

REGULAR COUNCIL MEETING

December 15, 2011

Elkins Common Council met in regular session in the council chamber of city hall at 7:00 p.m. Thursday, December 15, 2011. Present were Mayor Duke Talbott; Councilpersons: J. S. Bibey, N. E. Bross-Fregonara, V. T. Broughton, M. D. Cuonzo, T. Z. Hensil, C. G. Kinnison, C. L. Metheny, J. J. Sabatino, M. D. Scott, and R. A. Woolwine; Operations Manager/Acting City Clerk R. P. Pingley, City Treasurer L. D. Daniels-Smith; Lieutenant S. D. Richards, Fire Chief T. W. Meader; Executive Secretary L. M. Barrick taking minutes; City Attorney G. S. Roberts, and Inter-Mountain Reporter Anthony Gaynor. Police Chief Captain H. R. White, Jr. was absent.

AGENDA ADJUSTMENTS

There were none.

PUBLIC HEARINGS

City Attorney Geraldine Roberts addressed situations when property is vacated to comply with West Virginia Code.

Ordinance 135—Davis Memorial Hospital request to vacate, abandon, release and relinquish certain easements and rights of way in and under the area which was formerly Ninth Street between Harrison Avenue and Gorman Avenue. Public hearing was open. No one appeared. Public hearing was closed.

Ordinance 136—Davis Memorial Hospital request to vacate, abandon and close that certain alley lying west of Eighth Street and east of Ninth Street (now abandoned). Public hearing was open. No one appeared. Public hearing was closed.

Ordinance 137—Davis Memorial Hospital request to vacate, abandon and close that certain public road or way thirty (30) feet in width over, across and through the land of Davis Memorial Hospital from Gorman Avenue to a twenty (20) foot alley. Public hearing was open. No one appeared. Public hearing was closed.

Ordinance 138—To vacate, abandon and close that certain part of Hemlock Avenue as shown on the plat of the revised maps showing Bruce Lee Kennedy's Addition to the City of Elkins, between Sycamore Street and Spruce Avenue. Public hearing was open. No one appeared. Public hearing was closed.

INFORMATIONAL PRESENTATION

Chapman Technical Group was on the agenda to present an update on the Water Project. Greg Belcher telephoned the Mayor and told him that he is ill and unable to attend the meeting. He did, however, inform the Mayor that he has met with Michael Griffith's Associates and their goal is to have the Rule of 42 project numbers complete by mid January.

CONSENT CALENDAR

Cm. Metheny, seconded by Cm. Broughton **MOVED COUNCIL APPROVE THE MINUTES OF THE MEETING OF DECEMBER 1, 2011.** The motion carried.

UNFINISHED BUSINESS

Cm. Hensil, seconded by Cm. Sabatino, **MOVED COUNCIL APPROVE BOND ANTICIPATION NOTES, SERIES, 2007, SECOND SUPPLEMENTAL RESOLUTION, FINAL READING.** The motion carried.

Cm. Hensil, seconded by Cm. Bross-Fregonara, **MOVED COUNCIL APPROVE THE SECOND AND FINAL READING OF ORDINANCE 135—DAVIS MEMORIAL HOSPITAL REQUEST TO VACATE, ABANDON, RELEASE AND RELINQUISH CERTAIN EASEMENTS AND RIGHTS OF WAY IN AND UNDER THE AREA WHICH WAS FORMERLY NINTH STREET BETWEEN HARRISON AVENUE AND GORMAN AVENUE.** The motion carried.

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Cm. Metheny, seconded by Cm. Scott, **MOVED COUNCIL APPROVE THE SECOND AND FINAL READING OF ORDINANCE 136—DAVIS MEMORIAL HOSPITAL REQUEST TO VACATE, ABANDON AND CLOSE THAT CERTAIN ALLEY LYING WEST OF EIGHTH STREET AND EAST OF NINTH STREET (NOW ABANDONED).** The motion carried.

