

REGULAR COUNCIL MEETING

November 17, 2011

Elkins Common Council met in regular session in the council chamber of city hall at 7:00 p.m. Thursday, November 17, 2011. Present were Mayor Duke Talbott; Councilpersons: J. S. Bibey, N. E. Bross-Fregonara, V. T. Broughton, M. D. Cuonzo, T. Z. Hensil, C. L. Metheny, M. D. Scott, and R. A. Woolwine; R. P. Pingley, Acting City Clerk/Operations Manager; L. D. Daniels-Smith, City Treasurer; S. D. Richards, H. R. White, Jr., Police Chief, T. W. Meader, Fire Chief; L. M. Barrick, Executive Secretary taking minutes; G. S. Roberts, City Attorney, and Anthony Gaynor, Inter-Mountain Reporter.

Duke Talbott, Mayor, presided and Bob Pingley, served as Acting City Clerk. The Mayor announced the quorum of members was present and that the meeting was open for any business property before it.

AGENDA ADJUSTMENTS

Closure of City Hall on Thanksgiving Friday.

PUBLIC COMMENT

There was none.

INFORMATIONAL PRESENTATION

There was none.

CONSENT CALENDAR

Cm. Metheny, seconded by Cm. Broughton **MOVED COUNCIL APPROVE THE MINUTES OF THE MEETING OF NOVEMBER 3, 2011.** The motion carried.

UNFINISHED BUSINESS

Selection of a 5th Ward Councilperson—Mayor Talbott announced that Council would make the selection of unexpired terms of Council by ballot. The ballots would be collected by the City Treasurer Lisa Daniels-Smith and the City Attorney Geraldine Roberts and tallied. The final tally would be given to the Mayor. In the event of a tie for first place, the ballots would be distributed to the Councilpersons again with the names of the individuals involved in the tie. Mayor Talbott distributed the ballots to the Councilpersons. City Attorney Geraldine Roberts and City Treasurer Lisa Daniels-Smith collected the ballots and tallied them. They wrote the total of the ballots on an original tally ballot and handed it to the Mayor. The Mayor then presented the tally ballot to Councilman Bibey. Cm Bibey, seconded by Cm Scott, **MOVED THAT JOSEPH J. SABATINO FILL THE UNEXPIRED TERM OF THE FIFTH WARD COUNCIL SEAT.** The motion carried.

Selection of a 1st Ward Councilperson—Mayor Talbott announced that Council would make the selection of the unexpired term of the 1st Ward Councilperson in the same way as the 5th Ward Councilperson. City Attorney Geraldine Roberts distributed the ballots to the Councilpersons. The ballots were collected by City Treasurer Lisa Daniels-Smith. The Treasurer and City Attorney once again tallied the ballots and wrote the total on a tally ballot that they presented to the Mayor. The Mayor then presented the ballot with the tally to Councilman Woolwine. Cm Woolwine, second by Cm Scott, **MOVED THAT CHARLES G. KINNISON FILL THE UNEXPIRED TERM OF THE FIRST WARD COUNCIL SEAT.** The motion carried. The Mayor congratulated the new Councilmen and they were told to be at Council Chambers at 10:30 a.m. Friday November 18, 2011 for their swearing in ceremony.

Cm Scott, seconded by Cw Bross-Fregonara, **MOVED COUNCIL ADOPT ORDINANCE 133 IN REGARD TO ADDRESSING COUNCIL, SECOND AND FINAL READING.** The motion carried.

Cw Bross-Fregonara, seconded by Cm Scott, **MOVED COUNCIL ADOPT ORDINANCE 134 IN REGARD TO CODE ENFORCEMENT PENALTIES, SECOND READING.** The motion carried.

NEW BUSINESS

Allician Hebb's Building Permit request was denied because the proposed structure was in the flood plain. Mayor Talbott asked Operations Manager Bob Pingley to address council in regard to this matter. In June 2010 at the request of FEMA, Council adopted Ordinance 114. Elkins City Council is the Appeals Board. Ms. Hebb has made it clear that she wishes to appeal the denial of her permit. City Attorney Geraldine Roberts addressed this issue and said that Ms. Hebb must send a letter to Council requesting a hearing. This hearing will be docketed prior to a council meeting.

Police Bond Refund Request—In 2004 a bond refund was submitted for payment. The payment was made a month later. The check did not clear the bank. The individual called the Police Secretary two weeks ago requesting payment for bond refund. The City Treasurer checked with the bank and made sure that the check had never been cashed. Cm Hensil, seconded by Cm Broughton **MADE MOTION TO MAKE PAYMENT FOR THE BOND REFUND IN QUESTION.** The motion carried.

Cm Metheny, seconded by Cm Broughton **MOVED THAT COUNCIL ENTER INTO EXECUTIVE SESSION FOR DISCUSSION OF A PENDING LITIGATION MATTER.** The motion carried.

Executive session began at 7:35 p.m.

Council reconvened at 7:50 p.m. No action was taken.

