

## COUNCIL MEETING OF SEPTEMBER 6, 2011

The first regular September meeting of the Mannington City Council with Mayor Bob Garcia presiding was held Tuesday, September 6, 2011 at 7:00 p.m. at city hall. Council members in attendance were Christina Dunigan, Larry Smith, Terry Starsick, Rana Taylor and Becky Williams.

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

In the visitors' portion of the meeting, Jenny Shuman asked that something be done about the overgrown hollow beside her father's house on Meadow Avenue. Mayor Garcia said he would have the code enforcement check into it.

Superintendent Ted Nice gave his department report and said they would begin paving as soon as the paver maintenance is completed.

In new business, the first item was Ted Nice's probation. The mayor said Nice has successfully completed his 90-day probation and he would recommend he be hired. Starsick made the motion to appoint Nice as the superintendent on a permanent basis. Smith seconded the motion and it carried.

The Fall Clean-Up Day was discussed. Fluharty said the grant money which was recently received will be used to pay the tipping fees at the landfill. Dunigan made the motion to set the Clean-Up Day for September 24. Starsick seconded the motion and it carried.

Pay Requisition #41 was reviewed. Taylor made the motion to approve Pay Requisition #41 in the amount of \$52,900 to Advanced Builders for the demolition of the water plant. Dunigan seconded the motion and it carried.

The following quotes for a 5' x 8' trailer for the city's new welder were received:

Tractor Supply	\$599.99
American Trailers (Brand)	995.00

Nice said both looked to be of equal quality. A quote for a larger trailer was also reviewed but Nice said the 5' x 8' was adequate. Starsick made the motion to approve the purchase of the trailer from Tractor Supply for \$599.99. Smith seconded the motion and it carried.

Councilman Smith asked that Ordinance #218 which establishes the Mead Fund be included on the agenda for discussion. He said that his concern was that salaries are being

paid with Mead Fund monies in violation of the ordinance. Taylor said this issue has been discussed on numerous occasions. The city gives the money to Mannington Main Street and it is not used for salaries. Becky Williams distributed a financial report from MMS showing their income and how it is distributed. She said that the issue was discussed at previous budget meetings with council. Smith said he interprets it differently and would like the attorney to review it. Fluharty said a former councilman contacted Wheeling Bank, the Mead Fund administrators, concerning this same issue and even sent a copy of the city's budget to them. They called her office and said while they had no say over how the city manages the account when they reviewed the materials, they did not see any problems or red flags. Fluharty also said the city attorney has reviewed it in the past. Smith said he would like to see the attorney's opinion.

Mayor Garcia asked if council had reviewed the letter from Code Enforcement Officer Anthony Horton. Dunigan said she had not had time to review it yet but said she would like him to submit a resume stating his qualifications plus a contract for council to review. Garcia will advise Horton.

Garcia informed council that the old Dibus property on Clarksburg Street is slated to be sold for taxes later this month. Starsick asked if it had asbestos shingles and Garcia said yes. Smith asked if the city would have liability coverage if the building would fall if they purchased it. Garcia said it would be on the city's insurance policy. Dunigan suggested eminent domain be invoked instead of purchasing it. The matter will be discussed further.

In council reports, Dunigan said she was contacted by Jim Byard about the driveway at 1035 East Main Street. According to him, the driveway is illegal and they have no easement for it. Mayor Garcia said that matter has been in city court on several occasions and he has now advised them to address it through civil court. Dunigan also asked if the city received any payments from the Fair Board to compensate for the city's expenses during that week. Nice said the clean-up after the parade takes approximately half of a day and Fluharty said there is some police over time for the parade. Dunigan also asked what could be done about a house on Howard Street that is empty and in disrepair.

Larry Smith asked about Slade Neer's wall. Garcia said Horton sent a letter to Neer advising him to repair the wall but he has refused to do so and has since moved out of town. Horton wants to take further action at some point. Smith asked about the dumping in the valley by Signs & More. Dunigan said she would check on it.

Starsick made the motion to adjourn. Smith seconded the motion and it carried. The meeting adjourned at 7:45 p.m.