Cm. Scott, seconded by Cw. Bross-Fregonara, **MOVED COUNCIL APPROVE THE SECOND AND FINAL READING OF ORDINANCE 137—DAVIS MEMORIAL HOSPITAL REQUEST TO VACATE, ABANDON AND CLOSE THAT CERTAIN PUBLIC ROAD OR WAY THIRTY (30) FEET IN WIDTH OVER, ACROSS AND THROUGH THE LAND OF DAVIS MEMORIAL HOSPITAL FROM GORMAN AVENUE TO A TWENTY (20) FOOT ALLEY.** The motion carried.

Cm. Bibey, seconded by Cw. Cuonzo, **MOVED COUNCIL APPROVE THE SECOND AND FINAL READING OF ORDINANCE 138—TO VACATE, ABANDON AND CLOSE THAT CERTAIN PART OF HEMLOCK AVENUE AS SHOWN ON THE PLAT OF THE REVISED MAPS SHOWING BRUCE LEE KENNEDY’S ADDITION TO THE CITY OF ELKINS, BETWEEN SYCAMORE STREET AND SPRUCE AVENUE.** A deed will be prepared which will transfer similar portions of land between the City and Davis and Elkins College by which the new portion will become part of the public way. The motion carried.

NEW BUSINESS

Cm. Woolwine, seconded by Cm. Broughton, **MOVED COUNCIL APPROVE RESOLUTION 286 ACCEPTING THE CONDITIONS OF THE GOVERNOR’S COMMUNITY PARTICIPATION GRANT PROGRAM CONTRACT BETWEEN THE WEST VIRGINIA DEVELOPMENT OFFICE AND THE CITY OF THE ELKINS FOR THE BENEFIT OF THE ELKINS-RANDOLPH COUNTY CHAMBER OF COMMERCE.** The motion carried.

Cm. Bibey, seconded by Cm. Metheny, **MOVED COUNCIL GRANT PERMISSION FOR THE STREET DEPARTMENT TO APPLY FOR THE 2012 TRANSPORTATION ENHANCEMENT GRANT PROGRAM.** The motion carried.

Cm. Sabatino, seconded by Cm. Metheny, **MOVED COUNCIL GRANT APPROVAL OF THE APPOINTMENT OF GARY PAINTER TO THE POLICE CIVIL SERVICE COMMISSION FOR THE TERM ENDING DECEMBER 31, 2014.** The motion carried.

Cm. Metheny, seconded by Cm. Scott, **MOVED COUNCIL GRANT APPROVAL OF THE APPOINTMENT OF DR. HEATHER BIOLA TO THE TREE BOARD FOR THE TERM ENDING DECEMBER 31, 2013.** The motion carried.

Cw. Cuonzo, seconded by Cm. Scott, **MOVED COUNCIL GRANT APPROVAL OF THE APPOINTMENT OF VAN BROUGHTON TO THE TREE BOARD FOR THE TERM ENDING DECEMBER 31, 2013.** The motion carried.

Cm. Scott, seconded by Cm. Hensil, **MOVED COUNCIL GRANT APPROVAL OF THE APPOINTMENT OF WILLARD PHILLIPS TO THE MUNICIPAL BUILDING COMMISSION FOR THE TERM ENDING DECEMBER 31, 2015.** The motion carried.

Cm. Hensil, seconded by Cm. Broughton, **MOVED COUNCIL GRANT APPROVAL OF THE APPOINTMENT OF DR. WILLIAM KING TO THE PLANNING COMMISSION FOR THE TERM ENDING DECEMBER 31, 2013.** The motion carried.

Cm. Hensil, seconded by Cm. Broughton, **MOVED COUNCIL GRANT APPROVAL OF THE APPOINTMENT OF MERLLENE YORKEY TO THE BOARD OF ZONING APPEALS FOR THE TERM ENDING DECEMBER 31, 2013.** The motion carried.

Cm. Hensil, seconded by Cm. Metheny, **MOVED COUNCIL GRANT APPROVAL OF THE APPOINTMENT OF DR. MARY ANN DURLAND TO THE BOARD OF ZONING APPEALS FOR THE TERM ENDING DECEMBER 31, 2013.** The motion carried.

