

# City of Milton, West Virginia

## Council Meeting Minutes

**August 5, 2025, 7:00 P.M.**

**Location:** 1139 Smith Street, Milton, WV 25541

**Meeting Type:** Regular Council Meeting

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### Attendees

- **Mayor:** Shane Evans (Presiding Officer)
- **Recorder:** Phyllis Smith
- **Council Members:**
  - Scott Foster
  - Carl Harshbarger
  - Chase Bryant
  - Scott Bias

### Call to Order

The Regular Council Meeting of the City of Milton was called to order at 7:00 P.M. by Mayor Shane Evans at City Hall, 1139 Smith Street, Milton, WV 25541.

### Invocation

The Invocation was given by Scott Foster.

### Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Evans.

### Approval of Agenda

Council Member Harshbarger moved to approve the agenda. Second by Council Member Scott Bias. Motion carried.

### Executive Session

At 7:01 Councilman Carl Harshbarger made a motion to go into Executive Session. Second by Scott Foster and the vote was unanimous.

At 7:16 p.m. the meeting was called back to order and Councilman Chase Bryant called for the floor to discuss the unlawful motion and votes from the July 31<sup>st</sup> meeting (See Attachments). Unanimously, Council moved to void all votes to strike the activity of the Special Meeting on July 31, 2025. It is unlawful to remove the voting rights of the Recorder, in this case the current recorder is Phyllis Smith.

### **Approval of Minutes**

No minutes presented at this meeting.

### **City Bills**

Recorder Phyllis Smith presented the City Bills for approval. Motion to approve the city bills was made by Council Member Chase Bryant, second by Council Member Troy Nicely, and approved unanimously.

### **Permits**

The following permits, approved by the Building Inspector/Code Official, were reported:

- **034:** A-Z Equities – General Remodel at 1052 Harrison Street.
- **035:** Ohio Bath Solutions, LLC – New Shower at 1854 Sunset View.
- **036:** General Building Supply, Inc – Novik Stone to Sides of Foundation at 101 Woodline Drive.
- **037:** Elite Roofing, LLC – New Roof at 24 Riverview Court.
- **038:** Best Virginia Heating & Cooling – New HVAC at 1246 Washington Avenue.
- **039:** Michael Cremeans/Dan Jones – Roof on Trailer & Porch with Roof (Work Done by Owner).
- **040:** Precision Pools and Construction – Inground Pool at 526 Florida Street.
- **041:** Glen Myers – General Roof at 750 Florida Street.
- **042:** Best Virginia Heating & Cooling – HVAC Replacement at 917 Harrison Street.
- **043:** Best Virginia Heating & Cooling – New HVAC at 98 Rear Florida Street.

Councilman Carl Harshbarger moved to approve the Building Inspector/Code Official Building Permits issued, Second by Recorder Phyllis Smith and the vote was unanimous.

### **City Financial Report for June 2025**

Recorder Phyllis Smith presented the City Financial Report for June 2025 for approval. Councilman Carl Harshbarger moved to approve the City Financial Report. Chase Bryant seconded the motion and the vote was unanimous.

## **Police Report for June 2025**

The Police Report was presented by Sgt. Scarberry. Councilman Scott Bias moved to approve the Police Report, second by Chase Bryant and the vote was unanimous.

## **Reports from Boards and Committees**

Milton Housing Authority     No Report given this Month

Milton Volunteer Fire Department – Kevin gave a Report for MVFD – August 16 they will have a spaghetti dinner to raise funds for equipment.

Resolution of Council Authorizing the Transfer of Funds from the Police Department's Home Rule Account to the City's General Fund for reimbursement of Expenses. Councilman Carl Harshbarger moved to approve the Resolution, second by Councilman Scott Bias and the vote was unanimous.

Resolution of Council Authorizing Transfer of Funds from the General Fund to the Street Paving Account. Carl Harshbarger moved to approve the transfer of Funds from the General Fund to the Street Account, second by Recorder Phyllis Smith and the vote was unanimous.

