

## **REGULAR COUNCIL MEETING**

**March 17, 2011**

Elkins Common Council met in regular session in the council chamber of city hall at 7:03 p.m. Thursday, March 17, 2011. Present were Mayor Duke Talbott; Councilpersons: J. S. Bibey, N. E. Bross-Fregonara, H. K. Burford, M. D. Cuonzo, T. Z. Hensil, C. L. Metheny, D. G. Satterfield and R. A. Woolwine; R. P. Pingley, operations manager; A. L. Broschart, deputy city clerk; L. D. Daniels-Smith, city treasurer; H. R. White, Jr., police chief, T. W. Meader, fire chief; and G. S. Roberts, city attorney. Councilmen R. N. Beckwith and R. J. Malcolm were absent.

### **AGENDA ADJUSTMENTS**

1. Appointment of a commissioner to the Housing Authority of the City of Elkins.

### **RECOGNITION**

Councilwoman Hazel K. Burford was recognized for the service on council. Her current term expires March 31, 2011.

Heather Kump Biola was commended for her work at Kump House. Cw Bross-Fregonara, seconded by Cm Bibey, **MOVED COUNCIL AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT APPOINTING HEATHER ROBERTS BIOLA AS KUMP HOUSE TRUST PROJECT COORDINATOR.** The motion carried. [The contract was executed immediately upon adoption of the motion.]

### **INFORMATIONAL PRESENTATION**

Greg Belcher, vice president of Chapman Technical Group, delivered a regular monthly update for the *Water System Improvements Project*. Now that the membrane contract is in hand, he said, construction could begin in 2012.

### **PUBLIC COMMENT**

There was none.

### **CONSENT CALENDAR**

Cw Cuonzo, seconded by Cw Bross-Fregonara, **MOVED THAT COUNCIL ACCEPT MINUTES PROPOSED FOR THE MARCH 10 CERTIFICATION MEETING OF THE ELKINS BOARD OF CANVASSERS.** The motion carried.

### **UNFINISHED BUSINESS**

There was none.

### **NEW BUSINESS**

Cm Hensil, seconded by Cw Cuonzo, **MOVED COUNCIL ADOPT RESOLUTION 260, APPROVING INVOICES RELATING TO THE PROPOSED WATER SYSTEM IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT DRAWDOWN #35 THEREOF FROM FUNDS AVAILABLE FROM THE WATERWORKS SYSTEM DESIGN BOND ANTICIPATION NOTES, SERIES 2007.** The motion carried. [Chapman Technical Group will receive a disbursement of \$32,421.07 in payment of three invoices covering three different projects.]

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Cm Woolwine, seconded by Cm Bibey, **MOVED COUNCIL ADOPT RESOLUTION 261, APPROVING SUBMISSION OF AN APPLICATION TO OBTAIN FISCAL YEAR 2011/2012 EMERGENCY SHELTERS GRANTS FUNDING FOR THE BENEFIT OF WOMEN'S AID IN CRISIS.** The motion carried.

Cw Burford, seconded by Cm Metheny, **MOVED COUNCIL APPOINT THE LAW FIRM OF McNEER, HIGHLAND, McMUNN AND VARNER, L.C. AS CITY ATTORNEY FOR A ONE-YEAR TERM TO COMMENCE APRIL 1, 2011.** The motion carried. [Reproduced below is the language from a March 14, 2011 letter from Attorney Roberts to the mayor, in which terms requested for an appointment were defined.

“On behalf of McNeer, Highland, McMunn and Varner, L.C., I am submitting this letter for the consideration of our firm for the position of City Attorney for the City of Elkins. This letter is in response to a request by Mayor Talbott and the Personnel Committee.

We would like to continue in our current position as City Attorney. However, we can no longer continue with the yearly retainer fee that was accepted by the City in April 2010. Our assessment of the compensation that we receive as a flat fee (\$33,000/year) and our actual hours committed on behalf of the City's interests on a monthly basis does not actually compensate us for our professional services. We are providing our professional services at a highly discounted rate of \$100.00 per hour, and would like to continue to work with the City.