Cw. Cuonzo, seconded by Cw. Bross-Fregonara, **MOVED COUNCIL APPOINT TOM MEADER AS FIRE CHIEF AT THE SAME SALARY FOR A TWO YEAR PERIOD FROM JANUARY 1, 2012 THROUGH DECEMBER 31, 2014.** Discussion followed. Cm. Metheny, seconded by Cm. Broughton, **MOVED COUNCIL TABLE THE MOTION.** Motion to table carried.
(Cont’d.)

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(Cont.) Cw. Bross-Fregonara, seconded by Cm. Hensil, **MOVED COUNCIL GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MANNER.** Executive Session began at 7:45 p.m. Council reconvened at 7:59 p.m. The Mayor noted that no action was taken. Cm. Scott, seconded by Cm. Sabatino, **MOVED TO BRING THE PREVIOUSLY TABLED MOTION TO THE FLOOR.** The motion carried. City Attorney Geraldine Roberts read from Council Minutes of December 6, 2007 which said, “Cm. Bibey, seconded by Cm. Talbott, moved that Council appoint Thomas W. Meader to the position of Full-Time Fire Chief Effective January 1, 2008.” The City Attorney noted that it is not necessary to reappoint Chief T. W. Meader since his appointment is perpetual. **THE MOTION TO REAPPOINT T. W. MEADER AS FIRE CHIEF WAS WITHDRAW BY CW. CUONZO AND THE SECOND WITHDRAWN BY CW. BROSS-FREGONARA.**

Cm. Scott, seconded by Cm. Metheny, **MOVED COUNCIL APPROVE RESOLUTION 287 THE REVISED GRANTS PROTOCOL.** The motion carried.

Cm. Hensil, seconded by Cw. Cuonzo, **MOVED COUNCIL APPROVE RESOLUTION 288/REQUISITION NO. 288—WATER SYSTEM INVOICES TO MCNEER, HIGHLAND, MCMUNN, & VARNER, LC IN THE AMOUNT OF \$1,710.00, GRIFFITH & ASSOCIATES IN THE AMOUNT OF \$1,632.72, AND BURGESS & NIPLE IN THE AMOUNT OF \$6,337.35.** The motion carried.

Cw. Cuonzo, seconded by Cw. Bross-Fregonara, **MOVED COUNCIL APPROVE THE COMBINATION OF THE POSITIONS OF CODE ENFORCEMENT OFFICER AND BUILDING INSPECTOR INTO ONE POSITION.** The motion carried.

Cm. Woolwine, seconded by Cm. Metheny, **MOVED COUNCIL APPROVE THE CHRISTMAS BONUS FOR CITY EMPLOYEES.** The motion carried.

Cm. Hensil, seconded by Cm. Woolwine, **MOVED COUNCIL APPROVE THE REVISED WATER PLANT PAY SCALE EFFECTIVE 01/01/12.** The motion carried.

Cm. Metheny, seconded by Cm. Scott, **MOVED COUNCIL APPROVE THE CLOSURE OF CITY HALL AND OTHER CITY OFFICE BUILDINGS FOR ½ DAY ON FRIDAY, DECEMBER 23, 2011 FOR CHRISTMAS EVE AND ½ DAY ON FRIDAY, DECEMBER 30, 2011 FOR NEW YEAR’S EVE. ANNUAL LEAVE MUST BE USED FOR PAID TIME OFF.** The motion carried.

APPROVAL OF VENDOR INVOICE PAYMENTS

Cm. Kinnison, seconded by Cm. Woolwine, **MOVED COUNCIL APPROVE THE INVOICES PRESENTED.** The motion carried.

COMMITTEE REPORTS

BUILDING

Cm. Sabatino, seconded by Cm Broughton, **MOVED COUNCIL GRANT PERMITS FOR THE 11 APPLICATIONS LISTED ON THE AGENDA.** Ten were residential in nature and one was for demolition. The motion carried. Cm. Sabatino, seconded by Cw. Bross-Fregonara, **MOVED TO AMEND THAT THE APPROVAL FOR BUILDING PERMIT NO. 859 BE CONDITIONAL PENDING FINAL APPROVAL BY THE BUILDING INSPECTOR.** The motion to amend carried. The amended motion carried.

