER, PLANNER**

Patricia Usher presented the rezoning application submitted by Timothy Spradling for Rezoning for properties located on Tax Map 222, Parcels 40.4 and 41; and Tax Map 222G, Parcel 139 to rezone from "R-1" Single-Family Residential to "C-1" Suburban Commercial. The properties are located at 1006 and 1012 Mt. Vernon Road, Hurricane, WV. Patricia Usher read written comments received by the Gladwells, Robert Legg, and Fred Mader are against the rezoning.

At 11:08 a.m., Commissioner Foster made a motion to open the public hearing. Commissioner Skidmore seconded the motion. The motion carried unanimously.

President Andes opened the public hearing and asked for public comments; they were as follows:

Chuck Stump does not want this in his backyard and feels the road is too narrow.

Joe Tyree asked how many times Mr. Spradling can apply when two of the current Commissioners denied it twice. Mr. Tyree has concerns for tractor trailers on the road and requested the Commission to deny the rezoning.

Kylene Brown has traffic and flooding concerns. Mr. Brown hopes they do not approve the rezoning.

Jason Asbury urges the Commissioners to approve this. He explained a traffic and drainage study would be required for the property. Mr. Asbury fully supports the rezoning.

J. Robert Leslie lives on Sunset Drive off of Mt. Vernon Road. Mr. Leslie has safety concerns and asked the Commission to deny the rezoning.

Chuck Johnson is concerned about drainage and has safety concerns regarding commercial trucks on the road. He urged the Commission to deny the request.

Edie Davis provided flooding pictures and a video in Cheyenne Valley. She is concerned commercial construction will make the flooding worse and urged the Commission to deny the request.

Jim Corsaro said the Department of Highways conducted a sidewalk design study in 2016. He said the accident rate on Mt. Vernon Road is twice as high as similar roadways.

Ron Whittington has flooding concerns. He feels there are plenty of other C-1 and C-2 properties and is opposed to the rezoning.

Sandy Whittington asked why they are hearing this again when it was presented twice before and denied. She has flooding concerns and asked the Commission to deny this.

Phillip Graziano has safety concerns for tractor trailers on the road.

Lora Kiser explained that water drains on the road and urged the Commission to deny the rezoning.

Fred Mader said this is third time the rezoning was presented and they should deny the application.

Linda Tennant owns property on Mt. Vernon. She verified the Commissioners saw the flooding pictures and video. She feels construction will increase flooding issues and encroach on residential areas. Ms. Tennant strongly advised them to deny the rezoning.

At 11:31 a.m., Commissioner Skidmore made a motion to close the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Skidmore and Commissioner Foster clarified with Mr. Frye the owner has no limitations on applying. Commissioner Foster confirmed with Patricia Usher a single family would not require a stormwater retention, but is required for commercial property. Commissioner Skidmore has concerns regarding the intersection traffic. Commissioner Foster said this will help the residents get what they need and construction is important after the pandemic. President Andes has road concerns.

The County Commission made the following FINDINGS OF FACTS: (1) Commissioner Andes and Commissioner Skidmore agreed the text amendment would not protect and promote the public health, safety, convenience, moral and general welfare because of the dangerous intersection. Commissioner Foster said it would because a stormwater detention should decrease flooding. (2) Commissioner Foster said it is consistent with the adopted comprehensive plan because it maximizes land use. The other Commissioners said it is not because of flooding and road issues. (3) Commissioner Skidmore and President Andes said it

would not meet the intent and goals as specified in the US 35 Corridor Management Plan.

Commissioner Skidmore made a motion to deny the rezoning application submitted by Timothy Spradling for Rezoning for properties located on Tax Map 222, Parcels 40.4 and 41; and Tax Map 222G, Parcel 139 to rezone from "R-1" Single-Family Residential to "C-1" Suburban Commercial. The properties are located at 1006 and 1012 Mt. Vernon Road, Hurricane, WV. President Andes seconded the motion. Commissioner Foster voted nay. The motion carried.

Patricia Usher presented the rezoning application submitted by Meadows Family Real Estate Trust for Rezoning for property located at 3717 Teays Valley Road, Hurricane, WV (Tax Map 222J; Parcel 73) to rezone property from "R-1" Single-Family Residential to "C-1" Suburban Commercial.

At 12:02 p.m., Commissioner Skidmore made a motion to open the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

President Andes opened the public hearing and asked for public comments; they were as follows:

Shawn Bayliss of 180 Arthur Lane. Mr. Bayliss explained rezoning would be invasion to a residential area. Mr. Bayliss said in Section 2003 requires a hearing to take place within fifteen days and is jurisdictional.

Linda Tennant feels the rezoning would be encroaching into residential areas. There are plenty of other C-1 and C-2 locations. Ms. Tennant asked the Commission to deny this.

