

APPROVED: _____

DATE: _____

**MINUTES
PUTNAM COUNTY COMMISSION REGULAR SESSION
January 27, 2022**

OPENING

Commissioners C. Brian Ellis, Ronald R. Foster, and R. Andrew Skidmore were present when the 5:30 p.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

Commissioner Ellis made a motion to approve invoices as reflected in the edit registers and the orders as presented by Mr. Wood. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the letters to the Republican and Democratic Executive Committees for submission of Primary Election workers as presented by Mr. Wood. Commissioner Foster seconded the motion. The motion carried unanimously.

GENERAL BUSINESS

Commissioner Ellis made a motion to approve the January 11, 2022 minutes. Commissioner Foster seconded the motion. The motion carried unanimously.

COURT ORDERS APPROVED

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

1. An Order to delete from payroll Cody French, Full-Time, Deputy, Department 700, effective January 24, 2022 as presented by the Commission Secretary
2. An Order to delete from payroll James Carte, Part-Time, Bailiff, Department 700, effective January 22, 2022 as presented by the Commission Secretary
3. An Order to add to payroll Larry Edwards, Part-time, Bailiff, Department 700, \$14.00/hourly, effective January 24, 2022 as presented by the Commission Secretary
4. An Order to add to payroll Gary Lilly, Part-time, Field Appraiser, Department 407, \$15.00/hourly, effective January 7, 2022 as presented by the Commission Secretary

5. An Order to make a payroll change for Tammy Higginbotham, Full-time, Field Appraiser, Department 407, \$11.00/hourly, effective January 10, 2022 as presented by the Commission Secretary
6. An Order to add to payroll Caitlin Chianesi, Part-time, EMT, Department 715, \$10.25/hourly, effective January 12, 2022 as presented by the Commission Secretary
7. An Order to delete from payroll Erik Thomas, Part-Time, Security, Department 425, effective January 14, 2022 as presented by the Commission Secretary
8. An Order to add to payroll Terry Mills, Part-time, Security, Department 425, \$14.00/hourly, effective January 24, 2022 as presented by the Commission Secretary
9. An Order to make a payroll change for Harleigh Casto, Part-time, Kennel Tech/Office Assistant, Department 716, \$10.25/hourly, effective January 23, 2022 as presented by the Commission Secretary
10. An Order to make a payroll change for Dana Gillispie-Plants, Part-time, Kennel Tech/Office Assistant, Department 716, \$10.25/hourly, effective January 23, 2022 as presented by the Commission Secretary
11. An Order to make a payroll change for Jaime Bandy, Part-time, Humane Officer, Department 716, \$11.00/hourly, effective January 23, 2022 as presented by the Commission Secretary

Commissioner Foster seconded the motion. The motion carried unanimously.

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

12. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$3,750.00 payable to New Horizons Therapy Services for January 2022 invoice
13. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$134.00 payable to QLABS for December 2021 invoice
14. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$55.31 payable to Office Depot, Inc.
15. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$1,830.00 payable to Kimberly Sizemore for professional services rendered for November 2021 invoice
16. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$2,017.50 payable to Kimberly Sizemore for professional services rendered for December 2021 invoice

17. An Order to issue a check from the Putnam County Community Criminal Justice Fund in the amount of \$1,012.50 payable to Chris Moles for professional services rendered for November and December 2021 invoice

Commissioner Foster 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: Wilma Shaffer Barbery, Phyllis Loretta Gillispie, Louise W. Gunnoe, Rita Joyce Moore, Janet Carol Simmons, Mary Maxine Witt

An Order to disburse the sum of \$79.00 from the Fiduciary Special Fund made payable to Brian Wood, Clerk, for recording settlements.

An Order to reopen the Estate of Terry Reed Cogar and appoint Jodi A. Cogar as Executrix for the sole purpose of completing administration.

An Order to reopen the Estate of James V. Hull and appoint James V. Hull, Jr., as Executor DBN for the sole purpose of transferring the titles to two vehicles.