On agenda item 7.c., Cm Woolwine, seconded by Cm Broughton, **MOVED THAT OPERATIONS MANAGER ROBERT PINGLEY AND CITY ATTORNEY GERALDINE ROBERTS WORK ON A RESOLUTION TO THE PENDING LITIGATION.** The motion carried.

Cm Metheny, seconded by Cm Broughton, **MOVED THAT RESOLUTION 285 APPROVING THE PAYMENT OF \$600.00 FOR MCNEER, HIGHLAND, MCMUNN, & VARNER, BE APPROVED FOR PAYMENT.** The motion carried.

Cm Metheny, seconded by Cm Broughton, **MOVED THAT CITY HALL BE CLOSED TO THE PUBLIC FOR THE FRIDAY AFTER THANKSGIVING. EMPLOYEES MUST USE VACATION OR PERSONAL TIME TO BE PAID FOR THE DAY.** The motion carried.

APPROVAL OF VENDOR INVOICE PAYMENTS

Cm Bibey, seconded by Cw Cuonzo, **MOVED COUNCIL APPROVE THE INVOICES PRESENTED.** The motion carried.

COMMITTEE REPORTS

BUILDING

Cm Woolwine, seconded by Cm Broughton, **MOVED COUNCIL GRANT PERMITS FOR THE 4 APPLICATIONS LISTED ON THE AGENDA. THREE WERE RESIDENTIAL IN NATURE, AND ONE WAS COMMERCIAL (BUT LISTED AS RESIDENTIAL).** The motion carried.

BUILDING PERMITS TO BE ACTED UPON				
November 17, 2011				
PERMIT	APPLICANT	LOCATION	DESCRIPTION	VALUE
838	Cooper, Edward	127 Wilson St	16' X 16' Room Addition 256 Sq. Ft.	\$ 1,200
839	Walsh, Richard	501 Yokum St	Replace Garage Door	\$ 1,500
840	Workman, Donna	1614 Taylor Av	Re-Shingle Roof, 2 Windows and Gutter	\$ 8,800
841	Huntington National Bank	420 Davis Av	Interior Renovations	\$ 84,315

STREET COMMITTEE

No report.

WATER COMMITTEE

No report.

SANITATION/LANDFILL COMMITTEE

Cm Metheny said there will be a meeting on Monday.

RULES AND ORDINANCES

Cm Scott said there are minutes from the last meeting on desk. Next meeting First Tuesday in December at 4:00.

MUNICIPAL PROPERTY

Cw Bross-Fregonara said there will be an advertisement in Inter-Mountain on Saturday Class II Ad Public Auction on Monday November 28th at 3:30. Committee will meet November 30 at 7:00 for a very short meeting.

PERSONNEL

Cw Cuonzo said committee has been meeting and should have a job description for Code Enforcement Officer and City Clerk ready for next Council Meeting.

PUBLIC SAFETY

Cm Bibey said that next meeting will be changed to November 30 at 5:45 due to Thanksgiving.

FINANCE

Next meeting November 30 at 3:00 p.m.

ADMINISTRATIVE OFFICER REPORTS

OPERATIONS MANAGER

Water Department fixed two leaks. One of them was Park Street going into storm drains.
Street Department still picking up leaves weather permitting.
Street Department will start next week putting up Christmas decorations and taking down flower baskets.
The City of Elkins intends to apply for next years Transportation Enhancement Grant for Crosswalks downtown.

TREASURER

Treasurer Daniels-Smith said that there is no report. When questioned about the credit card payments, she said they are still checking into it for all payments made to the city for utility bills, fire fees, bonds, etc.

POLICE

Chief of Police Rob White reported that his department would like to initiate identifiers for children. This is a packet that could be distributed to school children that would contain all of their pertinent information. It would have room for a photograph, a strip for fingerprints, and a place for a hair for DNA. Once these are distributed, they would be the property of the parents and would be useful in the event that their child became missing.

Chief White mentioned the receipt of the AAA Platinum Award based on pedestrian and DUI arrests. The Halloween trick-or-treat bags and even the City's sidewalk improvements helped them achieve this award.

FIRE CHIEF

No Report.

MAYOR'S COMMENTS

Reapportionment of Wards—Based on population adjustments compiled from Census information and annexations. Wards will change. The matter will be docketed for discussion in detail once information is received from the Census Bureau.

Acoustics in Council Chambers—Mayor Talbott apologized because an emergency arose and he did not get to speak to anyone at the Court House to find out how they handled their problem with acoustics. Operations Manager/Acting City Clerk Bob Pingley has talked to some folks but does not yet have a solution to the problem.

Ribbon Cutting Ceremony in the New Treasurer's Office—There will be a ribbon cutting ceremony in the next few weeks.

Committee Assignments—The Mayor will be meeting with the new Council Members to discuss committee assignments. If any Council Members are interested in changing the committees on which they serve, please let the Mayor know.

OTHER BUSINESS

None

The meeting adjourned at 8:20 p.m.