

# **REGULAR COUNCIL MEETING**

**September 1, 2011**

Elkins Common Council met in regular session in the council chamber of city hall at 7:02 p.m. Thursday, September 1, 2011. Present were Mayor Duke Talbott; Councilpersons: J. S. Bibey, V. T. Broughton, N. E. Bross-Fregonara, T. Z. Hensil, M. D. Scott and R. A. Woolwine; R. P. Pingley, operations manager; S. D. Richards, police lieutenant; L. D. Daniels-Smith, city treasurer; T. W. Meader, fire chief; P. J. Graziani, city clerk; and G. S. Roberts, city attorney. Council members R. N. Beckwith, M. D. Cuonzo, C. L. Metheny and D. G. Satterfield and H. R. White, Jr., police chief, were absent.

## **AGENDA ADJUSTMENTS**

1. Resolution 278, approving invoice(s) relating to the proposed Water Project and authorizing payment thereof by Drawdown Number 42.
2. Resolution 279, transfer of property to the Elkins-Randolph County Regional Airport Authority.

## **PUBLIC COMMENT**

There was none.

## **INFORMATIONAL PRESENTATION**

Michelle Depp presented an annual report on the activities of the Randolph County Convention and Visitor's Bureau. She discussed relevant operational developments and presented the Bureau's reviewed financial statements for the fiscal year ended June 30, 2011. She was accompanied by Brenda Pritt, executive director, and Jim Hammond, board member.

[Jenna Lowery did not appear to explain stimulus money.]

Chapman Technical Group vice president Greg Belcher updated council members on the Water System Improvements Project. He said design of the new water treatment plant was 100% completed. The finished design would enable development of a construction budget estimate required to solicit contractor bids. He said transmission and distribution pressure issues were being considered, and plans for a new treatment plant access road were being finalized.

## **CONSENT CALENDAR**

Cm Woolwine, seconded by Cm Broughton, **MOVED COUNCIL ACCEPT MINUTES PROPOSED FOR THE SPECIAL MEETING OF AUGUST 10, 2011 AS PRESENTED.** The motion carried.

Cm Bibey, seconded by Cw Bross-Fregonara, **MOVED COUNCIL ACCEPT MINUTES PROPOSED FOR THE REGULAR MEETING OF AUGUST 18, 2011 AS PRESENTED.** The motion carried.

## **UNFINISHED BUSINESS**

Cm Scott, seconded by Cm Woolwine, **MOVED TO SUSPEND CONSIDERATION OF ORDINANCE 123, ADJUSTING THE FIRE SERVICE FEE RATE.** The motion to suspend consideration carried. [The city clerk arranged for publication of a legal ad notifying the public of council's intent to take final action on an ordinance adjusting the fire service fee rate. That publication took the form of a Class I legal advertisement. The publication should have taken the form of a Class II legal advertisement, a requirement of WV Code §8-13-13(e). Consideration of the matter was suspended because of insufficient public notification.]

Cm Scott, seconded by Cw Bross-Fregonara, **MOVED THAT ORDINANCE 131, PROVIDING FOR ENACTMENT OF A VACANT BUILDING REGISTRATION PROGRAM, BE BROUGHT FORTH, READ BY TITLE ONLY AND PASSED ON**

**SECOND AND FINAL READING.** The motion carried. Prior to the vote, it was said that the code enforcement officer would be responsible for enforcement; public notification would be given prior to enforcement; revenue generated by the measure would be deposited into the city’s general fund; the measure could not be enforced retroactively; no structure with active utility service would be deemed vacant (structures with building and health code violations can still be considered vacant even with active utility service); and the goal of the measure was to make each property owner accept maintenance and upkeep responsibility for their property.

**NEW BUSINESS**

Cm Hensil, seconded by Cm Broughton, **MOVED COUNCIL ADOPT RESOLUTION 276, ASSIGNING THE RANDOLPH COUNTY BOARD OF EDUCATION THIRD WARD SCHOOL PROPERTY TO THE THIRD WARD OF THE CITY.** The motion carried.

Cw Bross-Fregonara, seconded by Cm Bibey, **MOVED COUNCIL ADOPT RESOLUTION 277, ASSIGNING THE RANDOLPH COUNTY BOARD OF EDUCATION NORTH SCHOOL PROPERTY TO THE FOURTH WARD OF THE CITY.** The motion carried.

Cm Woolwine, seconded by Cm Broughton, **MOVED THAT COUNCIL ADOPT FISCAL YEAR 2012 BUDGET REVISION NUMBER 1 BY ROLL CALL VOTE.** The clerk read the roll:

Beckwith	-	Absent	Hensil	-	Yes
Bibey	-	Yes	Metheny	-	Absent
Bross-Fregonara	-	Yes	Satterfield	-	Absent
Broughton	-	Yes	Scott	-	Yes
Cuonzo	-	Absent	Woolwine	-	Yes

The motion carried. [A total of \$109,209.72 will be transferred from general fund cost center 415, City Clerk, to cost center 413, City Treasurer.]