An Order to reopen the Estate of Marsha Louise Stewart and appoint Phyllis Wilcox Administratrix for the sole purpose of amending the appraisalment.

An Order of "Estate Listing" of Actions of Fiduciary Supervisor from January 8, 2022 through January 21, 2022.

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

JEREMY YOUNG, COUNTY MANAGER

Commissioner Ellis made a motion to approve the revision for the Putnam County Clerk Fund #402 for Capital Outlay Equipment as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

BOARD APPOINTMENT

Commissioner Ellis made a motion to re-appoint Stanley Booth to serve on the Putnam Public Service District Board, effective September 1, 2021 with a term to expire on August 31, 2027. Commissioner Foster seconded the motion. The motion carried unanimously.

REGGIE JONES, RECOVERY POINT EXECUTIVE DIRECTOR

Reggie Jones appeared before the Commission to provide an update on Recovery Point. Recovery Point has added Behavioral Health Services and they are taking safety precautions due to COVID.

ATTORNEY PROPOSAL FOR E-CIGARETTE LITIGATION AND POSSIBLE AGREEMENT

The Giatras Law Firm, Troy Giatras presented a proposal for E-Cigarette Litigation.

EXECUTIVE SESSION

At 5:59 p.m., Commissioner Ellis made a motion to enter into executive session for board interviews with Mary Prim, Jessica Griffith, and Caleb Turner. Commissioner Foster seconded the motion. The motion carried unanimously.

At 6:34 p.m., Commissioner Ellis made a motion to enter back into regular session. Commissioner Foster seconded the motion. The motion carried unanimously.

ATTORNEY PROPOSAL FOR E-CIGARETTE LITIGATION AND POSSIBLE AGREEMENT

Webb Law Centre, Rusty Webb presented a proposal for E-Cigarette Litigation.

BOARD APPOINTMENTS

Commissioner Ellis made a motion to appoint Mary Prim to serve on the Putnam County Development Authority Board, effective January 27, 2022 with a term to expire on September 30, 2024. Commissioner Foster seconded the motion. The motion carried unanimously.

ATTORNEY PROPOSALS FOR E-CIGARETTE LITIGATION AND POSSIBLE AGREEMENT

Commissioner Foster made a motion to table the agreement for E-Cigarette Litigation. Commissioner Ellis seconded the motion. The motion carried unanimously.

RONNIE LOVEJOY, FIBEROPTIC DIRECTOR

Commissioner Ellis made a motion to approve and authorize the President to sign the CSX Facility Encroachment Agreement for the Putnam County Fiberoptic Project as presented by Mr. Lovejoy. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the Gig Ready Broadband Grant Matching Funds Resolution as presented by Mr. Lovejoy. Commissioner Foster seconded the motion. The motion carried unanimously.

TINA PECK, DAEA PROGRAM DIRECTOR

Commissioner Ellis made a motion to enter a corrected order to remove pages 103-109 from the Formal Complaint Packet that was previously recorded for DAEA Case 2021-58 as presented by Ms. Peck. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Foster made a motion to dismiss DAEA Case 2021-30 as presented by Ms. Peck. Commissioner Ellis seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the petition to accept and file the complaint for DAEA Case 2022-01 and approve the order to file the complaint for Dilapidated & Abandoned Enforcement Agency for DAEA Case 2022-01 that probable cause exists to believe the property contains refuse, trash, and debris that presents a safety or health hazard and a copy of the complaint (and any attachments) shall be served on the landowner(s) of the property in accordance with Rule 4 of the West Virginia Rules of Civil Procedure as presented by Ms. Peck. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the petition to accept and file the complaint for DAEA Case 2022-03 and approve the order to file the complaint for Dilapidated & Abandoned Enforcement Agency for DAEA Case 2022-03 that probable cause exists to believe the property contains refuse, trash, and debris that presents a safety or health hazard and a copy of the complaint (and any attachments) shall be served on the landowner(s) of the property in accordance with Rule 4 of the West Virginia Rules of Civil Procedure as presented by Ms. Peck. Commissioner Ellis amended his motion to allow the owner to utilize the shell of the structure for a new structure. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the Proposed Texts Amendment to the DAEA Ordinances as follows:

- To add Paragraph 3(f): No phone calls will be accepted from a property owner (respondent) and/or their attorney, and/or third party to discuss details of the case and/or our DAEA procedures. All communication must be in writing, or in person at the Office of Planning and Infrastructure, where Staff reserves the right to record the correspondence for transcript and assurance purposes.