Kylene Brown said this is a beautiful older subdivision and would hate to see this property rezoned commercial.

Kim Earls said there is ample vacant property at the two exits instead of rezoning property in residential areas. Ms. Earls asked them not to pass the rezoning.

Jason Asbury said Arthur Lane is not a private road and owned by the applicant. The applicant has to follow the ordinance if this is approved and urged the Commission to approve the rezoning.

At 12:13 p.m., Commissioner Skidmore made a motion to close the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Skidmore confirmed with Mr. Frye that not having a hearing within fifteen days could be an issue for an appeal. Commissioner Skidmore feels better about the opportunity being proposed because it affects fewer residents, but understands the residents' concerns. Commissioner Foster reviewed the experience of board members on the Planning Commission. President Andes spoke to a resident on Arthur Lane that does not oppose it, but would like the road upgraded to handle the Commercial traffic. Mr. Smith said this could be addressed when they determine the type of business. Commissioner Foster asked Mr. Bayliss who is responsible for the road and he said the Meeks who own the right of way.

The County Commission made the following FINDINGS OF FACTS: (1) The text amendment does protect and promote the public health, safety, convenience, moral and general welfare because it re-establishes the property and adds to it in the back. (2) It is consistent with the adopted comprehensive plan because it is the best use for the property. (3) It does meet the intent and goals as specified in the US 35 Corridor Management Plan.

Commissioner Skidmore made a motion to approve the rezoning application submitted by Meadows Family Real Estate Trust for Rezoning for property located at 3717 Teays Valley Road, Hurricane, WV (Tax Map 222J; Parcel 73) to rezone property from "R-1" Single-Family Residential to "C-1" Suburban Commercial. Commercial Foster seconded the motion. The motion carried unanimously.

### **RECESS**

Commissioner Skidmore made a motion to take a five minute recess. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Foster made a motion to go back in regular session. Commissioner Skidmore seconded the motion. The motion carried unanimously.

### **TIMOTHY SMITH, PLANNING DIRECTOR**

Timothy Smith presented the Text Amendment to the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV, in order to modify Article 1400 "Signs," and change ordinance language in regards to Non-Conforming and Abandoned Signs.

At 12:35 p.m., Commissioner Skidmore made a motion to open the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

President Andes opened the public hearing and asked for public comments; they were as follows:

Sandy Mellert feels the ad did not provide enough information for the public or say where they could view it and did not provide the teleconference information.

Tom Susman does not feel the public notice was met and feels the deficiency could have been corrected. Commissioner Foster asked who he is representing and Mr. Susman said he works with T.J. Summers and various other clients.

Jason Asbury said the subcommittee met the guidelines and the Planning Commission met state code.

Jacob Pack said teleconference was available, but some members were present. He attended right after cancer surgery.

At 12:42 p.m., Commissioner Skidmore made a motion to close the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

The County Commission made the following FINDINGS OF FACTS: (1) The text amendment will protect and promote the public health, safety, convenience, moral and general welfare. (2) It is consistent with the adopted comprehensive plan.

Commissioner Skidmore made a motion to approve the Text Amendment to the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV, in order to modify Article 1400 "Signs," and change ordinance language in regards to Non-Conforming and Abandoned Signs. Commissioner Foster seconded the motion. The motion carried unanimously.

Timothy Smith presented the Text Amendment to the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV, in order to modify Article 600 "C-1," Article 650 "C-2," and Article 1700 "Supplementary." These changes would modify Permitted Principal and Special Permit Uses in the "C-1" and "C-2" zones. Mr. Smith read a comments sent by Robert Legg who was against the text amendment, Jimmy Calhoun and Dr. Jeff Given were both in favor of the text amendment.

At 12:07 p.m., Commissioner Skidmore made a motion to open the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

President Andes opened the public hearing and asked for public comments; they were as follows:

Sandy Mellert feels the ad did not provide enough information for the public or say where they could view it and did not provide the teleconference information.

Kylene Brown said this text amendment takes out the BZA which eliminates public input. Ms. Brown feels if the process is the problem, then we should change the process.

Shawn Bayliss reiterated he believes we have a jurisdictional defect in proceeding with the text amendment since it did not come to the Commission within fifteen days of the Planning Commission meeting. Mr. Bayliss said it was not properly advertised considering the state of emergency with COVID-19 and the minutes were unavailable. He does not understand why we would remove the public from the process.

Tom Susman reviewed legislative findings as it relates to zoning. The C-1 areas is to provide retail business that serve primarily the residents and limiting the uses by protecting them for excessive noise, lighting etc. The special use permit allows residents to have input. Commissioner Foster asked if he is representing Keep the Promise group, but Mr. Susman said he is not.