Resolution of Councils Authorizing the Transfer of Funds from General Fund to Milton Police Department Savings Account. Councilman Scott Foster moved to approve the Transfer of Funds from the General Fund to the Milton Police Department Savings Account, second by Chase Bryant and the vote was unanimous.

## **Proclamation Declaring July 2, 2025, as "Halfway Market Day" in Milton, WV**

Tabled – Beth Williamson, not present

## **Proclamation Declaring August 1, 2025, as "WV Donor Day" in Milton, WV**

Mayor Evans presented the proclamation to raise awareness for organ donation.

## **Approval of the City of Milton's Financial Statement for Fiscal Year Ending 2025**

Recorder Phyllis Smith presented the Financial Statement, summarizing the City's Fiscal Performance. Motion to approve was made by Council Member Scott Bias, seconded by Council Member Chase Bryant, and the vote was unanimous.

## **Letter of Engagement for Accounting Services from Lowe & Associates, PLLC**

Recorder Phyllis Smith moved to approve the Letter of Engagement for Accounting Services from Lowe & Associates, PLLC. Recorder Phyllis Smith moved to approve the Letter of Engagement from Lowe & Associates, PLLC, second by Scott Bias and the vote was unanimous.

### **WVOOE Energy Efficiency Grant Application from Laura Cox Planning and Design, LLC**

Motion to approve was made by Council Member Charles Bryant, seconded by Council Member Scott Bias, and the vote was unanimous.

### **Employment Applications Submitted to Milton Police Department**

No new applicants submitted

### **Appointment of Cass McMillian as Police Chief with Salary of \$65,000**

Mayor Evans presented the proposal to appoint Cass McMillian as Police Chief at a Salary of \$65,000. Tabled until September 2, 2025 on Motion of Councilman Scott Foster, second by Recorder Phyllis Smith and the vote unanimous.

### **Milton Volunteer Fire Department's Request for Opioid Funds (\$21,257.75)**

Mayor Evans presented the request for Opioid Funds in the amount of \$21,257.75 for the Milton Volunteer Fire Department. Councilman Scott Bias moved to approve the request for Opioid Funds in the amount of \$21,257.75, second by Carl Harshbarger and the vote was unanimous.

Mayor Evans read the resignation letter of Troy Nicely effective July 31, 2025.

Motion to approve was made by Council Member Scott Bias, seconded by Council Member Carl Harshbarger, and approved unanimously.

### **Possibility of a City-Owned Garbage Service      Carl Harshbarger**

Mayor Evans led a discussion on the feasibility of establishing a city-owned garbage service. Tabled on motion of Councilman Chase Bryant, second by Scott Foster and the vote was unanimous.

### **Creating Ordinance Regarding Stray Cats and Stray Dogs**

Mike Ramsey, City Manager, said there was already a city ordinance 505 regarding this matter. No formal vote was taken at this meeting.

### **Purchase of a New Truck for the Water/Sewer Department**

Mayor Evans presented the Water Board's decision to purchase a new truck to improve operational efficiency. Tabled by Water Board.

Motion to approve was made by Council Member Scott Foster, seconded by Council Member Chase Bryant, and approved unanimously.

### **Pay Increase for Tom McCoy**

Mayor Evans presented the Water Board's decision to grant a pay increase for Tom McCoy based on performance and responsibilities.

Motion to approve \$3.00 increase for Tom McCoy was made by Council Member Chase Bryant, second by Council Member Carl Harshbarger, and approved unanimously.

### **Comments from Council Announcements**

- **Every Tuesday:** BINGO at Milton Senior Center, 12:30 P.M.
- **Every Sunday:** BINGO at American Legion, 6:00 P.M.
- **August 13:** First Day of School for Students in Cabell County.
- **September 1:** Labor Day, City Hall will be closed.

Council members expressed appreciation for community participation in recent events and emphasized the need for continued investment in public safety and infrastructure.

### **Comments from the Public**

Many public comments were made during the meeting.

### **Adjournment**

- The meeting was adjourned at 8:45 P.M. following a motion by Council Member Scott Bias, second by Council Member, and approved unanimously.