We would propose the following:

1. An hourly fee of \$100.00 for those "retainer duties" as set forth in the bid specifications for 2010, along with all other representation that is not included as regular "retainer duties";
2. Expenses would be reimbursed as provided in the bid specifications for 2010; and,
3. The professional services provided will be billed at incremental amounts of time indicating the person completing the task, the task involved, and the actual time spent on the task. The fees will be billed on a monthly basis by invoice, and we would request that the invoices be paid within 30 days of presentation to the City.

We have enjoyed the opportunity of working with the City in this capacity and it is our desire to continue this representation on a mutually-acceptable basis.

We will be happy to meet with you, City Council, or any of the Department Heads, at your convenience, to discuss our proposal or to answer any questions. We thank you for your consideration of our proposal and look forward to the continued opportunity of working with the City of Elkins.”]

Cw Cuonzo, seconded by Cm Woolwine, **MOVED THAT COUNCIL APPROVE A MONTHLY SUPPLEMENTAL COMPENSATION PAYMENT FOR EACH DEPARTMENTAL SAFETY OFFICER.** The motion carried. [A supplemental compensation payment of fifty (\$50.00) dollars per month per safety officer was approved.]

Cm Metheny, seconded by Cw Burford, **MOVED COUNCIL AUTHORIZE TRAVEL REQUESTED BY THE WATER TREATMENT PLANT OPERATOR.** The motion carried. [Barkley will travel to Charleston, WV and Springfield, OH.]

Cw Burford, seconded by Cm Satterfield, **MOVED COUNCIL APPOINT MRS. TATE SUMMERFIELD A COMMISSIONER OF THE HOUSING AUTHORITY OF THE CITY OF ELKINS, WEST VIRGINIA TO FILL THE UNEXPIRED TERM OF L. OWEN FANSLER.** [The term will expire January 31, 2015.]

Cm Hensil, seconded by Cm Metheny, **MOVED COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO WV CODE SECTION 6-9A-4(B)(2)(A), FOR CONSIDERATION OF A PERSONNEL MATTER.** The motion carried. Council entered executive session at 7:38 p.m., and it resumed regular session at 8:20 p.m. No actions were taken; no decisions were made.

**COMMITTEE REPORTS**

**BUILDING**

The committee received 6 applications since the last meeting of council. Four applications were residential in character and 2 were commercial. Acting upon recommendation of the building inspector, the committee approved all applications. Cm Satterfield, seconded by Cm Metheny, **MOVED COUNCIL GRANT PERMITS FOR THE 6 APPLICATIONS APPROVED BY THE COMMITTEE.** The motion carried.

<b>PERMIT</b>	<b>APPLICANT</b>	<b>LOCATION</b>	<b>DESCRIPTION</b>	<b>VALUE</b>
583	Tingler, Freddie	108 Wayne St	New Shingles, Windows, Siding	\$ 8,000
584	Bennett, Calvin	1725 S Davis Av	Close in 7x9 Porch, Build 8x9 Deck	\$ 6,000
585	Stevenson, Julia R	105 Central St	Repair and Remodel Bathroom	\$ 2,500
586	Thompson, Herman	207 Sylvester Dr	Bathroom Remodel,	\$ 5,000
Com 43-11	Bills Auto Repair	1201 S Davis Ave	Access Stairs to Apartment	\$ 3,000
Com 44-11	Bills Auto Repair	1201 S Davis Ave	Addition 24' X 64'	\$ 20,000

**RULES AND ORDINANCE**

Cw Cuonzo said the Walter H. Drane Company had been selected to perform recodification of Elkins City Code.

**ADMINISTRATIVE OFFICER REPORTS**

**OPERATIONS MANAGER**

Each member received a written copy of the operational report. Preparations were being made for the annual *Spring Cleanup* project, he said.

**TREASURER**

An approval process for accounts payable was mentioned.

**FIRE CHIEF**

The chief said burn permits were required from March 1 to May 31 of each year.

He also commended the American Red Cross for its assistance to those suffering from catastrophic property loss.

**MAYOR’S COMMENTS AND OTHER MATTERS**

There were none.

The meeting adjourned at 9:08 p.m.

/s/ Duke Talbott, Mayor  
/s/ Philip J. Graziani, City Clerk

