

Approved Minutes

**ELKINS COMMON COUNCIL
REGULAR COUNCIL MEETING (RESCHEDULED)
MINUTES**

***401 Davis Avenue
Council Chamber, 2nd Floor
November 5, 2012
7:00 p.m.***

Elkins Common Council met in special session in the council chamber of city hall at 7:00 p.m. Monday, November 5, 2012. (This meeting was postponed from Thursday, November 1, 2012 as a result of Hurricane Sandy). 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 R.P. Pingley; Fire Chief T. W. Meader; Lieutenant S. Richards (for Captain White); City Clerk S.R. Stokes; City Attorney G. S. Roberts; and Inter-Mountain Reporter Anthony Gaynor. Absent were Treasurer L. D. Daniels-Smith and Police Chief Captain H. R. White, Jr.

AGENDA ADJUSTMENTS

- a. Variance for porch/steps replacement/beautification at 125 Earle Street.
- b. Special provisions for building permits for repairing storm damage.
- c. Discussion of establishing generator power for city hall.
- d. Rescheduling trick-or-treating

PUBLIC COMMENT

There was none.

CONSENT CALENDAR

Cm. Metheny, seconded by Cm. Broughton, **MOVED THAT COUNCIL APPROVE THE MINUTES OF THE MEETING OF OCTOBER 18, 2012.** The motion carried.

UNFINISHED BUSINESS

Cm. Scott, seconded by Cm. Sabatino, **MOVED THAT COUNCIL APPROVE ORDINANCE 160, REQUIRING CERTAIN CLASSES OF STRUCTURES TO BE EQUIPPED WITH KEY BOXES ALLOWING FIRE DEPARTMENT ENTRY, ON SECOND AND FINAL READING.** The motion carried.

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NEW BUSINESS

Cm. Metheny, seconded by Cm. Broughton, **MOVED THAT COUNCIL GIVE THE BUILDING INSPECTOR THE AUTHORITY TO WAIVE THE FEE FOR BUILDING PERMITS FOR PROJECTS TO REPAIR STORM DAMAGE. APPLICANTS WOULD STILL NEED TO COMPLY WITH ALL OTHER REQUIREMENTS, SUCH AS INSPECTIONS. The motion carried.**

Council discussed the possibility of establishing generator power for city hall. In support of this idea, council members mentioned the importance of maintaining a presence in city hall where citizens could request help or obtain information. It was also pointed out that the police department's capabilities are curtailed when no power is available; for example, no reports can be filled out, because the state mandates that all such work be performed electronically. With generator power available, various city personnel could also meet at city hall for "crisis management team" meetings, similar to those held among administrators at Davis and Elkins College during emergencies. Council reached a consensus that the Management Team should perform research to identify what sort of generator might be needed, then provide this information to the Municipal Property Committee for further action.

Council took up the matter of whether to reschedule Halloween trick-or-treating, which had been cancelled as a result of Hurricane Sandy. The mayor requested recommendations from Operations Manager Pingley, Fire Chief Meader, and Lieutenant Richards, all of whom agreed that significant hazards still existed in the city as a result of the storm. Specific examples included: two power lines fell just today; broken branches remain suspended in trees and could fall at any time; hundreds of city residents and many street lights do not have power; and storm debris will not be fully cleared for most of the rest of the month. Cm. Hensil, seconded by Cm. Woolwine, **MOVED THAT COUNCIL NOT RESCHEDULE 2012 TRICK-OR-TREATING AND INSTEAD ANNOUNCE THAT THE NEXT OFFICIAL TRICK-OR-TREATING EVENT IN ELKINS WOULD BE OCTOBER 31, 2013. The motion carried.**

Council considered a request from Hospice Care Corporation to offer rides on a horse-drawn wagon through city streets on weekend evenings during the winter holidays. City Attorney Roberts advised council that there is no law against operating an animal-drawn wagon on city streets. Council reached consensus that it does not need to grant permission for such events. The mayor directed the city clerk to communicate this to the event sponsor.

Cw. Cuonzo, seconded by Cm. Scott, **MOVED THAT COUNCIL GRANT FULL-TIME EMPLOYMENT STATUS TO THOMAS HOWELL, UPON COMPLETION OF HIS 90-DAY PROBATIONARY PERIOD. The motion carried.**

Operations Manager Pingley explained that the building inspector had received a request from Bob Dunkerley to alter the front steps at 125 Earle Street. The existing steps encroach on city property; the planned change would still encroach on city property, but slightly less. Pingley told council that the city is likely to encounter more of these situations in the future and requested

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that, in addition to resolving the specific current case, council devise a policy that could offer guidance on such matters. After discussion, council agreed that the mayor should bring the operation manager’s request for a policy to the Planning Commission. Cm. Scott, seconded by Cm. Metheny, **MOVED THAT COUNCIL GRANT MR. DUNKERLEY’S REQUEST FOR PERMISSION TO BUILD STEPS THAT ENCROACH ON CITY PROPERTY.** The motion carried.

