

REGULAR COUNCIL MEETING

September 15, 2011

Elkins Common Council met in regular session in the council chamber of city hall at 7:05 p.m. Thursday, September 15, 2011. Present were Mayor Duke Talbott; Councilpersons: R. N. Beckwith, N. E. Bross-Fregonara, V. T. Broughton, M. D. Cuonzo, T. Z. Hensil, M. D. Scott, C. L. Metheny, D. G. Satterfield, and R. A. Woolwine; R. P. Pingley, operations manager; H. R. White, Jr., Police Chief, T. W. Meader, fire chief; L. M. Barrick, executive secretary taking minutes; and G. S. Roberts, city attorney. Council member J. S. Bibey and L. D. Daniels-Smith, Treasurer were absent.

AGENDA ADJUSTMENTS

Personnel consideration and action (City Clerk's function)

PUBLIC COMMENT

Judy Seaman spoke to Council expressing a need for the city to have a Fracking Ordinance. She said that she wanted to give back to the community where she has lived for 40 years. She explained the procedure whereby natural gas is removed from the shale. Basically, those going after the natural gas use 2 to 6,000 gallons of fresh water for each well. There are 450,000 to 1.2 million gallons of wastewater generated by each well. It is not known for sure but it could be radioactive waste. Heavy metals and a lot of salt come back up into ponds. The water evaporates and produces sludge. Currently there are no regulations on mines. We need regulations to protect drinking water and waste disposal and to put the financial burden for reclamation of the properties from gas well drilling on those doing the drilling. She would like a Resolution with appropriate regulations to make sure this Marcellous Shale Drilling is environmentally safe.

Spinner O'Flaherty spoke to Council on the same issue. He worked in the oil fields in the 1980's. He said that this procedure starts with conventional drilling and then goes to vertical drilling. There is no way to appropriately monitor the drilling.

Billy Canfield from Fifth Ward spoke in regard to Code Enforcement. He said that the ward in which he lives has three burned homes and two homes that are ready to fall down. He would like for our Code Enforcement Officer to do something about these properties.

O. Hope Jerio spoke on Beander's request to close the alley during Forest Festival. She said that Beander's neighbors do not want a beer party next to their businesses. Also, she spoke in regard to recycling. She said that she mailed a book to the City on making money by recycling.

INFORMATIONAL PRESENTATION

Sharon Rockwell, Operations Manager of Country Roads Transit presented their annual report to Council. She said that their service has expanded by approximately 16%. There has been an increase in people as well as number of rides. They have not yet expanded their service to Saturday or later in the weekday evenings. They are still pursuing the possibility of expanding their hours but at this time there is not enough funding to do so.

Heath Sizck of Young Life said that their program is doing great. Many community residents serve on their Board. Their group chaperones dances and helps with sports. Sixty-four youth have participated. They meet at Davis and Elkins College on Mondays in the Jennings Randolph Library. They also have Bible study on Thursdays.

CONSENT CALENDAR

Cm. Scott, seconded by Cw. Bross-Fregonara **MOVED COUNCIL APPROVE THE MINUTES OF THE MEETING OF SEPTEMBER 1, 2011.** Cm. Scott, seconded by Cw Bross-Fregonara, **MOVED COUNCIL AMEND THE PROPOSED MINUTES OF SEPTEMBER 1, 2011,** in regard to Ordinance 131. The proposed minutes state that "no structure with active utility service would be deemed vacant". The minutes should have read "structures with health code and building code violations can still be considered vacant even with active utility service". The motion to amend carried. The motion as amended carried.

UNFINISHED BUSINESS

NEW BUSINESS

Cm Metheny, seconded by Cm Scott, **MOVED COUNCIL APPROVE FULL-TIME EMPLOYMENT STATUS OF PATROLMAN MATTHEW J. SIGLEY.** The motion carried.

Cm Hensil, seconded by Cm Broughton, **MOVED COUNCIL APPROVE FULL-TIME EMPLOYMENT STATUS OF NICHOLAS W. YEAGER AS WATER WORKER I.** The motion carried.

Cm Broughton, seconded by Cw Cuonzo, **MOVED COUNCIL APPROVE FULL-TIME EMPLOYMENT STATUS OF CARL MURPHY AS STREET WORKER III.** The motion carried.

