

# **REGULAR COUNCIL MEETING**

**August 4, 2011**

Elkins Common Council met in regular session in the council chamber of city hall at 7:04 p.m. Thursday, August 4, 2011. Present were Mayor Duke Talbott; Councilpersons: V. T. Broughton, N. E. Bross-Fregonara, M. D. Cuonzo, T. Z. Hensil, C. L. Metheny, D. G. Satterfield, M. D. Scott and R. A. Woolwine; R. P. Pingley, operations manager; L. D. Daniels-Smith, city treasurer; H. R. White, Jr., police chief; T. W. Meader, fire chief; P. J. Graziani, city clerk; and G. S. Roberts, city attorney. Councilmen R. N. Beckwith and J. S. Bibey were absent.

## **AGENDA ADJUSTMENTS**

1. Attorney/client discussion.
2. Resolution 272, approving invoice(s) relating to the proposed Water Project and authorizing payment thereof by Drawdown Number 41.

## **SPECIAL DISCUSSION**

The presenter did not appear to speak to drug and alcohol abuse in the city.

## **PUBLIC COMMENT**

Jacob Kyle, resident of 36 14<sup>th</sup> Street, asked why city hall had no handicapped access. He said he couldn't ride the elevator to the second floor council chamber because an operator was not present to operate it. He also complained of damage to his property caused by free-roaming cats. Lastly, he asked that action be taken to enforce restrictions against motor vehicles illegally parking in fire lanes, especially at the Kroger store parking lot.

## **INFORMATIONAL PRESENTATION(S)**

Dr. Larry Wing, Ph.D., treasurer of the Elkins-Randolph County Regional Airport Authority, spoke to the Authority's financial performance during fiscal year 2011, and he related a few significant events of interest that occurred during the period. He then shared his thoughts on some future challenges. Operating income exceeded expenses by \$5,641. Significant events cited were receipt of an unqualified audit opinion for FY2011; execution of a property ownership agreement with both City of Elkins and the Randolph County Commission, joint owners of the airport; completion of a by-laws revision; realization of savings of in excess of \$50,000 when the WV Department of Highways paved the airport's entrance road at no cost to the Authority; and finalization of plans to complete perimeter fencing necessary to fully secure the airport; continuation of planning to create an emergency vehicle entry and to improve drainage. Three future challenges identified were formulation and execution of a written agreement transferring ownership title of airport property, both real and personal, from the City and County Commission to the Airport Authority itself; utilization of the Emerson Phares building to full capacity [only 25% was occupied]; and pavement of Runway #523, at an estimated cost in excess of \$2,000,000 in grant funds. He noted the closure of the flight school.

Melody Loudin acquainted the members with the mission of the *D&E Responders*. The organization, composed of college students and their advisors, was formed to return value to the community in which they live in the form of public service. Affiliated with and trained by the American Red Cross, the members would respond as disaster action team participants when disasters occur within Randolph and surrounding counties

Attorney John Stump, Steptoe & Johnson, PLLC, explained some aspects of the bond anticipation note issuance process. The notes would be issued to finance various design engineering and other preconstruction cost of the water system improvement project. The mayor invited anybody wishing to speak to the issuance of either of the notes to step forward. Nobody did so.

**CONSENT CALENDAR**

Cm Metheny, seconded by Cm Hensil, **MOVED COUNCIL ACCEPT MINUTES PROPOSED FOR THE REGULAR MEETING OF JULY 21, 2011 AS PRESENTED.** The motion carried.

**UNFINISHED BUSINESS**

Cm Hensil, seconded by Cm Broughton, **MOVED THAT ORDINANCE 129, AUTHORIZING ISSUANCE OF WATERWORKS BOND ANTICIPATION NOTES, SERIES 2011 A, BE BROUGHT FORTH, READ BY TITLE ONLY AND PASSED ON THIRD AND FINAL READING.** The motion carried.

Cm Hensil, seconded by Cm Broughton, **MOVED THAT ORDINANCE 130, AUTHORIZING ISSUANCE OF WATERWORKS BOND ANTICIPATION NOTES, SERIES 2011 B, BE BROUGHT FORTH, READ BY TITLE ONLY AND PASSED ON THIRD AND FINAL READING.** The motion carried.

**NEW BUSINESS**

Cw Bross-Fregonara, seconded by Cw Cuonzo, **MOVED THAT COUNCIL ADOPT RESOLUTION 271, AUTHORIZING ADOPTION OF A REGIONAL HAZARD MITIGATION PLAN;** however, Cm Broughton, seconded by Cm Woolwine, **MOVED TO TABLE THE MOTION.** The motion to table carried. The most common sentiment expressed by members indicated that there had been inadequate time to fully study and absorb the Plan.

Cw Metheny, seconded by Cm Scott, **MOVED THAT COUNCIL AUTHORIZE THE SALE OF SURPLUS PUBLIC PROPERTY BY AUCTION.** The motion carried.