Ellis Conley is against this change explaining the BZA works to make sure all sides are heard. Mr. Conley said Valley Point development did not have a comprehensive water runoff plan conducted. He said a ditch along the residential side of the property is not a comprehensive water runoff plan and the screening required by the BZA was never installed. Why are citizens forced to bring legal action to request zoning ordinances to be carried out?

T.J. Summers is from Kanawha County, but his family has done business in Putnam County for fifty years. Mr. Summers feels Putnam County is very competitive in many areas and reviewed the growth statistics in Putnam County. He has some suggestions to limit the time and expense for the application process. Commissioner Foster said Mr. Summers is a tough competitor and fights against proposed items that does not benefit his group. Commissioner Foster would like Mr. Summers to participate on a positive note. Commissioner Foster talked about one of Mr. Summers properties being listed as a farm, but was sold for hotel. He said the Liberty Square culverts need cleaned out. Mr. Summers said they have tried to work with the Department of Highways without success.

Jacob Pack appreciates public input. The Planning Commission members have no vested interest and voted unanimously. We want small businesses to be able to do business, pay taxes and have families in Putnam County.

Fred Mader feels there is plenty of property around the interstate and the citizens need to have input.

Tawney Hill lives in Fox Run by Wendy's. We already have issues with BZA involved because they do not have proper screening or a water retention plan. Please don't make it easier for business to break the laws that are in place.

Linda Tennant suggested go back on the history for the zoning justification when a text amendment is proposed. She lives close to Sheetz and they worked very closely with the residents in the area and would like to see more businesses who work with the residents come to the area.

At 1:42 p.m., Commissioner Skidmore made a motion to close the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Foster verified with Mr. Smith that the ordinances would still need to be followed if this text amendment passes. President Andes reviewed the continued growth in Putnam County and does not think we should take away the public's voice. Commissioner Skidmore is not in favor of taking the BZA and the public's input from the process.

The County Commission made the following FINDINGS OF FACTS: (1) Commissioner Skidmore and President Andes said the text amendment does not protect and promote the public health, safety, convenience, moral and general welfare to have a business in their resident's backyard without their input. Commissioner Foster said it does because it creates opportunity for growth. (2) Commission Skidmore and President Andes agreed it is not consistent with the adoptive comprehensive plan and Commissioner Foster said yes because it's the best use for the land in this area.

Commissioner Skidmore made a motion to deny Text Amendment to the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV, in order to modify Article 600 "C-1," Article 650 "C-2," and Article 1700 "Supplementary." These changes would modify Permitted Principal and Special Permit Uses in the "C-1" and "C-2" zones. President Andes seconded the motion. Commissioner Foster voted nay. The motion carried.

## **JEREMY YOUNG, COUNTY MANAGER**

Commissioner Skidmore made a motion to approve a budget revision for the OES Fund #711 for dues and subscriptions as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Skidmore made a motion to approve a budget revision for the EMS Fund #715 for overtime, medical supplies, and automobile supplies as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

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

Commissioner Skidmore made a motion to issue a check from the Spay and Neuter Fund in the amount of \$211.00 payable to Help for Animals as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Skidmore made a motion to issue a check from the TIF Fund (273-430-5-66.0) in the amount of \$16,189.84 payable to WesBanco Bank, Inc, Trustee for April 2020 TIF Revenue (Acct #108507771 Revenue Fund) – Trustee is to issue debt service payments for Putnam Bonds 2017AB as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

President Andes made a motion to resume regular hours for the courthouse beginning June 11, 2020. 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:** Herman Carney, Roger Lee Casto, Frank Harris Curry, III, Ronnie Joe Dooley, Edith Virginia Dudding, Emma Morrison Eads, James Lee Estep, Cecil Earl Gibson, Jr., Noble Higginbotham, Betty June Johnson Jennings, Franklin C. McCallister, Linda K. Myers, Charles David Richardson, Denver R. Tucker

**Long Form Settlement:** Retha Ellen Harrison, Phyllis Carol Jarrett Pritt

An Order to disburse the sum of \$80.00 from the Fiduciary Special Fund made payable to State Tax Department for estate tax administration fees.

An Order to disburse the sum of \$193.00 from the Fiduciary Special Fund made payable to Brian Wood, Clerk, for recording settlements.

An Order to approve the Annual Accounting Report of Larry Call in the Estate of Wilma Jane



Call, deceased.

An Order of "Estate Listing" of Actions of Fiduciary Supervisor from April 18, 2020 through May 8, 2020

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

**PUBLIC COMMENT**

There were no public comments.

**ADJOURN**

At 2:11 p.m., having no further business, Commissioner Skidmore made a motion and Commissioner Foster seconded to adjourn the regular session of the County Commission until Thursday, May 28, 2020 at 5:30 p.m.

Respectfully submitted,

Marcie Kimberling  
Secretary