

APPROVED: _____

DATE: _____

**MINUTES
PUTNAM COUNTY COMMISSION REGULAR SESSION
April 26, 2022**

OPENING

Commissioners C. Brian Ellis, Ronald R. Foster, and R. Andrew Skidmore were present when the 9:00 a.m. meeting convened in the old courtroom. The Pledge of Allegiance followed.

COUNTY CLERK

1. Edit registers and checks

Commissioner Ellis made a motion to approve invoices as reflected in the edit registers. Commissioner Foster seconded the motion. The motion carried unanimously.

GENERAL BUSINESS

Commissioner Ellis made a motion to approve the April 19, 2022 minutes. Commissioner Foster seconded the motion. The motion carried unanimously.

ERRONEOUS ASSESSMENTS

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

Debbie Caruthers, two for S. Parker & Valerie Craigo, Dwayne &/or Patricia Cochran, three for Stephen C. or Sue A. Cyrus, James W. Hall, Harold Wayne Harmon Jr., Alyssa &/or Matthew Krupinski, Christy (Whittaker) Ralph M. Jones, two for Heather R. Lawrence, William J. Jr. &/or Melissa Lee, Adam M. Mann, Christopher &/or Rebecca Meadows, Karen Diane Mellert, Luu H. Pham, David Powell, three for Pride Inc DBA Southern Pride Lounge, two for Victoria Ray, Misty D. or Justin L. Riddle, Joseph M. or Rita E. Sheehan, Michael A. Simley, Charles M. Sumner, Triple D. Technologies LLC, Christy (Whittaker) Ralph M. Jones

30 Erroneous Assessment were approved totaling \$9,075.02 in deduction of taxes.

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 make a payroll change for Thomas Carpenter, Part-time to Full-time, Paramedic, Department 715, \$15.70/hourly, effective April 17, 2022 as presented by the Commission Secretary

2. An Order to make a payroll change for Ernesto Jaramillo, Part-time to Full-time, EMT, Department 715, \$12.70/hourly, effective April 17, 2022 as presented by the Commission Secretary
3. An Order to make a payroll change for Tausha Carter, Full-time to Part-time, EMT, Department 715, \$12.70/hourly, effective April 27, 2022 as presented by the Commission Secretary
4. An Order to make a payroll change for Calley Yingst, Full-time, Advanced EMT, Department 715, \$13.70/hourly, effective May 1, 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 and orders as presented. There were none. Commissioner Foster seconded the motion. The motion carried unanimously.

PUBLIC COMMENT

There were none.

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: Jean G. Audet, George W. Blackshire, Carolyn Sue Hager, Annetta Jane Honaker, Rebecca Payne, Richard Noyal Payne, Thelma "Jean" Gene Pegram, Samuel Douglas Roberts, Sr., James Lee Robertson, Florence Gayle Rowsey, Glenna Faye Shuff Shaffer, Elizabeth Jane Vanbibber, John Thomas White, Jessica Lauren Yates

Certificates of Completion: Linda W. Halliday

An Order to disburse the sum of \$171.00 from the Fiduciary Special Fund made payable to Brian Wood, Clerk, for recording settlements.

An Order approving and entering the Recommended Order to Remove William Todd Cowan as Administrator of the Estate of Freda Mae Sloan, that Robert Dwayne Miller shall post the requisite bond and be appointed to complete administration of the Estate, and that the bond posted by Western Surety Company for William Todd Cowan shall remain and be open and liable for action.

An Order of "Appointment List" of Actions of Fiduciary Supervisor from April 16, 2022 through April 22, 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.

Larry Frye reviewed the Estate of Gordon Garfield Harper. Charline Raffle explained she needs to sell the land in the Estate of Gordon Garfield Harper; therefore, the Commissioners did not administratively close the Estate of Gordon Garfield Harper.

Commissioner Ellis made a motion to Administratively Close Delinquent or Unprogressed Estates of Rosa Lee Miller Christian, John S. Cook, Jr., Marion Franklin Rose, John W. Smith, and Betty Ann Snyder. Commissioner Foster seconded the motion. The motion carried unanimously.

PROCLAMATION

Commissioner Foster read the National Small Business Proclamation for National Small Business Week May 1 through May 7, 2022.

Commissioner Ellis read the Autism Awareness Month Proclamation for the month of April as Autism Awareness Month.