Cm Hensil, seconded by Cm Scott, **MOVED COUNCIL APPROVE THE ROSSMAN COLLECTION SERVICE AGREEMENT.** The motion carried.

Cm Scott, seconded by Cm Woolwine, **MOVED THAT COUNCIL AUTHORIZE THE CITY TREASURER'S TRAVEL TO CHARLESTON FOR A MUNICIPAL OFFICER TRAINING SEMINAR.** The motion carried.

Cm Metheny, seconded by Cm Broughton, **MOVED COUNCIL APPROVE OF THE CLOSURE OF CITY HALL TO THE PUBLIC FOR FOREST FESTIVAL FRIDAY, OCTOBER 7, 2011. EMPLOYEES MUST USE ANNUAL LEAVE OR A PERSONAL DAY TO COVER THEIR TIME.** The motion carried.

Cm Metheny, seconded by Cm Broughton, **MOVED COUNCIL CANCEL REGULARLY SCHEDULED COUNCIL MEETING OF OCTOBER 6, 2011.** The Mayor will contact John Stump and inform the Council Members of the Special Call Meeting date. The motion carried.

Cw Cuonzo, seconded by Cm Beckwith, **MOVED THAT HALLOWEEN BE OBSERVED ON OCTOBER 31, 2011 FROM 6:00 P.M. UNTIL 7:30 P.M.** The motion carried.

Cm Beckwith, seconded by Cm Broughton, **MOVED THAT COUNCIL GRANT PERMISSION FOR ELKINS HIGH SCHOOL TO HOLD THEIR HOMECOMING PARADE ON SEPTEMBER 23, 2011.** The Elkins City Police will provide an escort for the parade. The motion carried.

Cw Cuonzo, seconded by Cm Scott, **MOVED THAT COUNCIL APPROVE A RENEWAL OF THE USDA-APHIS FERAL PIGEON CONTROL PLAN AT THE SAME RATE AS LAST YEAR.** The motion carried.

Cm Broughton, seconded by Cm Metheny, **MOVED THAT COUNCIL APPROVE BUDGET REVISION NUMBER 2 FOR FY 2012.** The budget adjustment transfers funds from regular hours to overtime hours. The motion carried.

Cm Metheny, seconded by Cm Broughton, **MOVED COUNCIL APPROVE THE CHRISTMAS PARTY DOORPRIZE OF 8 HOURS PAID LEAVE.** The motion carried.

Cm Broughton, seconded by Cm Metheny, **MOVED COUNCIL APPROVE THE GENERAL ELECTION (SPECIAL GOVERNORS' ELECTION) HOLIDAY.** The motion carried.

Cm Broughton, seconded by Cm Woolwine, **MOVED COUNCIL GRANT PERMISSION FOR BEANDER'S TO CLOSE THE ADJACENT ALLEY FROM OCTOBER 4 THROUGH OCTOBER 9 FOR ADDITIONAL SEATING, FOOD CONCESSIONS, LEGAL BEVERAGES, AND MUSIC.** The motion carried.

Cm Scott, seconded by Cm Broughton, **MOVED COUNCIL GRANT PERMISSION TO APPLY FOR TRANSPORTATION ENHANCEMENT GRANT.** The motion carried.

Cm Broughton, seconded by Cm Metheny, **MOVED COUNCIL GRANT PERMISSION FOR THE EMS PTSO TO CONDUCT A 5K RUN/1M WALK.** The motion carried.

Cm Beckwith, seconded by Cm Broughton, **MOVED COUNCIL MOVE INTO EXECUTIVE SESSION FOR A PERSONNEL CONSIDERATION AND ACTION (CITY CLERK’S FUNCTION)**. The motion carried. Executive Session began at 8:20 p.m. and Council reconvened at 9:10 p.m. Mayor Talbott announced that no action was taken.

APPROVAL OF VENDOR INVOICE PAYMENTS

Invoice payments were not approved by Council. They will be approved at the next meeting which will be a Special call.

COMMITTEE REPORTS

BUILDING

Cm Satterfield, seconded by Cm Woolwine, **MOVED COUNCIL GRANT PERMITS FOR THE 8 APPLICATIONS LISTED ON THE AGENDA**. The motion carried.