Cm Woolwine, seconded by Cm Broughton, **MOVED COUNCIL APPOINT LISA D. DANIELS-SMITH AS CITY TREASURER FOR A TERM OF TWO YEARS TO COMMENCE OCTOBER 1, 2011 THRU SEPTEMBER 30, 2013 AND AT A SALARY OF FORTY-FOUR THOUSAND (\$44,000.00) DOLLARS PER YEAR.** The motion carried.

Cm Broughton, seconded by Cm Woolwine, **MOVED THAT COUNCIL AUTHORIZE THE MAYOR TO EXECUTE A CELL PHONE CONTRACT.** The motion carried. AT&T submitted the low bid.

Cm Broughton, seconded by Cm Bibey, **MOVED COUNCIL APPROVE OF AND AUTHORIZE THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH TYGART VALLEY TRANSFER, FOR THE DISPOSAL OF MUNICIPAL SOLID WASTE.** The motion carried.

Cm Hensil, seconded by Cm Broughton, **MOVED COUNCIL ADOPT RESOLUTION 278, APPROVING INVOICES RELATING TO THE PROPOSED WATER SYSTEM IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT DRAWDOWN #42 THEREOF FROM FUNDS AVAILABLE FROM THE WATERWORKS SYSTEM DESIGN BOND ANTICIPATION NOTES, SERIES 2007.** [McNeer, Highland, McMunn and Varner L.C. will be paid \$1,460.00]

Cm Woolwine, seconded by Cm Broughton, **MOVED COUNCIL ADOPT RESOLUTION 279, APPROVING OF AND AUTHORIZING THE TRANSFER OF PROPERTY TO THE ELKINS-RANDOLPH COUNTY AIRPORT AUTHORITY.** The motion carried. Charles H. Stivers, member of the airport authority, said the Authority had to be able to demonstrate ownership of both real and personal property in order to bind insurance coverage and to qualify for and receive Federal Aviation Administration grant funds.

**APPROVAL OF VENDOR INVOICE PAYMENTS**

Cm Scott, seconded by Cm Broughton, **MOVED COUNCIL APPROVE OF AND AUTHORIZE THE MAYOR TO EXECUTE AN ENGAGEMENT LETTER WITH THE WEST VIRGINIA STATE AUDITOR’S OFFICER FOR COMPLETION OF THE AUDIT OF FISCAL YEAR 2011.** The motion carried.

Cm Scott, seconded by Cw Bross-Fregonara, **MOVED COUNCIL APPROVE VENDOR INVOICES AS THEY APPEARED ON THE DATA SHEET PRESENTED.** The motion carried.

**COMMITTEE REPORTS**

**BUILDING**

Cm Woolwine, seconded by Cm Broughton, **MOVED COUNCIL GRANT PERMITS FOR THE 15 APPLICATIONS LISTED ON THE AGENDA.** The motion carried.

<b>PERMIT</b>	<b>APPLICANT</b>	<b>LOCATION</b>	<b>DESCRIPTION</b>	<b>VALUE</b>
761	Talbott, Brian	521 Davis Av	Roof, Soffit, Gutter, Porch Ceiling	\$ 10,000
762	Teets, Scott	117 Sunset Dr	Deck & fiberglass on garage walls	\$ 6,093
763	Phillips, Evalee	120 Conaway Dr	Windows and vinyl siding	\$ 9,699
764	Price, Sam	101 Riverview Dr	Shingle Roof	\$ 8,050
765	Mayo, George	119 Valley Ct	Storage Building	\$ 1,050
766	Sommerville, David	179 High St	Enclose front porch W/screen windows	\$ 1,600
767	Calain, Mark	113 Sunset Dr	Barn building 10 X 12	\$ 1,201
769	Fitzpatrick, Ruth Ann	201 Whiteman Av	Re-Shingle Roof	\$ 7,150
770	Stottlemeyer, Bob	320 Center St	New Siding & Rewire	\$ 10,000
771	Woodlands Development	26 Central St	Re Roof	\$ 6,000
772	Rosenberger, Dean & Ann M	301 Marro Dr	RE Roof	\$ 10,000
773	Johnson, Pauline	401 Lincoln Av	Metal Roof	\$ 6,559
774	Haller, Nancy	1716 S Davis Av	Metal Roof	\$ 1,062
Com-57-11	Elkins Mountain School	100 Bell St	New addition fire alarm	\$ 6,951
Dem-05-11	Simmons, Andrea (Fussell)	108 Graham St	Demolition	\$ 9,000

**ADMINISTRATIVE OFFICER REPORTS**

**OPERATIONS MANAGER**

Pot holes were being patched, he said. The manhole at the bottom of Central Street hill was replaced. Numerous water leaks in smaller supply lines were repaired. The recent earthquake did no damage to city hall.

**TREASURER**

Treasurer Daniels-Smith thanked the members for her appointment to her first full term. Auditors from the WV State Auditor’s Office, Chief Inspector Division commenced audit fieldwork. Annual utility reports being prepared by Tetrick Bartlett PLLC will be completed and submitted timely.

**FIRE CHIEF**

Annual equipment inspections were successfully completed. The aerial truck will be tested September 19. New flag poles were installed.

**OTHER BUSINESS**

Cm Broughton announced that the recycling committee had completed its mission.

The meeting adjourned at 8:28 p.m.