Commissioner Ellis amended his motion to add Paragraph 3(f). Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the Proposed Texts Amendment to the DAEA Ordinances as follows:

- To add Paragraph 3(k): If a continuance is sought, then the request must be made in writing to the County Commission's Office within five (5) working days of the scheduled, ordered hearing. Then, the County Commission shall issue an order setting a continuance on the Complaint within twenty (20) days. If the landowner(s) fails to properly file a written request for a continuance within five (5) working days of the scheduled, ordered hearing, then the County Commission may order the landowner to comply with the recommendations in the Complaint. Only one (1) continuance shall be granted. Only the County Commission has the power to accept or deny written requests for a continuance. If no continuance is requested, then further orders by the County Commission may be given.

Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the Proposed Texts Amendment to the DAEA Ordinances as follows:

- To add Paragraph 3(l): A written request for Discovery and/or questions must be submitted in writing to the Office of Planning and Infrastructure of which the DAEA representative will have thirty (30) working days to submit documents and/or answer questions in writing for the property owner and/or their attorney. Failure to submit a request for Discovery and/or submit written questions is the liability of the property owner (respondent) and/or their attorney, and not the DAEA, DAEA representative, County Commission, or Office of Planning and Infrastructure.

Commissioner Foster seconded the motion. The motion carried unanimously.

DAVID COLL, PLANNING DIRECTOR

Planning Director David Coll appeared before the Commission to present two (2) bid for the Software Program for the Planning Office as follows: 1) CDI for an onsite server with a bid of \$45,110.00, \$65,280.00, and offsite server with a bid of \$22,550.00. 2) Komax for an onsite server with a bid of \$24,025.00, and the cloud hosted server with a bid of \$25,225.00.

Commissioner Foster made a motion to award the bid for the Software Program for the Planning Office to Komax subject to Mr. Coll's review of it meeting all the requirements as presented by Mr. Coll. Commissioner Ellis seconded the motion. The motion carried unanimously.

David Coll presented a Text Amendment 2022-1 submitted by Jacob Pack, Chairperson of the Putnam County Planning Commission to amend Article 200 of the ILP (Improvement Location Permit Ordinance) by adding provisions for conduits to be placed in all newly located or relocated structures and all new construction of any residential or non-residential structure, including any major subdivision development, any manufactured home park development, any lease community development or other development in Putnam County for the installation of a new fiber optic system being developed in Putnam County.

At 7:26 p.m., Commissioner Ellis 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; there were none.

At 7:27 p.m., Commissioner Ellis 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 FACT: (1) The text amendment 2022-01 submitted by Jacob Pack, Chairperson of the Putnam County Planning Commission to amend Article 200 of the ILP (Improvement Location Permit Ordinance) by adding provisions for conduits to be placed in all newly located or relocated structures and all new construction of any residential or non-residential structure, including any major subdivision development, any manufactured home park development, any lease community development or other

development in Putnam County for the installation of a new fiber optic system being developed in Putnam County would protect and promote the public health, safety, convenience, moral and general welfare because fiberoptics and internet are essential for work and schools, so this will provide an opportunity for growth. (2) It is consistent with the adopted Comprehensive Plan, the U.S. Corridor 35 Plan, and the Teays Valley Land Use Plan for the same reasons as listed above and because we will not be able to utilize the land without being able to provide good internet service for the residents of Putnam County.