RESOLUTION

Commissioner Skidmore read the Resolution recognizing Jill Scarbro-McLaury, the owner of Bright Futures Learning Services for being named as the West Virginia Small Business Person of the Year for 2022.

JOHN STUMP, STEPTOE & JOHNSON

Commissioner Ellis made a motion to approve the Supplemental Resolution entitled: SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF THE PUTNAM COUNTY BUILDING COMMISSION LEASE REVENUE BONDS, SERIES 2022 A (SHERIFF'S HEADQUARTERS), AND THE LEASING OF CERTAIN REAL AND PERSONAL PROPERTY FROM THE PUTNAM COUNTY BUILDING COMMISSION; APPROVING THE FORM OF A BOND INDENTURE AND SECURITY AGREEMENT, LEASE AGREEMENT, TAX REGULATORY AGREEMENT, A PRELIMINARY OFFICIAL STATEMENT AND OTHER INSTRUMENTS, AGREEMENTS AND DOCUMENTS, AND AUTHORIZING THE DELIVERY OF SUCH PRELIMINARY OFFICIAL STATEMENT, ALL RELATING TO THE ISSUANCE OF THE PUTNAM COUNTY BUILDING COMMISSION LEASE REVENUE BONDS, SERIES 2022 A (SHERIFF'S HEADQUARTERS) as presented by Mr. Stump. Commissioner Foster seconded the motion. The motion carried unanimously.

DAWN LEMLE, URBAN AG CONSERVATIONIST

Dawn Lemle appeared before the Commission for a Greater Kanawha Resource Conservation and Development update. Ms. Lemle explained they offer opportunities for development, conservation services, and projects within the Putnam County.

DEE PRICE ON BEHALF OF TRADEMARK

Commissioner Ellis made a motion to remove from the table the agenda item to enter “Amended Order to Close Unused Road, Street or Travel Way” so the property becomes part of adjoining parcels owned by the Trademark Investments, LLC properties. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to enter “Amended Order to Close Unused Road, Street or Travel Way” so the property becomes part of adjoining parcels owned by the Trademark Investments, LLC properties. Commissioner Foster seconded the motion. The motion carried unanimously.

TINA PECK, DAEA PROGRAM DIRECTOR

Following review of DAEA Case 2022-03 by Tina Peck, at 6:03 p.m., Commissioner Ellis made a motion to open the public hearing for DAEA Case 2022-03. Commissioner Foster seconded the motion. The motion carried unanimously.

President Skidmore opened the public hearing and asked for public comments; Rosa Lee Meadows requested an extension because there is an option to purchase agreement for the property and the new owner plans to clean up the property.

At 6:07 p.m., Commissioner Ellis made a motion to close the public hearing for DAEA Case 2022-03. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to accept the final order for DAEA Case 2022-03 as presented by Ms. Peck. Commissioner Foster seconded the motion. The motion carried unanimously.

Following review of DAEA Case 2022-04 by Tina Peck, at 6:11 p.m., Commissioner Ellis made a motion to open the public hearing for DAEA Case 2022-04. Commissioner Foster seconded the motion. The motion carried unanimously.

President Skidmore opened the public hearing and asked for public comments; Shirley & Charles White hired Teays Valley Lawn Care to clean up debris and overgrown vegetation and they are continuing the clean-up themselves. Justin Minchello is the potential new owner and anticipates the repairs will be completed in two months.

At 6:19 p.m., Commissioner Ellis made a motion to close the public hearing for DAEA Case 2022-04. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to accept the final order for DAEA Case 2022-04 as presented by Ms. Peck. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the final order for DAEA Case 2022-20 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 2022-16 as presented by Ms. Peck. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the order to file the complaint for DAEA Case 2022-16 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 2022-22 as presented by Ms. Peck. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the order to file the complaint for DAEA Case 2022-22 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 2022-24 as presented by Ms. Peck. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the order to file the complaint for DAEA Case 2022-24 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 2022-25 as presented by Ms. Peck. Commissioner Foster seconded the motion. The motion carried unanimously.

Commissioner Ellis made a motion to approve the order to file the complaint for DAEA Case 2022-25 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 Foster made a motion to grant a 30-day extension DAEA Case 2021-46 and requested Tina Peck to enter into negotiations with the homeowner to allow Putnam County

Commission to clean-up the property and the owner could either pay the county back or the county could put a lien on the property for as presented by Ms. Peck. Commissioner Ellis seconded the motion. The motion carried unanimously.