BUILDING PERMITS TO BE ACTED UPON				
December 15, 2011				
852	Totten, Bryan	110 Wilson St	New Electrical Service and Remodel	\$ 4,800
853	Welshonce, Harriett	120 Buffalo St	Repair Damage from Water Leak	\$ 1,300
854	Blizzard, Thurman	243 Diamond St	Re-Roof 25 yr Shingles	\$ 4,012
855	Duckworth, Becky	30 Diamond St	Rebuild Porch Floor & Deck	\$ 10,500
844	Varchetto, Patrick	211 Henry Av	Install Chair Lift	\$ 4,000
856	Nestor, William	104 Grandview Av	Remove Asbestos Siding	\$ 4,700
857	Jobe, Jack & Nancy	31 Cherry St	Re-Do Porch Ceiling	\$ 1,790
858	Shifflett, Calvin	909 South Henry Av	Re-Roof and Install 10 Windows	\$ 14,000
859	Spectrum Glass	1 Guy St	234 Sq. Ft. Addition 13' X 18'	\$ 19,000
860	Sutton, Jessica	107 Elm St	Re-Roof	\$ 5,500
Dem 09-11	Nestor, William	104 Grandview Av	Demolition of House	\$ 7,000

PUBLIC SAFETY

No report. Next meeting Wednesday, December 28, 2011 at 5:45 p.m.

PERSONNEL

Next meeting January 12, 2012 at 4:00 p.m.

MUNICIPAL PROPERTY

There was an error in the minutes. There were no interested buyers for the 11th Street Property at the Sale. A Phase I Environmental Study must be done to make sure nothing was dumped there. Next meeting: December 21 at 7:00 p.m.

RULES AND ORDINANCES

Currently working on six separate ordinances. Next meeting January 10, 2012 at 4:00 p.m.

SANITATION AND LANDFILL

No report. Next meeting Monday, December 19 at 5:30 p.m.

WATER

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No report. Next meeting new time 2nd Monday at 1:00 p.m. (1/9/12)

PARKS

Committee met yesterday. Raised fees for rentals. Geese problems in Riverbend Park.

FINANCE

No meeting this month.

STREETS

Minutes were distributed. Next meeting January 4, 2012 at 1:00 p.m.

ADMINISTRATIVE OFFICER REPORTS

OPERATIONS MANAGER

Operations Manager Bob Pingley reported that in the Street Department the Leaf pickup is complete. Must use leaves for sludge in Wastewater Treatment Plant.

Sanitation Department off December 26, 2011 and January 2, 2012

Christmas Luncheon December 20 at 11:30

TREASURER

Treasurer Lisa Daniels-Smith reported that they have been looking into accepting debit and credit cards and online bill paying for all funds and they have also been interviewing software companies.

The Public Service Commission Reports for Water and Sewer are available.

Treasurer is looking into using the State Purchasing Card. There are several advantages to using the card.

POLICE

Lieutenant Richards reported that their software In Sync is not very user friendly. From his calculations, it looks like they have had over 4,000 calls for service during the past year.

FIRE CHIEF

The Fire Chief reported that their department is on the list to be audited. The paid Firefighters will be doing inspections at the new hospital construction site.

MAYOR'S COMMENTS

Hearing for Allician Hebb will be held on January 5, 2012 at 6:30. Council will set as Appellate Board. City Attorney Geraldine Roberts will notify Ms. Hebb of hearing date and time.

Memorandum of Understanding for Mayor and Treasurer's Office and Airport Authority--This must be done for Emergency Preparedness Plan. This memorandum represents an agreement to pay bills and trade spaces in the event of an emergency.

Green Grant to replace windows in City Hall. State Historic Preservation Office will not budge. We will go with previously approved storm windows. Bob Pingley is working on specifications. Councilman Joe Sabatino has offered his assistance in this matter.

Another reminder of the Christmas luncheon.

OTHER BUSINESS

Cm. Metheny asked about the acoustics in council chambers. Mayor Talbott let him know that the Operations Manager is still working on this matter.

The meeting adjourned at 9:00 p.m.