Date October 7, 2025

Mayor Shane Evans Shane Evans

Recorder Phyllis Smith Phyllis Smith

**August 5<sup>th</sup> 2025**

**Milton City Council Meeting**

To the Citizens of the City of Milton, West Virginia,

We extend our heartfelt gratitude for your unwavering support and active engagement in our community's governance. Your involvement strengthens the fabric of our city and ensures that every voice is heard. We are calling upon you to support a critical action: the recall of the vote taken during the special meeting on July 31, 2025, which stripped the Recorder of her voting rights on the city council. This decision violates West Virginia State Code 8-9-2, which governs the Recorder's duties, and undermines fair representation. Additionally, pursuant to our city ordinance, the Mayor cannot unilaterally call a special meeting, and all motions must adhere to the agenda. Furthermore, not all council members were informed of the meeting, and the agenda was not properly posted, violating procedural requirements. As a body, we cannot vote on altering the Recorder's duties as set forth by Section 8 of West Virginia State Code. Additionally, no meeting minutes have been read into the record since the June meeting covering May and June. For these reasons, we cannot proceed with council meetings until the Recorder's voting rights are restored. We urge you to join us in advocating for this reversal to uphold the principles of equality and democracy that define our community.

Sincerely,  
Chase Bryant and Scott Foster

Concerned citizens of the City of Milton and Milton City Councilmen

## WV STATE CODE

### **§8-9-1. Who to preside at meetings of governing body; quorum; interested member of governing body not to vote.**

Unless otherwise provided by charter provision, the governing body of every municipality shall be presided over at its meetings by the mayor, or, in his absence, by the Recorder, or, in the absence of both the mayor and the Recorder, by one of its members selected by a majority of the members of the governing body present. A majority of the members of the governing body shall be necessary to constitute a quorum for the transaction of business. No member of the governing body of any municipality shall vote upon any ordinance, order, measure, resolution or proposition, in which he may be interested other than as a citizen of such municipality.

### **§8-9-2. Mayor and Recorder may vote; tie vote.**

The mayor and Recorder shall, unless otherwise provided by charter provision, have votes as members of the governing body, and, in case of a tie, the presiding officer at the time shall cast the tie-breaking vote, unless he has previously voted.

## Milton City Charter- Portion

### 103.01 CITY AS BODY POLITIC.

The Mayor, Recorder and councilmen, as often as they are elected and qualified, as hereinafter provided, and their successors in office, shall be a body politic and corporate by the name of the City of Milton, and shall have perpetual succession and a common seal, and shall exercise all the powers and perform all the duties vested in or imposed upon such councils by the City Charter, the statute laws of this State and all the ordinances hereinafter contained or subsequently enacted from time to time by Council.

(Ord. 1-29-29)

### 103.06 COUNCIL MEETINGS; QUORUM; RECORDS.

(a) Quorum; Records. A majority of the members elected to Council shall be a quorum to do business, but a lesser number may adjourn from time to time. All legislative action shall be by ordinance except where otherwise required by the Constitution or the laws of the State. Council shall keep a journal of its proceedings which shall be a public record. On the passage of every ordinance, the vote shall be taken and entered on the journal and no ordinance shall be passed without the concurrence of a majority of the members elected to Council. At least two regular meetings shall be held each month as may be provided by ordinance. Special meetings shall be held on the request of any two members upon twenty-four hour notice to each member and advertisement shall be placed on the doors of City Hall. The proceedings of Council shall be public.

## Milton City Ordinance- Portion

### § 103.06 COUNCIL MEETINGS; QUORUM; RECORDS.

(A) *Quorum: records.* A majority of Council shall be a quorum to do business, but a lesser number may adjourn from time to time. All legislative action shall be by ordinance except where otherwise required by the Constitution or the laws of the state. Council shall keep a journal of its proceedings, which shall be public record. On the passage of every ordinance, the vote shall be taken and entered on the minutes and no ordinance shall be passed without the concurrence of a majority of the members elected to Council. Special meetings shall be held at the request of any two members upon 24 hours' notice to each member and advertisement shall be placed on the doors of City Hall.