Tina Peck presented the REZ 2021-03, Timothy and P. Dawn Spradling has submitted a Zoning Amendment Application and Disclosure Statement for Rezoning for properties located on (Tax Map 222G, Parcel 139, and Tax Map 222, Parcel 41), which are located at 1012 (Tract A) and 1006 (Tract B), Mount Vernon Road, Hurricane, WV, to rezone the properties from an "R-1" Single-Family Residential District to a "C-1" Suburban Commercial District.

Commissioner Foster made a motion to accept the documentation as part of the record as requested by Ms. Peck. Commissioner Ellis seconded the motion. The motion carried unanimously.

At 7:04 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; they were as follows:

Todd Dillon, Chuck Johnson, Linda Tennant, Dean Dawson, and Steve Deweese spoke in opposition of the Zoning Amendment Application.

At 7:17 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 FACTS: (1) Commissioner Foster voted yes, the text amendment would protect and promote the public health, safety, convenience, moral and general welfare because we have letters in the packet from reputable licensed engineers that drainage is an issue and will be improved by the property being commercial and the road project is moving forward which will make it better. Commissioner Ellis voted yes, the text amendment would protect and promote the public health, safety, convenience, moral and general welfare because it would be using the property effectively for the county to grow and prosper. Commissioner Skidmore voted no, the text amendment would not protect and promote the public health, safety, convenience, moral and general welfare because the safety in the intersection is an issue. (2) Commissioner Foster and Commissioner Ellis voted yes, the text amendment is consistent with the adopted comprehensive plan because it is best use for that piece of property and the best outcome for the community. Commissioner Skidmore voted no, the text amendment is not consistent with the adopted comprehensive plan because there are other opportunities until that intersection is expanded by DOH and does not feel it is safe to add more commercial traffic to the area.

Commissioner Foster made a motion to approve the REZ 2021-03, Timothy and P. Dawn Spradling has submitted a Zoning Amendment Application and Disclosure Statement for Rezoning for properties located on (Tax Map 222G, Parcel 139, and Tax Map 222, Parcel 41), which are located at 1012 (Tract A) and 1006 (Tract B), Mount Vernon Road, Hurricane, WV, to rezone the properties from an "R-1" Single-Family Residential District to a "C-1" Suburban

Commercial District as presented by Ms. Peck. Commissioner Ellis seconded the motion. Commissioner Foster and Commissioner Ellis voted aye. Commissioner Skidmore voted nay. The motion carried.

PUBLIC COMMENTS

Sandra Halstead who resides at 6 Eldorado Circle in Hurricane continues to experience flooding under her home and around the foundation. The Commissioners instructed Ms. Halstead to provide her contact information to the Planning Director David Coll, so he can assess the situation.

LARRY FRYE, COUNTY ATTORNEY

Commissioner Skidmore explained Putnam County Development Authority looked into buying Parcels 09-1-54 and 09-1-62 in Poca (old supermarket and adjoining parcel) to ensure a grocery store remained in Poca. A local developer has entered into a written agreement with the current landowners to purchase Parcels 09-1-54 and 09-1-62 in Poca (old supermarket and adjoining parcel). The potential purchaser has asked the Commission to look at a 15-year pilot agreement in which the real estate would remain in the Putnam County Development Authority's name hence staying off the tax rules for a 15-year period and they are working with the Town of Poca on waiving B&O taxes.

JEREMY YOUNG, COUNTY MANAGER

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

Commissioner Ellis made a motion to approve the budget revision for the Putnam County EMS Fund #715 for overtime 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 Technology Fund (020-994-4-59.0) in the amount of \$39,461.89 payable to Dell Technologies for Dell Purchase ID numbers 2007178976596, 2007180889779, and 2008064339170 as presented by Mr. Young. Commissioner Foster seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS

Timothy Spradling and Commissioner Ellis offered to help with the clean-up for DAEA Case 2021-46 and will coordinate with DAEA Director Tina Peck.

ADJOURN

At 7:43 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 Thursday, May 12, 2022 at 9:00 a.m.

Respectfully submitted,

Marcie Kimberling
Secretary