

## COUNCIL MEETING OF OCTOBER 1, 2007

The first regular October meeting of the Mannington City Council with Mayor Frank White presiding was held Monday, October 1, 2007 at 7:00 p.m. Council members attending were Bob Garcia, Robbie Ice, Betty Liller, Terry Starsick and Del Watson.

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

Under visitors, Brent Beveridge, attorney for Eddie Price, asked why his client was put back into his old position and his diploma ruled as invalid. Mayor White explained that the position of Assistant to the Street/Water Superintendent, which was posted prior to his term, required a diploma or GED. When the Wyoming Department of Education was contacted prior to July 1, it was discovered that Price's diploma from North Central High School in Wyoming was not valid. According to the Wyoming DOE, the school named on the diploma did not exist and was a front for a diploma mill. Mayor White said that once he was told that it was invalid, he met with Superintendent Rexrode and Price to inform them of what he had learned. He then gave Price ten weeks to get his GED. However, when Price did not do so within that time frame, White said he could not recommend him for the permanent position because he did not meet the qualifications. In addition, on an application for water certification, Price indicated that he had twelve years of education. The State has asked for Price's transcript but he has never produced it. That made two instances of misinformation. Upon consultation with the city attorney, Mayor White said he had three options: place Price back into his old position, place him in his old position in a probationary status or dismiss him. White said that since Price had worked for the city for twenty plus years, he decided on option #1. Beveridge said he did his investigation through the State of WV plus he sent a letter to the Wyoming School named on the diploma but it was returned in the mail. He asked for a copy of the job posting and any contact information from the Wyoming Department of Education. Mayor White said he would send that information to him tomorrow.

Gary Leeson asked if any more patching would be done because there is a big pot hole on Woodland Avenue in Homewood. Mayor White told Rexrode to patch it when they get their next load of asphalt.

Libby Metz asked about the procedure to get the gate opened and closed in Hough Addition. Councilman Ice said he had already arranged for it to be opened tomorrow.

Ron Powell thanked the mayor and council for listening to the concerns about the Fair Board's fence. He added that the gate has been added but it is chained and locked. Code Enforcement Anthony Horton said he would check on it this week.

Freeland Miller asked about the permit process. Horton said a diagram must be submitted to him before any permit can be approved.

Jim Hayes reported weeds and high grass at 708 Mannington Avenue.

Maria Gaulin asked what was being done about the Wells property in Sycamore plus she said there has been no work to the Hayes' property for three months. Horton said Wells is working illegally and is scheduled to be in city court in the near future.

Cara Starsick said the wall is eroding on Marshall Street behind her house and water is running into their yard. She said the city had told her previously that it was a private property issue but she is afraid it will continue to erode the street plus it is a safety issue. Mayor White said he will look into the problem. Starsick said it would involve replacing approximately a ten foot section of the wall.

Jim Troy gave the Fire Department's monthly report and said they had responded to 18 calls. He asked to meet with the mayor & council in the next work session.

The Street & Water Department's written report was reviewed.

Chief of Police David James gave his department's September report in which he noted that they had received 181 calls for assistance. He reported that he has been visiting the schools occasionally and the visits are working out well for both sides.

Fluharty reported that the fire truck that was sold at auction last December has finally been removed from the city's lot by the successful bidder. She also noted that the new sweeper is scheduled to be delivered October 10.

The only item under old business was the paving bids. Mayor White said that both bids were over the amount budgeted but he asked that council accept the low bid and allow him to negotiate with them to get the bid within budget. Liller made the motion to accept the low bid by Rob Yost and to authorize the mayor to negotiate with Yost to get the final cost within budget. Starsick seconded the motion and it carried.

Under new business, the first item was SCBG Pay Requisition #15 in the amount of \$3,300.95. Ice made the motion to approve Pay Requisition # 15

which includes payments to Eastern Tank & Utility, Thrasher Engineering and Region VI totaling \$3,300.95. Garcia seconded the motion and all approved.

Liller made the motion to schedule a Fall Clean-up Day on October 27 and to schedule two dumpsters for that day. Garcia seconded the motion and it carried.

Halloween was the next topic of discussion. Liller asked that Trick or Treat not be for two hours this year plus she has been asked that it not be held on Wednesday because many people attend church that night. It was suggested that the time be moved up so that it would not interfere with church services. Garcia made the motion to hold Trick or Treat on October 31 between the hours of 5:30 and 6:30 p.m. Ice seconded the motion and it carried.

The opening on the Board of Zoning Appeals that was created with the passing of Edgar Snodgrass has been advertised in the newspaper and on the city's website and Mayor White noted that Ron Powell has submitted his name for consideration. White recommended that Powell be appointed. Liller made the motion to appoint Ron Powell Jr to fill the unexpired term on the Board of Zoning Appeals. Ice seconded the motion and it carried.

White recommended that Joanna Reeves be appointed to the Mannington Middle School Task Force. Starsick made the motion to appoint Reeves to the task force. Liller seconded the motion and all approved.

Mayor White reported that Region Six's Sheena Hunt is scheduled to tour the sewer plant this week to assess their needs in anticipation of filing for funding from the Governor's Improvement Grant. He said the grant would require a 10% match but if the Sanitary Board receives the funding, it may delay the inevitable rate increase.

Councilman Garcia said he does not believe in blind complaints and he would like to see all complaints put in writing. He said if a hearing results from a complaint, the complainant would then be required to come to court. Horton said there is nothing in the code that compels anyone to come to a hearing. He added that if he receives a legitimate complaint, he must investigate it. White said he did not know if we could legally force someone to sign a complaint but it would be taken under advisement.

Garcia questioned the Rails to Trails lease with Consol. Fluharty said the lease has been in place since 1990 and was signed by both parties. White reported that the city clerk spoke to CSX officials concerning their property on the south end of town. CSX is currently in talks with the Marion County Commission for the sale of the property. At their request, she faxed a map of the section currently being used by the rail trail. The CSX officials indicated that they did not see a problem with its use but new regulations that became effective in

the last two years require papers to be filed on any environmental impact. They also told her that they believed something could be worked out with the city until the agreement is reached with Marion County for the purchase of the CSX property from Barrackville to Mannington.

Garcia questioned where the public could access the city ordinances and building codes. He was told that the charter and zoning ordinance is on file at the library plus some ordinances are on the city's website. Garcia said that when Horton sends out letters and gives someone five days to respond, that does not give them enough time to look at the code and correct the problem. Horton said he is willing to work with anyone if they will just contact him.

Garcia read a section of Ordinance #323 that pertains to licensed garages and asked why the Prices were made to remove vehicles. Mayor White said they were asked to reduce the number of vehicles to a more manageable number so that it did not look like a salvage yard. Price said that he was told that he couldn't work on vehicles in front of his garage. Horton read a section of the code that stated if a vehicle is undergoing a major overhaul, including body work, it must be kept in a garage or similar structure. Mayor White repeated that the only binding stipulation from that informal meeting with the Price's was the construction of an 8' fence. Price said he has not been issued a permit but added that they did not need a fence now because they have removed the vehicles. Horton agreed that if they cleaned up their property, a fence is not needed at this time.

Garcia asked that the city's website address be put on the water bills. Fluharty said she would do so.

Ice made the motion to adjourn. Liller seconded the motion and it carried. The meeting adjourned at 8:15 p.m.