## Can the Mayor alone call for a special meeting?



# City of Milton

1139 Smith Street ♦ Milton, West Virginia 25541  
Phone (304)743-3032 ♦ Fax (304)743-1872

**Mayor**  
Shane Evans

**Recorder**  
Phyllis Smith

**Council**  
Scott Foster  
Carl Harshbarger  
Chase Bryant  
Scott Bias  
Troy Nicely

City of Milton, West Virginia  
Public Notice of Special Meeting, posted 7-29

The City of Milton will hold a Special Meeting of the City Council on:

Date: Thursday, July 31, 2025  
Time: 4:00 PM  
Location: Milton City Hall

Purpose of the Special Meeting:  
To discuss and vote on a proposal of Records job description and duties

This meeting is open to the public, and all interested citizens are encouraged to attend.

For additional information, please contact the City Clerk's Office at (304) 743-3032.

By Order of the Mayor

City of Milton, WV

## Special Meeting inbox x



### City Clerk

to Carl, dsfoster55@gmail.com, Scott, me ▾

Jul 30, 2025, 1:14 PM (4 days ago)

This is a correction to my previous :

Please see the attached notice of s

Thank you,  
Jessica Ramsey  
City Clerk  
304-743-3032

from: City Clerk <cityclerk@cityofmiltonwv.com>  
to: "Carl Harshbarger (noahnoel@aol.com)" <noahnoel@aol.com>,  
"dsfoster55@gmail.com" <dsfoster55@gmail.com>,  
Scott Bias <wscttobias@gmail.com>,  
"chaseb323@gmail.com" <chaseb323@gmail.com>

date: Jul 30, 2025, 1:14 PM

subject: Special Meeting

mailed-by: cityofmiltonwv.com

signed-by: cityofmiltonwv.com

security: Standard encryption (TLS) [Learn more](#)

Important according to Google magic.

From: [donotreply@siswv.com](mailto:donotreply@siswv.com) <donotreply@siswv.com>  
Sent: Wednesday, July 30, 2025 1:07 P  
To: City Clerk <cityclerk@cityofmiltonwv.com>  
Subject: [EXTERNAL]Attached Image

**From the Ethics Commission:**

## Agendas

- ☐ Does the meeting agenda reasonably describe all matters requiring official action by the governing body that will be dealt with at the meeting or at a later meeting?

A governing body is not required to indicate whether a matter is anticipated to be taken up in executive session.

- ☐ Has the meeting agenda either been posted in a public place at the governing body's central office, or have copies of the agenda been made available to be picked up at the same location during regular working hours. O.M.A.O. 2006-15

**Reminder: A motion was made to strip voting privileges- The agenda stated job description.**

**Job descriptions for the Recorder are covered in the WV State Code under Sec. 8 which is the governing law for a Recorder. It can't be changed with a simple vote.**

**Example taken from the Milton City Clerk Job descriptions which were voted on by the governing body on September 12<sup>th</sup> 2006.**

### **Job Description – Milton City Clerk September 12, 2006**

#### Daily

Greet, direct, take messages, answer questions and solve problems, if possible  
Answer Phone – handle calls or delivery messages to appropriate individuals  
Check email daily and handle correspondences sent to [miltoncityclerk@charter.net](mailto:miltoncityclerk@charter.net)  
Prepare deposit slips & change backup tape  
Pick up mail at City Hall, bottom of hill and P.O. Box and distribute\*  
Run outgoing mail and pick up bank bags\* (these are shared responsibilities)  
Open mail to Mayor or city that is not directed to a specific department  
Prepare letters; make calls and other requests for Mayor, Recorder, Council and City Engineer  
Work with City Attorney on issues

#### Monthly

Attend Council Meetings - 2 per month  
Prepare and post agendas for meetings - 2 per month  
Prepare packets for Council for meetings - 2 per month  
Prepare and post agendas for special council or emergency meetings and work session  
Type minutes for all meetings – regular Council meetings 2 per month – special and emergency meetings and work sessions whenever scheduled.  
Prepare and post notices such as: public meeting ordinance changes, etc  
Prepare legal ads and send for publication such as ordinance changes, public meeting, etc.  
Fax signed copy of minutes to Putnam Post for publication