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>QUAN</b>	<b>DEPARTMENT</b>
Garbage Truck	1990 International 4900, VIN IHTSHZ3R9LH659302	1	Sanitation
Truck Cab & Chassis	White - 1982 International S1900 VIN - 1HTAA19B2CHB13097	1	Street
Dump Truck	Green - 1987 GMC 7000	1	Street
Gas Tank	1000 Gallon above-ground concrete	1	Street
Pipe Saw	Homelite friction pipe saw	1	Water Dist.
Metal Detector	Fisher	1	Water Dist.
Line Location Tools	Metro Tech 810	2	Water Dist.
Leak Detection Listeners		2	Water Dist.
Police Cruiser	1997 Ford Police Cruiser 2FALP71W6VX113955	1	Police
Brush Hog		1	EPRC
Generator		1	WWCT
Compactor	518 CAT Compactor - #94UO2634X	1	Landfill
Compactor	1992 - 826 CAT Compactor - #R5N87X01504	1	Landfill
Pick-up Truck	1996 Ford F-150 Pick-up Truck - tan 1FTEF14NOTLB28631	1	Landfill
Water pump #915128CCAY0494	Risk Diesel Water Pump, blue	1	Landfill
Bicycles			Police

Cw Cuonzo, seconded by Cm Scott, **MOVED COUNCIL AUTHORIZE PARTICIPATION BY CITY EMPLOYEES IN THE MOUNTAINEER FLEXIBLE BENEFITS PLAN AT THE EMPLOYEES PERSONAL EXPENSE.** The motion carried.

Cw Cuonzo, seconded by Cm Scott, **MOVED THAT COUNCIL ENTER EXECUTIVE SESSION FOR CONSIDERATION OF A GRIEVANCE FILED BY THE OPERATIONS MANAGER.** The motion carried. Council entered executive session at 8:02

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p.m., and it resumed regular session at 8:53. No decisions were made; no actions were taken. The mayor instructed the operations manager to review budgets under his supervision for the availability of surplus funds.

Cw Cuonzo, seconded by Cm Scott, **MOVED COUNCIL GRANT FULL-TIME EMPLOYMENT TO SHAWN AKERS, IN THE POSITION OF *STREET WORKER IV* EFFECTIVE JULY 16, 2011.** The motion carried.

There was no public discussion of an adjustment to the fire fee assessment rate.

Cm Woolwine, seconded by Cm Broughton, **MOVED COUNCIL ADOPT RESOLUTION 272, APPROVING INVOICES RELATING TO THE PROPOSED WATER SYSTEM IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT DRAWDOWN #41 THEREOF FROM FUNDS AVAILABLE FROM THE WATERWORKS SYSTEM DESIGN BOND ANTICIPATION NOTES, SERIES 2007.** The motion carried. [C. Morgan Haymond will be paid \$3,000.00]

Cm Woolwine, seconded by Cw Bross-Fregonara, **MOVED THAT COUNCIL ENTER EXECUTIVE SESSION FOR ATTORNEY/CLIENT DISCUSSION.** The motion carried. Council entered executive session at 8:53 p.m., and it resumed regular session at 9:40 p.m. No decisions were made; no actions were taken.

**COMMITTEE REPORTS**

**BUILDING**

The committee received 18 applications since the last meeting of council. All applications were residential in character. Acting upon recommendation of the building inspector, the committee disapproved application 751, since the construction proposed would have encroached upon the 25-foot setback requirement from the front property line. All other applications were approved. Cm Satterfield, seconded by Cm Woolwine, **MOVED COUNCIL GRANT PERMITS FOR THE 17 APPLICATIONS APPROVED BY THE COMMITTEE.** The motion carried.

PERMIT	APPLICANT	LOCATION	DESCRIPTION	VALUE
735	O'kernick, Joseph	107 Ferndale Dr.	Remodel Kitchen & Bathroom	3,000.00
736	Guthrie, Marilyn	118 Vector Ave.	Re Roof	4,000.00
737	Sites, Elwood	205 Evergreen Drive	Install Heating & Cooling System	4,839.00
738	Kyle, Judith	10 River St.	Raise foundation to level house & Sheetrock	7,500.00
739	Andriko, Louis	106 Westview Dr.	Replace 2 Doors, 2 Storm Doors	6,220.00
740	Swecker, William	120 S. Randolph Ave	Re Roof	5,000.00
741	Jr. Owens, Steven	303 Davis Ave	Flooring, removing lights, and Painting	950.00
742	Licvov, George	115 Southview Dr.	8 x 16 Addition to Outbuilding	4,250.00
743	Sundelin, Gracie	109 High St.	Reconstruct Front Porch	24,000.00
744	Biola, Joe & Heather	232 Elm St.	Pergola(Porch/Deck) Drainage in Yard	3,000.00
745	Darby, Sam	1110 Harrison Ave	Storage Buildings	181,000.00
746	Dodd's Greenhouse	12 Dent St.	Remove old Roof and Frame in New (Garage)	4,200.00
747	Wells, Bruce	145 State St.	Installing Patio Door	1,500.00
748	Zizzi, Eleanor	250 Boundary Ave.	Metal Roof	4,437.00
749	Simmons , Dave	304 Robert E. Lee Ave	Interior and Exterior repairs and upgrades	10,000.00
750	Mallow, Charles	103 Wilson Lane	Patio Door & Drywall	1,800.00
751	Huffman, Donald	107 Weese St.	New 24x28 Garage	5,000.00
752	Hostetler, Eli	1610 Taylor Ave.	Re Roof	6,000.00

**Notes**

Permit 751 is to be denied due to front set-back requirements.

**ADMINISTRATIVE OFFICER REPORTS**

**OPERATIONS MANAGER**

Ongoing repair and replacement of water infrastructure continued. Streets were being patched and paved. New carpet was partially installed in the treasurer's area. The health department granted a permit for the waterworks system upgrade project.

**TREASURER**

She said she continued to explore the feasibility and cost of providing for payment of amounts due to the city by the customer's use of credit/debit cards. Cross training of personnel under her supervision was 80% complete.

**FIRE CHIEF**

Annual hose testing was completed.

**MAYOR'S COMMENTS**

A special call council meeting was announced for August 10 at 4 p.m. Two items would be considered: adjustment of the fire fee assessment rate; and transfer of title of ownership of airport real and personal property to the airport authority.

The meeting adjourned at 9:55 p.m.