

COUNCIL MEETING OF OCTOBER 6, 2008

The first regular October meeting of the Mannington City Council with Mayor Frank White presiding was held Monday, October 6, 2008 at 7:00 p.m. Council members attending were Bob Garcia, Betty Liller, Harold Rosencrance, Terry Starsick and Del Watson.

City Clerk Michele Fluharty read the minutes of the last regular meeting and they stood approved as read.

In his report, Mayor White said that notices were recently posted on the doors to city hall advising visitors that concealed weapons are not allowed in the building. He asked anyone in attendance to abide by the state law. As a follow-up to the discussion at the prior city meeting about the pump repair bill in excess of \$16,000, the mayor reported that Donnie White of D & G Machine has waived the invoice. He said that he called White to discourage him from waiving the total amount but to no avail. The city will provide documentation to D & G Machine showing the waiver of this bill and others to the Park Board as donations. Mayor White then asked council to name Donnie White as businessman of the year and to compensate him with a gift of a trip to Stonewall Resort. Since a large crowd was in attendance regarding the transfer of the television cable from Mannington TV to Comcast, White reviewed the actions taken by city council in response to Jim Sturm's request to transfer his cable franchise. He said the city had gone through the ordinance process including the publication of the notice in the legal ads prior to the public hearing on the matter. No one attending the public hearing had any objections so the ordinance was adopted. However, White said the matter of TKMI's agreement then became an issue and his office received a couple dozen phone calls. Comcast's offer of a 4-year agreement with no fees and an option to renew was turned down by TKMI because they want an agreement for the ten years remaining in their one with Mannington TV. Unless the matter is resolved, the sale cannot happen. White said there are many people and businesses in town who want the high-speed internet access that Comcast can provide. He said that he has read the contract and there are two options: TKMI can sign the four-year agreement or be terminated. White said since Jack Rinehart and Randy Elliott were on the agenda concerning this matter, he would let them speak and then one or two others could address council. However, due to the large crowd, not everyone would be able to speak. Rinehart said he would waive his time to Rev Nick Lalli. Elliott played a recording of a recent County Commission meeting in which Joshua Sturm, attorney for Mannington TV, told them that the programming would stay the same. Elliott said he believes the Commission was misled and he will ask at their next meeting to revisit the issue. He also added that the other option available is for Comcast to honor the remaining ten years of the contract. Father Doug Sutton said he is familiar with contract law and Comcast is violating the contract. He also accused the mayor of using strong-arm tactics and vowed to work against him in the next election. Sutton also said he planned to call Governor Manchin about the matter. White said he was not strong-arming anyone but simply outlining the action taken to date on the cable franchise. Lalli asked the mayor to retract the information that was in the newspaper and on the city's website. He said the statement that TKMI was to share the station with North Marion High School but had not done so was inaccurate. Lalli said they had aired two football games but some

people objected to the religious message posted on the scoreboard so they did not air any more games. White said no one at the city is against TKMI and wants it to continue but he did not feel any of his statements were inaccurate. White said he would contact North Marion High School and ask them to respond in writing about their use of Channel 44 and he will get copies of the agreement for council to review. Rinehart distributed copies of the contract between Mannington TV and TKMI. He asked council to reconsider Ordinance #388. Elliott asked Joshua Sturm why they waited five years to terminate TKMI's contract. He said it was the corporation's decision and they had that right. He added that they may not be able to operate as is so Mannington TV may cease to operate at all. Tim Ashcraft, manager of Mannington Shop n Save, said he wants high-speed internet service to facilitate his job. Sturm said other businesses have also expressed interest in high-speed service. He added that TKMI was interested in purchasing the cable system so that may be a reason behind their refusal to sign the 4-year agreement. Lalli said he offered to purchase the system not TKMI. Councilman Garcia asked where all these people were when the city had the public hearing. Commissioner Alan Parks asked if there was any wiggle room between the 4-10 years. Lalli said no unless the term is for nine years. White said he is not going to be involved in the negotiation but he hopes that the matter between TKMI and Comcast can be resolved.

Rhonda Martin asked that something be done about the barking dog in Clayton Addition and other dogs running at large in Hough Addition. She presented pictures showing damage to her property by the dogs.

Mark Rankin was present concerning his recent purchase of a portion of Clifton Avenue. He said the property is landlocked and asked what the city could do to help him. He was advised to attend the next Planning Commission meeting on October 28.

Shirley Garcia asked for more police patrol in Hough Addition, especially during the fair. She said there is a lot of vandalism during the night after the fair closes down.

Barbara Toothman said the city's right of way in Sycamore Addition is blocked off and asked that it be reopened. Councilman Starsick said he blocked it off where the city put in a ditch because people on 4-wheelers were eroding it. Toothman asked why it could not be accessible by walkers and Starsick said he would do that.

Fair Board President Bob Thorne said he received a letter from the code enforcement officer giving him fifteen days to move the fence off the Grandview alley. He said that did not give him enough time to get it surveyed. Mayor White said that was a typo and council agreed to give the Board sixty days to move the fence.

Due to the length of the meeting, the department reports were waived until the next meeting.

Under old business, the first item was the second and final reading of Ordinance #389 which sets an auction for surplus city property. Garcia made the motion to read the heading only. Watson seconded the motion and it carried. Fluharty read the heading.

Garcia made the motion to adopt Ordinance #389. Watson seconded the motion and it carried.

In new business, White recommended that Donnie White be honored as Businessman of the Year. Garcia made the motion to name Donnie White as Businessman of the Year and to reward him with a stay at Stonewall Resort. Starsick seconded the motion and all approved.

Rosencrance made the motion to adjourn. Garcia seconded the motion and it carried. The meeting adjourned at 8:40 p.m.