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 391 (BUDGET REVISION 5), A TRANSFER FROM THE RAINY DAY FUND TO COMPLAINTS DEPT—UNIFORMS FOR THE PURCHASE OF UNIFORMS FOR THE CODE ENFORCEMENT OFFICER.** The chair requested a roll-call vote. The motion carried. Council votes were as follows:

J. S. Bibey	Yes	C. G. Kinnison	Yes
N. E. Bross-Fregonara	Yes	C.L. Metheny	Yes
V. T. Broughton	Yes	J. J. Sabatino	Yes
M. D. Cuonzo	Yes	M. D. Scott	Yes
T. Z. Hensil	Yes	R. A. Woolwine	Yes

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 392, AUTHORIZING THE PURCHASE OF A FORD F-250 WITH FUNDS FROM THE WATER DEPARTMENT DEPRECIATION ACCOUNT.** The motion carried.

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION - 393 (BUDGET REVISION 6), A TRANSFER FROM THE RAINY DAY FUND TO STREET DEPARTMENT CAPITAL OUTLAY FOR THE PURCHASE OF A FORD F-350 TO BE USED AS A SALT TRUCK.** The chair requested a roll-call vote. The motion carried. Council votes were as follows:

J. S. Bibey	Yes	C. G. Kinnison	Yes
N. E. Bross-Fregonara	Yes	C.L. Metheny	Yes
V. T. Broughton	Yes	J. J. Sabatino	Yes
M. D. Cuonzo	Yes	M. D. Scott	Yes
T. Z. Hensil	Yes	R. A. Woolwine	Yes

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ADOPT RESOLUTION 394, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DAVIS TRUST COMPANY TO FINANCE A FORD F-350 FOR USE AS A SALT TRUCK.** The motion carried.

Cm. Scott, seconded by Cm. Bibey, **MOVED THAT COUNCIL ADOPT RESOLUTION 395, AUTHORIZING THE POLICE DEPARTMENT TO TRANSFER UNCLAIMED CONFISCATED BICYCLES TO THE WEST VIRGINIA CHILDREN’S HOME.** The motion carried.

Cm. Metheny, seconded by Cm. Broughton, **MOVED THAT COUNCIL APPROVE ORDINANCE 161, AUTHORIZING ISSUANCE OF SEWERAGE SYSTEM BOND ANTICIPATION NOTES, SERIES 2012 A, IN AN AMOUNT NOT TO EXCEED \$600,000, ON FIRST READING.** Operations Manager Pingley explained that this money will pay for the preliminary work required before the city begins Phase 1 of the Long Term Control Project (LTCP) agreed to in the city’s 2011 settlement with the U.S. Environmental Protection Agency. The city anticipates financing the Phase 1

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project through the West Virginia Clean Water State Revolving Fund (SRF) program. However, funds from the SRF program will not be available until regulatory requirements are met. The purpose of this series of bond anticipation notes is to pay for the work necessary to meet those regulatory requirements. The chair requested a roll-call vote. The motion carried. Council votes were as follows:

J. S. Bibey	Yes	C. G. Kinnison	Yes
N. E. Bross-Fregonara	Yes	C.L. Metheny	Yes
V. T. Broughton	Yes	J. J. Sabatino	Yes
M. D. Cuonzo	Yes	M. D. Scott	Yes
T. Z. Hensil	Yes	R. A. Woolwine	Yes

Cm. Woolwine, seconded by Cm. Broughton, **MOVED THAT COUNCIL ENTER EXECUTIVE SESSION TO HEAR AN UPDATE FROM THE CITY ATTORNEY ON A LEGAL MATTER RELATED TO 911 ADDRESSING.** The motion carried. The executive session began at 8:03 p.m. and ended at 8:18 p.m. The mayor announced that no decisions were made and no actions were taken.

APPROVAL OF VENDOR INVOICE PAYMENTS

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

COMMITTEE REPORTS

Building Committee

The Building Committee has approved the following building permits since the previous regular council meeting.