Commissioner Ellis made a motion to approve the text amendment as presented by Mr. Coll. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the Memorandum of Understanding between the PCPC and the Town of Buffalo, to act as the Planning Commission of the Town of Buffalo to authorize the administration, management and enforcement of the Town of Buffalo Floodplain Management Program Ordinance adopted by the Town of Buffalo, West Virginia and the Memorandum of Understanding between the PCPC and the Town of Poca, to act as the Planning Commission of the Town of Poca to authorize the administration, management and enforcement of the Town of Poca Floodplain Management Program Ordinance adopted by the Town of Poca, West Virginia as presented by Mr. Coll. Commissioner Foster seconded the motion. The motion carried unanimously. Commissioner Ellis amended his motion to authorize the President to sign. Commissioner Foster seconded the motion. The motion carried unanimously.

LARRY FRYE, COUNTY ATTORNEY

At 7:31 p.m., Commission Ellis made a motion to open the public hearing for the Estate of Ernest Eugene Hissom, Jr. Commissioner Foster seconded the motion. The motion carried unanimously.

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

At 7:31 p.m., Commissioner Ellis made a motion to close the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

At 7:32 p.m., Commission Ellis made a motion to open the public hearing for the Estate of Joseph M. Hodges. Commissioner Foster seconded the motion. The motion carried unanimously.

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

At 7:32 p.m., Commissioner Ellis made a motion to close the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

At 7:33 p.m., Commission Ellis made a motion to open the public hearing for the Estate of Roy Lee Hodges. Commissioner Foster seconded the motion. The motion carried unanimously.

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

At 7:33 p.m., Commissioner Ellis made a motion to close the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

At 7:34 p.m., Commission Ellis made a motion to open the public hearing for the Estate of Fannie Annette Hudson. Commissioner Foster seconded the motion. The motion carried unanimously.

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

At 7:34 p.m., Commissioner Ellis made a motion to close the public hearing. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to administratively close the delinquent or unprogressed Estate of Ernest Eugene Hissom, Jr. as presented by Mr. Frye. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to administratively close the delinquent or unprogressed Estate of Estate of Joseph M. Hodges as presented by Mr. Frye. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to administratively close the delinquent or unprogressed Estate of Estate of Roy Lee Hodges as presented by Mr. Frye. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to administratively close the delinquent or unprogressed Estate of Estate of Fannie Annette Hudson as presented by Mr. Frye. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve and authorize the President to sign the order administratively close the Estate of Ernest Eugene Hissom, Jr., Estate of Estate of Joseph M. Hodges, Estate of Estate of Roy Lee Hodges, Estate of Estate of Fannie Annette Hudson as presented by Mr. Frye. Commissioner Foster seconded the motion. The motion carried unanimously.

JEREMY YOUNG, COUNTY MANAGER

Commissioner Ellis made a motion to affirm the decision to purchase fiber and equipment through General Services Administration (GSA) Federal pricing and issue a check from the Putnam County American Rescue Plan Fund (#207-424-3-41.0) in the amount of \$820,414.02 payable to Alpha Technologies, Inc. for materials on the Putnam County Fiberoptic Broadband project as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to issue checks from the Putnam County American Rescue Plan Fund (#207-424-3-41.0) in the amounts of \$6,325.00 payable to CSX Transportation, Inc.

for permit fees on the Putnam County Fiber Optic Broadband Project as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to issue a check from the Hotel/Motel Tax Fund to the Convention and Visitors Bureau in the amount of \$54,000.00, to Parks and Recreation Commission in the amount of \$39,000.00, and to the Recreation Enhancement Fund in the amount of \$15,000.00 as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to issue a check from the 911-07 Fund in the amount of \$107,660.00 payable to Bird Excavating for half of the total for Winfield Tower Road Project as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

PUBLIC COMMENT

There were none.

ADJOURN

At 7:42 p.m., having no further business, Commissioner Ellis made a motion and Commissioner Foster seconded to adjourn the regular session of the County Commission until Tuesday, February 8, 2022 at 9:00 a.m.

Respectfully submitted,

Marcie Kimberling
Secretary