BUILDING PERMITS TO BE ACTED UPON
September 15, 2011

PERMIT	APPLICANT	LOCATION	DESCRIPTION	VALUE
775	Row, Mike	13 Dent St	Gutters and Fascia	\$ 4,612
776	Jackson, Jim	205 Southveiv Dr.	Re-Shingle Roof	\$ 6,250
777	Jorden, Bryan	116 1/2 First St.	Re-Shingle Roof	\$ 1,850
778	Thompson, Victor & Linda	104 Ferndale Dr	Re-Shingle Roof & 8' X 18' Concrete Porch	\$ 13,572
779	Smith Dimond Properties	203,205,207,209 Edgewater Dr.	4 X 1100 sq. ft. Townhouse	\$ 400,000
780	Hill, Evelyn	229 Evergreen Dr.	Replace Sliding Glass Door	\$ 1,900
781	Calvery Baptist Church	Ervin Lane	Re-Shingle Roof	\$ 27,677
782	Jones, Janet	1616 Taylor Ave.	Re-Shingle Roof	\$ 6,570

PERSONNEL

No report. Hoping to have meeting September 22, 2011 at 4:00 p.m. if committee members can attend.

MUNICIPAL PROPERTY

Regular meeting Wednesday, September 28, 2011 at 7:00 p.m. Updated appraisal for the 11th Street property should be available in the next couple of days.

RULES & ORDINANCES

Committee has had a Fracking Ordinance request. The WV Department of Environmental Protection is responsible for administering rules. We have to wait for WV State Legislature to give the WVDEP direction.

Enforment Penalty—not ready for consideration.

Public Comment Ordinance is still in the works.

Next meeting October 11 at 4:00 p.m.

SANITATION/LANDFILL

Meeting has been rescheduled for Monday, September 19, 2011 at 5:30 p.m. Cm Metheny asked City Attorney Roberts to research the deed for the Landfill to see if mineral rights belong to the City.

WATER

No report.

STREETS

No report.

FINANCE

Next regular meeting September 28, 2011 at 3:00 p.m.

PARKS

Drainage ditches are being done in Glendale. Restrooms, storage areas, and concessions are being prepared for soccer fields. Holes are being dug for drains next to the City Park so that the waste from vendors will go to the Wastewater Treatment Plant instead of the river.

ADMINISTRATIVE OFFICER REPORTS

OPERATIONS MANAGER

Streets—Milling has been done in preparation for paving next week.

Wastewater Permit Renewal for Wastewater Treatment Plant 09/16 through 10/16/11.

City Hall—Workstations will be installed next Tuesday, September 20, 2011.

Water—Department has been finding and repairing leaks in small lines. This has already cut pumping by 200,000 gallons.

Defensive Driving Course has been completed by personnel this week.

The Elkins Landfill has been closed. Garbage will be picked up on our sanitation trucks and taken to Tygart Valley Transfer.

TREASURER

Treasurer Daniels-Smith was out sick and therefore had no report.

POLICE CHIEF

Patrolman Channel will return 9/25/11. \$6,240.00 equipment fee has been collected. Itinerary for the Forest Festival has been prepared and a copy has been given to the Mayor. Patrolman Tice is progressing very well. Patrolman Sigley is progressing well in academy. Fingerprinting is at an all-time high because we do it for free and the State Police charge \$20.00. Chief White will be making a presentation to Council about imposing a fee in the future. On October 2, 2011, the Department will be switching over to new hats and patches. All department members were involved. Good morale booster.

FIRE CHIEF

Department has been getting trucks and everything ready for Forest Festival.

MAYOR'S COMMENTS

REGULAR COUNCIL MEETING

SEPTEMBER 15, 2011

Cable Franchise—Attorney Roberts has reviewed proposed agreement with Suddenlink. This agreement must comply with state code to have proper advertisements and public hearing. The 15 year agreement that the City had with Triax Cablevision has expired. This cable franchise could be put out to bid to other carriers.

Recycling Committee—The Committee has explored many different ideas. After report is prepared, Management Team will review and then it will go to appropriate committees before being submitted to plenary session of Council.

OTHER BUSINESS

Code Enforcement Officer—Mayor asked Personnel Committee to re-explore position. Council stressed that an individual needs to be brought onboard to take care of the enforcement issues for the City.

The meeting adjourned at 9:35 p.m.