APPROVED BUILDING PERMITS				
Permit	Applicant	Location	Description	Value
1154	Harless, Mark	102 Fifteenth St.	Re-Shingle Roof	\$8,400
1155	Shocky, Katherine	200 Graham St.	New Metal Roof	\$9,884
1156 DENIED FOR SETBACK	Elkins Fire Dept.	3 River Street	Build 40' X 60' Building	\$39,900
1157	Randolph Co. Housing Authority	Apt. 123 Fourth Street	Rewire	\$8,558
1158	Bodkins, Tommie	1918 Taylor Ave	New Metal Roof	\$4,500
1159	Kelly, Joe	207 Alexander Ave.	Replacing Front Door	\$6,000
1060	Hackman, Becky (Smith Apartments)	214 Third St.	Replacing Water Line	\$4,000
1061	Judy Kramer / Colleen Dugan	202 S Randolph Ave	Build Roof Over Sidewalks	\$4,500

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1062	Fox, James and Nancy	37 Pleasant Ave.	Install GFIC Receptacles, Install Fan And Fix Light On Fan	\$350
1063	USDA Forest Svc.	731 Yokum St.	Standing Seam Metal Roof Overlay	\$31,000
1063	The Inter-Mountain	520 Railroad Ave	New Garage Door	\$850

Sanitation and Landfill Committee

No report.

Water Committee

No report.

Parks Committee

Cm. Broughton reported that city parks sustained substantial tree damage during Hurricane Sandy. He will bring a detailed damage report to the next regular council meeting.

Finance Committee

No report.

Street Committee

No report.

Rules and Ordinances Committee

No report.

Municipal Property Committee

No report.

Personnel Committee

No report.

Public Safety Committee

No report.

ADMINISTRATIVE OFFICER REPORTS

Operations Manager

Operations Manager Pingley reported the following information concerning his department's response to Hurricane Sandy:

- The Street Department will be picking up downed trees and limbs from the storm for most of November. Leaf pickup will not recommence until after most of this debris has been collected. Residents who do not wish to wait for pickup of either storm debris or

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leaves can transport them to the Wastewater Plant property on Jones Drive, where such items may be placed in a red roll-off container. This property is only accessible during business hours.

- Plans to hang Christmas decorations have been postponed until streets have been returned to a safe, passable condition.
- The reason city crews sometimes simply barricade downed trees and move on without clearing them is because power lines are involved. No city employees are trained or authorized to cut trees when power lines are involved.
- Operations Assistant Blosser is collecting all facts and figures necessary to make the city's claim to FEMA for reimbursement of storm costs. How large a reimbursement the city receives will depend on what funds the federal government decides to make available.
- The Sanitation Department will work Election Day so as not to fall further behind.
- During power outages, the city cannot pump new water, because the water plant is wired in 2300 volt three-phase power that cannot be provided by generators. The water plant's electrical system is so unusual that the power company required the city to purchase its own transformers.
- If the power remains out long enough, it is possible that the city could run out of water. When the Water Department is asked to provide an estimate of how much water remains, however, it is not possible to give a precisely accurate figure. Estimates are based on normal usage, but it is not known how usage during an emergency differs from normal usage. The Water Department would never "turn off" the city's water.
- Local contractors contributed a great deal of assistance with snow plowing and tree removal during the storm response.

Pingley also reported that the Water Department completed its hydrant flushing program. Despite the advanced age of many city hydrants, all but one operated properly. The program removed a lot of mud and rust from city water lines. Resident reports of muddy water have already decreased.

Treasurer

No report. (Treasurer Daniels-Smith was on leave.)

Police Chief

No report.

Fire Chief

No report.

MAYOR'S COMMENTS

Mayor Talbott expressed appreciation for all city and other personnel who assisted during the storm. He told council that he had not received a single complaint about the city's response to the storm.

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Cm. Hensil asked that the mayor update council on the status of the water and sewer rate increases. At the mayor’s request, Operations Manager Pingley explained that the PSC has requested to postpone the water rate increase an additional 54 days to ensure that the city’s request for a certificate of need for that increase be decided first.

OTHER BUSINESS

Council members discussed the possibility of paying “essential” employees time-and-a-half for all time worked during declared states of emergency, such as in Hurricane Sandy, including the first eight hours of what would otherwise be a regular workday. The members reached a consensus that the matter should be referred to the Personnel Committee.

The meeting adjourned 9:18 p.m.

Duke Talbott, Mayor

Date

Attest:

Sutton R. Stokes, City Clerk

Date